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ANNOTATED BRITISH COLUMBIA HUMAN RIGHTS CODE

Release No. 4, October 2026

Annotated British Columbia Human Rights Code provides insightful commentary, legislation, regulations, case digests and a research guide. This resource also includes human rights digests, categorized by subject, of reported and unreported decisions, dating from 1976, from the B.C. courts and the British Columbia Human Rights Tribunal.

What's New in this Update:

This release adds digests to Chapter 3 (Digest Annotations — 2012 Forward).

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Highlights

This release includes case law updates, including the following decisions of interest:

Chapter 3 — II. Digests — 2012 Forward — NEW digest — Human rights — Practice and procedure — Commissions, tribunals and boards of inquiry — Complaints and pleadings — Summary dismissal of complaint — Complainant parent filed four complaints, comprising two individual complaints and two class complaints — Complainants alleged that government discriminated against complainants in provision of services contrary to s. 8 of Human Rights Code by failing to provide equal funding for students, paid to their parents who were primary service providers of parent-directed educational programs — Gist of complaints was that children were statutorily required under School Act to receive educational program but if child received that program from parent, child received less student funding than if that child attended Board or Authority run educational program — Human Rights Tribunal (Tribunal) granted government's application to dismiss complaints and denied reconsideration — Complainants brought petition for judicial review of decisions — Petition dismissed — Decisions were not patently unreasonable — Essential subject matter of complaints was to compel government to provide funding in manner equivalent to funding provided to students attending public school — Assertions in government's dismissal application were responsive to claims advanced in complaints and as such were not misleading — Statutory provisions and policies referenced in dismissal decision with respect to expense reimbursement were available only to children registered for online learning — Dismissal decision did not turn on or even rely on that distinction — Rather, Tribunal considered expense reimbursement to be something different from and therefore not relevant to what was sought in complaints — Approach was not unreasonable given fundamental position advanced — Tribunal did not fail to take statutory requirements into account, given that relevant provisions did not mandate funding sought — Tribunal did not wrongly fetter discretion by relying on fact that complainant could have made arguments made in reconsideration application in response to dismissal application — Reconsideration decision on its face was based on application of established criteria — Fact that complainant was self-represented was not ground relied upon in reconsideration application: *H.W. v. British Columbia (Human Rights Tribunal)*, 2026 BCSC 153

Chapter 3 — II. Digests — 2012 Forward — NEW digest — Human rights — What constitutes discrimination — Sex — Sexual orientation — Employment — Ministry of Education directed boards of education and independent school authorities to update their codes of conduct to address bullying based on sexual orientation

and gender identity (SOGI) — Ministry approved resources, referred to as "SOGI 1 2 3", aimed at fostering SOGI-inclusive education environment in all schools — Respondent, who at time was elected trustee of board of education, engaged in high-profile public campaign against SOGI 1 2 3 and values underlying it — Respondent did this through social media posts, as well as statements made in board meetings, rallies and interviews — Complainant teachers' union brought human rights complaint on behalf of members — Scope of class represented by complainant was narrowed to members who identified as LGBTQ — Complaint alleged violations of ss. 7 and 13 of Human Rights Code — Complaint justified in part — Respondent violated s. 13 of Code — As school trustee and member of board that employed class, respondent was integral part of their workplace — Respondent's role in district and his public profile put him in position to affect teachers' working conditions, and he did — For five years, respondent publicly denigrated LGBTQ people and teachers and associated them with worst forms of child abuse — Effect was discriminatory work environment for LGBTQ teachers in district: *Chilliwack Teachers' Association v. Neufeld (No. 10)*, 2026 BCHRT 49