



BRITISH COLUMBIA
HUMAN RIGHTS TRIBUNAL

2025/2026 ANNUAL REPORT

Covering the period April 1, 2025 through to March 31, 2026



The Tribunal's office is located on traditional unceded territories of the Coast Salish peoples, including the territories of the xʷməθkʷəy̓əm (Musqueam), Skwxú7mesh (Squamish), and səliłwətaɣt (Tsleil-Waututh) Nations. The British Columbia Human Rights Tribunal gratefully acknowledges the traditional territories of the many diverse Indigenous Peoples in the geographic area that the Tribunal serves.



Message from the Chair

On behalf of the Human Rights Tribunal, I present the Annual Report for fiscal year April 1, 2025 to March 31, 2026.

This was another challenging year for the Tribunal with a further volume spike, extended job action, economic uncertainty, and amplified politicization of human rights in the province. Even so, the Tribunal made continued progress on managing delays and instituting process reforms that will yield positive impacts in the coming years.

Last year (2024-25 fiscal), the Tribunal reported in its [Annual Report](#) that the backlog rate of growth had slowed significantly despite another increase in new-complaint volume. However, I also noted that the absence of additional temporary funding to address accumulated overflow cases left “no room to absorb another volume shock” (p. 2). That has proven true this fiscal as people filed the highest volume of new complaints since the Tribunal’s inception under the direct-access model, at 3,676. By the end of the 2025-26 fiscal year, people had filed roughly the same number of complaints in the 5 years since 2021/22 as in the previous 10 years combined.

Where the rate of growth of overflow cases fell last year, this year it jumped, closing with roughly 7,745 active complaints in the system from last year’s 6,253. Context is important, however. First, this represents complaints across all stages of the process. Second, this scale of active inventory represents just over 2 years’ worth of complaints at current volumes. Third, a large number can be attributed to the twin-impacts of the Government-wide job action and the roughly 640-complaint increase in new-filed volume from last year. Were it not for these unexpected challenges, it appears that the number of overflow complaints would have held relatively steady (as measured by complaints open vs complaints closed).

Amidst the continuing challenges this year, the Tribunal undertook important work that is projected to have significant impacts in the 2026/27 year and beyond. The first quarter of the next fiscal year will see the roll-out of process reforms specifically in respect of screening and dismissal applications. The second quarter will see hiring to replace positions that became vacant in 2025/26, stabilizing capacity. The third and fourth quarters should see the Tribunal nearing screening of complaints filed in 2026, representing the first time since the start of the volume crisis that the Tribunal has been close to current at that stage. I appreciate that this is scant comfort to those who have been waiting too long in our system. It does, however, offer the prospect of meaningful reductions in delays in the coming years despite persistent disparities between resourcing and demand.

Since becoming Chair, I have repeatedly reported on the mechanics and impacts of delays in the Tribunal process. When new to the role in August 2021, I framed the resource-to-volume disparity as an existential threat to the Tribunal as its infrastructure strained under the weight of volume. In seeking right-sizing of the Tribunal budget in 2022, the projections were based on an eventual annual baseline of 2,500 new cases. That has proven incorrect, as the past two years have seen over 3,000 new complaints filed annually. As a result, delays remain a feature of the Tribunal’s operating reality.

The past two years have also seen new issues emerge beyond volume and delay. Among them is economic uncertainty in a changing world, and the increasing politicization of public discourse about human rights in this province in ways that are often not grounded in what the Tribunal is and how it operates.

The Tribunal is a direct access tribunal. This means that, just like with the courts, anyone who feels they have been harmed by a breach of the law can file a complaint against the person or organization they believe breached it. The law we administer is the *Human Rights Code*.



People come to this Tribunal from all walks of life with all kinds of views and are afforded the opportunity to put their case forward to ask for the outcomes they want. People file complaints in all sorts of circumstances like when they have lost their jobs; when they have experienced harassment or assault; or when they have experienced barriers or poor treatment in accessing healthcare or education or other services, housing, or work.

People file complaints with the Tribunal to seek recourse. It is up to the parties to a complaint to put their cases forward. The Tribunal resolves complaints for the parties. It is a remedial body. Where a complainant proves their case, the Tribunal awards a remedy just as in any other legal process.

Not all complaints are successful, but all complaints are resolved – either through settlement between the parties, a dismissal decision by a Member, or after a hearing where a Member will issue a decision. Tribunal decisions come with reasons, setting out the law, the evidence that the parties put forward, and explaining the basis of the outcome reached. Decisions are public. A party who disagrees with the outcome of their case can apply for a judicial review by the British Columbia Supreme Court.

Everyone has an interest in the protection of the law. Everyone has an interest in access to a neutral body to resolve disputes and seek recourse. In this province, I believe most people agree that everyone should be treated fairly, be safe, and be able to participate meaningfully in life. These are the purposes of the *Code*.

It is important in a free and fair society, which we are fortunate to enjoy in British Columbia, that people are free to disagree, to critique, and to voice their views. In doing this, we all have a role to play in creating and safeguarding the circumstances needed to exercise the freedoms we are afforded. Taking the time to understand the things we are outraged by is a good start.

This will be my final annual report as the Chair, with my upcoming departure in the third quarter of fiscal 2026/27. The Tribunal structure and process are stronger and more resilient than five years ago. As a result, we are better positioned to weather the pressures that volume creates. The work the Tribunal has done to restructure, streamline administrative and operational processes, reform workflows, and reform its process has positioned it to hold delays steady and, in turn, overflow case growth giving it the best chance it has to reduce delays over time.

It has been a privilege to have had the opportunity to serve in this role. I continue to be grateful to our stakeholders and the people being impacted by delays for their ongoing patience and understanding. I continue to be proud of the Tribunal staff who show up every day to confront challenging workloads and a dearth of functional tools to manage them. I appreciate the Attorney General and Deputy Attorney General's efforts to support the Tribunal, and remain hopeful that one day the Tribunal will become equipped with the functional technology and resources necessary to sustainably reduce delays and remain at the forefront of human rights law and dispute resolution.

Emily Ohler K.C., Chair
BC Human Rights Tribunal



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I. Five Years in Review: 2021-2026

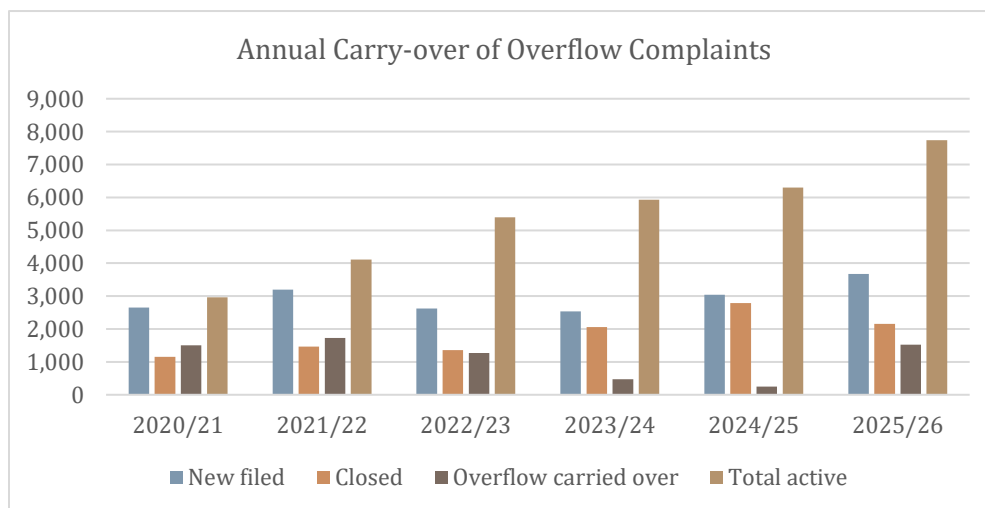
CONFRONTING A CRISIS: THE VOLUME/RESOURCE MISMATCH

The 2020/21 fiscal year marked the start of a series of challenges catalyzed by the Covid-19 pandemic. As with most public institutions, the Tribunal felt the impacts of the sudden spike in new-complaint volume which has not slowed since. So too did those involved in human rights complaints as delays grew.

Overflow complaints started accumulating long before the initial volume spike of 2020. The last time the Tribunal closed more complaints than were filed was 2013/14. In the 2014/15 Annual Report, then-Chair Walter noted that people had filed the highest number of new complaints in the Tribunal's history at 1,184. In the 2015/16 Annual Report, he began to flag various resource pressures that were signaling challenges in meeting service standards. Case volume continued rising. In the meantime, the Tribunal had a static budget with the same number of staff in 2023 as 2003, despite annual warnings about case volumes.

With the onset of the volume spike in 2021, the Government recognized the need for action. In the [2022/23 Annual Report](#), the Tribunal reported that on May 10, 2022, with the support of then-Attorney General Eby, Chair Ohler briefed the Provincial Government Caucus on the mounting challenges volume posed. Subsequently, the Government made temporary emergency funding available for the fiscal year and, in January 2023, the Government announced a substantial increase in funding for a 3-year period. The Chair noted that while the funding would "bring the Tribunal closer to a right-sized state relative to its new baseline case volume [it was] likely not enough to efficiently address the backlog that has accumulated as a result of under-resourcing during the initial volume spikes. Until the backlog is cleared with cases running smoothly through the Tribunal's system, delays will likely continue for some time."

In last year's [Annual Report](#), the Tribunal noted that while delays had begun stabilizing and the rate of overflow growth had slowed, it would not be able to absorb another volume shock. Unfortunately, a volume shock is what the Tribunal saw again this fiscal, resulting in a return to 2021/22 growth rates.





While the increased growth of overflow cases is disheartening, there are some important differences from 2021 to now. First, this year saw the combination of 640 more complaints filed than in the previous year, and the job action. Without these factors, it appears that the growth rate of overflow case volume would have held relatively steady.

Second, the number of active cases represents just under 2.5 years' worth of new-filed complaints on a 2-year average, in line with the 2021/22 fiscal year. This means that active case volume has held relatively steady at roughly 2 years' worth of filings despite continuing spikes. The last time that active case volume was equal to or less than annual new filings was 2018/2019.

Third, the Tribunal is more stable and resilient both in its structure and process than it was the last time overflow cases rose to this level thanks to the extraordinary work done to make it so in the face of the volume spike. The Tribunal has had under two years with its expanded, restructured staffing complement given the lag between the allocation of funds and translating those funds into qualified, trained staff. That exercise was slowed further by the lack of internal administrative and operational roles at that time. Further, rather than simply hiring more hands, the Tribunal has taken an intentional, holistic approach to allocating both the funds and the resources they afforded.

Since the new funding, the Tribunal has run roughly 30 hiring competitions; created roughly ten brand new roles with a view to ensuring continuity and stability; and has grown from roughly 25 to 53 staff and Members, and 5 to roughly 25 contract mediators. Well-planned cross-training, pathways for internal movement, and consolidation of tasks within dedicated positions support operational continuity, morale, and succession planning. The organization charts from the successive annual reports show this transformation that will continue to aid efficiency and organizational stability for coming years.

Whereas a similar overflow volume brought the Tribunal to a crisis point in 2021/22, the Tribunal's new structure have positioned it to weather the pressure volume creates without grinding to a halt.

MANAGING DELAYS: PILOTS AND PROCESS REFORMS

Over the past 5 years, the Tribunal has taken several measures to manage the pre-existing backlogs and overflow cases, which we have regularly given updates on in our Annual Reports and on our website. Below are some key pilots and process reforms undertaken to date.

Case Path Pilot & Section 27 Advisory Group

One of the first measures taken in the wake of the volume crisis was a 2021 emergency pause on the filing of applications to dismiss. On May 6, 2022, the Tribunal issued a practice direction implementing a pilot project under which it more actively exercised its discretion to refer cases directly to a hearing or invite applications to dismiss a complaint without a hearing under s. 27(1) of the *Code*. Because of delays in the Tribunal's ability to resource a review of the Case Path Pilot and its process more generally, the pilot has been extended annually since that time.



This fiscal, the Tribunal was finally able to examine the Case Path Pilot project. The Tribunal issued a [Discussion Paper](#) to support the end of the Pilot and transition to what would be the new process for administering the Tribunal's s. 27 power to dismiss complaints without a hearing.

The Tribunal convened an advisory group of volunteers to give input on process options. The Tribunal expects that the Case Path Pilot will conclude at the end of this fiscal year with the rollout of a new process in the first quarter of next fiscal.

Mediation Program

Another early measure was the establishment of a large roster of qualified mediators to allow the Tribunal to increase its mediation capacity while allocating scarce Member resources solely to case management and decision making.

In the 2025/26 fiscal year, the Tribunal undertook a new procurement round in tandem with collecting public feedback on user experience with Tribunal mediations. We appreciate all those who took the time to participate and provide their feedback, which informed updates to our mediation program.

While the Tribunal continues to work toward maintaining high capacity to provide mediation services, party cancellations remain an ongoing challenge. In 2025/26, the Tribunal scheduled 1,707 mediations with an overall settlement rate of about 56%.

Backlog Strategy

The Tribunal implemented a backlog strategy in the second quarter of the 2023/24 fiscal year as it increased its staffing following the budget lift. The strategy focused on the areas that appeared to be putting the greatest pressures on the overall flow of cases through the system. The current status is as follows.

Covid Case Project

The Covid Case Project established a dedicated work group to screen Covid-related complaints. Whereas last fiscal closed with 251 active cases in this case group, the 2025/26 fiscal closed with just 131. The majority of these related to issues of proof of vaccination in employment. This brings the unique era of this special triaging, measures, and monitoring to a close as the remaining Covid-related cases now progress through in the ordinary way, based on date of complaint-filing.

Dismissal Application Project

This project concluded in the 2023/24 fiscal year as the Tribunal turned to dismissal applications filed under its Case Path Pilot. In 2025/26, respondents filed 294 new dismissal applications, up from last year's 191, and the Tribunal issued roughly 193 dismissal decisions. The fiscal year closed with 129 outstanding dismissal applications.

Screening Inventory Project

The Screening Inventory Project concentrated Member and Case Manager resources at the screening and notice stages of the process to address a massive volume of complaints that had accumulated at



those stages. The Screening Inventory Project cleared the backlog at the notice stage and completed screening of all complaints filed prior to January 1, 2024.

The Tribunal then focused on clearing the backlog of complaints in the notice stage, revising the screening and notice processes, and developing internal resources to ensure a more efficient, sustainable process going forward.

The Screening Backlog Project, Covid Case Project, and a multi-filer project informed the Tribunal's internal process review of its overall screening process. The Tribunal expects to launch its revised process for the internal administration of the screening stage in the first quarter of 2026/27. While screening and notice remain the stage of the process with the largest backlogs at the close of this fiscal, the Tribunal is projecting significant reductions in overall screening and notice timelines in the coming fiscal year.

Multi-Filer Project

The Tribunal does not have the statutory power to declare a person a vexatious litigant. There are policy reasons that support clarifying Tribunal powers to control access to its resources where they are being disproportionately allocated to people who file multiple complaints in specific circumstances. At the same time, there are good reasons to be cautious about raising barriers for people who confront instances of discrimination repeatedly.

In 2025, the Tribunal undertook a project to efficiently manage a large volume of complaints that had been filed by a relatively small number of complainants. This project involved a framework case management process and early Member management at the screening stage.

The Tribunal will continue to refine that process moving forward to ensure it provides reasonable access to services while also safeguarding its scarce resources judiciously.

Communication protocols

The Tribunal does not have automated communication systems or a functioning electronic portal. As a result, communication with the Tribunal is via email and telephone. Complaint volume, public enquiries, public interest, and administration are high resulting in pressures on Tribunal resources related to managing communications.

The Tribunal has standardized its approach to inappropriate communications, such as multiple daily emails from single parties, copying the Tribunal on party-to-party correspondence, improper communications between parties, or listservs. The Tribunal reminds people to be judicious about ensuring their emails are material to the complaint process.

In addition, it was not possible for the Tribunal to manage the 24/7 email volume during the Fall 2025 job action. As a result, the Tribunal piloted the introduction of Court Registry-style parameters on access by restricting email access to business hours of 8:30-4:30pm. The Tribunal observed high rates of re-sent email during business hours, and resource conservation related to a reduction in the number of



inappropriate communications, non-case related correspondence, and multiple emails containing multiple versions of submissions. As a result, the Tribunal has maintained these email hours.

Accommodation Policy

As a service provider, the Tribunal has an obligation to reasonably accommodate parties who experience barriers to accessing our services. This obligation operates within the context of ensuring procedural fairness within a litigation process.

The Tribunal has implemented an Accommodation Policy that allows a party or participant to communicate a need for accommodation to the Tribunal privately where it engages only the service-provider relationship and does not impact the other parties to the dispute. Sometimes, accommodation requests do impact the other party and engage considerations of procedural fairness. In those instances, accommodation requests will be addressed by a Tribunal Member in the course of case management. For many accommodations requests, parties can communicate with their Case Manager directly. A formal request for accommodation is not always needed. The majority of accommodation requests involve extensions of deadlines; provision of interpreters; frequent or extended breaks during proceedings; or the participation of support people.

The Tribunal has information about the process on its website, including a table showing how people can communicate different kinds of requests. Requests for Accommodation submitted via a Form 10 under the Policy are considered by the Accommodation Manager. The Chair has been designated as Accommodation Manager, but this designation may change moving forward.

INDIGENOUS PARTICIPANTS AT THE TRIBUNAL

Ensuring meaningful access and appropriate services for Indigenous people has been an ongoing priority area for the Tribunal given the unique challenges often faced by Indigenous people in communities across the province and in legal processes.

The *Expanding Our Vision: Cultural Equality & Indigenous Peoples' Human Rights* [EOV Report] was released in January 2020. At that time, the Tribunal had no Indigenous staff and no Indigenous Members. It had no processes for and collected no data about Indigenous participants. Since the EOV Report, the Tribunal has reported on implementation progress in each of its Annual Reports. The Tribunal has made substantial progress in implementing the recommendations of the EOV Report.

The Tribunal has welcomed Indigenous Tribunal Members and Mediators; has created the new position of Case Manager of Indigenous Complaints and established a team; has developed specific resources for Indigenous parties to complaints; has established specific services for Indigenous participants; and has incorporated Indigenous perspectives into each step of its process review, all with the support of an implementation committee, which provided ongoing input on and more specific input on process changes and other issues as they arose. This work has helped to remove barriers to provide greater access to justice and provide more safety to Indigenous parties in our process.



2025/26 BY THE NUMBERS

Government-wide job action

In the 2025/26 fiscal year, the Tribunal faced an unforeseen challenge in the form of job action, which reduced the staffing across the Registry, Operations team, and Legal Department to six people for two months from October 1 – November 1, 2025 with notice given the preceding Friday afternoon.

During this period, the Tribunal saw no interruption in hearings, mediations, and case conferences. Thanks in large part to the exceptional commitment, planning and organization by our Registrar, the Tribunal was fully caught up on correspondence after just 2 weeks on the staff's return. The loss of staff over the extended period did, however, have lingering impacts.

New complaints

In the 2025/26 fiscal year, people filed 3,676 complaints with the Tribunal. This is up substantially from the 3,036 the previous year and 2,537 the year before that.

Closed complaints

The Tribunal closed 2,154 complaints this fiscal, down from last year's 2,791.

Indigenous parties at the Tribunal

In this fiscal year, 535 new complainants self-identified as Indigenous and requested contact from a Case Manager of Indigenous Services. This number represents about 15% of the Tribunal's new complaints and an increase from last year.

WHAT LIES AHEAD

Screening & Notice

As reported above, the Tribunal closed the 2025/26 fiscal year with 7,745 active complaints in its system. Of those, the majority are in the screening stage of the process.

With the rollout, albeit delayed, of the revised screening process, the Tribunal is projecting concluding first screens of all 2024-filed complaints by the fall of 2026; first screens of all 2025-filed complaints by winter of 2026; and closing the 2026 calendar year screening 2026-filed complaints. The Tribunal is targeting 2027 to become current in its screening, which would represent the successful culmination of the multi-pronged, multi-year effort of restructuring; strategic backlog projects; and process reforms.

Despite the filing-volume increase in 2025/26, it is expected that time from complaint filing to screening and notice will hold steady or, ideally, continue to reduce. Delays can be expected at downstream stages of the process as the system absorbs the overflow complaints moving out of the early stages. The Tribunal asks that parties be judicious in their communications, non-process related enquiries, and engagement with the process as the Tribunal continues to make progress in moving through the backlogs.



Expanding our Vision

It has been nearly six years since the release of the EOVR Report, and much has changed. The Province adopted the *Declaration on the Rights of Indigenous Peoples Act* Action Plan in 2022. The Tribunal has made steady progress implementing the Report recommendations. The Tribunal structure and process have changed.

The Tribunal's work to ensure meaningful access and remedy for Indigenous people has both an internal and external components. Internally, this work involved ensuring that the Tribunal was effectively recruiting Indigenous staff across work groups, and that staff had sufficient cultural training and competency. This fiscal, the Tribunal engaged an external consultant to review the Tribunal's recruitment and retention policies, as well as its current staffing to assess how it is doing and provide recommendations for ensuring that the Tribunal reflects the people it serves.

Externally, this work involved ensuring that the Tribunal process considered the unique experiences and barriers of many Indigenous people so that the Tribunal would become more accessible as mentioned above. The Tribunal has implemented a number of process changes and established certain specific services and resources for Indigenous participants.

Looking forward, it will be important for the Tribunal to monitor the impacts of the work it has done to implement the EOVR recommendations to inform any next steps in ensuring accessible, meaningful resolution of discrimination complaints involving Indigenous parties.

Leveraging Technology

The Tribunal has been advocating for an online portal through which parties could obtain status updates; access and download their case files; upload their documents when submissions are due; seek information about common issues and questions; and to integrate it with our case management system to auto-generate tasks and deadlines. Currently, these processes are manual. With each of the 7,300 open complaints having at least 2 parties, that is well over 14,000 people communicating with the Tribunal by email. Staff receive submissions in pdf format (generally), and must individually download, rename, and upload each document submitted. This is highly inefficient, ripe for human error given our volume, and is but one aspect of the email volume that our staff must manage on any given day.

In our 2022/23 Annual Report, the Tribunal noted the inefficiencies related to this. The Tribunal noted that “[g]iven the volume of cases currently before the Tribunal, this is untenable” (p. 5). The Tribunal also shared that in the 2022-23 fiscal year, the Tribunal completed a preliminary technical scoping project to map the feasibility and prospective costs of a web-based portal through which parties would have access to documents and information related to their case, anticipating the project would be undertaken in the 2023-24 fiscal year.

Unfortunately, despite continuing to advocate, the Government has not yet permitted this project to proceed, while continuously asking the Tribunal to find efficiencies in the absence of obvious and available tools to do so. It is demoralizing to be confronted daily with solvable problems and be answered with additional pressure rather than the solution.



It is our hope that at some point in the future, the vision of an electronic portal will be realized, providing parties in our process with greater access and efficiency, while streamlining our internal processes in positive ways to reduce delays.



II. Hearings and Final Decisions

After a hearing of a complaint on its merits, the Tribunal issues a final decision. In the 2025/26 fiscal year, the Tribunal held 78 hearings and issued 50 final decisions. This is up from last year's 61 and 35 respectively. Not all hearings that started this fiscal year concluded. Some continued into the next fiscal year. The average hearing was 5 days, with 11 hearings lasting 10 or more days and the longest hearing lasting 19 days.

In the 2025-26 fiscal year, complainants succeeded fully or in part in 24 of the 78 complaints heard. This compares to previous years as follows:

2025-26 – 32%

2024-25 – 32%

2023-24 – 67%

2022-23 – 74%

2021-22 – 48%

GROUND AND AREAS OF DISCRIMINATION IN FINAL DECISIONS

Hearings often involve complaints alleging discrimination on multiple grounds. The final decisions dealt with the following grounds of discrimination and areas of daily life:

Ground	Hearings	Justified
Physical Disability	24	9
Mental Disability	19	6
Race	11	2
Sex	12	4
Colour	2	0
Ancestry	3	0
Marital Status	1	0
Religion	5	1
Family Status	4	2
Place of Origin	7	2
Lawful source of income	0	0
Age (19 or over)	2	1
Gender Identity or Expression	1	1
Indigenous Identity	0	0
Political Belief	0	0
Sexual Orientation	1	1
Criminal Conviction	1	1

Area	Hearings	Justified
Employment	30	16
Tenancy	5	3
Services	21	4
Membership in a union, employer's organization, or occupational association	0	0
Purchase of property	0	0
Publication	1	1



CASE HIGHLIGHTS

Flynn v. DF Architecture Inc (No 2), 2025 BCHRT 81: The Tribunal found discrimination for failure to accommodate an immunocompromised employee during Covid, and awarded \$183,000 in wage loss and \$25,000 for injury to dignity, feelings and self-respect. This decision is currently under judicial review.

Blokhuis v. Mission Possible (No. 2), 2025 BCHRT 98: The Tribunal found racial discrimination in the area of services in the context of a non-profit pottery studio, awarding \$5,000 for injury to dignity, feelings and self-respect.

Mr. T v. Silver Bullet Solutions, 2025 BCHRT 141: The Tribunal found discrimination based on criminal conviction, and awarded \$10,000 for injury to dignity, feelings and self-respect.

Radheshwar v. New Westminster Police Board and another, 2025 BCHRT 196: The Tribunal dismissed a complaint of racial discrimination by police.

Ens v. 0704121 BC Ltd. dba Gandy HVAC and others (No. 2), 2025 BCHRT 277: The Tribunal found discrimination in employment based on race, sex, religion, and place of origin, awarding \$30,000 for injury to dignity, feelings and self-respect.

Thandi v. BC Ministry of Public Safety and Solicitor General, Corrections Branch, North Fraser Pretrial Centre, 2025 BCHRT 294: The Tribunal found disability discrimination in employment and awarded lost wages, \$18,000 for injury to dignity, feelings and self-respect, and reinstatement.

Chilliwack Teachers' Association v. Neufeld (No. 10), 2026 BCHRT 49: In this class complaint, the Tribunal considered whether the Respondent discriminated against the class in their employment, and whether he breached s. 7(1) of the *Code*. The Tribunal found the complaint justified in part and awarded \$750,000 to the class of Complainants for injury to dignity, feelings and self-respect. This award resulted in individual awards to members of the class in sums ranging roughly from \$4,601.23 to \$16,666.67.

Tait-Day and another v. BC Ministry of Indigenous Relations and Reconciliation (No.2), 2026 BCHRT 57: The Tribunal dismissed a complaint of sex discrimination arising out of government negotiations with the Wet'sewet'en finding among other things that treaty-like negotiations are not services customarily available to the public.

Mosquera v. North Horizon Immigration Consulting Inc, 2026 BCHRT 61: The Tribunal found sex and family status discrimination in employment, and awarded \$21,000 for wage loss and \$20,000 for injury to feelings, dignity and self-respect.



III. Public Interest Disclosure Act

The Tribunal did not receive any disclosures as defined under the *Public Interest Disclosures Act* over the reporting period. The Tribunal is unaware about any disclosures of which it, its staff, or its members (past or present) is alleged to have committed any wrongdoing.



V. Freedom of Information Requests

The Tribunal has policies related to public access to information. Its [Public Access & Media Policy](#) applies to how and when the Tribunal will provide the public, including the media, access to hearings, recordings and transcripts, exhibits and complaint files. Its [Freedom of information request policy](#) applies to requests for information under the *Freedom of Information and Protection of Privacy Act* [FIPPA].

This was the first fiscal year that the Tribunal had the benefit of a dedicated position to support with documents and privacy matters. Requests made under FIPPA require careful review and redactions, making them often resource intensive. The Tribunal processed 23 requests for information under FIPPA over the fiscal year – consistent with last year’s 24. Of those, 18 were from parties to the subject case file, and 5 were from non-parties.



IV. Judicial Reviews and Appeals

The *Human Rights Code* does not provide for appeals of Tribunal decisions. Instead, a party may apply for judicial review in BC Supreme Court, under the *Judicial Review Procedure Act*.

Judicial review is a limited type of review. Generally, the court considers the information that the Tribunal had before it and decides if the Tribunal made a decision within its power. The court applies standards of review in s. 59 of the *Administrative Tribunals Act* [ATA] to determine if the Tribunal's decision should be set aside. If the Tribunal's decision is set aside, the usual remedy is to send it back to the Tribunal for reconsideration.

A decision on judicial review may be appealed to the BC Court of Appeal. There is a further appeal to the Supreme Court of Canada if that Court agrees to hear it. There is a 60-day time limit for judicial review of final decisions set out in the ATA.

This year, the Tribunal received 20 petitions for judicial review filed in the BC Supreme Court, down from 22 petitions last year; and six notices of appeal filed with the BC Court of Appeal, versus four last year. There were two leave applications filed with the Supreme Court of Canada.

JUDGMENTS ON PETITIONS AND APPEALS

The BC Supreme Court issued 12 judgments regarding petitions from Tribunal decisions. The Court:

- dismissed four petitions as premature
- dismissed six petitions relating to:
 - two decisions dismissing the complaint under s. 27(1)(c) and denying reconsideration under Rule 36, on the basis that they were not patently unreasonable,
 - two screening decisions dismissing a complaint under s. 27(1)(b) of the *Code*, and denying reconsideration under Rule 36, on the basis that they were not patently unreasonable or unfair,
 - a final decision dismissing a complaint ordering costs against the complaint under s. 37(4) of the *Code*, on the basis it was not procedurally or substantially flawed,
 - a final decision finding discrimination, on the basis the Tribunal did not err in fact or law,
- remitted one final decision for reconsideration on the basis of an error in the justification analysis
- ordered one complaint to be reinstated after the Tribunal dismissed the complaint under s. 27.5 of the *Code* and denied reconsideration of the same under Tribunal Rule 36.

The BC Court of Appeal issued two judgments, each upholding the Tribunal's decision under review.



PREMATURITY ON JUDICIAL REVIEW

The Court issued four decisions on judicial reviews where the prematurity principle was engaged. In each instance, the Court dismissed the petition as premature.

- *Northwest Plastics Ltd. v. Bellin*, 2025 BCSC 1215
- *Moradi v. British Columbia (Human Rights Tribunal)*, 2025 BCSC 1377
- *British Columbia (Ministry of Children and Family Development) v. KS*, 2025 BCSC 1445
- *Gibraltar Mines Ltd. v. Harvey*, 2025 BCSC 2623

JUDGMENTS UNDER APPEAL

There are two BC Supreme Court decision under appeal: *Nanaimo (City of) v. Mema*, 2025 BCSC 863; *Moradi v. British Columbia (Human Rights Tribunal)*, 2025 BCSC 1377. There is one BC Court of Appeal decision under application for leave at the SCC: *Coote v. British Columbia Civil Liberties Association*, 2025 BCCA 409.

JUDGMENTS ON OTHER MATTERS

The BC Court of Appeal denied an application to vary a BC Supreme Court order denying leave to appeal and a stay: *O.W. v. British Columbia (Human Rights Tribunal)*, 2025 BCCA 226.

HIGHLIGHTS

***Gibraltar Mines Ltd. v. Harvey*, 2025 BCSC 2623**

The Court dismissed the petition as premature because the petitioner had not established the exceptional circumstances necessary to entertain the petition before the Tribunal finished its work on the complaint.

This was the final installment of a judicial review of a 2020 decision declining to dismiss a complaint based on family status. In 2020, the Tribunal denied an application to dismiss the complaint under s. 27(1)(b), (c), and (d)(ii). In an earlier decision, the BC Supreme Court set the decision aside because it found the Court of Appeal required a complainant to prove a change in the terms or conditions of employment (and here that had not happened). The Court of Appeal allowed the appeal and remitted the matter to the Supreme Court to determine the remaining issues on the basis that the Court had erred when it determined a change in employment terms was a precondition to a finding of discrimination. This is the Court's decision on the remittal.

The Court confirmed that a party who seeks judicial review of a decision before a tribunal has rendered a final decision has the burden of persuading the court that their petition is not premature: para. 12. Generally, a court will not hear a judicial review petition before a tribunal has rendered its final decision: para. 13. The Court found this case was a “poster child for the problems that can flow from permitting early judicial review”, noting the hearing on the merits is only anticipated to take four days and it could have been over years ago: para. 76



R.R. v. Vancouver Aboriginal Child and Family Services Society, 2025 BCCA 151

The Court of Appeal allowed R.R.'s appeal restoring the Tribunal's final decision, finding the Tribunal did not err in hearing the complaint, and its process was fair. The Court dismissed the cross-appeal by VACFSS, finding the Tribunal has jurisdiction to hear the complaint.

The Court confirmed the Tribunal's jurisdiction to address complaints in the context of child protection proceedings, which it does by ensuring child protection services are delivered free of discrimination. It said the *Code* and the *Child, Family and Community Service Act* [CFCSA] play distinct, complementary and harmonious roles and that there was no operational conflict between the two. The Court of Appeal said that to hold otherwise is incorrect and potentially harmful. The Court went on to say that the Provincial Court and the Tribunal have overlapping jurisdiction, and the Provincial Court does not have exclusive jurisdiction over all issues relating to custody and access under the CFCSA. It further confirmed in relation to jurisdiction that common law doctrines such as abuse of process and collateral attack based on other court decisions do not raise questions of jurisdiction.

Leave to appeal was denied: *Vancouver Aboriginal Child and Family Services Society v. R.R.*, 2025 CanLII 119087 (SCC)

Pooyan v. British Columbia (Ministry of Health), 2025 BCSC 1210

This was a petition for judicial review of two decisions. The first dismissed the complaint under s. 27.5 of the *Code* after counsel for the complainant repeatedly failed to respond to correspondence and directions from the Tribunal. The second denied reconsideration of the dismissal. The BC Supreme Court ordered the complaint to be reinstated on the basis that the decision was patently unreasonable. It found the Tribunal erred by finding the harm to the Tribunal's process outweighed the prejudice to the petitioner and in failing to apply the Counsel Error Principle.

Two parties challenged the Tribunal's jurisdiction to reconsider a decision, arguing that *Zutter v. British Columbia (Council of Human Rights)*, 1995 CanLII 1234, 3 B.C.L.R. (3d) 321 (C.A.) was no longer good law. The Court rejected the argument and found *Zutter* is sufficiently consistent with contemporary expressions of the implied powers doctrine that it remained bound to follow.



V. Financial Disclosure: Tribunal Operating Costs

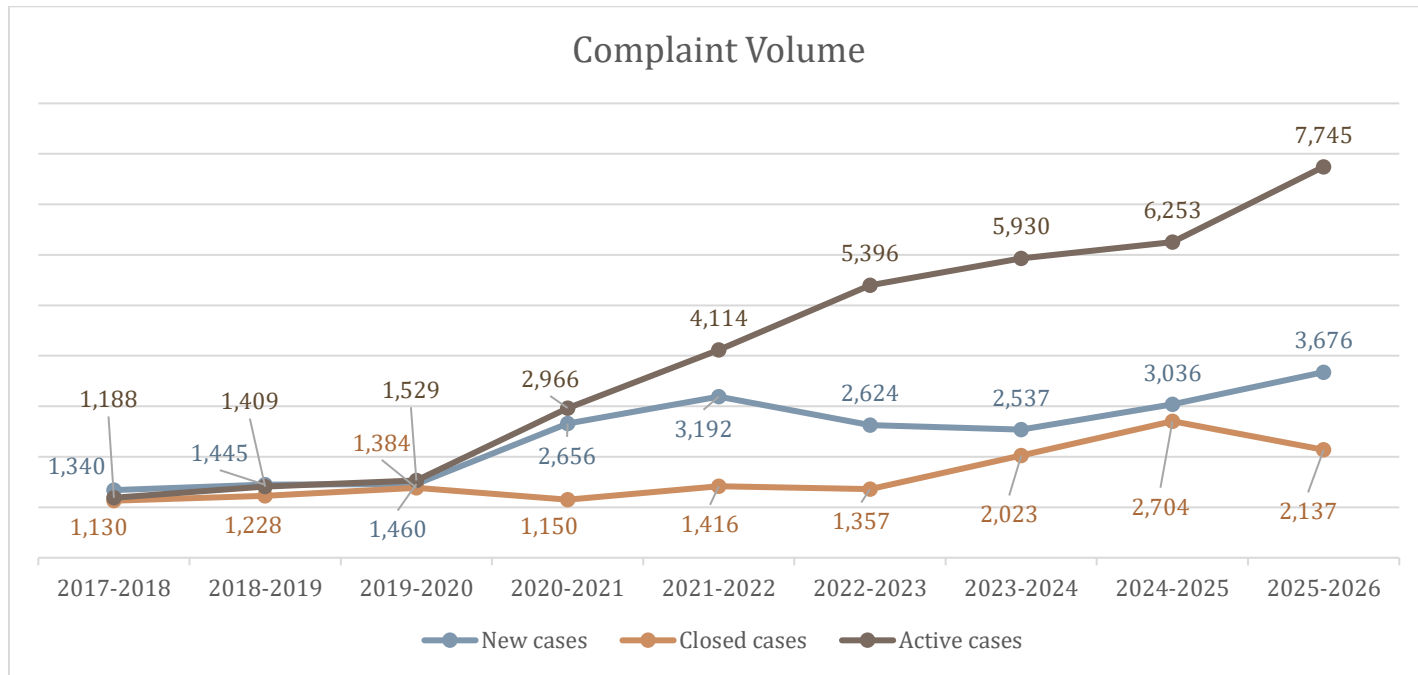
Previously, the Tribunal reported underspends related to delays in hiring processes during the years the budget lift was first announced, spending \$7,082,880 last fiscal year.

The Tribunal took a fiscally conservative approach to managing its budget while increasing its resources to address the backlog. While this year saw a Tribunal fully staffed relative to budgetary resources and a concomitant increase in expenditures, the Tribunal again posted an underspend primarily as a result of a late delegation of additional funding to cover new costs related to Government-approved salary increases.

Description	Expenditures	Delegated budget	Variance
Salaries	\$5,891,253	\$6,150,000	-\$258,747
Supplementary Salary Costs	\$30,857	\$20,000	\$10,857
Employee Benefits	\$1,497,634	\$1,562,000	-\$64,366
Fees for Temporary Members	\$1,449	\$4,000	-\$2,551
Travel	\$7,979	\$6,000	\$1,979
Professional Services	\$592,542	\$580,000	\$12,542
Information Services	\$160,696	\$195,000	-\$34,304
Office and Business Expenses	\$83,944	\$110,000	-\$26,056
Subtotal	\$8,266,354	\$8,627,000	-\$360,646
Budget Savings Target		-\$129,000	
TOTAL	\$8,266,354	\$8,793,000	-\$231,646



Appendix 1: Complaint Volume



Fiscal year	New cases	Closed cases	Active cases
2017-2018	1,340	1,130	1,188
2018-2019	1,445	1,228	1,409
2019-2020	1,460	1,384	1,529
2020-2021	2,656	1,150	2,966
2021-2022	3,192	1,416	4,114
2022-2023	2,624	1,357	5,396
2023-2024	2,537	2,023	5,930
2024-2025	3,036	2,704	6,253
2025-2026	3,676	2,137	7,745

NEW CASES FILED 2025-2026

People filed a total of 3,676 new complaints with the Tribunal this fiscal year marking the highest new-filing volume in the Tribunal's history.

ACTIVE COMPLAINTS

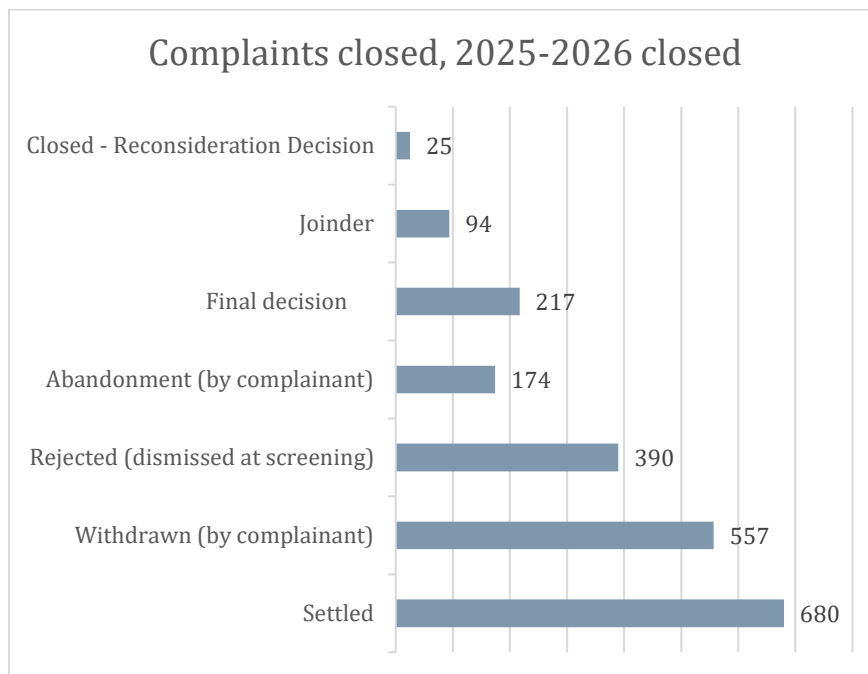
Whereas last fiscal year closed with 6,253 active complaints at March 31, 2025, the 2025/26 fiscal year closed with 7,745 active complaints.



As with last year, the increase in filing volume accounts for the increase in active complaints with the vast majority in the early stages of our process. As mentioned in last year’s annual report, “the existing inventory continues to present a challenge for the coming fiscal year, and will become more acute if new-filing volume holds steady”. This remains true.

COMPLAINTS CLOSED 2025-2026

Human rights complaints close for a number of reasons. They may be dismissed at the screening stage; resolved by the parties independently or through a Tribunal-facilitated mediation; or resolved by a Tribunal decision. Where the Tribunal closed 2,704 complaints in the 2024-25 fiscal year, the Tribunal closed 2,137 in 2025-26. Closure numbers were impacted by various factors including the job action. A summary of the complaints closed is below.



Reason to close	Complaints closed, 2025-2026 closed	Percentage
Settled	680	31.8%
Withdrawn (by complainant)	557	26.1%
Rejected (dismissed at screening)	390	18.2%
Abandonment (by complainant)	174	8.1%
Decision	217	10.2%
Joinder	94	4.4%
Closed - Reconsideration Decision	25	1.2%
TOTAL	2,137	

Complaints closed by decision include both dismissals after an application and decisions after a hearing.



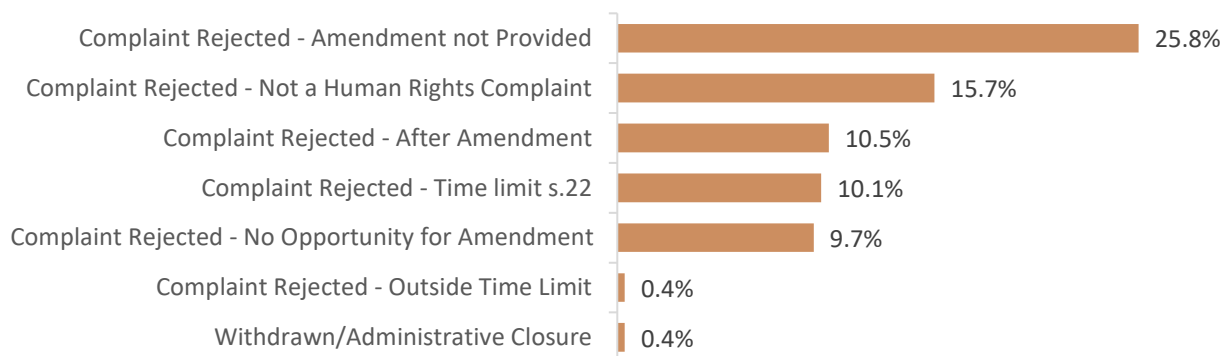
There are lags in time between the end of a hearing and a decision being issued, and between a dismissal decision and the administrative closure of the file. This means that the rate of closure – which is the administrative step of closing a file after a complaint has been resolved – may be lower than the actual number of complaints that have completed the Tribunal process, which makes the open vs closed measure imperfect as we have explained previously.

Dismissed at screening

Screening ensures complaints are within the Tribunal’s jurisdiction, are timely, and set out a possible contravention of the *Human Rights Code*. This fiscal year, roughly 56% (514) of screened complaints proceeded past screening. 44% (399) of complaints were dismissed at screening.



Complaints closed at screening



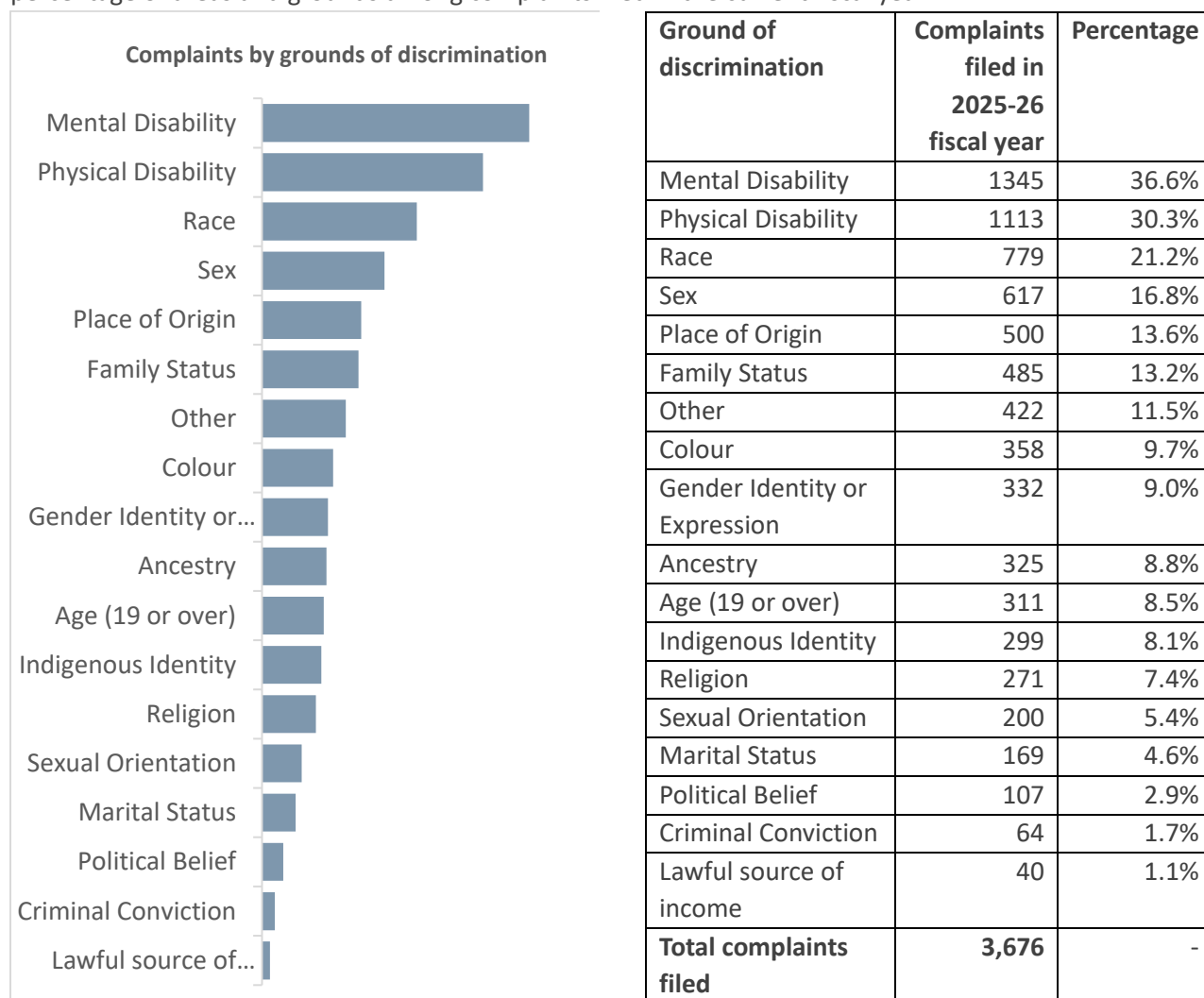


Appendix 2: Complaints by Areas and Grounds of Discrimination

The *Code* protects people from discrimination in eight specific areas of life on the basis of 16 specific protected characteristics, or “grounds”. The *Code* also prohibits retaliation against a person who has or may have involvement in a complaint or inquiry by the Commissioner. Not all grounds apply to all areas. A complaint may also include more than one area or ground of discrimination.

COMPLAINTS BY GROUNDS OF DISCRIMINATION

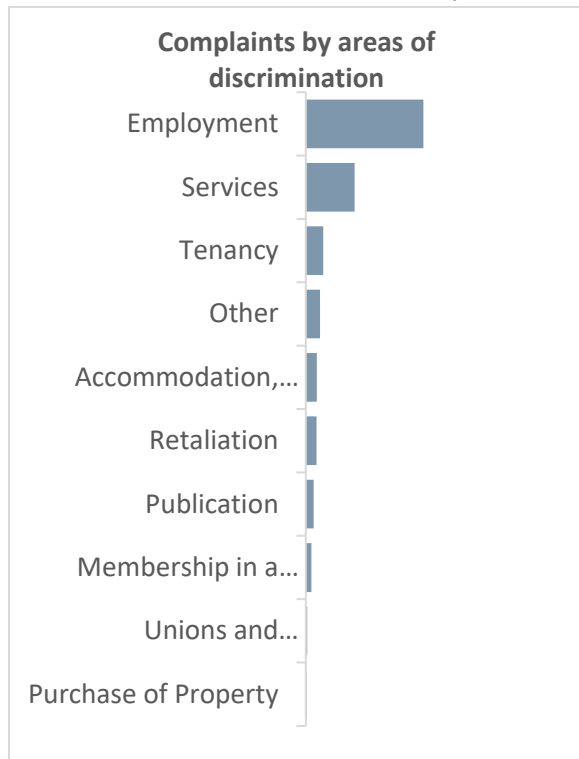
In the 2025/26 fiscal year, mental disability was the most common ground of discrimination (36.6%); followed by physical disability (30.3%); race (21.2%); sex (16.8%), place of origin (13.6%); and family status (13.2%). Notably, many complaints allege more than one ground. Last year, the Tribunal changed how it calculates the percentage of areas and grounds among complaints. The Tribunal shows the percentage of areas and grounds among complaints filed in the current fiscal year.





COMPLAINTS BY AREAS OF DISCRIMINATION

Employment cases have historically made up about 60% of the Tribunal's overall caseload. This year that percentage was 54.5% compared with last year's 53.2%. Service complaints, which have historically been around 23%, were 22.6%, versus last year's 23.3%. Notably, many complaints allege more than one area.



Area of discrimination	Complaints filed in 2025-26 fiscal year	Percentage
Employment	2003	54.5%
Services	829	22.6%
Tenancy	295	8.0%
Other	242	6.6%
Accommodation, Service or Facility	187	5.1%
Retaliation	181	4.9%
Publication	132	3.6%
Membership in a Union, employer's organization, or occupational associations	95	2.6%
Unions and Associations	27	0.7%
Purchase of Property	11	0.3%
Total complaints filed	3,676	



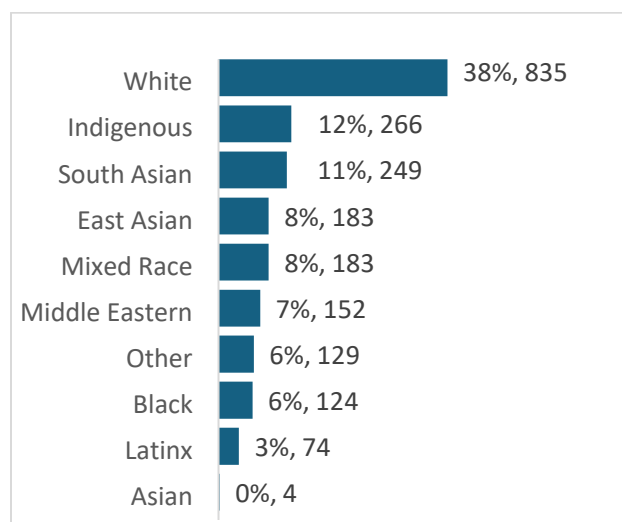
Appendix 3: Who is filing complaints?

COMPLAINANTS' DEMOGRAPHIC INFORMATION

At the end of June 2020, the Tribunal began collecting demographic information from complainants on a strictly volunteer and confidential basis. Approximately 68% of complainants opted to provide some demographic information this fiscal vs 54% last year. Based on this data, the Tribunal can report on who is accessing and using its process between April 2025 and March 2026 as set out below.

Racial Identity

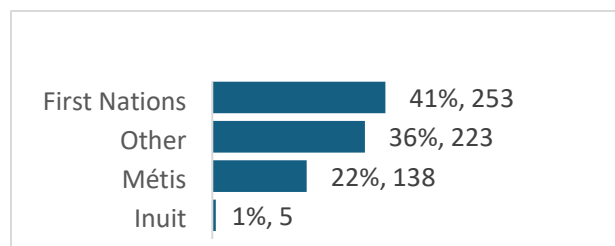
60% of complainants opted to provide racial identity information.



Racial Identity	Complainants	Percent age
White	835	38%
Indigenous	266	12%
South Asian	249	11%
East Asian	183	8%
Mixed Race	183	8%
Middle Eastern	152	7%
Other	129	6%
Black	124	6%
Latinx	74	3%
Asian	4	0%
Grand Total	2,199	100%

Indigenous Identity

17% of complainants opted to provide Indigenous identity information.

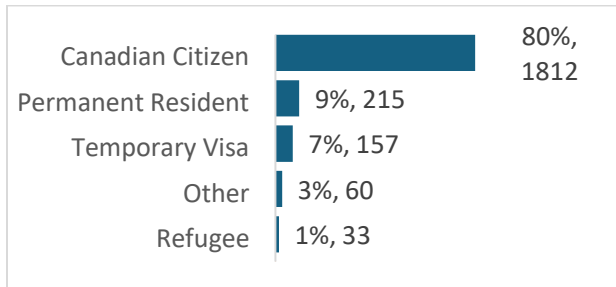


Indigenous Identity	Complainants	Percent age
First Nations	253	41%
Other	223	36%
Métis	138	22%
Inuit	5	1%
Grand Total	619	100%



Immigration Status

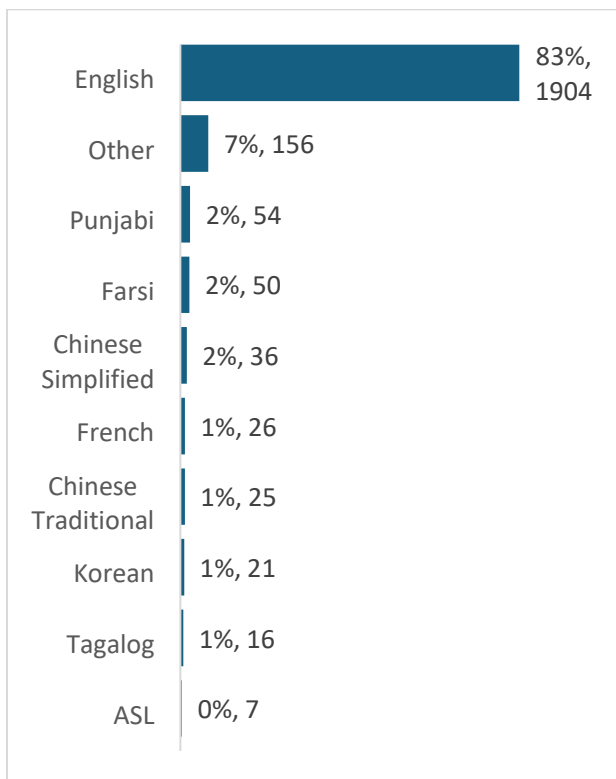
62% of complainants opted to provide immigration status information.



Immigration Status	Complainants	Percent age
Canadian Citizen	1812	80%
Permanent Resident	215	9%
Temporary Visa	157	7%
Other	60	3%
Refugee	33	1%
Grand Total	2,277	

Language

63% of complainants opted to provide language information.

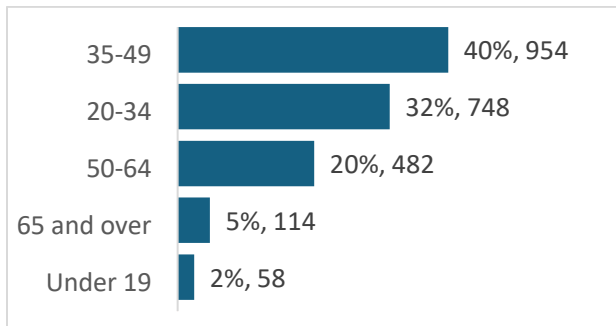


Language	Complainants	Percentage
English	1904	83%
Other	156	7%
Punjabi	54	2%
Farsi	50	2%
Chinese Simplified	36	2%
French	26	1%
Chinese Traditional	25	1%
Korean	21	1%
Tagalog	16	1%
ASL	7	0%
Grand Total	2,295	



Age

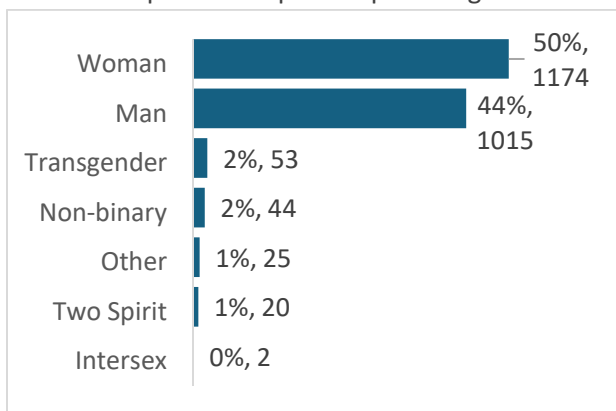
65% of complainants opted to provide age information.



Age	Complainants	Percent age
35-49	954	40%
20-34	748	32%
50-64	482	20%
65 and over	114	5%
Under 19	58	2%
Grand Total	2,356	100%

Gender Identity

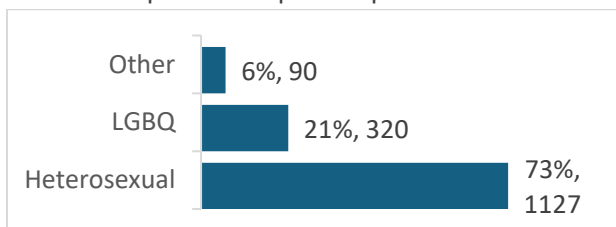
64% of complainants opted to provide gender identity information.



Gender Identity	Complainants	Percentage
Woman	1174	50%
Man	1015	44%
Transgender	53	2%
Non-binary	44	2%
Other	25	1%
Two Spirit	20	1%
Intersex	2	0%
Grand Total	2,333	100%

Sexual Orientation

42% of complainants opted to provide sexual orientation information

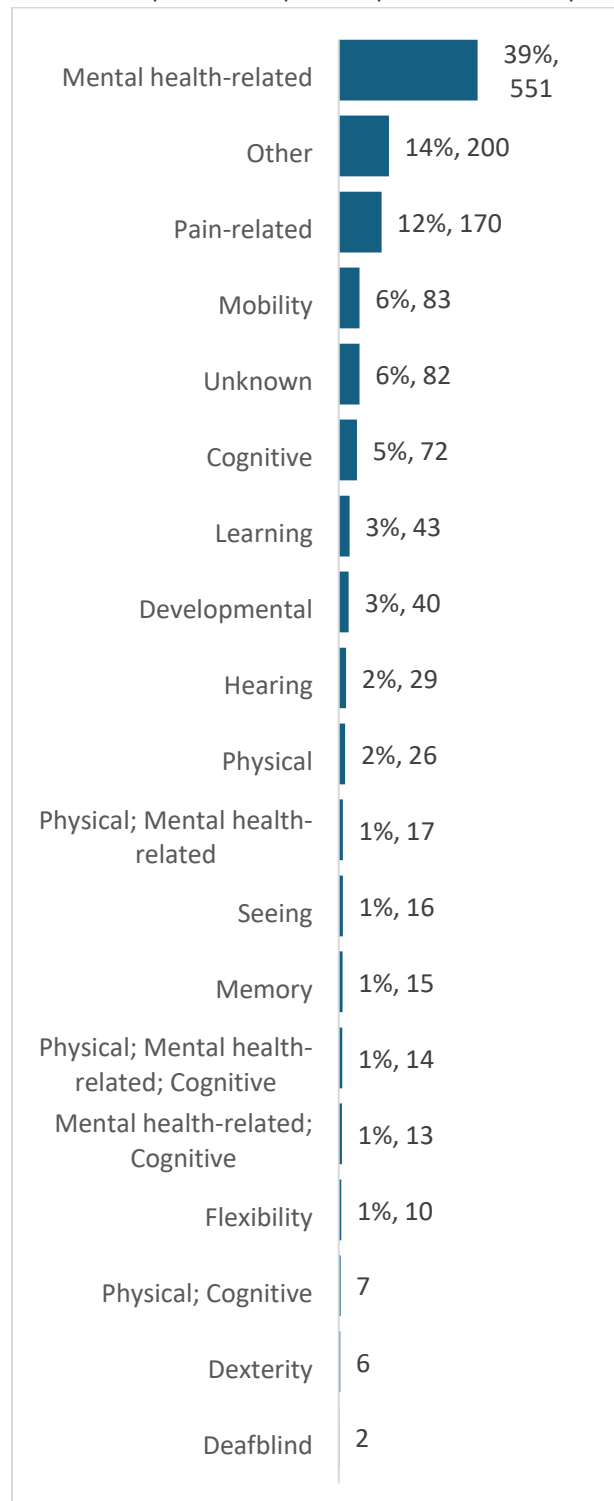


Sexual Orientation	Complainants	Percentage
Heterosexual	1127	73%
LGBTQ	320	21%
Other	90	6%
Grand Total	1,537	100%



Disability Requiring Accommodation

38% of complainants opted to provide disability requiring accommodation information.

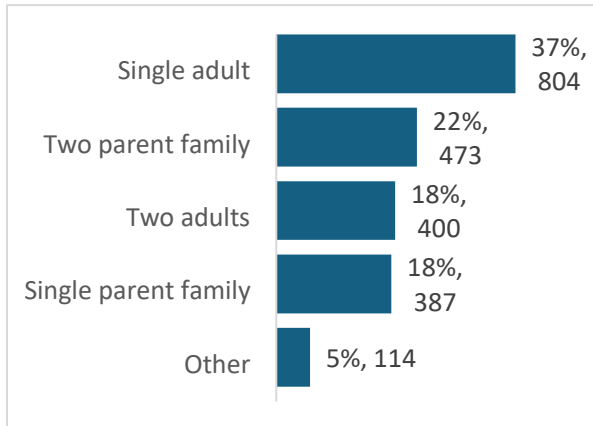


Disability Requiring Accommodation	Complainants	Percentage
Mental health-related	551	39%
Other	200	14%
Pain-related	170	12%
Mobility	83	6%
Unknown	82	6%
Cognitive	72	5%
Learning	43	3%
Developmental	40	3%
Hearing	29	2%
Physical	26	2%
Physical; Mental health-related	17	1%
Seeing	16	1%
Memory	15	1%
Physical; Mental health-related; Cognitive	14	1%
Mental health-related; Cognitive	13	1%
Flexibility	10	1%
Physical; Cognitive	7	1%
Dexterity	6	0%
Deafblind	2	0%
Grand Total	1,396	100%



Household Type

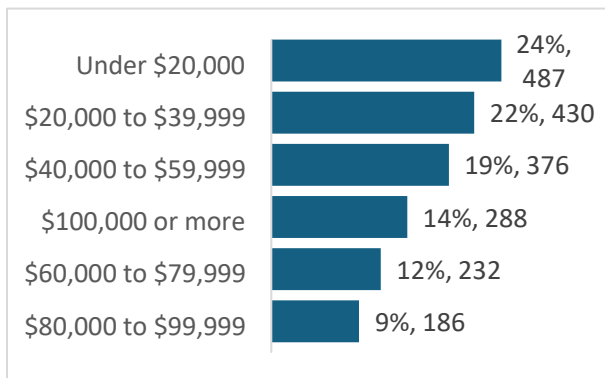
60% of complainants opted to provide household type information:



Household Type	Complainants	Percent age
Single adult	804	37%
Two parent family	473	22%
Two adults	400	18%
Single parent family	387	18%
Other	114	5%
Grand Total	2,178	100%

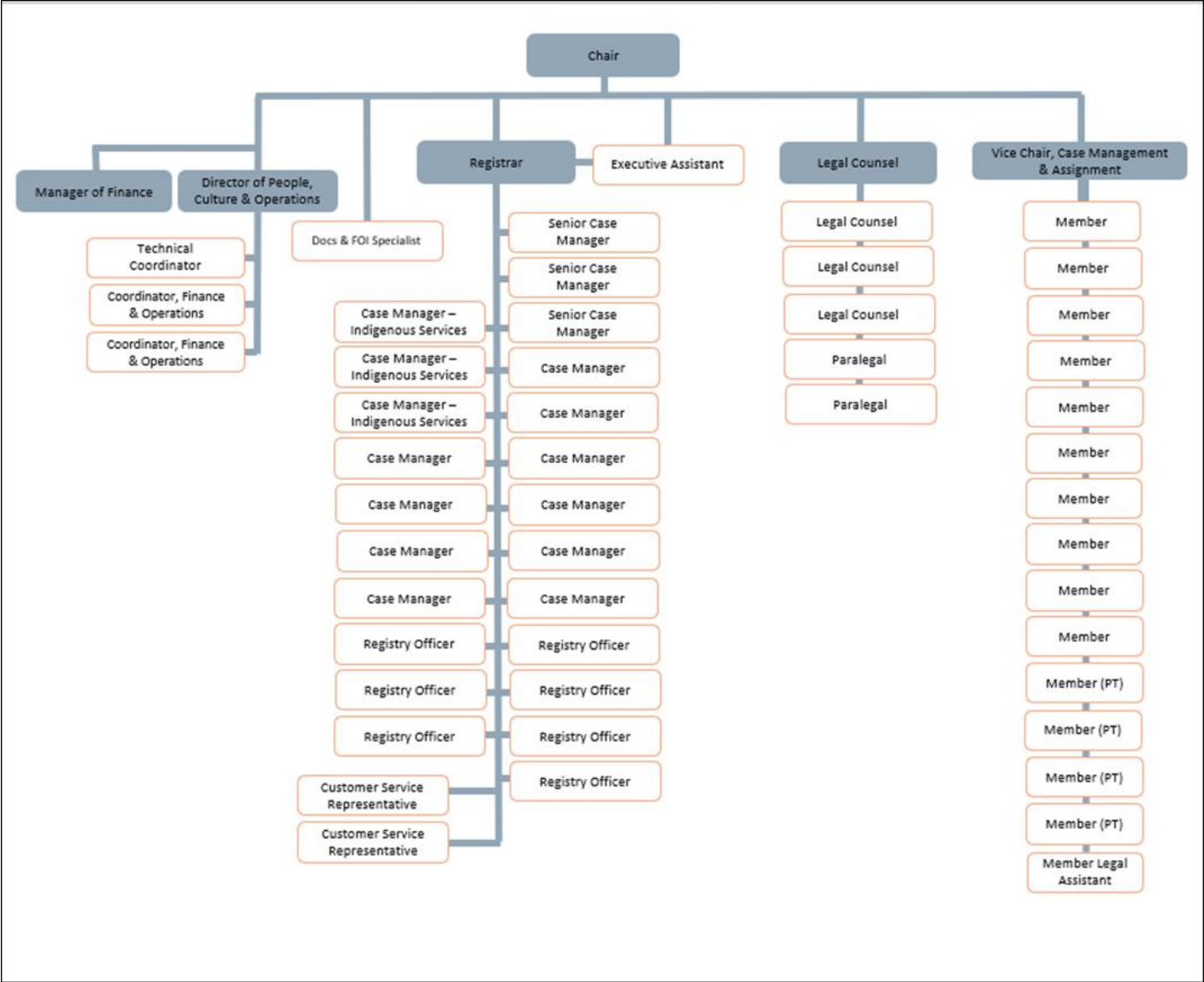
Household Income After Tax

55% of complainants opted to provide household income after tax information.



Household Income After Tax	Complainants	Percent age
Under \$20,000	487	24%
\$20,000 to \$39,999	430	22%
\$40,000 to \$59,999	376	19%
\$100,000 or more	288	14%
\$60,000 to \$79,999	232	12%
\$80,000 to \$99,999	186	9%
Grand Total	1,999	100%

Appendix 4: Tribunal Organization Chart (current as at March 2026)



Appendix 5: Tribunal Team

Tribunal members are administrative law judges who case manage, adjudicate, and make decisions on human rights complaints. Our staff are an integral part of our professional team. They support our adjudicators and serve our public to the highest standards of integrity and professionalism.

Chair

Emily Ohler, K.C. (Chair & Member)

Vice Chair, Case Management and Assignment

Devyn Cousineau (Vice Chair & Member)

Tribunal Members

Steven Adamson
Ijeamaka Anika
Shannon Beckett
Kylie Buday
Jonathan Chapnick
Robin Dean
Jessica Derynck
Theressa Etmanski
Beverly Froese
Amber Prince
Andrew Robb
Laila Said-Alam
Kathleen Smith
Edward Takayanagi

Administrative Support

Dona P. (partial year)
Elena S. (partial year)
Naomi P. (partial year)

Legal Counsel

Katherine Hardie
Heather Hoiness
Shawnee Monchalin
Joana Thackeray

Legal Department Staff

B. H.
Brienne M.

Finance and Operations

Alexander W.
Craig R.
Gayle M.
Marc L. (partial year)
Rene D. (partial year)
Roxana M. (partial year)
Shikha S.
Sofia R.

Registrar-Legal Advisor

Rose Chin

Registry Staff

Adrien F
Britt S.
Carla W.
Candice W. (partial year)
Cheryl B.
Daniel V.
Esmerelda M. (partial year)
Gray Y.
Heidi F.
Joanne N.
Kerry J.
Lorne M.
Luana M.
Margarita B.
Mattie K.
Maxine J.
Michael B. (partial year)
Nanda P. (partial year)
Natasha N.
Pedro G.
Sandy T.
Sarah H. (partial year)
William G.