



British Columbia
Human Rights
Tribunal



FORM 1.1 – INDIVIDUAL COMPLAINT

Use This Form to File Your Own Complaint

Case

Case Number: CS-018573

Date Received: 2026-03-30

Step 1 - Party Information

Who experienced discrimination (Complainant)?

Legal name – First name: Jessica

Legal name – Last name: Simpson

Preferred name – e.g. traditional name, nickname, alias:

Use my preferred name: When talking to me, When writing to me, In decision in addition to my legal name

Title: Ms.

Pronoun: She

Complainant's address for delivery

Mailing address: [REDACTED]

Phone number: [REDACTED]

Cell: N/A

Fax: N/A

Email: [REDACTED]

Respondent contact information

I want to name the organization that discriminated against me: Yes

Name of the Respondent: [REDACTED]

Relationship to you (For example, your employer): [REDACTED]

Respondent Contact Email: [REDACTED]

Mailing Address:
[REDACTED]

Phone: N/A

Cell: N/A

Fax: N/A

Name of the Respondent: Barbara Kay

Relationship to you (For example, your employer): National Post Columnist

Respondent Contact Email: [REDACTED]

Mailing Address:
[REDACTED]

Phone: N/A

Cell: N/A

Fax: N/A

Name of the Respondent: [REDACTED]

Relationship to you (For example, your employer): [REDACTED]

Respondent Contact Email: [REDACTED]

Mailing Address:
[REDACTED]

Phone: [REDACTED]

Cell: N/A

Fax: N/A

Steps 2A - Areas of Discrimination & Step 2B -Grounds of Discrimination

Area: Publication

Ground

Sex: The Complainant is a woman. The Respondent, [REDACTED] engaged in conduct that targets and undermines the Complainant's sex

Gender Identity or Expression: The Complainant is a transgender woman whose gender identity and expression are central to this complaint

Step 3 - Details of the Discrimination

Details of the Discrimination for each Respondent

Respondent Name: [REDACTED]

Describe the harm you experienced in a few words: Public misgendering, reputational damage, emotional distress, and increased exposure to harassment and threats.

Explain how the harm relates to the grounds you have selected before: The harm is directly connected to the Complainant's gender identity or expression and sex. The Respondent's repeated misgendering, including the use of quotation marks around "her" and references that deny the Complainant's identity as a woman, targets her specifically because she is transgender. This conduct would not occur but for her gender identity, thereby establishing a clear nexus to that protected ground. By portraying the Complainant as not legitimately female and emphasizing male-associated descriptors, the Respondent also imposes differential treatment on the basis of sex. This reinforces exclusionary and stigmatizing views of who qualifies as a woman, resulting in harm that cisgender women are not subjected to. The combined effect of these actions exposes the Complainant to ridicule, hostility, and social exclusion, all of which arise from, and are inseparable from, the protected grounds identified.

Describe what this Respondent did that harmed you.

Date: 2026-03-30

Conduct: The Respondent, [REDACTED] published an article on March 30, 2026 that repeatedly misgendered the Complainant and undermined her identity as a woman. This included referring to her using male identifiers, emphasizing a prior name, and placing feminine pronouns such as "her" in quotation marks to signal that her gender identity is not valid. These editorial choices were deliberate and formed part of the central framing of the article.

Date: 2026-03-30

Conduct: The Respondent further portrayed the Complainant in a derogatory and stigmatizing manner by suggesting that she misuses legal processes, is a source of controversy, and poses a threat to others. The article amplified hostile third-party commentary and presented unbalanced and prejudicial allegations, including references to alleged misconduct, in a way that exposed the Complainant to public ridicule and contempt.

Date: 2026-03-30

Conduct: The Respondent as well, published a video on YouTube with the title [REDACTED]

[REDACTED] Barbara Kay from National Post who also carry on very discriminatory narratives in regards to such within these videos. The video has been downloaded and will be provided as evidence. The video discriminates against Gender Identity & Expression, Sex, and Sexual Orientation.

Respondent Name: Barbara Kay

Describe the harm you experienced in a few words: The Respondent's publication and amplification of statements denying the Complainant's identity as a woman caused significant reputational harm and public stigmatization. By repeatedly framing the Complainant as male and portraying her identity as illegitimate or deceptive, the content positioned her as a subject of ridicule and controversy. This has resulted in damage to her personal and professional reputation, as well as increased scrutiny and negative public perception. The Complainant also experienced substantial emotional and psychological distress. The repeated misgendering and explicit denial of her identity undermined her dignity, self-respect, and sense of personal security. Being publicly portrayed as fraudulent or incompatible with "reality" contributed to feelings of humiliation, anxiety, and ongoing distress, particularly given the wide dissemination of the content.

Explain how the harm relates to the grounds you have selected before: The harm is directly connected to the Complainant's gender identity or expression and sex. The statements made by Barbara Kay explicitly deny that the Complainant is a woman and repeatedly characterize her as male, which targets her specifically because she is transgender. This refusal to recognize her identity constitutes differential and adverse treatment that would not occur but for her gender identity. By asserting that acknowledging the Complainant as a woman would be "objectively wrong" and by framing her identity as incompatible with reality, the Respondent reinforces exclusionary definitions of sex that deny the Complainant equal recognition as female. This results in treatment that cisgender women are not subjected to, thereby engaging the protected ground of sex. The cumulative effect of these statements is to expose the Complainant to stigma, ridicule, and hostility, all of which arise from and are inseparable from the protected grounds identified.

Describe what this Respondent did that harmed you.

Date: 2026-03-30

Conduct: The Respondent, [REDACTED] published and disseminated an interview containing statements by Barbara Kay that explicitly deny and delegitimize the Complainant's gender identity. Within the broadcast, Kay repeatedly referred to the Complainant using male pronouns and descriptors and expressly stated that she would "never" recognize the Complainant as a woman.

Date: 2026-03-30

Conduct: She further asserted that acknowledging the Complainant's identity through correct pronoun usage would constitute an admission of a false "reality," thereby framing the Complainant's gender identity as illegitimate, deceptive, and undeserving of recognition.

Date: 2026-03-30

Conduct: Kay's statements go beyond personal opinion and constitute a categorical refusal to recognize the Complainant's identity as a woman, including explicit assertions that the Complainant is a "biological male" and that referring to her as a woman would produce harmful societal consequences.

Date: 2026-03-30

Conduct: These remarks were published without moderation, challenge, or contextual balancing by the Respondent [REDACTED] thereby endorsing and amplifying their discriminatory content.

Date: 2026-03-30

Conduct: Further, Kay advanced arguments that recognizing the Complainant's gender identity would enable access to women's spaces such as prisons, sports, and locker rooms, thereby portraying the Complainant—and by extension transgender women generally—as inherently threatening or illegitimate participants in society. This framing operates to stigmatize the Complainant and expose her to heightened suspicion, hostility, and exclusion.

Date: 2026-03-30

Conduct: The Respondent's decision to platform, publish, and promote these statements to a wide audience constitutes active participation in the dissemination of discriminatory expression. By presenting these views as credible commentary within a journalistic format, the Respondent materially contributed to an environment that exposes the Complainant to hatred, contempt, and ridicule.

Date: 2026-03-30

Conduct: Both Barbara Kay and [REDACTED] are responsible for the discriminatory statements that Barbara Kay stated in this interview and Barbara Kay knew she was being interviewed and it is believed she consented to such interview by [REDACTED]

Respondent Name: [REDACTED]

Describe the harm you experienced in a few words: The comments made by the [REDACTED] caused significant harm to the Complainant's dignity, reputation, and sense of safety. By explicitly stating that they "do not recognize" the Complainant as a woman and by repeatedly referring to her as a "biological male," the publication and its representatives engaged in direct and intentional misgendering. This constitutes a public denial of the Complainant's identity, positioning her as illegitimate and subject to ridicule in the eyes of their audience. These statements also contributed to serious emotional and psychological distress. The categorical refusal to acknowledge the Complainant's identity—framed as a matter of policy—signals that the harm is not incidental but systemic and ongoing. This creates a persistent environment in which the Complainant's identity is invalidated at scale, resulting in feelings of humiliation, anxiety, and loss of personal security.

Explain how the harm relates to the grounds you have selected before: The harm is directly connected to the Complainant's gender identity or expression. [REDACTED] explicit statements that they "do not recognize" the Complainant as a woman, combined with their repeated use of male descriptors, constitute a clear and intentional denial of her gender identity. This conduct targets the Complainant specifically because she is transgender and would not occur but for that protected characteristic. The refusal is not incidental or mistaken; it is framed as a deliberate editorial policy, thereby intensifying its discriminatory impact. The harm also engages the protected ground of sex. By asserting that the Complainant is a "biological male" and refusing to acknowledge her as female, [REDACTED] imposes a rigid and exclusionary definition of sex that denies the Complainant equal recognition as a woman. This results in differential treatment when compared to cisgender women, who are not subjected to public denial of their sex or identity.

Describe what this Respondent did that harmed you.

Date: 2026-03-30

Conduct: [REDACTED] through its CEO and representatives as published and amplified by [REDACTED] engaged in explicit, deliberate, and policy-driven misgendering of the Complainant. In the recorded interview, the Respondent stated unequivocally that it “does not recognize” the Complainant as a woman and confirmed that this refusal is not incidental but systemic.

Date: 2026-03-30

Conduct: The Respondent articulated an editorial policy whereby, when gender identity is deemed “relevant,” it will intentionally refer to transgender individuals—including the Complainant—according to what it characterizes as their “biological sex.” This includes the categorical refusal to use the Complainant’s correct pronouns, refusal to refer to her as a woman, and the intentional substitution of male descriptors.

Date: 2026-03-30

Conduct: The Respondent further described this conduct as deliberate and principled, emphasizing that it would “not go along with” recognizing the Complainant’s identity and would not use terms such as “she/her” or “trans woman.” Instead, the Respondent stated it would refer to the Complainant as a “biological male” in all relevant reporting.

Date: 2026-03-30

Conduct: This position was not presented as a neutral linguistic choice, but rather as an ideological stance against recognizing transgender identities. The Respondent also acknowledged that this approach is “systemic,” thereby confirming that the conduct is ongoing, institutionalized, and intentionally applied.

Date: 2026-03-30

Conduct: In addition, the Respondent characterized the Complainant’s efforts to seek legal recourse as illegitimate and framed her complaints as attempts to suppress speech or impose beliefs. By doing so, the Respondent portrayed the Complainant as an aggressor misusing legal mechanisms, rather than as an individual seeking protection from discrimination.

Date: 2026-03-30

Conduct: This framing was accompanied by statements that the Respondent is prepared to continue such conduct regardless of legal consequences, reinforcing that the discriminatory treatment is not only ongoing but will persist.

Date: 2026-03-30

Conduct: The Respondent also made statements expressing contempt toward the Complainant, including assertions that her actions are “contemptable” and that the publication has a right to cause emotional harm through its speech.

Date: 2026-03-30

Conduct: This language contributes to a broader narrative that delegitimizes the Complainant’s identity and portrays her as undeserving of respect or protection. By broadcasting these views to a wide audience, the Respondent amplified and normalized discriminatory attitudes, creating and reinforcing a hostile environment directed at the Complainant.

Date: 2026-03-30

Conduct: Taken together, the Respondent's conduct constitutes a sustained and intentional pattern of misgendering, identity denial, and stigmatizing portrayal. It is not limited to a single statement or publication but is embedded within the Respondent's stated editorial practices and public communications. This conduct has directly harmed the Complainant by undermining her dignity, exposing her to public ridicule, and increasing her vulnerability to harassment and hostility.

Step 4 – Time Limit to Make Complaint

Respondent Name: [REDACTED]

What is the date of the most recent conduct that you listed as discrimination in the previous step?
2026-03-30

Did the most recent conduct happen in the last year? Yes

Respondent Name: Barbara Kay

What is the date of the most recent conduct that you listed as discrimination in the previous step?
2026-03-30

Did the most recent conduct happen in the last year? Yes

Respondent Name: [REDACTED]

What is the date of the most recent conduct that you listed as discrimination in the previous step?
2026-03-30

Did the most recent conduct happen in the last year? Yes

Did all of the conduct happen in the last year for all Respondents: Yes

Step 5 - Other Proceedings

Do you have another proceeding about the same events? No

Step 6 - Remedies

Select the kinds of remedies you want that are available under s. 37 of the Human Rights Code:

- Order to stop the discrimination
- Declaration that the conduct is discrimination
- Steps or programs to address the discrimination (examples: training, policy)
- Compensation for injury to dignity, feelings, and self-respect

- **Compensation for lost wages or other expenses such as moving expenses, photocopying, costs of attending the hearing (keep receipts)**

Step 7 - Mediation

Do you want to attend a mediation? Yes

Step 8 - Indigenous Peoples

I confirm I am First Nations, Métis or Inuit. I want an Indigenous Navigator to contact me about the process.