

YUKON HUMAN RIGHTS COMMISSION – COMPLAINT FORM GUIDE

This guide provides information intended to help you complete the Yukon Human Rights Commission Complaint Form.

If you need help completing this form, please contact the Yukon Human Rights Commission (the “Commission”). There is no cost to file a complaint and you do not need to have a lawyer. Please note that the Commission’s role is not to advocate for either the Complainant or the Respondent, but rather to investigate and attempt to settle complaints of discrimination in a neutral way.

Personal Information (first two pages)

Your Name and Contact Information – Insert your legal name in this space. The person filing the complaint is called the Complainant.

Insert your current contact information. If you do not have a permanent address, insert an address where the Commission can send correspondence to you regarding your complaint, if possible. If your address or contact information changes after you file your complaint, please make sure to let the Commission know as soon as possible.

Accommodation needs – If there are barriers within the human rights complaint process that stop you from fully participating in the complaint process, please let Commission staff know how we can reduce these barriers. For example, if writing is a barrier for you, we may be able to provide accommodations to reduce the barrier, such as helping to type your complaint, or allowing oral submissions instead of written submissions.

Alternate contact – This information is optional, but encouraged. An alternate contact is someone you trust and have told that you are making a complaint. They can be involved as much or as little as you wish during the complaint process. Some Complainants choose to have their alternate contact act as their support person during the complaint process. Others only wish the alternate contact to be contacted if the Commission cannot reach the Complainant. In the case that an alternate contact provides support throughout the process, the alternate contact may attend meetings, and may be sent copies of any correspondence sent to the Complainant.



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Who is your complaint against? Insert the name(s) of the parties that the complaint is against in this space. A Respondent is a party that you believe discriminated against you and that you wish to pursue a complaint against. You can name more than one individual, business, organization or association in this space. For example, if you are alleging that your co-worker sexually harassed you and your employer did not take steps to prevent or stop the harassment, then you may name either your employer, your co-worker, or both as Respondents.

Where did the alleged discrimination happen? Insert the name of the city, town, or community and province (or territory) where the alleged discrimination happened. For example, Whitehorse, Yukon or Dawson City, Yukon.

When did the alleged discrimination take place? Complaints generally must be filed within 18 months after the alleged discrimination happened. However, the Director may extend the time limit in exceptional circumstances. Insert the date when you believe you were first discriminated against as the start date. Insert the date of the last incident of alleged discrimination that happened as the end date. If the alleged discrimination has not ended, check mark (✓) Ongoing instead of entering an end date.

I believe that discrimination happened in one or more of the following protected grounds:

The Commission can only accept complaints of discrimination that are based on one or more of the 14 personal characteristics ("protected grounds") that are listed in section 7 of the *Human Rights Act*, RSY 2002, c. 116 (the "Act"). Please check mark (✓) the protected ground(s) that you believe apply to your complaint. You may check mark more than one protected ground. For example, an employer may harass an employee by making unwanted comments about an employees' race as well as their sex, so that employee could check mark race and sex.

Below is a brief explanation of each ground:

- (a) Ancestry, including colour and race – can refer to your ancestral background or line of descent; for example, if you are of First Nations ancestry. Race usually refers to inherited physical characteristics of a group of people. The colour of a person's skin may be one of those characteristics.
- (b) National origin – can refer to your country of origin. For example, if you are born in Australia.
- (c) Ethnic or linguistic background or origin – can refer to the language you speak, your accent, or your cultural origin.



- (d) Religion or creed, or religious belief, religious association, or religious activity – can include non-religious sincerely held belief systems that, like religion, substantially influence a person’s identity, worldview, and way of life.
- (e) Age – there is no upper or lower limit for protection on the basis of age.
- (f) Sex, including pregnancy, and pregnancy related conditions – can include a person’s biological sex [male or female]. Pregnancy includes pre- and post-delivery, and pregnancy related conditions.
- (f.01) Gender identity or gender expression – gender identity is each person’s internal, individual experience of gender. Gender expression is how a person publicly presents their gender.
- (g) Sexual orientation – can include all types of sexual orientations.
- (h) Physical or mental disability – can include disabilities that are permanent, ongoing, episodic or of some persistence, and impose a substantial or significant limit in carrying out some of life’s functions or activities. Alcohol and drug addiction are disabilities. Common, temporary illnesses such as colds or flu are generally not covered.
- (i) Criminal charges or criminal record – can include a criminal record that you were not pardoned for.
- (j) Political belief, political association, or political activity – the term “political belief” is not defined in the *Act*. It can include some form of belief in political organizations, political functioning, or philosophical convictions about the goals of society. It does not include beliefs about discrete social, environmental, business, human resources, medical, or other such issues that have no connection to the political organization, function, or nature of society. The interpretation of political belief, association, or activity is not limited to support of or membership in a political party.
- (k) Marital or family status – marital status can include the status of being married, single, widowed, divorced, separated, or living with a person in a relationship outside of marriage. Marital status can also include being discriminated against based on who you are married to. Family status can include discrimination based on whether you are a parent or not, and discrimination based on who you are related to.
- (l) Source of income – can include discrimination based on the source of where your income originates; for example, having your rental application denied because you are on social assistance.

- (m) Actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed above from (a) to (l). For example, if you are fired because you are married to a First Nations person.
- Although it is not listed as a protected ground, you may also file a complaint if you believe that you are discriminated against based on a perception that you have a personal characteristic which is listed as a protected ground. For example, if you are harassed at work because your employer believes that you have a disability, but you have not been diagnosed with a disability, your complaint may still be accepted.

I believe the discrimination happened in one or more of the following protected areas:

The Commission can only accept complaints of discrimination that are based on at least one of the five “protected areas” that are listed on the complaint form and section 9 of the *Act*. Please check mark (✓) the protected area(s) that you believe apply to your complaint. You may check mark more than one protected area. For example, a landlord may evict a tenant from their apartment because the tenant has a disability. The tenant may also work as a caretaker of the apartment building that they are evicted from. In this example, the protected areas of housing and employment may apply.

Below is a brief explanation of each protected area:

- (a) Employment and any aspect of employment can include applying for a job, working on the job, being paid, and being dismissed from a job. It can also include being discriminated against by a subcontractor who is working on a project with you, even if the subcontractor is not your employer.
- (b) Receiving goods and services can include using public transportation, dining in a restaurant, attending school, or accessing territorial government services.
- (c) Housing, leasing, or renting can include renting a home or apartment, or leasing a business space.
- (d) Membership in or representation by any trade union, trade association, occupational association, or professional association can include being denied membership or representation by your union for a reason based on one or more of the protected grounds.
- (e) Public contracts can include being denied the ability to bid on a public contract during a public procurement process based on one or more of the protected grounds.

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How and when were you treated differently, based on each ground of discrimination you have identified?

Please insert in this space as much information as you can remember about why, when, and how you were treated differently, based on each ground and area of discrimination that you check-marked in question 5. Remember that the Commission can only accept complaints where at least one protected ground was a factor in why unfavourable treatment occurred, and the unfavourable treatment happened in at least one protected area.

In your own words, provide us with a description of the incident(s) of the alleged discrimination. You should include details such as dates, places, and the full names of everyone involved. You may also attach documents such as employment records, medical records, or letters that are relevant to your complaint. Some information you may want to include is:

- What was done or said to you to make you believe that you were discriminated against?
- How does this difference in treatment relate to the protected ground(s) of discrimination you have check-marked?
- Who treated you differently?
- Where and when did the unfavourable treatment take place?
- Have you taken any other action(s) regarding your situation, i.e. filed a grievance?

It is important to clearly describe each incident of discrimination you are saying happened. Discrimination is treating a person differently, to their disadvantage, based on one or more of the 14 protected grounds listed in the complaint form. Discrimination is also failing to reasonably accommodate the special needs of a person based on one or more of the 14 protected grounds. For example, a person with a learning disability may require more time to complete a written test for employment.

If you believe your complaint involves harassment, employer responsibility for employee conduct, or systemic discrimination, please also include supporting information in your complaint form.

Harassment is a form of discrimination prohibited by section 14 of the *Act*. It includes any unwanted conduct, comment, or gesture that is reasonably known to be unwelcome and is connected to at least one of the protected grounds (for example, sexual harassment).



Systemic discrimination is a form of discrimination prohibited by section 12 of the *Act*. It consists of patterns of behaviour, policies, or practices that are part of the social or administrative structures of an organization or sector, and which reinforce inequality.

Employer responsibility for employee conduct refers to section 35 of the *Act*. This may be relevant if the alleged discrimination was from a person working for the Respondent. Employers are responsible for their employees' discriminatory conduct unless it can be established that the employer did not support the behavior and took care to prevent it, or after learning of it, tried to correct the situation and stop it.

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How did these events have a negative effect on you?

Please insert information on how the alleged discrimination affected you. Some questions to consider include:

- a) What were the negative consequences of allegedly being treated differently? For example, did you quit your job because you felt uncomfortable being called derogatory names by your employer?
- b) How did the alleged discrimination affect your dignity, feelings or self-respect? For example, did you feel ashamed of your race because of a comment made by a co-worker?
- c) Did you suffer any financial loss as a result of the alleged discrimination? For example, were you fired based on one of the protected grounds and could not find a new job for a number of months?
- d) Did you incur any costs in dealing with the alleged discrimination? For example, did you have to pay out of pocket for counselling sessions to deal with sexual harassment that occurred in the workplace?

If a complaint is accepted, the Commission offers informal resolution where both parties are interested. The Respondent may be able to address some of your allegations at an early stage if they are aware of how you were affected.

Was the discrimination you describe in Question 7 the result of a rule, policy, or organizational culture?

Do you think that you were discriminated against because of a rule or policy, or was it the decisions of an individual(s)? Was the alleged discrimination you faced part of broader discriminatory attitudes and problems within the organization, or was it more of an isolated incident among a few individuals? If it was because of a rule, policy, or broader attitudes and problems, please check mark Yes. Otherwise, select No. Your answers may help us identify systemic discrimination.



Do you believe that you are the only one who has been discriminated against by the Respondent?

If you believe others may have been discriminated against by the Respondent, please check mark Yes. Otherwise, check mark No. You do not need proof, and you will not be asked to identify the others unless you choose to. Your answers may help us identify systemic discrimination.

Page 5/5 of the Human Rights Complaint Form**Consent**

It is an offence under section 31 of the *Act* to report to the Commission information that you know to be false. Providing information that you know to be false is different than providing inaccurate information because you forget certain facts and dates. Please provide us with information to the best of your knowledge and belief.

The Commission will not disclose the personal information you provide to us, including your complaint form, without your consent. Your complaint form and other information you provide to the Commission that is relevant to your complaint will be shared with the Respondent so that the Respondent has a fair opportunity to respond to your allegations. The Commission upholds the general principle that personal information is confidential and shall only be disclosed for the purposes of investigating and dealing with this human rights complaint.

Please contact the Commission if you have any questions or concerns about the consent section of the complaint form. The Commission is impartial to the parties and can only provide you with legal information – not legal advice. If you wish to receive advice about whether or not you should sign the consent form, then the Commission encourages you to seek independent legal advice.

Complainant's Name, Signature, and Date: Insert your legal name, signature, and the date you signed the complaint form here.

Witness Name, Signature, and Date: A witness who saw you sign the complaint form can insert their legal name, signature, and the date they witnessed you sign the complaint form here. Your witness must be 19 years old or older. A staff member at the Commission can witness your complaint for you upon request. You must submit your complaint form in person for a staff member to witness your signature.

Commission staff are here to help you. If you have any questions or concerns, then please contact us.



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