



**YUKON
HUMAN
RIGHTS**
COMMISSION

**COMMISSION
DES DROITS
DE LA PERSONNE**
DU YUKON

ANNUAL REPORT

2020-2021





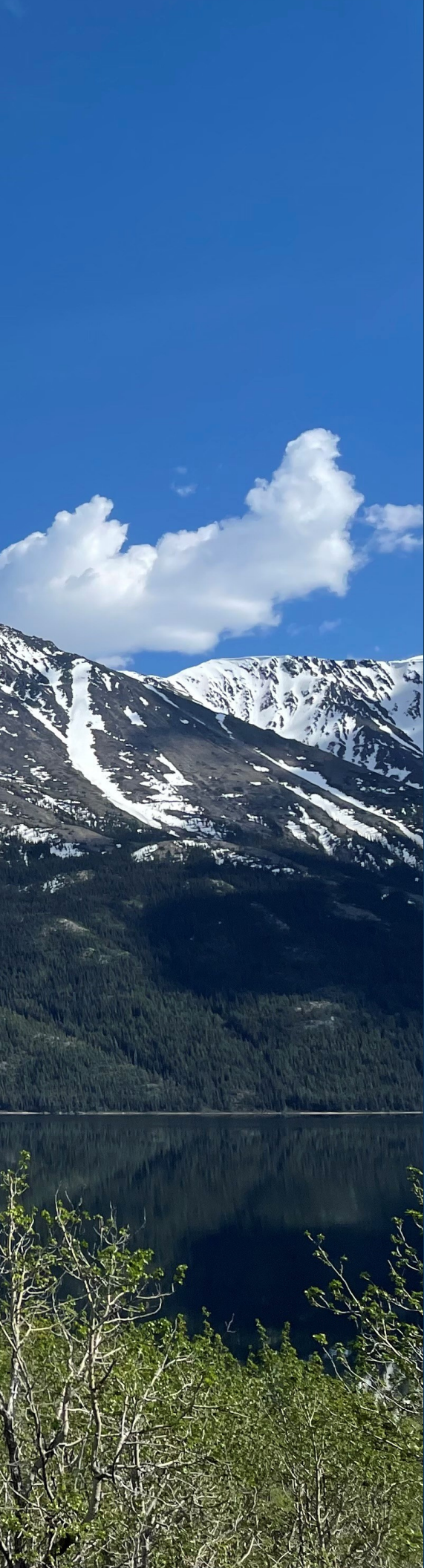


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Co-Chair's Message

The Yukon Human Rights Commission gratefully acknowledges that we serve all people of the Yukon on the traditional lands of fourteen Yukon First Nations. This annual report is a reflection on the remarkable efforts and achievements of valued staff and partners during the 2020 - 2021 fiscal year.

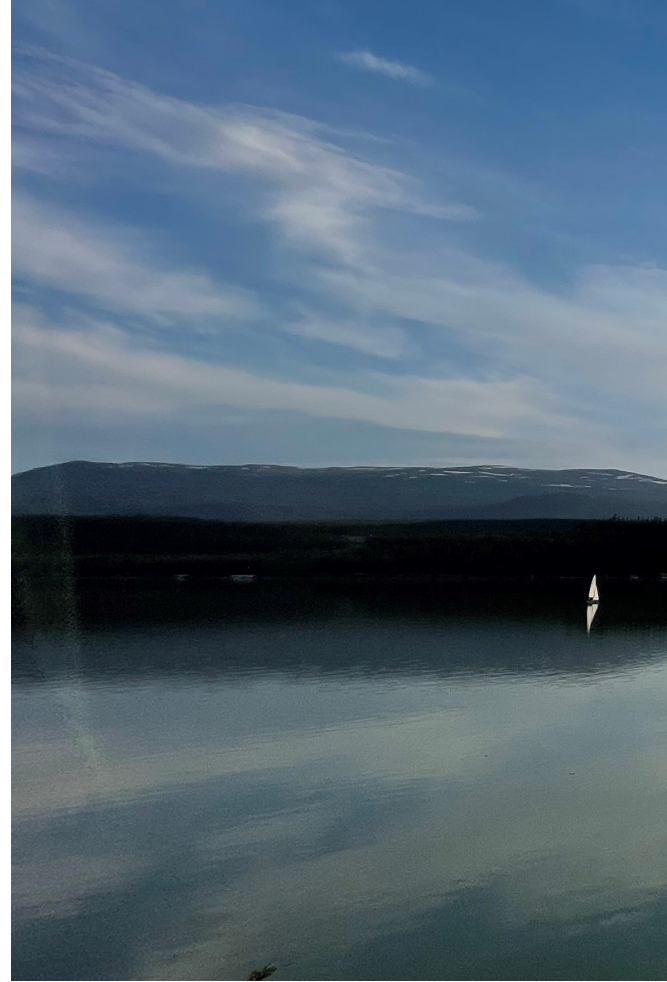
"We may not achieve reconciliation within my lifetime, or within the lifetime of my children, but we will be able to achieve it if we all commit to working towards it properly."

Former TRC chairperson, the Honourable Murray Sinclair, on the occasion of the first National Day for Truth and Reconciliation 2021

The pursuit of human rights, like our dedication to reconciliation, demands commitment and perseverance. 2020-21 was a year of turmoil and upheaval. As we entered the second year of the global coronavirus pandemic, we witnessed the discovery of an unfathomable number of graves of Indigenous children on the former sites of residential schools. This tragedy was long known by the survivors and their communities and triggered an important reckoning for non-Indigenous communities. The tragic murder of George Floyd became symbolic of the violence against Black people in the United States and around the world, reigniting the Black Lives Matter movement at home and forcing review of systemic racism within police forces. These events remind us of the brutal and exacting realities of systemic racism, and the importance of our work to root it out.

Highlights from the past year include a number of events. The Commission commemorated International Human Rights Day on December 8, 2020, by hosting its first virtual event with a screening of the film "The Skin We're In" followed by a discussion with the film's director, Charles Officer. This event also served to introduce the Commission's new Director of Human Rights, Birju Dattani, to Yukoners.

The Commission marked year two of its five-year project addressing workplace sexual harassment in the Yukon in March 2021, with a two-day virtual conference entitled "KNOW MORE!". This featured an array of voices from across the territory, representing the diversity of lived experiences in the Yukon. The community response was overwhelming. This underscored the prevalence of workplace sexual harassment and the need for support towards safe and inclusive workplaces. The conference was uploaded to the Commission's website and YouTube channel and is available for viewing.





Like many front-line organizations across the territory, the Commission had many challenges to navigate during the pandemic. To this end, we were active in our outreach efforts using social media platforms and other tools to fulfill the mandate of promoting equality and diversity through research, education and enforcement of the Yukon Human Rights Act. Human rights impacts of the pandemic, particularly for those experiences intersecting risk factors, as well as widespread misunderstanding about international and domestic human rights law, called for unyielding and novel education efforts. As the societal response to the pandemic continued to evolve including the adoption of new public health measures and the early roll out of vaccines, the Commission strove to respond with the requisite agility, consideration and expertise required to meet these challenges.

Members of the Yukon Human Rights Commission would like to take this opportunity to thank the dedicated staff of the Commission and our inspiring community partners. We would also like to thank Lesley McCullough for her leadership during this transition period. It takes an entire community to propel positive change forward, and we are thrilled to play a role in the Yukon's future of positive change.

Russell Knutson
Co-Chair

Gavin Gardiner
Co-Chair

Director's Message

It is a great honour and privilege to be joining the Yukon Human Rights Commission as its new Director. I am humbled by the kindness of everyone across the territory who have welcomed me as a new Yukoner.

While it has been a challenging year, I am grateful to my predecessor, Lesley McCullough, for her generous assistance during our transition.

The Commission continues to advance both its human rights protection and human rights promotion activities as mandated by the Yukon *Human Rights Act*. Included in this report is a detailed accounting of the number of complaints we have received, accepted, resolved through early settlement efforts, investigated and referred to a hearing before the Yukon Human Rights Panel of Adjudicators. Commissions all across the country are in the process of collecting and analyzing disaggregated data to better understand how discrimination intersects with a number of social, economic and institutional factors. The Commission has made progress in developing tools which will help us to present this data in the future. It is our hope that this will allow us to address discrimination in the territory with greater precision and acuity.

The Commission has received much positive feedback around our first virtual conference entitled “Know More!”, which aspired to develop and disseminate a baseline of knowledge across the territory around Workplace Sexual

Harassment (WSH). We are looking forward to our next conference in 2023, which will be focused on capacity-building. We are also looking forward to working with our partners, stakeholders and the general public towards eradicating WSH in the territory. The Commission continues to see success in relation to “*Talk to Spot*”, which is an online reporting tool that facilitates the reporting of sexual harassment in a confidential, respectful and trauma-informed way.

Finally, 2020-21 marked an increase in inquiries related to the COVID-19 pandemic and public-health measures, particularly around mandatory face covering legislation. Like other Commissions across the country, we hope to build public confidence in the Commission's work by assisting members of the public in understanding their rights relative to this novel pandemic. We will diligently continue to deliver high quality services to the public, including the processing of human rights complaints, delivering exceptional public education sessions, providing guidance on anti-harassment and discrimination policies, or referring members of the public to resources that exist in the territory to best serve their needs.

Birju Dattani
Director of Human Rights



Yukon Human Rights Commission News

Commission Members

Commission membership remained the same throughout 2020-2021. The Commission Members were:

Gavin Gardiner, Co-Chair (2018-2021)

Russell Knutson, Co-Chair (2015-2018, 2018-2021)

Karen Moir (2016-2019, 2019-2022)

Kimberley Derkatch (2018-2021)

Michael Dougherty (2018-2021)

Complaint Form Update

In 2020, the Commission reviewed our forms for filing human rights complaints and identified several areas for improvement. In consideration of feedback from members of the public who have used the form and our own internal review, we updated our complaint form by making several clarifications and simplifications. We also updated our complaint form guide, our complaint process guide, and the relevant sections of our website accordingly. All forms and supporting documentation have been translated and are available in French and English.

McGill International Human Rights Interns

The International Human Rights Internship Program allows students to work with Non-Governmental Organizations, courts and public institutions for a three-month period and to earn credits towards the completion of their Bachelor of Common Law (BCL)/Bachelor of Laws (Bachelor of Laws) degree. In 2020-2021, the Yukon Human Rights Commission was fortunate enough to have two student interns, both working online due to the COVID-19 pandemic on a wide range of matters. The students supported the Commission and familiarized themselves with the scope of human rights issues by assisting in the taking of inquiries and working with Human Rights Officers on investigations of accepted complaints.



Website

In January 2020, the Commission began the process of transitioning its website to a Content Management System (CMS) with the goal of making it easier to update and maintain the website in a cost-effective manner. This update also improves the timeliness, quality, and quantity of the information the Commission is able to provide to the public. This update was successfully completed on schedule in time for International Human Rights Day, 2020.

As part of A Yukon Without Workplace Sexual Harassment, the Commission included a large section of the new website dedicated to the issue of sexual harassment in the workplace. This section has resources for employers, employees, and the public at large to learn about and address the issue of sexual harassment in the workplace.

COVID-19 FAQ's

In response to the COVID-19 pandemic and the many public inquiries we have received about the intersection of human rights law with daily realities of life in a pandemic, the Commission has created a web page dedicated to answering the most common questions we receive on this topic. This page is updated periodically as the pandemic situation evolves. We have also collaborated with the Yukon Worker's Compensation Health and Safety Board to include a section addressing common questions that they receive on the topic of COVID-19 and worker's health and safety.

Spot

In January 2020, the Yukon Human Rights Commission (the Commission) began the process of upgrading Spot, their anonymous chatbot tool for documenting and inquiring about incidents of harassment or discrimination. Cofounded by Canadian psychological scientist Dr. Julia Shaw, Spot uses a science-driven, evidence-based approach that is rooted in best practices for interviewing people about highly emotional events. The Commission had been using Spot in its present form since May 2019. Spot has always offered a safe, secure way for individuals to document incidents and send inquiries to the Yukon Human Rights Commission. The Commission identified several key improvements it wished to see in an updated version of the tool. Specifically, the new version should be:

- Bilingual in French and English;
- Designed to help people recall one issue at a time and set out their account more clearly; and
- Better able to reflect individual situations.

Additionally, it was identified that communication needed to be clearer around Spot's function, so as to avoid confusion with the official human rights complaint process.

After identifying goals for the upgraded version of Spot, the Commission began collaborating with Spot's provider, Talk to Spot, in order to begin working towards meeting those goals. The new version of Spot was successfully launched in September, 2020 in both English and French.

Rights Promotion

International Human Rights Day

On December 10th, 2020 the Commission hosted a virtual screening of Desmond Cole's *The Skin We're In*, followed by a live Q&A with acclaimed director Charles Officer.

This event commemorates International Human Rights Day, which celebrates the day the United Nations General Assembly adopted the Universal Declaration of Human Rights in 1948-an important milestone for human rights everywhere.

For International Human Rights Day 2020, the Commission also took this opportunity to say farewell and thank you to Lesley McCullough, who was Acting Director from January to October 2020, and to introduce our new Director, Birju Dattani.

Rights Promotion Training

Despite the challenges presented by the COVID-19 pandemic, the Commission continued to provide customised human rights training for Yukoners. We adapted our trainings to an online environment and continually updated and improved our online adaptations based on participant feedback. The presentations provide information about human rights in Yukon and have become recurring events for various partners. In 2020-21, we provided 13 unique training sessions to 8 different organizations.

Inter-Organizational Relationship Building and Learning

One of the primary services of the Commission is to provide legal information to members of the public about human rights. In many cases, an issue faced by someone is not exclusively an issue of human rights, and the Commission often refers people to other organizations. In order to improve the quality of the services we provide, the Commission reached out to several organizations to set up meetings and presentations between staff members to learn more about their organization and processes, and to educate their staff about our mandate and processes. In 2020-21, we met with staff from:

- Yukon Worker's Compensation Health and Safety Board
- Government of Yukon Respectful Workplace Office
- Employment Standards Office
- Victim Services
- Investigation and Standards Office
- Residential Tenancies Office

These meetings provided staff from all organizations with an opportunity to learn more about each other's mandates and procedures so that no matter which organization someone visits first, they can accurately be referred to the proper organization(s) for their specific issue.





**A Yukon without
workplace sexual harassment**
**Un Yukon sans harcèlement
sexuel au travail**

An Anti-Workplace Sexual Harassment (WSH) Initiative

In July 2019, the Yukon Human Rights Commission received financial support from Justice Canada to support a five-year initiative to provide meaningful, responsive and beneficial programming to address workplace sexual harassment in the Yukon. The objective is to ensure that all in Yukon have access to education and training that is culturally appropriate and sensitive as well as particular to the north; it should be as accessible in rural Yukon and in isolated working situations as it is in Whitehorse.

In 2020/21 the Commission focused on 3 areas:

- Information gathering/relationship building
- Content development
- The KNOW MORE! 2021 conference

During this fiscal, the Commission accomplished the following with respect to this project:

- Hosted a 1.5 day virtual conference on WSH with 20 expert speakers and an interactive theatre-based learning opportunity co-developed with Gwaandak Theatre Society
- Created a YouTube channel for WSH related educational content
- Delivered over 30 hours of training on the topic of WSH to various organizations, reaching over 200 people
- Co-developed educational materials on the topic of WSH with various community partners
- Co-developed the educational theatre piece titled Situation with Gwaandak Theatre Society, written by Wren Brian. This piece was recorded and is publicly available on our YouTube channel, along with the rest of the Know More! conference
- Rebuilt the Commission's website and included 28 web pages of content on various aspects of WSH in both English and French
- Established regular meetings with other interested organizations to share information and learn about other ongoing efforts to address WSH in Yukon
- Developed and distributed over 4500 pamphlets on the topic of WSH
- Co-developed a presentation on WSH with Yukon's Fire Marshal's Office intended for offering training to the volunteer fire service
- Presented at the annual Yukon Fire Service conference

A central tenet of our methodology is that the Commission only holds partial knowledge on the subject of eliminating WSH, and that the rest of the knowledge resides in the community. The recognition of the essential need for community-based knowledge to enact any meaningful culture shift shaped our approach throughout the year. This resulted in good data being gathered, strong relationships being formed, and relevant content being developed. Information was gathered through interviews with stakeholder organizations around Yukon. This information gathering process allowed for dialogue regarding the unique needs, barriers, and strengths of each organization, which in turn led to some strong collaborations on content development and delivery. This culminated in a cohesive conference which was shaped to meet the needs expressed by the community. While the information gathering and relationship development took time to mature, it has resulted in strong partnerships that will allow more effective public education, and ultimately a culture shift. Recent successes have reinforced the value of community knowledge and collaboration.

Unfortunately, COVID-19 limited the in-person outreach we were able to do. While we did many trainings and presentations by Zoom, we received consistent feedback from participants that they would prefer to learn about this kind of material in-person. Where we were able to meet the request for in-person delivery while respecting the recommendations of the Chief Medical Officer of Health, we did. However, this was a small portion of our events. In addition, many organizations were focused on other COVID-19 related priorities and difficulties during this period, making engagement on WSH difficult. In these scenarios, the Commission focused on maintaining/developing a rapport to allow for meaningful engagement on WSH at a later date.

Did You Know?

A person does not have to voice their objection to workplace sexual harassment for the behavior to be in violation of the Yukon Human Rights Act.



A Yukon **without**
workplace sexual harassment
Un Yukon **sans** harcèlement
sexuel au travail



Department of Justice
Canada

Ministère de la Justice
Canada

Did You Know – Social Media Campaign (June-December 2020)

As part of the A Yukon Without Workplace Sexual Harassment project, the Commission launched a “Did You Know?” social media campaign aimed at providing information about rights and responsibilities in regards to workplace sexual harassment. With 21 “Did You Know?” question and answer style posts made on the Yukon Human Rights Commission Facebook and Twitter over the course of six months, the campaign reached approximately 1 667 people.

KNOW MORE! Conference 2021

On March 4th and 5th 2021, the Commission hosted a conference about workplace sexual harassment. This conference funded by the Government of Canada was attended by 168 participants and was broadcasted through the Yukon Human Rights Portal app developed with Upstream Events. This virtual format rendered the content accessible to Yukoners throughout the territory and enabled the Commission to record the content making it available to members of the public on YouTube.

This day and a half event started and ended with a land acknowledgement from Ann Smith.

Setting the Scene

The Commission staff first provided an overview of *A Yukon Without Workplace Sexual Harassment* the Commission's five-year project to address the issue of sexual harassment in Yukon workplaces. Followed by a breakdown of the conference objectives, and an introduction to key concepts and terminology from the *Yukon Human Rights Act*.

"Situation" by Wren Brian

The introduction to the event was followed by viewing of "Situation" a play written by Wren Brian and produced by Gwaandak Theatre Society. Situation brought to life the nuanced, contextual, and complex aspects of sexual harassment in the workplace. The dramatization illuminated some of the difficult challenges of addressing and reporting sexual harassment. This allowed to provide additional context for what is workplace sexual harassment and served as an innovative way to engage all participants in the issue.

Documenting with Spot

Talk to Spot CEO Jessica Collier lead an overview of Spot, a free, virtual and confidential tool for documenting incidents of discrimination and harassment offered by the Commission. This was followed by a live Q&A with the conference participants.

Spot is available through the Commission's website at www.yukonhumanrights.ca.

Understanding the Options

Representatives from the Yukon Human Rights Commission, the Public Prosecution Service of Canada, Yukon Workers Compensation Health and Safety Board, and Victim Services explained several different processes, supports, and reporting options available to people that experience harassment and alleged perpetrators of harassment in Yukon. Pre-recorded segments were followed by a live audience Q&A with the presenters.

Keynote Address with Sara Forte

Keynote speaker Sara Forte is an employment lawyer from BC who has practiced in the area of workplace human rights since 2004. Sara discussed how workplace sexual harassment impacts all of us, and how we can all play a role in eradicating it from our lives and the lives of those around us. The pre-recorded segment was followed by a live Q&A with Sara.

Violence and Harassment Prevention Regulation Overview

Safety Management Consultants Chelsea LaRose and Shauna MacLean discussed what the regulatory amendments of the Occupational Health and Safety Act mean for Yukon workplaces. Attendees were able to learn what their workplace must do to remain compliant come September 4th, 2021 when the amendments are enforced. The pre-recorded presentation was followed by a live Q&A.

What Next?

Assembly of First Nations Yukon Regional Chief Kluane Adamek and employment and workplace human rights lawyer Sara Forte discussed the social and cultural building blocks necessary to address sexual harassment in the workplace. Moderated by the Yukon Human Rights Commission's Director, Birju Dattani, the conference finished with a discussion on promising practices and pathways forward. The moderated discussion was followed by a live Q&A.

Virtual Networking

In order to facilitate virtual networking throughout the Conference, the Commission reached out to various local organizations giving them the opportunity to air a short video of their making discussing their work and services. These short videos featuring the Fire Marshal's Office, the Respectful Workplace Office, Northern Safety Network Yukon, 211, and All Genders Yukon Society were shown during the conference breaks.

This initiative served as a platform to inform conference attendees of the resources available and work that is being done in Yukon regarding workplace sexual harassment.

The KNOW MORE! Conference is now available on the Commission's YouTube page.

BY THE NUMBERS 2020/2021

305

TOTAL NUMBER
OF INQUIRIES

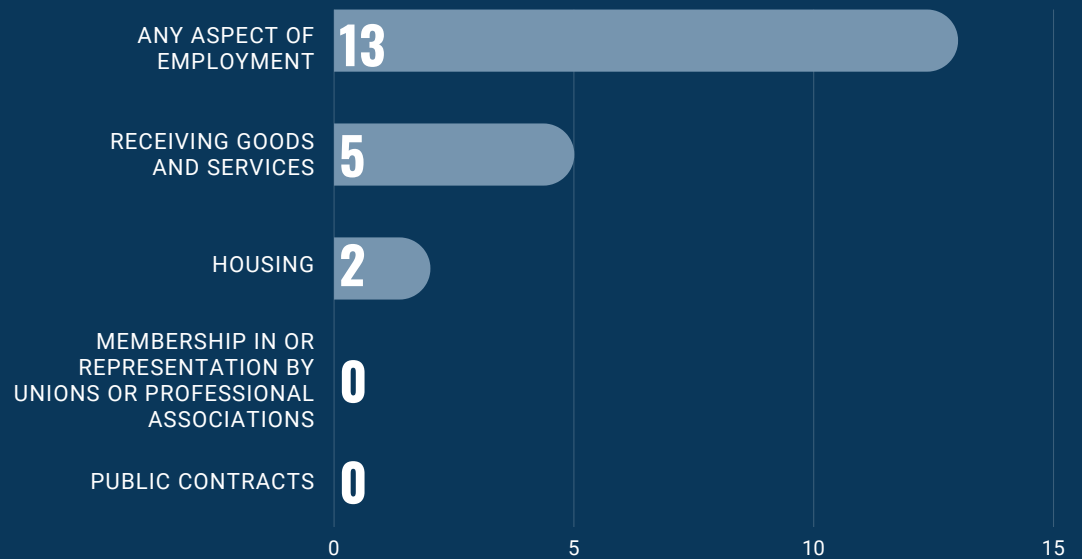
38

TOTAL NUMBER OF
NEW COMPLAINTS

20

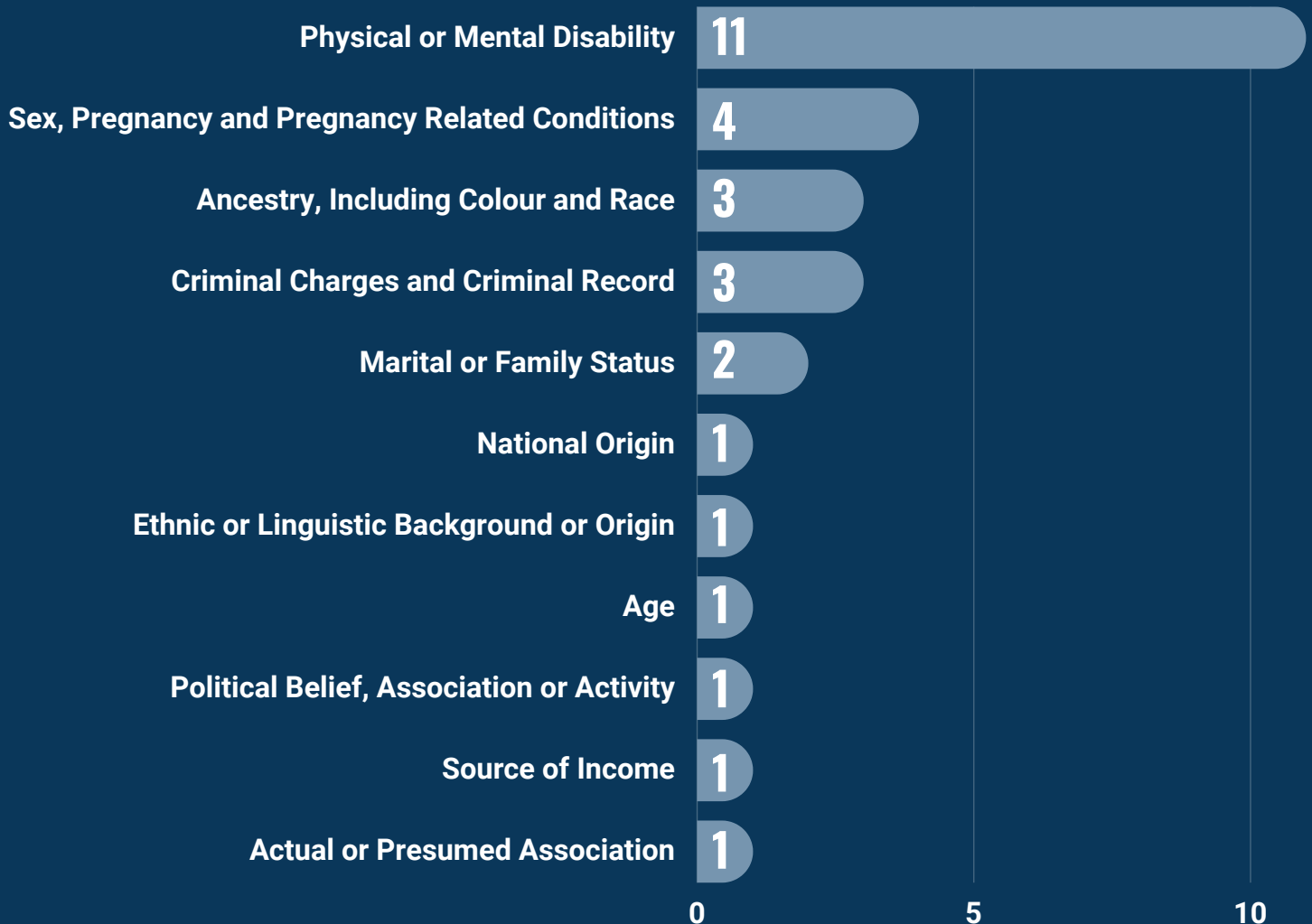
TOTAL NUMBER OF
COMPLAINTS ACCEPTED

Accepted Complaints Filed by Area





COMPLAINTS FILED BY GROUND



Budget

2020/2021

| REVENUE | 2020 | 2021 |
|---|--------------------|--------------------|
| Yukon Government Department of Justice Grant* | \$653,067 | \$732,293 |
| Other Grants and Contribution Agreements | \$382,328 | \$583,412 |
| Expense Recovery and Other Income | \$45,917 | \$2,304 |
| TOTAL REVENUE | \$1,081,312 | \$1,318,009 |

* Includes \$84,000 from the French Language Service Directorate (FLSD)

EXPENSES

| | | |
|-------------------------------|--------------------|--------------------|
| Administration and Operations | \$271,820 | \$259,556 |
| Staff | \$680,182 | \$760,419 |
| Commission Members | \$26,789 | \$16,602 |
| Public Education | \$21,995 | \$101,361 |
| Complaints Management | \$106,195 | \$95,455 |
| TOTAL EXPENSES | \$1,106,990 | \$1,233,393 |





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