

# YUKON HUMAN RIGHTS COMMISSION

## ANNUAL REPORT 2019-2020



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# DIRECTOR'S MESSAGE

Lesley McCullough

I came to the Yukon Human Rights Commission only in the last quarter of the 2019-20 year on an acting basis and, of necessity, much of my work during that period was focused on addressing fiscal and administrative matters in preparation for year end. I think I probably share the perspectives of former Directors that, “Who knew there would be so much stuff to do that isn’t directly human rights related?” And the answer would be, “Anyone who ever ran a Non-Governmental Organization and understand the importance of transparency and public accountability, that’s who!” However, stepping in was made much easier by the support and generosity of the staff here at the Commission as well as that of Commission members. It was certainly appreciated by this “newbie” and I thank them all for their kindness.

A glance at our statistics will show that 2019-20 was a busy year. Particular growth was seen in the area of inquiries. While most inquiries do not lead to complaints, they all represent a concern that a person has about human rights.

Commission staff work with inquirers to ensure that the facts of their inquiry are clearly set out and the inquiry is understood, that the inquirer has a good idea of the prerequisites that have to be met for a complaint to be accepted under the Yukon Human Rights Act, that the inquirer has all the information they need to determine whether they want to make a complaint and, where possible, a list of resources that may be able to help them with their concern more directly than the Yukon Human Rights Commission. While Commission staff dealing with inquiries are vigilant that they provide legal information only and not legal advice, they provide that information so that it is as helpful to inquirers as possible.

Our number of accepted complaints in 2019-20 was fairly consistent with recent years but we are pleased with the higher than usual number that was addressed through early settlement. Settlement opportunities are identified regularly throughout the complaint process and if all of the parties to a complaint are willing, the Commission as an impartial body, facilitates settlement discussions.

The Yukon Human Rights Commission also was active in providing legal information to the public throughout 2019-20. We made frequent presentations on general human rights matters to employers, employees, schools and training facilities and other NGOs in furtherance of our view that a Yukon that is educated about human rights is a Yukon that observes and respects human rights. Commission staff are always willing to engage with the public on the method of training that would work best in any given situation; we are also happy to provide additional information and support that will help members of the public meet their responsibilities.

While the training, information and support we provide is often broad in scope we also present of particular areas where we are aware that discrimination may take place. In November 2019 we held a symposium on the use of service animals and the law associated with their use and accommodation.

We have provided information to employers that helps them clarify an employee's right to be accommodated in certain situations. And of course, we started our outreach to employers, employees and organizations in the Yukon in respect of our Workplace Sexual Harassment initiative, offering to partner with them to provide customized training to the people they represent. I do want to take this opportunity to thank Justice Canada for the support it provides for the Workplace Sexual Harassment initiative.

We here at the Yukon Human Rights Commission are proud of the help and support we have provided to Yukoners in 2019-20 and look forward to expanding on that in the years to come.

# CO-CHAIR'S MESSAGE

## Gavin Gardner and Russel Knutson

This annual report is the capstone on a year of change at the Yukon Human Rights Commission. On the resignation of our previous Chair, Karen Moir, who happily has remained an active member of the Commission, the role of Co-Chairs was assumed by Gavin Gardiner and Russell Knutson. And our previous Director, Jessica Lott-Thompson also left the Commission for new opportunities so the year was seen out by Acting Director Lesley McCullough.

But what did not change was the commitment on the part of the Commission and staff to carrying out our mandate as set out in the Yukon Human Rights Act. This annual report sets out the details on much of that work so as Co-Chairs we want to focus on matters more broadly.

The Commission moved into new space in 2019 but stayed in the Hougén's Centre, a central and accessible location for members of the public. Our new office space is more inviting than that which we had previously but more importantly its layout is such that it provides greater confidentiality for those who come in with inquiries or specifically to talk to a staff member.

We have also been able to establish a dedicated Learning Centre with appropriate equipment and are able to use it to provide training, both in person and remotely. The Learning Centre space is also available for use by other rights supporting organizations when it is not being used by the Commission.

The increased ability to provide training remotely has been timely. Over 2019-20 we saw requests for training rise and while much training was given in person, events at the end of 2019-20 have seen an increased pivot to remote learning on the part of the Commission and the Yukon public. Giving presentations on human rights, "Human Rights 101", allows us to communicate information on the state of the law in this area and the more Yukoners are informed about human rights, the more likely these rights are to be observed.

Similarly, the Commission appreciated the opportunity to provide input to governments in Yukon as they developed legislative initiatives and we believe that our contributions were reflected in a number of pieces of legislation including amendments to the Corrections Act.

In 2019-20 we had the opportunity to receive funding from Justice Canada to design and develop an initiative in Yukon to provide legal information and support to the public in the area of workplace sexual harassment. We know that the Yukon has never been immune to this particular form of discrimination and we see it as an opportunity to reach out to our partners across the territory and work with them to ensure that we are delivering customized programming that will best meet the needs of those they represent. This is a five year project with the potential to result in some major systemic changes in Yukon and we are proud that our proposal was accepted and funded by Justice Canada. As well, the longer nature of this project is consistent with the Commission's determination to focus on identifying and addressing systemic discrimination in Yukon.

Challenges continue in terms of being a small organization with a wide legislative mandate in a large geographic jurisdiction. But these are challenges that the Yukon Human Rights Commission has always met and will continue to so with the support of Commission members, our amazing staff and the people of the Yukon.

# COMMISSION NEWS

## Commission Members

Commission membership remained the same throughout 2019-20, Chair Karen Moir resigned her position in early January 2020 and that position was accepted on a shared basis by Co-Chairs Gavin Gardiner and Russell Knutson. The Commission Members are now:

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)

## ProBono Students Canada

The Yukon Human Rights Commission is happy to have continued its relationship with ProBono Students Canada (PBSC) through 2019-2020. PBSC is a national, award-winning pro bono organization, with chapters in 22 law schools across the country. Its mandate is threefold: (1) to provide early, practical learning experience for law students; (2) to provide high-quality legal services for its partners and their clients; and (3) to promote the value of pro bono service among the next generation of lawyers.

In terms of its relationship with the Yukon Human Rights Commission, that mandate translates into the ability to assign PBSC students, specific focussed legal questions which support the work of Commission's legal Counsel and Investigators. Sometimes those assignments arise in the context of existing Commission work but often it allows legal issues to be examined in advance of complaints or inquiries being brought to the Yukon Human Rights Commission.

For example, if we at the Commission know that Human Rights Commissions in other jurisdictions are noticing increases in inquiries and complaints related to specific fact situations and specific grounds for discrimination, we could assign a PBSC student to provide an opinion on how that fact situation might fit under the Yukon Human Rights Act. While the student gains experience in doing legal research and applying analytical skills and benefits from a detailed debriefing on the opinion from the Commission Director or Legal Counsel, the Commission gains in having work done on an issue which, at this point, may be hypothetical in the Yukon. It's a win/win situation for students and the Commission.

The student intern also had the opportunity to take part in several conferences that took place in Yukon in respect of matters associated with human rights issues and was able to learn both from academics and those with lived experience; a particular highlight was participating in a conference called "Re-Visioning Justice" where the Yukon Human Rights Commission collaborated with other local organizations to hold a conference to address systemic discrimination issues in the Yukon.

## **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 2019-2020, the Yukon Human Rights Commission was fortunate enough to have a student intern working with us in the office on a wide range of matters. The student supported the Commission and familiarized herself 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.



# RIGHTS PROMOTION

## Workplace Sexual Harassment 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 culturally 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.

All individuals have the right to a safe workplace with fair treatment for all. But, while there are legal constants to the rights of employees and the responsibilities of employers, there is no one-size-fits-all way to address workplace sexual harassment since all workplaces are different and each case of sexual harassment is distinct. The Yukon Human Rights Commission recognizes that all facets of our initiative must be grounded in law, and also matched to each setting and circumstances.

Over the multi-year course of this project, we will be collaborating with a variety of partners in the development of educational materials and tools useful for addressing workplace sexual harassment. In order to meet our goal of creating safer workplaces that are accountable and inclusive, we recognize that we will have to take a slow and deliberate approach that is reflective of our partners' realities.

The scope of this initiative is wide both in terms of the discrimination it covers and the tools that we will use to address that discrimination. Sexual harassment generally means repeated or extreme actions or demands related to someone's sex, gender identity, or gender expression which make the person feel uncomfortable, embarrassed, or afraid. Such harassment can take a wide range of forms from the purposeful misgendering of a person to assigning workplace tasks on the basis of gender to requests for sexual favours.

And the tools that the Yukon Human Rights Commission will be using will include information toolkits, online modules, and training and outreach materials with regards to sexual harassment in the workplace. Bi-annual multi-day conferences, regular workshops and outreach sessions will also be offered in communities across Yukon, including rural and First Nations communities, to address sexual harassment in the workplace.

In 2019, the Yukon Human Rights Commission has already introduced the first of our tools: an accessible and concrete tool to support people dealing with workplace sexual harassment. SPOT is an online chatbot which uses AI to support people in recording or reporting incidents of harassment. It provides a safe and anonymous place for an individual who believes they are being harassed to record information about the incident and that information is kept confidential unless the person wishes to bring a complaint to the Yukon Human Rights Commission.

We have also expanded our premises so that we now have a boardroom which can be used for in person and for remote training.

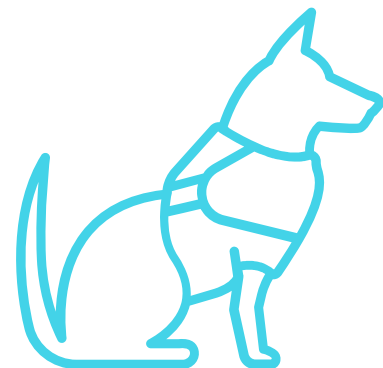
The Commission is looking forward to working with our Yukon partners over the coming years to address workplace sexual harassment in the Territory and to ensure that Yukoners are aware of their rights and responsibilities in respect of this form of discrimination. We thank Justice Canada for their support with this initiative.

## Assistive Animals Symposium

On June 19, 2019 The Yukon Human Rights Commission facilitated a free one-day public legal information symposium “Disability, Assistive Animals and the Law” at the Kwanlin Dün Cultural Center.

The focus of this event was human rights law as it relates to assistive animals such as service animals, guide dogs and emotional support animals, particularly in the context of employment, housing, and providing goods and services to the public in Yukon. All were invited and participants included assistive animal users in the Yukon, as well as various stakeholders representing business, government and transit in Whitehorse.

This event provided an opportunity for participants to exchange views and partake in a facilitated discussion about practical ways to improve inclusion for all.



## 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. Co-founded 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 has 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.

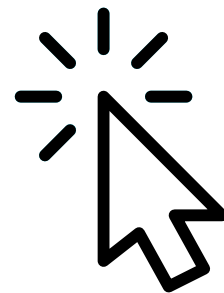
After identifying goals for the upgraded version of Spot, the Commission began collaborating with Spot's provider, Talk to Spot, in order to begin working towards meeting those goals. Launch of the new version of Spot is expected in Fall 2020.

## 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. The website is presently built on an HTML/CSS architecture, which requires third party expertise to update and maintain. The change to a CMS architecture will improve the timeliness, quality, and quantity of the information the Commission is able to provide to the public as Commission staff will be able to make updates and changes themselves.

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

The new website is expected to be live by December 2020.



## International Human Rights Day

The Yukon Human Rights Commission invited all members of the public to get to know our team and explore our new office on December 10th, 2019 for International Human Rights Day. This event offered refreshments and a meet and greet with Commission Members and staff. 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.

## Learning Centre

The Yukon Human Rights Commission's has moved offices which now includes a new public space. Named the "Learning Centre", this is used to display the Commission's human rights library, various resources and is available to all members of the public.



## 2019 CASHRA Conference

The Yukon Human Rights Commission participated in the 2019 Canadian Association of Statutory Human Rights Agencies (CASHRA) annual conference entitled Balancing Rights and Responsibilities hosted by the Prince Edward Island Human Rights Commission. The Yukon Human Rights Commission's Director took part in the French panel "The Impact of Difficult Personalities on Procedural Fairness" discussing various mediation practices and resolving disputes with difficult litigants. The Commission also had a Human Rights Officer present on a panel regarding disability rights monitoring alongside the Canadian Human Rights Commission.

## Rights Promotion Training

The Commission is continuously working towards cultivating relationships with community organisations and members of the public in providing human rights presentations. The presentations provide information about human rights in Yukon and have become recurring events for various partners.

# RIGHTS PROTECTION

24

ACCEPTED COMPLAINTS

17

NOT ACCEPTED COMPLAINTS

26

RESOLVED COMPLAINTS

## SUBMISSIONS

401

INQUIRIES

37

SUBMITTED COMPLAINTS

## RESOLUTIONS

1

ABANDONED

8

EARLY SETTLEMENT

6

WITHDRAWN

2

STOPPED BY DIRECTOR

5

DISMISSED BY  
COMMISSION MEMBERS

4

REFERRED TO HEARING  
BUT SETTLED

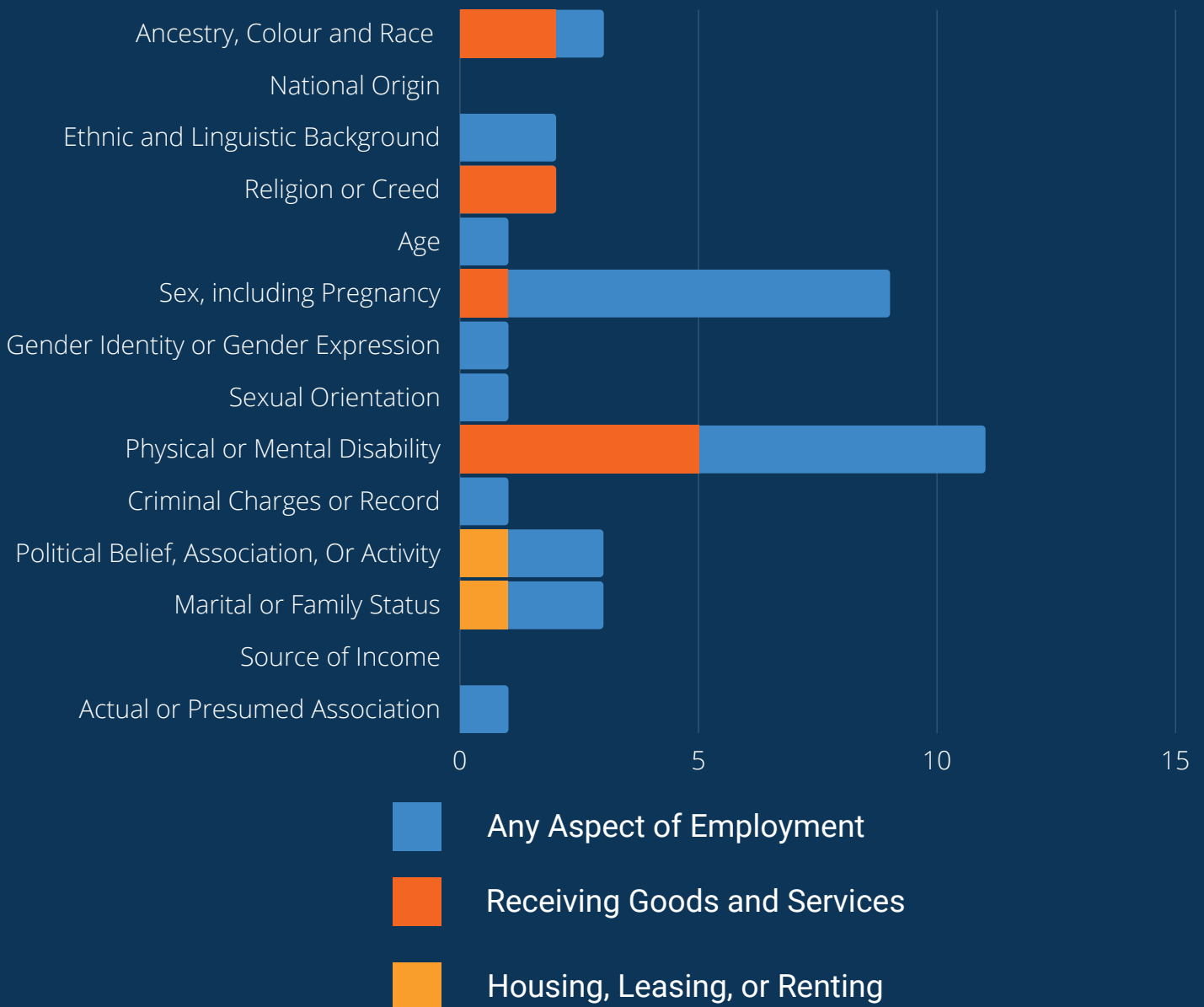
# BY THE NUMBERS

# DID YOU KNOW?



Inquiries by members of the public increased 13% in the last year. This is identical to the average increase in inquiries over the last 5 years.

## Complaints Accepted for Investigation



# BUDGET 2019/2020

REVENUE	2019	2020
Yukon Government Department of Justice Grant	\$803,000	\$653,067
Other Grants and Contribution Agreements	\$61,287	\$382,328
Expense Recovery and Other Income	\$91,082	\$45,917
<b>TOTAL REVENUE</b>	<b>\$955,369</b>	<b>\$1,081,312</b>

EXPENSES		
Administration and Operations	\$138,344	\$191,910
Staff	\$615,370	\$727,924
Commission Members	\$18,813	\$26,789
Public Education	\$93,496	\$27,339
Complaints Management	\$58,464	\$133,028
<b>TOTAL EXPENSES</b>	<b>\$924,487</b>	<b>\$1,106,990</b>