

RELEASE

Decision on Grant v Government of Yukon, Department of Highways and Public Works

August 31, 2026 – Whitehorse YT – Yukon Human Rights Commission

Christine Grant (“Grant”) filed a complaint with the Yukon Human Rights Commission (the “Commission”) against Government of Yukon, Department of Highway and Public Works (“HPW”) on May 5, 2023. A Yukon Human Rights Board of Adjudication (the “Board”) heard the complaint over five days from July 6 to 10, 2026, with closing submissions on July 17, 2026. On August 28, 2026, the Board issued a decision finding harassment.

Grant was a heavy equipment operator who worked on numerous sites throughout the Yukon. She alleged that she experienced racial and sexual harassment from HPW staff, including numerous negative comments and jokes regarding indigenous people and inappropriate staring at her breasts by a co-worker from the fall of 2020 to the winter of 2022/2023.

HPW denied Grant’s allegations.

The Commission’s took the position that Grant was harassed and discriminated against on the basis of ancestry and sex, by her co-workers, contrary to subsections 7(a) and (f), 9(b), and 14(1)(a) of the Yukon *Human Rights Act* (the “Act”). Furthermore, the Commission argued that HPW was liable for their employees’ discriminatory conduct pursuant to section 35 of the *Act*.

The Board, comprised of Chief Adjudicator Hartling, members Chan and Larouche found that:

- Grant told Johnstone to refrain from making comments calling Fox Point Subdivision as “31st Ave”, but the continued to make the comments. By continuing to make the comments, the Board found his comments to be “vexatious”. Johnstone had knowledge that the comments were unwelcome to Grant.
- Johnstone made a comment at a tailgate meeting, that the men were “outnumbered” but that didn’t mean the women got to have an opinion. The

Board found the comment “vexatious” and a derogatory comment about women, which a person would reasonably have known was unwelcome.

- Johnstone continued to make derogatory comments regarding beavers, calling them “effing beavers” and “they’re just dirty”, after Grant advised the whole crew, including Johnstone, of their cultural significance. The continued comments were “vexatious” and he had knowledge that they were unwelcome.
- After receiving a request to plow a driveway of a First Nations person, Johnstone hung up and said “we don’t work on Indian Land”, which was considered discriminatory related to ancestry and part of Johnstone’s vexatious conduct.
- HPW appeared to be satisfied that transferring Grant to Swift River was sufficient to meet their obligation to prevent and rectify the conduct. However, Grant’s transfer in June of 2022 was at her request and not a remedial action by HPW.
- HPW did not tell Johnstone to avoid attending camps when Grant was present but Grant was told by HPW to avoid interacting with Johnstone, if he attended her camp. The Board considered this “callous” and displayed to Grant the “lack of seriousness” with which HPW considered her complaint.
- A Letter of Expectation that was sent to Johnstone after Grant made her allegations against him was “complimentary” and not disciplinary. HPW did not deal with the situation, nor did the letter rectify the situation.
- The Board ultimately concluded that HPW did not prevent or rectify the situation as required by section 35 of the *Act* and was therefore liable for the conduct of its employees.
- With respect to Grant’s complaint of inappropriate staring by her co-worker in Swift River, the Board concluded that there was insufficient evidence to substantiate the complaint on a balance of probabilities.

The Board found that HPW’s conduct had an adverse impact on Grant. Grant testified that the comments “took a job that I loved and turned it into a place that I hated to go to. She testified that she was “extremely stressed” and it started to take a toll on her mental health. Her absences from work increased.

The Board awarded \$20,000 in damages for injury to dignity and self-respect, and \$24,000 for lost wages to Grant. In assessing remedies, the Board emphasized that ancestry is integral to a person’s being. Johnstone’s comments were not only derogatory to Grant, but also to her community.

Final decisions are published on the Panel of Adjudicators’ [website](#) and the Commission’s [website](#). For further information please contact Karen Moir, Director, at director@yukonhumanrights.ca, or call the Commission at (867) 667-6226.

Quick Facts

- Human rights law is remedial, not punitive. Remedies are designed to restore the complainant to a position as near as possible to the position they would have been in if the discrimination did not occur. They are not intended to punish the respondent. To learn more, visit the Commission's [FAQ](#) on remedies.
- The Yukon Human Rights Panel of Adjudicators ("YHRPA") — from which a Board of Adjudication is selected to hear complaints — is separate and independent of the Commission. To learn more, visit the Commission's [webpage](#) on the YHRPA.
- The Commission is neutral until a complaint is before a Board of Adjudication, where they become a separate third party to the complaint. The Commission does not represent complainants or respondents at hearings, but rather the purposes of the *Act*.
- The Commission refers complaints to the YHRPA where there is a reasonable basis in the evidence to do so. To learn more, visit the Commission's complaint process [webpage](#), under "Commission Members' Decision".
- Pursuant to section 16(d) of the *Act*, the Commission makes every effort to settle files during the complaint process before they are referred to a hearing.
- Section 39 of the *Act* says that if another Yukon law conflicts with the *Act*, the *Act* takes priority — meaning it applies instead of the conflicting law — unless the other law expressly says that it takes priority.