

Association of Yukon Communities



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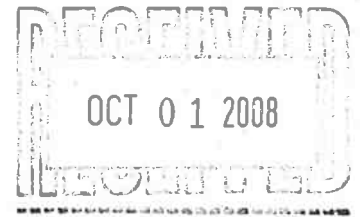
Member



Federation of
Canadian
Municipalities

September 25, 2008

The Select Committee on Human Rights
Yukon Legislative Assembly
Box 2703 (A-9)
Whitehorse, Yukon Y1A 2C6



Dear Minister Horne, Mr. Inverarity, and Mr. Cardiff:

The Association of Yukon Communities makes the following recommendations regarding the legislative options for amending the *Yukon Human Rights Act*.

Bill 102 proposed extending the time in which a complaint could be made to two years. We do not agree with that proposal. We do support the addition of the subsection numbered 3(4) in the *Bill* which would permit reasonable exceptions. That subsection reads:

"3(4) The Commission may accept a complaint filed after the expiration of the time limit referred to in subsection (2) or (3) if the Commission determines that

(a) the delay in filing the notification was incurred in good faith; and

(b) no substantial prejudice will result to any person because of the delay."

The most obvious deficiency of the *Act* and the *Regulations* is the lack of a definitive time between the receipt of a complaint, the preliminary investigation of a complaint, the decision of the Director to accept the complaint, the investigation and subsequent decisions to dismiss, settle or bring the complaint to the board of adjudication. The lack of these time lines has led to proceedings stretching over many years (in at least one case four years) without a conclusion during which time complainants and respondents suffered the uncertainties of a paralegal outcome.

The other deficiency of the *Act* that we bring to the Committee's attention is the significant possibility of the Commission accepting frivolous and vexatious complaint because there is no requirement to apply the regulations (Section 11 of the *Regulations*) pertaining to Admissible Evidence in the initial investigation. We suggest that some real evidence of the complaint should be discovered during the initial investigation that would support the un-collaborated statement of the complainant before the complaint is accepted. Nor does the initial investigation involve the respondent. While it is understood that in some cases there could be reasonable grounds for not involving the respondent early in the process that should not be the norm. The current *Regulations* allow the Director flexibility in this regard during the investigative stage and the Association believes that flexibility should also be applied to the preliminary investigation but that involving the respondent early in the process should normally be required.

We suggest that Section 6 include an explanation or definition of “*just compensation*” in relation to the right to enjoyment and disposition of property.

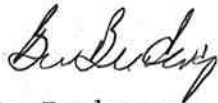
We suggest that Section 7(1) indicate the basis for including “*source of income*” in the list of prohibited grounds.

We suggest that “*municipalities*” be removed from Section 15(1) as municipalities are directed to conform to ‘*equal pay for equal work*’ under the *Employment Standards Act* Section 2(1) whereas the Government of Yukon is exempt under that Act Section 2(2).

Finally, Costs of Adjudication (Section 25 of the Act) and False Information (Section 26 of the Act) should include “dignity, feelings and self-respect” as in Section 24(1)(d).

The Association looks forward to seeing your recommendations for amendments to the Act.

Yours sincerely,



Bev Buckway
President