

**Submission to the Select Committee on
the Yukon *Human Rights Act* Review**

Submitted by the Yukon Status of Women Council

October 8, 2008

**Submission to the Select Committee on
the Yukon *Human Rights Act* Review**

**Submitted by the Yukon Status of Women Council
October 8, 2008**

The Yukon Status of Women Council (YSWC) thanks the Select Committee for the Yukon *Human Rights Act* Review for the opportunity to make a submission. YSWC is a non-profit feminist organization working to achieve women's equality through education, advocacy and research in the Yukon. Human rights legislation has been important on the path to achieving equality for women in the Yukon and Canada. It continues to be important in maintaining the gains made and in continuing to achieve equal opportunities for women.

Yukoners deserve the best human rights legislation possible. Consequently, YSWC supports the recommendations made by the Yukon Human Rights Commission (YHRC) to this Committee. YSWC supports modernization, enhancement and improvements to the human rights process. Our *Act* needs to reflect the best in human rights legislation and enable the Yukon to comply with the Canadian Human Rights Act and the International Covenants Canada has signed such as The Universal Declaration of Human Rights (UDHR) and the Convention to End Discrimination Against Women and Girls (CEDAW).

Modernization of the *Act* requires eliminating out of date and demeaning terminology and would bring the *Act* in line with current acceptable language and practice. The *Act* needs to be written in simple language that is accessible to all. The following sections of the *Act* need **modernization and clarity**: the definitions of disability (Section 37), sexual orientation (Sections 7 & 37), duty to accommodate and accessibility (Section 8), systemic discrimination (Section 12) and employment equity (Section 13). YSWC agrees with the changes suggested by the YHRC for these sections.

YSWC believes the *Act* needs enhancement to protections for Yukoners. YSWC has been focusing on the issues of housing and homelessness in the past few years. This work has led us to believe that housing is a basic human right which needs inclusion in the Yukon *Human Rights Act* (YHR *Act*). The **right to housing** is included as a basic human right in the Universal Declaration of Human Rights and CEDAW. It is impossible for citizens to enjoy other rights and contribute to society without a roof over their heads. Inclusion of the right to housing in the *Act* would address some of the issues women face in securing safe, decent affordable housing. It would provide protections to tenants not currently available. Adequate food and adequate shelter for all citizens are the fundamental building blocks of a healthy society. YSWC believes that the Yukon

needs to honour our commitments to these international covenants and in doing so, contribute to the health and well-being of Yukon society.

Interconnected to this is the need to **include social condition** as prohibited grounds for discrimination, recognizing that poverty is a source of inequality and discrimination. Adding this form of protection against discrimination will protect homeless women as well as women without income who are vulnerable to human rights abuses. The addition of this ground would enhance protection for women and would reflect the intersectional nature of human rights; people often experience discrimination based on more than one kind of protected ground at a time. Social condition seems to offer flexibility and a broad umbrella of protection to vulnerable and marginalized people, individually and collectively. The term social condition would offer protection to First Nations people, recognizing the legacy and effects of residential schools as human rights issues

Amending the *Act* to **include violence against women** would provide a strong message of zero tolerance for violence against women to members of the community. Spousal violence rates are higher in the territories than in the provinces, 12% compared to 7% (Statistics Canada, 2006). Rates of spousal violence are greater for Aboriginal women, as are the severity and impacts of the violence (ibid). Adding strong language and amending the *Act* to include gender-based violence would set out the legal rights and responsibilities within the law itself, to provide certainty and a broader educational scope. It would provide legal support to women who are victims of violence by providing a remedy for discrimination against victims and give advocates another avenue to assist their clients.

Section 15 of the current *Act* dealing with **pay equity** applies to the Yukon Government, municipalities and their corporations, boards and commissions. This leaves out a broad spectrum of the working population, especially women. Women experience discrimination in all workplaces, private, public, in traditional women's work and in non-traditional work and pay equity is still an issue. Women still do not make equal pay for equal work. On average, women working full-time earn 70.5% of the amount earned by men in comparable jobs (Statistics Canada, 2006). This is a drop of 2% from 2002. Clearly, equal pay for equal work is right that needs protection. Discrimination in employment contributes to women's poverty and inequality. In order for all women to achieve economic equality, Section 15 needs to apply to all employers in the Yukon.

The addition of **Aboriginal Identity** as a separate ground would provide clear protection against discrimination for Aboriginal women. Aboriginal people have told the YHRC that they do not feel covered by the terminology in the current *Act*. Aboriginal women have told YSWC of many instances and types of discrimination they face in the Yukon. It is important to honour the experiences

and perceptions of Aboriginal people and clearly cover their right to be free from discrimination.

Protection from hatred and clarification of **harassment** are two changes to the Act that would benefit women directly. Women are the primary targets of sexual harassment in particular and need better protection from this form of discrimination and abuse. The Yukon has a high rate of violence against women, especially sexualized assaults and strengthening this section of the *Act* would send a clear message to all Yukoners that any form of violence against women is not tolerated by our society.

Protection against hatred is strongly linked to protection from harassment. Yukon women have been subject to racism, sexism and homophobia without strong enough legislation to protect them. This is detrimental to women's equality and harmful to Yukon society. Hate materials engender negative perceptions and attitudes towards women which contribute to and foster high rates of violence against women in the Yukon

In order for Yukon women to benefit from changes to the *YHRAct*, the **time frame for filing a complaint** should be extended to two years. Vulnerable and traumatized women need time to recover from their experiences and to build up the strength to make a claim. In our work with marginalized women, it was apparent more time is needed to make a claim. They need time to first, become aware of their rights and second, to realize they have a right to pursue a claim and third, to find the courage and support to make and pursue a claim. A two year time frame to file a claim would increase the ability of the poor and powerless to access the YHRC. Extending the time period to make a claim would better serve all women in the Yukon and bring our legislation in line with that of the other two Northern territories. Given the similarities in socio-economic conditions and large Aboriginal populations, a lengthy time frame seems to be a best practice for Northern territories.

The YHRC needs increased capacity to undertake more **education and outreach**. The surveys of women and girls conducted by the YHRC indicated that many women are not aware of their rights and the avenues open to them to pursue their rights under the law. The work of the YSWC corroborates this. Until women know about their rights and responsibilities they can not use them, nor protect and promote them. The more informed and knowledgeable women are about their human rights, the more they can recognize when those rights are being abused and get help to change the situation in a positive way.

Education about human rights needs to begin in elementary school and continue through high school as part of the curriculum. Outreach to rural communities, employers, women's organizations, agencies and services is needed to raise

awareness of Yukoners rights and responsibilities under the law. As with the recommendations regarding education, community outreach would help break down barriers to use of the Commission's services and create a positive image of the Commission in the eyes of the public. Education and awareness programs are the cornerstones in preventing human rights violations.

The YHRC will need **increased capacity and funding** to carry out the changes noted above, to inform Yukoners of the changes and to conduct enhanced awareness and educational activities and programs. Human rights are the foundation of our society. Canadians and Yukoners pride themselves on a fair and just society in which all citizens are equal and respected. Strong human rights legislation is necessary to make that ideal a reality in the lives of all Yukoners, especially women and girls. A strong and well- supported YHRC is necessary to carry out the legislation and to achieve equality for all.