



A YEAR IN REVIEW

2018-2019 ANNUAL REPORT

YUKON
HUMAN
RIGHTS
COMMISSION

COMMISSION
DES DROITS
DE LA PERSONNE
DU YUKON







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Chair's Message

This annual report is a reflection of the remarkable efforts and achievements of the Yukon Human Rights Commission in the 2018 - 2019 fiscal year. The following pages will highlight the rights promotion and protection activities that placed cutting edge reporting tools and free training in the hands of our community members, situated our jurisdiction as a national leader and implemented initiatives in relation to international human rights instruments, all while responding to an increasing number of inquiries.

In June, we hosted the Canadian Association of Statutory Human Rights Agencies national conference, **The Time is Now: Change and Innovation in Human Rights Today**. This award-winning event saw leading human rights experts, several Senators and other dignitaries travel to Yukon for the opportunity to share ideas on human rights topics ranging from reconciliation to service animals, in the Northern context.

Recognising that Yukon's population is spread across a large geographical area, the Yukon Human Rights Commission partnered with a tech company to develop a customized version of Spot: an online artificial intelligence (AI) app that is available 24/7 to record or report discrimination. This customized reporting and evidence gathering tool uses neutral cognitive interviewing methods for recording human rights incidents. Spot provides an additional way to reach us that is flexible, accessible and private. It is also the first use of this technology by a human rights commission anywhere in the world.

The Commission now offers free online training as the demand for human rights education exceeds our current capacity to deliver in-person training sessions across Yukon. Serving All in Canada is a free course about preventing consumer racial profiling. The Commission worked closely with our partners in the development of the learning tool, in consultation with community and business stakeholder groups, many of whom have already included it in their staff training programs. There are more offerings to come next year, so check our website for opportunities.

Canada has ratified many international human rights instruments, including the United Nations' Convention on the Rights of Persons with Disabilities (UNCPRD).



The Yukon Human Rights Commission's Disability Rights Monitoring initiative will collect Yukon-specific data to report to an independent expert panel, which monitors UNCPRD implementation. This innovative research project enables people with disabilities to monitor the rights of persons with disabilities in Yukon using an inclusive research methodology and supports the implementation of international human rights conventions right here at home.

A major settlement agreement on a group of related human rights complaints concerning the use of segregation for prisoners with mental disabilities and Indigenous prisoners at Whitehorse Correctional Centre was reached. The settlement agreement is publicly available on our website and includes many groundbreaking changes to improve human rights for prisoners within the Yukon correctional system.

It would be hard to guess that the Yukon Human Rights Commission is one of the smallest in the country from the incredible work accomplished by our staff and Commission Members. I would like to take this opportunity to thank those—including former Commission Members Louise Bouvier and Kathleen Avery—who have contributed to the important human rights work sought by individuals, employers, governments, and anyone else offering goods and services to the public. The Yukon Human Rights Commission could not be the trusted public institution that it is without our team. I hope you enjoy learning about the Yukon Human Rights Commission's work to promote and protect the rights of all in Yukon.

Karen Moir
Chair

Director's Message

The Yukon Human Rights Commission team worked incredibly hard this year to develop and implement a wide range of human rights promotion and protection initiatives. We were also successful in pursuing grants outside of our regular core funding which enabled us to complete more projects to benefit human rights in Yukon.

The inquiries to the Yukon Human Rights Commission have increased, with the public seeking out legal information on a wide range of diverse human rights topics. There is a Duty Officer available daily to give impartial, confidential, legal information to help people understand both their rights and duties under the Yukon Human Rights Act. The Yukon Human Rights Commission provides information about individual rights as well as helpful, free, practical information for business owners, landlords, government, organizations and others. For example, information on navigating difficult human rights situations, or how to draft workplace sexual harassment policies and many other issues. We're here to help.

Over the past year, we have seen unprecedented demand for the expertise of the Yukon Human Rights Commission from Yukon employers, organisations, and agencies. The Commission welcomes opportunities to prevent contraventions of the Yukon Human Rights Act through proactive policy work and education. We offer training sessions customized to the needs of workplaces and agencies, as well as a community lending library of human rights books and resource materials.

This year also saw the completion of the 2015-2018 strategic plan. The Yukon Human Rights Commission exceeded many of the challenges and goals that were set back in 2015.



Commission Members and staff participated in a strategic planning session in spring 2019 in order to set priorities for the coming years. 2018-2019 was a period of growth for the Yukon Human Rights Commission as we work every day to fulfill our mandate for the promotion and protection of human rights in Yukon.

Jessica Lott Thompson
Director



YUKON HUMAN RIGHTS COMMISSION NEWS

Commission Members

The Commission would like to welcome our newly appointed Commission Members:

- Michael Dougherty (2018–2021)
- Kim Derkatch (2018–2021)

Fulfilling the role of Commission Member requires critical thought, careful research and a significant time commitment. The Yukon Human Rights Commission would like to recognize the following Commission Members for their dedicated years of service to the Yukon public:

- Louise Bouvier (2015–2018)
- Kathleen Avery (2015–2018)

The Commission would like to acknowledge the dedicated continued service of the following Commission Members:

- Gavin Gardner (2018-2021)
- Russell Knutson (2015-2018, 2018-2021)
- Karen Moir (2016–2019, 2019–2022)

ProBono Students Canada

The Yukon Human Rights Commission would like to thank the Pro Bono Students Canada law students who volunteer their time to conduct human rights research. Pro Bono Students Canada (PBSC) is the first pro bono organization in the country and a nationally respected program that is actively supported by the bar, judiciary and law schools. PBSC was founded at the University of Toronto in 1996 and today operates in 22 law schools in Canada. Each year, PBSC harnesses the talent and drive of over 1500 law students across the country to provide legal services free of charge to low-income citizens and not-for-profit organizations.

McGill International Human Rights Internships

The Yukon Human Rights Commission would like to thank our human rights interns for the hard work and dedication to advancing human rights in Yukon. Administered by the Centre for Human Rights and Legal Pluralism (CHRLP), the International Human Rights Internships Program (IHRIP) is a fully credited course that allows students to earn six (6) credits toward the completion of the BCL/LLB degree. The Program interviews and selects law students for placements as interns with NGOs, courts, and public institutions for a period of 12 weeks over the summer. Partner organizations like the Yukon Human Rights Commission provide students with practical work experience in human rights investigation, monitoring and reporting. The internships also provide exposure to the operation and implementation of human rights instruments and norms.



Human Rights Library

In response to the public demand for books and resources on human rights topics, the Yukon Human Rights Commission now houses a growing human rights library. The library aims to be inclusive in offering books for adults, kids, accessible formats, and diverse formats like graphic novels.

Please contact the Yukon Human Rights Commission if you would like to borrow a book or drop in during business hours. The Yukon Human Rights Commission can lend a human rights book by mail to people living in Yukon communities.

Technology

The Yukon Human Rights Commission modernized its website, which can be found at yukonhumanrights.ca. The new site allows for better accessibility for people who use screen readers and easier navigation from mobile devices. The website is in the process of being converted to a new programming format that easily allows for French translation. The Yukon Human Rights Commission is committed to ongoing website updates to ensure accessible human rights legal information is available 24/7.

The Yukon Human Rights Commission can provide a remote translation service with access to over 240 languages. This ensures that people who do not speak English or French can still access the human rights system and understand their rights in their native language. American Sign Language (ASL) Interpretation services are also available upon request.



2018/19 BY THE NUMBERS

354

TOTAL NUMBER OF INQUIRIES

45

TOTAL NUMBER OF NEW COMPLAINTS

Complaints Filed by Area



Complaints Filed by Ground



Complaints Closed



RIGHTS PROMOTION

CASHRA 2018 National Conference

The Time is Now: Change and Innovation in Human Rights Today

The Yukon Human Rights Commission hosted the national human rights conference The Time is Now: Change and Innovation in Human Rights Today on June 26 & 27, 2018. The Canadian Association of Statutory Human Rights Agencies (“CASHRA”) conference was held at the Kwanlin Dün Cultural Centre in Whitehorse. It featured various panels, sessions, workshops, and social events creating a forum for information sharing about new ideas in the field of human rights in Canada.





The conference was an opportunity for Yukon to host many of Canada's human rights leaders, including keynote speakers:

- ▣ **Pearl Eliadis**, Distinguished Human Rights Lawyer
- ▣ **Chief Dr. Robert Joseph O.B.C.**, Reconciliation Canada
- ▣ Honourable Senator **Kim Pate**
- ▣ Honourable Senator **Lillian Dyck**
- ▣ Honourable Senator **Marilou McPhedran**
- ▣ Honourable **David Eby**, Attorney General of British Columbia

The conference hosted many other presenters including human rights scholars, community leaders, and human rights lawyers.

The master of ceremonies was Stephanie Dixon, accomplished local Paralympian and Order of Canada recipient.

Alongside the public, conference attendees enjoyed a performance from Yukon author and storyteller Ivan Coyote.

The Time is Now: Change and Innovation in Human Rights Today conference was awarded the BRAVO Award by the Yukon Convention Bureau on February 28, 2019. The Yukon Human Rights Commission was proud to host this national conference by supporting Yukon businesses and suppliers. The Yukon Convention Bureau estimated the conference and its 230 attendees contributed over \$400,000 to the Yukon economy.

The human rights principles of inclusion and accessibility were priorities throughout the conference. Bursaries were provided to ensure registration cost was not a barrier to participation for Yukoners. In recognition of the substantial human rights law expertise this conference attracted, student mentorship opportunities were available for Yukon youth to be paired with a presenter for the conference.

“THE SPACES WE CREATE TOGETHER”

This art was created by local Tlingit artist Blake Shaá’koon Lepine to serve as the conference logo

“The design I’ve created is meant to represent two figures building off one another. They’re both gender neutral figures stacked onto of one another, and the reason for this is to represent how past experiences of others give us a step up to learn from rather than having to go through that experience on our own. The figures are merged in the shape of their heads to show that when we experience things together, that lesson becomes a part of us as well. Not everything needs to be directly experienced and we can learn from each other in this way. The figures on the outside of those two figures are the ones coming up behind or around us, the younger generation. They are the ones that need changes the most to our current society as they soon will be our leaders and they need to grow up in a society that loves and supports them.”



The Yukon Human Rights Commission was honoured to receive the Yukon Convention Bureau 2018 BRAVO Award at the Whitehorse Chamber of Commerce Business After Hours. The BRAVO Award is given in recognition of Yukoners who have worked to bring successful meetings and conventions to the Yukon and who encourage local organizations to host meetings or conferences here at home.

(L to R: Hon. Jeanie Dendys, Minister of Tourism and Culture; Adam Gerle, VP Marketing and Sales NVD; Jessica Lott Thompson, Director of the Yukon Human Rights Commission; Karen Moir, Chair of the Yukon Human Rights Commission; Alida Munro, Managing Director of the Yukon Convention Bureau)





Disability Rights Monitoring

In November 2018, the Yukon Human Rights Commission hosted Disability Rights Monitoring Training and a Disability Rights Symposium. Disability Rights Monitoring is a step towards meeting Canada's obligations under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

The three day Disability Rights Monitoring Training session was taught by Dr. Marcia Rioux, Distinguished Research Professor at York University. Yukoners with diverse experiences of disability learnt about the human rights model of disability, interviewing techniques, research modalities and rights monitoring.

The commitment, engagement, and enthusiasm demonstrated by all volunteer participants was exciting to see as the Commission moves this long-term project forward. Currently, the Commission is focused on training volunteers using a flexible and inclusive training program.

There has been substantial interest in this project from stakeholders across Canada and the Yukon Human Rights Commission is developing a project model that can be used in other jurisdictions to monitor human rights. The Yukon Human Rights Commission looks forward to providing public reports with Yukon-specific data on the rights of persons with disability.

If you are interested in being involved in the Disability Rights Monitoring research project, please contact the Yukon Human Rights Commission for more information.



Speak up safely.

Use Spot to document harassment and discrimination. Reporting is optional. Stay anonymous if you choose.

Talk to Spot

Spot Artificial Intelligence Reporting Tool

The Yukon Human Rights Commission started a pilot project of Spot, an A.I. (artificial intelligence) reporting tool that uses a chatbot to help people document and report discrimination, including harassment. Over the past year, the Yukon Human Rights Commission has worked closely with Spot to customize the system specifically for use by people in Yukon.

In addition to offering a safe, secure way for individuals to document incidents, Spot also allows the Yukon Human Rights Commission to provide information to people who submit reports, even when they're anonymous. The tool is available for the public to record and report discrimination and harassment in any protected area under the Yukon *Human Rights Act*, including employment, housing, and goods and services provided to the public.

Spot will enhance the Commission's existing points of contact with the public, making it easier and more accessible to submit an inquiry. Submitting a report through Spot is not the same as submitting a human rights complaint.

Cofounded by Canadian psychological scientist Dr. Julie Shaw, Spot uses a science-driven, evidence-based approach that is rooted in best practices for interviewing people about highly emotional events.

Dr. Julie Shaw said, "The Yukon Human Rights Commission is setting itself as a global leader in online reporting, by embracing the practical use of artificial intelligence. By using Spot, the Commission enables higher quality reporting for the people of Yukon, and improved accessibility. Access to justice is so important. No matter who you are, or how remotely you live, Spot gives you access to help when you need it. I'm thrilled that we are part of this change."

Spot is available 24/7 online and can be used on mobile phones. Spot starts with a confidential, anonymous online chat with a bot (an artificial intelligence tool) to document what happened.

From there, individuals save their private report as a secure, timestamped PDF. They can then store the report for later or decide to submit it as an inquiry to the Yukon Human Rights Commission. A Duty Officer with the Commission follows up on all inquiries, including those received through Spot.

Pride Rights Night

On June 22, 2018, the Yukon Human Rights Commission partnered with Queer Yukon during Pride Week to present Rights Night. Rights Night was an interactive evening of discussion about the history and evolution of the rights of the Yukon LGBTQ2S+ community.

Rights Night screened the CBC documentary "Gay in the North". The film was followed by a panel discussion featuring Helen Falding, who lived in the Yukon between 1980 and 1993. She currently manages the Centre for Human Rights Research at the University of Manitoba.

International Day for the Elimination of Racial Discrimination

The Yukon Human Rights Commission acknowledges March 21, the International Day for the Elimination of Racial Discrimination. This day is an opportunity to promote tolerance, inclusion, and respect for diversity in the context of combating racial discrimination. Each of us has an important role to play in eliminating racial discrimination.

In 1966, the United Nations General Assembly proclaimed March 21 as the International Day for the Elimination of Racial Discrimination. The date commemorates March 21, 1960 when police in South Africa opened fire on people peacefully protesting the Apartheid system. The violence resulted in the deaths of 69 people.

In partnership with the Canadian Agency of Statutory Human Rights Agencies (CASHRA), the Yukon Human Rights Commission developed and launched the free online course *Serving All in Canada*. *Serving All in Canada* is an online learning tool to help Canadian businesses and organizations train their frontline service staff in combatting racism, which we hope will create more welcoming and inclusive environments for all in Yukon.

This course was developed in consultation with stakeholder groups, including communities directly affected by consumer racial profiling and the Retail Council of Canada. Discriminating against people based on their ancestry, including colour and race, is illegal in Yukon under the *Human Rights Act*.

This new online course will enable businesses to educate their staff about this important human rights issue and contribute to human rights promotion in Yukon.

EXCELLENT SERVICE
FOR ALL CUSTOMERS
Makes Good
Business Sense
#ServingAllCanada
cashra.ca/classroom



This online learning tool provides a certificate of completion and is available free to everyone at cashra.ca/classroom.



RIGHTS PROTECTION

Corrections Settlement

A systemic settlement agreement was reached regarding a consolidated group of four human rights complaints filed in 2014, in relation to the use of segregation for prisoners with mental disability as well as for Indigenous prisoners within the Yukon correctional system. The systemic settlement agreement is between the Yukon Human Rights Commission (the “Commission”) and the Government of Yukon, Whitehorse Correctional Centre (“WCC”), as well as the individual complainants who are not named in the public release of the systemic settlement agreement.

As stated in the systemic settlement agreement, the Commission maintains the position that the use of segregation and separate confinement has particularly harmful effects on Yukon *Human Rights Act* protected groups, including Indigenous prisoners and prisoners with mental illness, and that the use of this practice should ultimately be ended. However, this settlement is a positive step towards improving the human rights of prisoners and addressing areas of systemic concern in our correctional system here in Yukon. We look forward to monitoring and supporting the efforts by the Department of Justice to fulfill the commitments set out in this agreement.

The settlement can be read in full on our website, yukonhumanrights.ca. Below are some of the details:

- ▣ Improvements to mental health care for inmates at Whitehorse Correctional Centre through creation of a Forensic Mental Health Unit, led by a PhD clinical psychologist who will be integrated into the senior management at WCC.
- ▣ Increased documentation and record-keeping of mental health care practices.
- ▣ A commitment from Whitehorse Correctional Centre to seek recommendations regarding consideration of “Indigenous Social History” (ie. Gladue factors) into policy and planning at WCC, including use of pre-existing Gladue reports.
- ▣ Significant policy improvements to policies regarding placement of inmates in segregation.
- ▣ For inmates with mental health issues or mental illness, WCC will document and provide an opportunity for the inmate or their representative to respond to decisions about segregation including in situations of self-harm or elevated risk of suicide. WCC will continue its stated practice to explore and exhaust all possible therapeutic and other alternatives to separate confinement in consultation with the mental health team leader and will document those efforts.
- ▣ Ongoing Human Rights training for all staff and all new staff at WCC as part of orientation.
- ▣ Human Rights training for management at WCC, and development of “train the trainer” capacity for staff and management.





Decisions by the Yukon Human Rights Panel of Adjudicators

The Yukon Human Rights Panel of Adjudicators (YHRPA) is a separate administrative body from the Yukon Human Rights Commission. While the Yukon Human Rights Commission fulfills an evidence screening role, the board of adjudication established by the YHRPA makes a final determination of whether or not a complaint succeeds and discrimination occurred.

The Commission supports the principle that open courts are foundational to the rule of law and linked to freedom of expression under the Canadian Charter of Rights and Freedoms. Yukon human rights decisions are posted on our website.

On the following page are some brief summaries of this year's decisions:

☞ **In March 2019** the Respondent applied to dismiss the complaint *LaDue v. Government of Yukon, Department of Health and Social Services, Registrar Vital Statistics* on the basis that the Yukon Human Rights Board lacks jurisdiction. The Commission requested this application be held in abeyance pending the decision of the Supreme Court of Canada decision in *Matson et al v. Indian and Northern Affairs Canada, 2013 CHRT 13* and *Andrews et al v. Indian and Northern Affairs Canada, 2013 CHRT 21*, which considered whether or not statutory human rights agencies have the jurisdiction to entertain complaints that challenge legislated eligibility criteria for government services. The Complainant did not object to the Commission's request and the Respondent agreed with it. The Chief Adjudicator for the Yukon Human Rights Panel of Adjudicators decided the dismissal application would be held in abeyance pending the release of the Supreme Court of Canada decision.

☞ **In April 2018** the Yukon government, Whitehorse Correctional Centre, made an application to dismiss a complaint as a consequence of a complainant's death. The Yukon Human Rights Commission argued that despite the complainant's death and unavailability of a personal remedy, the Commission should still be able to pursue a systemic remedy. The Commission further argued that a systemic remedy should be pursued based upon the evidence related to other human rights complaints that had been consolidated with the complaint. The Board of Adjudication concluded that admissible evidence pertaining to the circumstances of the complaint would be allowed insofar as it is relevant to the systemic remedies sought by the Yukon Human Rights Commission.

☞ **In June 2018** a week-long public hearing was held before the Human Rights Board of Adjudication for the complaint *Budge v. Eikland, Talbot Arm Motel Ltd.* The Complainant alleged that his co-worker at the Talbot Arm Motel snuck up behind him and pulled down his pants on multiple occasions. The Board decided that the complaint of sexual harassment had been established on a balance of probabilities and awarded the Complainant damages for injury to his dignity, feelings and self-respect in the amount of \$5,000.

BUDGET AT A GLANCE

2018/ 2019 Budget at a Glance

REVENUE	2019	2018
Yukon Government Department of Justice Grant	\$803,000	\$817,000
Other Grants and Contribution Agreements	\$61,287	\$74,931
Expense Recovery and Other Income	\$91,082	\$12,753
Total Revenue	\$955,369	\$904,684
EXPENSES		
Administration and Operations	\$138,344	\$155,098
Staff	\$615,370	\$536,926
Commission Members	\$18,813	\$24,319
Public Education	\$93,496	\$17,935
Complaints Management	\$58,464	\$48,826
Total Expenses	\$924,487	\$783,104



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