



How To File a Human Rights Complaint: Yukon



Yukon Human Rights Commission:

<https://yukonhumanrights.ca/>

Empowering Community and Removal of Barriers (ECRoB) Project

Navigating the intricacies of the Yukon Human Rights Commission's complaint process can seem daunting, especially if you feel your rights have been violated. This guide offers an overview of how to file a Human Rights claim in Yukon, detailing the steps of the process from determining eligibility to the possibility of a judicial review. Whether you're looking to educate yourself or actively seeking justice, the information provided here can serve as a valuable roadmap in your pursuit of equity and justice in Yukon.

Please note: *This guide is for informational purposes only and does not constitute legal advice or representation. Always consult with a legal professional regarding your specific situation.*

Commission Composition:

- Consists of 3-5 Commission Members.
- Overseen by the Director of Human Rights.
- Members evaluate evidence for hearings and handle appeals.
- Daily administration handled by support staff.

Panel of Adjudicators: Separate from the Commission, this panel conducts hearings on human rights complaints. If delegated by Commission Members, a Board from this panel will handle the complaint.

Filing a Claim for Discrimination:

- Complaints must be made within 18 months of the alleged discrimination, or, if a continuing contravention is alleged, the complaint must be filed within 18 months of the last alleged instance of the contravention.
- Deals with discrimination as defined in the Yukon Human Rights Act.
- The Act does not directly define discrimination. It relies on case law and a prima facie test.
 - To establish prima facie discrimination, a claimant must prove:
 - They have a protected characteristic.
 - They experienced an adverse impact.
 - The protected characteristic influenced the adverse impact.
- Contact the Commission for guidance on filing a claim.

Complaint Review:

The Director evaluates the complaint, ensuring:

1. The legal test for discrimination is met.
2. The Commission has jurisdiction.



3. The complaint is timely.

The Director either accepts the complaint for investigation or rejects it with reasons.

Informal Resolution: If accepted, the Commission explores informal resolution before moving to formal procedures. This process prioritizes rectification over punishment.

Responding to a Complaint: The respondent can:

- Deny discrimination.
- Provide a « reasonable explanation » for their actions.

The Commission assists both parties throughout this phase.

Investigation: If no resolution is achieved, an investigation begins. Both parties can contribute by sharing witnesses, documents, and other relevant information.

Decision: Commission members review investigation findings. They can:

- Dismiss the complaint.
- Refer the complaint for a hearing.
- Recommend settlement.

Board of Adjudication Hearing: Conducted by the independent Panel of Adjudicators, hearings are generally public. Decisions are available on relevant websites. The Board can:

- Dismiss the complaint.
- Order various remedies for proven discrimination.

Appeals: Any party can appeal the decision to the Supreme Court of Yukon within 30 days. The Court reviews questions of law and can uphold, overturn, or order a new hearing.