

HUMAN RIGHTS ISSUES FOR BUSINESS, SERVICE PROVIDERS AND EMPLOYERS

Human rights is a topic that few of us think or talk about in our daily lives. We may hear about human rights abuses in other countries, and connect “human rights” with international issues. But human rights do affect our lives in the Yukon. If you’re an employer, business or if you provide services to the public, it is important for you to be aware of some of the human rights issues described in this information sheet.

What is the role of the Yukon Human Rights Commission?

The purpose of the Yukon Human Rights Commission is to promote equality and to educate the public about human rights, and to resolve complaints of discrimination.

What areas does the Yukon *Human Rights Act* cover?

- Employment – including hiring, firing, discrimination at work
- Services to the public – e.g. food services, hotel, retail sales, government services
- Tenancy – rental, sale, or lease of property
- Membership in unions and other groups
- Public contracts

Organizations that do not fall under the Yukon *Human Rights Act* are: telecommunications, banking, interprovincial transportation such as trucking, and airlines, and the Federal government. These are handled by the Canadian Human Rights Commission under the *Canadian Human Rights Act*.

What are the prohibited grounds of discrimination?

Discrimination is prohibited on grounds of:

- a) ancestry, including colour and race
- b) national origin
- c) ethnic or linguistic background or origin
- d) religion or creed, or religious belief, religious association or religious activity
- e) age
- f) sex, including pregnancy, and pregnancy related conditions
- g) sexual orientation
- h) physical or mental disability
- i) criminal charges or criminal record
- j) political belief, association or activity
- k) marital or family status
- l) source of income

m) actual or presumed association with other individuals or groups whose identity or membership is determined by any of the grounds listed above.

What are the key human rights issues for employers, business operators and service providers?

1. Harassment prevention – Harassment is costly, in terms of employee morale, absenteeism, time spent in resolving the issue, damage to the organization's reputation, as well as potential legal costs.

Employers are responsible for actively discouraging and prohibiting discriminatory conduct such as sexual harassment, racial jokes, and discriminatory language that shows disrespect on the basis of the prohibited grounds listed above. As an employer, ensure that there is an anti-harassment policy in place, that employees know about it, and that you monitor the workplace and deal with any signs of harassment by employees, supervisors, customers, or contractors. For guidelines and examples of harassment policies contact the Commission.

2. Non-discriminatory recruitment, hiring and evaluation of employee performance – Non-discriminatory employment practices ensure that you are casting your net widely to include all potential candidates for a job, and not unnecessarily screening out good candidates because of outdated job descriptions or job requirements.

Ensure job descriptions, the application process, and the design of interview questions are non-discriminatory. Be sure that the requirements listed for the job are legitimate requirements, for example, height requirement for police force previously screened out many women and Asians. Consider non-discriminatory policies in areas such as drug and alcohol testing. Ensure the confidentiality of information in employee files as it relates to medical conditions, disabilities, family status, etc. Contact us for a summary of appropriate interview questions and other employee related issues.

3. "Duty to accommodate" is a legal term. Employers, business owners and service providers are required to make a serious effort to meet the needs of, or "accommodate" diverse employees and customers, as they relate to the prohibited grounds of discrimination outlined above. A request can be denied only if it can be shown that it affects the health or safety of others or it is too costly, or creates undue disruption to services or the business operations.

Physical access to buildings, providing special equipment or aids and/or making changes to the physical work space, realignment of duties to accommodate a

disability, scheduling to accommodate someone with family responsibilities or religious needs are some examples of “accommodation” issues.

For more details on any of the above issues or the Yukon *Human Rights Act*, visit us at 101-Quartz Road or phone 667-6226 or 1-800-661-0535 or email: humanrights@yhrc.yk.ca or check our website at www.yhrc.yk.ca. There is no charge for our service.