



## Human Rights in the Workplace

**The Yukon Human Rights Commission promotes human rights in the Yukon Territory and investigates cases of discrimination under the Human Rights Act. It is independent of government and works to resolve complaints in a way that improves human rights for all Yukoners.**

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**Large-print version available**

*“Going to Potlatch” courtesy Jim Logan*

**Yukon  
Human Rights  
Commission**



**Human Rights are  
everyone's rights!**

## Employment & The Law

### What's covered?

The Yukon *Human Rights Act* prohibits discrimination in most working situations in the Territory, including employment with municipal and territorial governments and most private companies. However, employment with First Nations or the federal government is covered by the *Canadian Human Rights Act*, which also governs employment in areas regulated by federal law, such as broadcasting and telecommunications.

### Which law?

Several Yukon statutes have something to say about employment standards and conditions. The *Employment Standards Act* regulates hours of work, compensation, and similar workplace matters. Other employment standards are covered by the *Occupational Health and Safety Act*, and other laws such as the *Occupational Training Act* govern specific areas of employment.

The *Human Rights Act* prohibits discrimination in the workplace on the basis of specific grounds explained on the inside of this pamphlet, and requires equal pay for work of equal value in government employment.

But note that the *Human Rights Act* takes precedence in the case of any conflict with another Yukon law.

### Who we are

Independent from government, the Yukon Human Rights Commission administers the *Human Rights Act*. We promote human rights awareness in the Territory, and investigate and try to resolve discrimination complaints. Commission staff handle inquiries and investigations and offer educational services on human rights. The Commissioners themselves, who are appointed by the legislature, deal with the disposition of complaints.

### For more information...

We can provide you with more information if you are:

- an employee with questions about human rights in the workplace or a possible complaint
- an employer wanting more information about your human rights and responsibilities.

More information and detailed fact sheets on many of the issues covered in this pamphlet are available from our office.

# Human Rights in the Workplace



## ***If I've been discriminated against, what can I do?***

If you feel that you have experienced discrimination covered by the Yukon *Human Rights Act*, you may file a complaint. Contact us for a confidential interview; Commission staff will help you review your options.

## ***If I file a complaint, can my employer do anything against me?***

It's against the law for an employer to retaliate against an employee because of a human rights complaint.

## ***I'm an employer; what are my obligations?***

Employers have a variety of basic obligations in making sure human rights are respected in the workplace. We can provide information for small and large employers on hiring, personnel policies, and accommodating employees.

## ***Is there a charge for the Commission's services?***

There is no charge for any of our services.

## **Prohibited Grounds**

Discrimination in employment is illegal on the basis of any of the following:

- Ancestry, including colour or race
- National origin
- Ethnic or linguistic background/origin
- Religion or creed
- Age
- Sex, including pregnancy
- Sexual orientation
- Physical or mental disability
- Criminal charges or criminal record
- Political belief, association, or activity
- Marital or family status
- Source of income
- **Actual or presumed association with any of the grounds listed above.**

**Harassment** based on any of these grounds is **discrimination, too**. **If you are an employer, you are responsible for making your workplace discrimination-free.**

## **Job Requirements**

Job requirements have to fit the position an employer is trying to fill. If they don't, they could be discriminatory. For example, demanding that a job candidate be available to work any day of the week

might discriminate against people whose religion prohibits them from working on Sundays. Or a physical strength requirement might rule out all female candidates for a job — and be discrimination under the *Act*.

Employers also have the responsibility to *accommodate* candidates who might not otherwise get the job because of one of the prohibited grounds.

## **The Hiring Process**

Hiring also has to be discrimination-free. Application forms and interviewers can't ask about the prohibited grounds, unless a genuine job requirement is involved. For example, it's illegal to ask a candidate her age, or if she has a criminal record, unless those answers relate to a genuine job requirement.

## **Accommodation**

Employers are required to accommodate employees or job candidates who fall under

one of the prohibited grounds. For example, an employer can't fire — or refuse to hire — someone because he or she has a physical disability, if the employer could reasonably provide adaptive technology to help that person do the job.

## **Exceptions**

Some employment practices that would otherwise be discriminatory are specifically excluded by the *Act*. These include an employer giving preference to family members, and employment in private homes or for social, religious, or cultural organizations.

Special programs and affirmative action initiatives that seek to prevent or reduce the disadvantage caused by discrimination are also allowed under the *Act*.



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