



**YUKON HUMAN RIGHTS**  
PANEL OF ADJUDICATORS

2024-25  
Annual Report



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*22(8) The panel of adjudicators shall be accountable to the Legislative Assembly and the Chief Adjudicator shall submit to the Speaker of the Legislative Assembly in each financial year a report of its activities. The report shall not publish any names of individuals or businesses in which a complaint was dismissed or which has not yet been dealt with.*

*Yukon Human Rights Act*

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Yukon Human Rights Panel of  
Adjudicators  
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## Panel Members

### Panel Members

Panel members are appointed by the Legislative Assembly for a term of three years.

The Panel thanks the following members for their service throughout the 2024-25 fiscal year:

- |  |   |
|--|---|
| ◆ Judith Hartling, Chief Adjudicator<br>*November 30, 2024 to November 29, 2027  | ◆ Carol Geddes<br>April 24, 2023 to April 23, 2026              |
| ◆ Julie Jai, Deputy Chief Adjudicator<br>*November 30, 2024 to November 29, 2027 | ◆ Vincent Larochelle<br>*November 30, 2024 to November 29, 2027 |
| ◆ Victoria Chan<br>April 24, 2023 to April 23, 2026                              | ◆ Roxane Larouche<br>December 13, 2023 to December 12, 2026     |

\* Member's term was renewed during 2024-25

## Board Support

During this reporting period, YHRPA support was provided by Registrar Colleen Henry of CAH Services.

## The Year in Review

### Grounds for Complaints

The grounds for complaints before the Panel for the 2024-25 fiscal year, including complaints carried over from previous years, were as follows:

- ◆ Ancestry including colour and race;
- ◆ Religion or creed, religious belief, religious association or religious activity;
- ◆ Gender identity or gender expression, sexual orientation;
- ◆ Political belief, political association, political activity;
- ◆ Physical or mental disability;
- ◆ Sex, including pregnancy;
- ◆ Source of income;
- ◆ Marital or family status;

Decisions of the Board of Adjudication are public documents. The decisions are available online at <http://www.yhrpa.ca/decisions>.

## Referrals at a Glance

Status of Referrals for 2024-25	
Number of Referrals in 2024-25	4
Number Carried Over from Previous Year(s)	5
Number of Dispositions (settlements/withdrawals)	3
Number of Decisions Released	1
Number of Case Management Conferences Held	10
Number of Board Hearings (2 in-person)	2

## National Administrative Law Week — Ottawa — June 3 to 7

Chief Adjudicator Judith Hartling attended the National Administrative Law Week in Ottawa, Ontario from June 3 to 7, 2024. She attended sessions hosted by the National Human Rights Tribunal, the Canadian Council of Administrative Tribunals, and the Canadian Institute for the Administration of Justice. (Report appended to the end of this report.)

## Meetings with the Yukon Human Rights Commission

The Chief Adjudicator and Registrar met with the Yukon Human Rights Commission's Executive Director Karen Moir and Legal Counsel Caroline Grady on July 25, 2024, and August 8, 2024, with a view to identify mutual concerns and remedies.

The Panel and Commission representatives also discussed the Commission's comments to the Ombudsman's *Yukon Human Rights Commission Complaints — Investigative Report*, and recommendations for comments, prior to its official release in August 2024. The comments of interest to the Panel specifically related to:

- Clarification of the Commission's Independence: The Commission clarified that it is a separate and independent body from the Yukon Human Rights Panel of Adjudicators.
- The Commission's Role in Hearings: The Commission participates in public hearings as a separate party from Complainants and Respondents, and presents evidence and arguments about discrimination in the public interest.

- The Panel's Roles as the Decision Maker: The Board of Adjudication decides whether a complaint of discrimination is proven.
- Settlement Option: Parties can resolve complaints by negotiated settlement even after a complaint is referred to a hearing.

## Panel's Rules of Procedures

The purpose of the Panel's *Rules of Procedures* are to ensure a fair, efficient, and orderly hearing process, and serves to guide parties through the various stages from the original referral, to the pre-hearing processes, applications, hearing procedures, and decisions and appeals, to name a few. The current *Rules* were last revised in September 2016.

The Chief Adjudicator and Registrar have discussed the possibility of revising the *Rules* to facilitate efficiency and to provide clarity and guidance for self-represented parties. Such a revision will begin with an internal review and jurisdictional scan, followed by an initial revision and review by all adjudicators.

## Appointments to the Panel of Adjudicators

With an increased number of matters being referred to the Panel and the increased complexity of them, many requiring interim decisions on applications made by the parties, it is expected more time will be required to deal with referrals.

It is expected that more matters will reach the "hearing" stage. As such, an increase in members appointed to the panel by the Legislative Assembly is needed. Presently, it is challenging to establish a Board of Adjudication consisting of the present limited panel of adjudicators.

## Financial Arrangements

YHRPA financial expenses are the responsibility of the Yukon Department of Justice (Finance Branch). Funding for each fiscal year is approved based on financial appropriations by the Yukon Legislative Assembly.

The budget estimation process is often challenging and uncertain because the caseload of the YHRPA is almost entirely dependent on the number of matters that are referred by the Human Rights Commission each year. In an effort to ensure that the YHRPA is on track with its budget estimate, budget discussions may be held throughout the year as necessary. When additional funding is required to carry out the responsibilities of the YHRPA, additional funding is requested through the supplementary appropriation process.

## Expenditure Overview

Expense Item	Actual Expenditures
Honoraria	\$54,000.00
Travel in Yukon	\$890.30
Travel Outside of Yukon	\$4,533.87
Contract Services for Board Support (Registrar, Website Hosting, and Hearing Support Costs including a Hearing Officer, Audio/Visual Technical Support, and Catering)	\$66,594.00
Rental Expenses (YHRPA Office and Hearing Facilities)	\$16,625.00
Telephone	\$1,083.19
Other	\$333.20
Training (CIAJ Membership fees and Conference Fees, Foundation of Administrative Justice Online Course Fees)	\$2,865.00
<b>Total</b>	<b>\$146,924.56</b>

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## **Report of National Administrative Law Week, Ottawa, June 3 to 5, 2024**

### **The National Human Rights Tribunal Forum, June 3,4, 2024**

Jurisdictions discussed:

Process:

B.C.'s model of direct application to the Tribunal,  
the Yukon's (and most jurisdictions's) model of 2 or 3 tiers of an initial complaint to the Commission which is then reviewed by the Director, investigated, forwarded to the Commission members and then if deemed appropriate sent to the Tribunal and  
the Northwest Territories work on a restorative justice model.

Efficiency:

How to create more efficiency in managing cases by using navigators:.

A navigator is assigned to each case. The navigator doesn't offer legal advice but assists the unrepresented party, of which most parties are in Human Rights cases, to find their way through the system.

Improvements:

It appears each jurisdiction experiences:

Backlogs,

Low remuneration for adjudicators making it challenging to hire and retain adjudicators,

Timing and funds to train adjudicators,

Timing of delivering decisions. Yukon's legislation mandates a decision within 30 days of completion of a hearing whereas Quebec will take up to 6 months.

### **The Canadian Council of Administrative Tribunals, June 5, 2024,**

focussed on Indigenous people and the colonial aspects of administrative justice. The United Nations Declaration on the Rights of Indigenous Peoples was discussed as it affects administrative tribunals. Some tribunals do not have a policy or manner to review decisions in light of UNDRIP. This should be addressed.

### **The Canadian Institute for the Administration of Justice, June 6, 2024**

This forum provided historical perspective as it honoured two past jurists, Justice Lebel and Ron Ellis.

The importance of impartiality and independence was discussed along with funding. Where a tribunal receives its funding can give the appearance of lack of independence.

### **The Latest Trend, AI, June 7, 2024**

There are loopholes and difficulties in using AI when providing submissions and research. It was found that "hallucinations" occur. AI would bring up non-existent cases for example.

As such the Federal Court has established a policy concerning the use of AI material. In particular it must be indicated where and what AI material is being used.

Submitted by Judith Hartling

28.06.2024





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Credit: Visual Communications, Whistler