

2021

*Company Services*

# MANITOBA HUMAN RIGHTS COMMISSION

**ANNUAL REPORT**

EQUALITY OF OPPORTUNITY AND  
FREEDOM FROM DISCRIMINATION





**ATTORNEY GENERAL  
MINISTER OF JUSTICE**

Room 104  
Legislative Building  
Winnipeg, Manitoba R3C 0V8  
CANADA

The Honourable Anita R. Neville, C.M., O.M.  
Lieutenant Governor of Manitoba  
Room 235 Legislative Building  
Winnipeg, MB R3C 0V8

May it Please Her Honour:

I have the privilege of presenting the Annual Report of The Manitoba Human Rights Commission and Human Rights Adjudication Panel for the 2021 calendar year.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Kelvin Goertzen', with a stylized flourish at the end.

Kelvin Goertzen  
Minister of Justice and Attorney General

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

Honourable Kelvin Goertzen  
Minister of Justice  
Attorney General  
104 Legislative Building  
Winnipeg, MB R3C 0V8

Dear Minister:

Pursuant to section 6(2) of *The Human Rights Code*, we are pleased to provide you with the Annual Report of The Manitoba Human Rights Commission and the Human Rights Adjudication Panel for the calendar year 2021.

Yours sincerely,

John Burchill  
A/Chairperson  
Board of Commissioners





## Territorial Acknowledgment

The Manitoba Human Rights Commission offices are located on Treaty 1 and 2 territories, and serve the people of what is now known as Manitoba. This includes Treaty 1, 2, 3, 4, 5, 6 and 10 territories – the traditional lands of the Anishinaabe, Cree, Oji-Cree, Dakota, Dene and Inuit Peoples, and the homeland of the Métis. Our drinking water comes from Treaty 3 territory. We recognize the serious harms caused by colonialism and its lasting impacts on Indigenous Peoples across Turtle Island. Commission staff are committed to continuously reflecting on our role as treaty partners and using the tools at our disposal to address ongoing forms of oppression and advance human rights in Manitoba in the spirit of reconciliation.





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## TABLE OF CONTENTS

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|  |    |
|--|----|
| Transmittal Letter of the <b>Minister of Justice</b> | 2  |
| Transmittal Letter of the <b>Chairperson</b>         |    |
| Territorial <b>Acknowledgement</b>                   |    |
| Table of <b>Contents</b>                             |    |
| Greetings from <b>the Chairperson</b>                | 6  |
| Board of <b>Commissioners</b>                        |    |
| Greetings from the <b>Executive Director</b>         | 10 |
| Organizational <b>Structure</b>                      | 14 |
| Commission <b>Overview</b>                           |    |
| Complaints <b>by the Numbers</b>                     | 18 |
| Human Rights <b>Education and Promotion</b>          | 30 |

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## GREETINGS FROM THE **CHAIRPERSON**

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Like the prior year, 2021 continued to be an unprecedented period for the Manitoba Human Rights Commission. Not only did the Commission face the ongoing challenges of managing the human rights implications of the COVID-19 pandemic, but we also prepared to implement significant amendments to *The Human Rights Code*, the most comprehensive since its inception in 1987.

Throughout the year, Manitoba grappled with the relentless waves of the COVID-19 pandemic, including the second and third waves. We navigated the complexities of physical distancing, the closure of businesses and schools, and the strain on our public health system.

While adapting to the demands of remote service delivery, the Commission also encountered an unprecedented surge in public inquiries, many of which revolved around the human rights implications of mask mandates. Additionally, the introduction of COVID-19 vaccination programs and corresponding public health orders requiring vaccination for access to public services and employment added another layer of complexity. To ensure clarity and understanding, the Commission prioritized the development of guidelines and statements to educate the public about their rights and responsibilities during the pandemic.



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The COVID-19 crisis forced us to revolutionize our approach to public service delivery, precisely when the public needed our support the most.

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The COVID-19 crisis forced us to revolutionize our approach to public service delivery, precisely when the public needed our support the most. However, the challenges were not limited to the pandemic alone. The Government of Manitoba passed comprehensive amendments to *The Human Rights Code*, aiming to enhance the efficiency and timeliness of the complaint system. These changes, effective from January 1, 2022, necessitated procedural and policy adjustments to facilitate their implementation.

We hold an optimistic outlook that these amendments will address the long-standing concern of timeliness within the complaint system, which has been a growing issue for the past decade. While the Commission has prioritized strategies to tackle the backlog of investigation files, we acknowledge that substantial procedural changes are essential to bring about meaningful and lasting improvements.

As the year drew to a close, we expressed our gratitude to outgoing Commissioner Loretta Ross, who dedicated over a decade of service to the Commission. Simultaneously, we welcomed Laurie Bonten as the new Chairperson and Commissioner Aaron Penner. We embrace our new colleagues and eagerly anticipate Laurie's guidance and leadership in the years to come.

Lastly, we want to acknowledge the unwavering dedication of the Commission's staff. The year 2021 was undoubtedly challenging, but your commitment and perseverance have been instrumental in ensuring the continued success of the Commission's work. Thank you for your unwavering support and for sticking with it during these difficult times.

JOHN BURCHILL  
*A/CHAIRPERSON, BOARD OF COMMISSIONERS*

# BOARD OF COMMISSIONERS



**JOHN BURCHILL**

*A/Chairperson*

John Burchill is Chief of Staff with the Winnipeg Police Service. He has Bachelor of Arts in Criminal Justice from Athabasca University, a Bachelor of Law from the University of Manitoba and a Master of Laws from Osgoode Hall. He was a police officer for 25 years, six of which were spent as a supervisor of the Hate Crimes Team. Prior to re-joining the Police Service he worked as a Crown Attorney with Manitoba Justice and a Risk Manager with the University of Manitoba.



**MIKE READER**

Mike Reader is the Director of Capital Management for the Northern Regional Health Authority. He has worked with the NRHA since 2008. Prior to the NRHA he worked with Tolko Kraft Papers and previous owners of The Pas paper mill for 28 years as an Industrial Electrician & 3rd Class Power Engineer. During that time he held various positions within the Union. Executive of the Communications Energy & Paperworkers Union and previous Canadian Paperworkers Union He is of Métis ancestry and was born and raised in The Pas. Mike enjoys all aspects of northern living and is an avid outdoorsman.



**LORETTA ROSS**

Loretta Ross is a lawyer and the Treaty Relations Commissioner of Manitoba. She has an LL.B from Queens' University. She has practiced law for over 20 years dealing with child and family matters, trust and corporate law, land claims and residential school claims and has acted as legal counsel to numerous First Nation governments and organizations. She is a member of the Hollow Water First Nation in Manitoba. Loretta remains active in the community by presiding on various boards.



**IAN GRANT**

Ian Grant is former Chief of Police with the City of Brandon - Brandon Police Service. He has a B.A. from Memorial University and a Masters in Rural Development from Brandon University. Ian also holds an Honorary Diploma in Police Studies from Assiniboine Community College. He began his policing career with the RCMP in 1980 and in 1985 joined the Brandon Police Service. He played a key role in the development of The Missing Persons Act during a secondment with the Province of Manitoba. Ian has been involved with several boards including Sisters in Spirit Walk Organizing Committee and Community Mobilization Westman. Ian is currently serving as a Special Advisor for Public Safety programs at Assiniboine Community College in Brandon.



**DARCY STRUTINSKY**

Darcy Strutinsky is a consultant to the public and private sector on respectful workplace, harassment and discrimination issues in unionized work environments. He has a Bachelor of Arts from the University of Manitoba and has worked extensively in the area of human resources and labour relations, primarily in the health care field, holding senior management positions with the Labour Relations Secretariat, Health Sciences Centre and Seven Oaks Hospital. He serves as a member of the Manitoba Labour Board and the Labour Management Review Committee, and with the Children's Hospital Foundation of Manitoba.



**JEANETTE ACHESON**

Jeanette Acheson is a Parole Officer with the Correctional Service of Canada and has worked with them in a variety of positions since 1984. She has a B.A. with distinction in Criminology and Psychology from the U of M and is fluently bilingual. She often acts as an expert witness for the Correctional Service of Canada in the area of Dangerous Offenders testifying in Manitoba and Ontario courts. She has served as the Chair of the Board of Directors for The Laurel Centre, a treatment centre for women who were sexually abused as children, in Winnipeg and continues to serve as a Honourary Board member. She is a Trustee for the Canadian Museum for Human Rights. Currently, Jeannette is the Vice Chair for the Manitoba Police Commission.





**TRACY LEIPSIC**

Tracy Leipsic is a speed skating coach with the River Heights Speed Skating Club, coaching all levels of athletes including beginner, Provincial teams, Masters and Special Olympics athletes. She has a Business Administration diploma from Red River Community College and is a Canadian Accredited Insurance Broker with 17 years of experience in the insurance industry. She is the Vice President, Finance of the Manitoba Speed Skating Association, and has been involved with the 2017 Canada Summer Games, Canadian Sport Centre MB, Revolution Diving Club and Winnipeg Jewish Child & Family Services.



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## GREETINGS FROM THE **EXECUTIVE DIRECTOR**

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In the face of the ongoing COVID-19 pandemic, the year 2021 has been a challenging one for all of us. The impact of this crisis has been far-reaching, affecting all aspects of our daily lives, including our health, economy, and human rights. No one has been left untouched by this pandemic.

While many of us have found innovative ways to adapt to the "new normal," it is important to acknowledge that certain communities have borne the heaviest burdens during this time. In our December 2020 update to our report titled "A Human Rights Based Approach to the COVID-19 pandemic: Principles and Actions," we highlighted how women, children, people with disabilities, older individuals, Indigenous peoples, Black and other racialized communities, single parents, people who are precariously/unhoused, 2sLGBTQIA+ community members, and those confined to congregate living or correctional institutions have faced further marginalization and disadvantages due to the pandemic. Despite some efforts to mitigate the disproportionate impacts, these vulnerable and targeted communities often found themselves left behind in our pandemic management strategies.

Alongside the equity-related impacts, we have also witnessed a surge in the use and expression of rights-based rhetoric. This has largely been in response to pandemic management strategies that have required us to change our way of life to protect our communities from the virus. Unfortunately, a vocal minority has attempted to use the language of human rights to fuel anti-mask and anti-vaccine mandates, arguing that *The Charter of Rights and Freedoms* and human rights legislation protect



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The events of the past year have underscored the importance of human rights and the work of our Commission. This is evident from the record-setting number of inquiries we received in 2021: Manitobans are telling us that during difficult periods, they need the support of the Commission. We remain committed to meeting the needs of Manitobans, during and beyond the COVID-19 pandemic.



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their freedom to contravene public health measures.

As we emphasized throughout 2021, *The Charter* and *The Human Rights Code* enshrine our fundamental rights, including the right to non-discrimination, however they also recognize our inherent connectedness and shared humanity. These laws are premised on the notion that our individual freedom does not exist in a vacuum but rather is bound up in the wellbeing of our society as a whole. This is captured in Section 1 of *The Charter* and sections 13, 14, 15, 16 and 18 of *The Code*. These sections of *The Charter* and *The Code* acknowledge that our rights are subject to reasonable and justifiable limits for the collective good and wellbeing of our society. In other words, these laws are as much about our responsibilities to one another as they are about rights and entitlements, a concept that the Commission reinforced through the COVID-19 related factsheets and guidelines we released throughout 2021, including our new guideline on human rights and vaccines.

Not only have we seen an increase in the cooptation of rights based language, but we have also witnessed emboldened expressions of hate and intolerance in 2021. The rise in hate speech is a concerning trend across Canada, but particularly in Manitoba where we have not only witnessed the ongoing impacts of anti-Asian hate, fueled by the pandemic, but also anti-Indigenous and anti-Black racisms. The increase in racist driven hate, evidenced by the number of human rights complaints registered on the basis of ancestry/race, was of particular concern, given that Canadians learned first hand about the impacts of police violence on racialized communities and the presence of unmarked grave sites in former Indian residential schools. It is disheartening to see such behavior in our communities, and we must stand united against it. Developed in late 2020, the Commission continues to offer its workshop entitled "Challenging Racism and Racial Discrimination" free to Manitobans, to help build our collective capacity to stand against hate and intolerance in our province.

The events of the past year have underscored the importance of human rights and the work of our Commission. This is evident from the record-setting number of inquiries we received in 2021: Manitobans are telling us that during difficult periods, they need the support of the Commission. We remain committed to meeting the needs of Manitobans, during and beyond the COVID-19 pandemic.

We realize that we have some work to do to ensure we are meaningfully meeting the needs of Manitobans. One critical area of improvement for the Commission remains the backlog of investigation files. As a result of this backlog, as of 2021 parties to continued to wait approximately 24 months for their investigations to commence. Legislative amendments to *The Code* are designed to help us address these wait times, by providing the Commission with the ability to dismiss complaints without investigation where appropriate, and by streamlining the administrative processes associated with the complaint process. These changes will be key to helping the Commission address these wait times, which we know have had a significant impact on parties in the complaint process. Throughout 2021, Commission staff worked diligently to prepare for the implementation of these changes, which will come into effect on January 1, 2022.

The human rights complaint process is critical to the promotion and protection of human rights in Manitoba. They help us ensure the spirit of *The Code* is alive in our workplaces, public services, housing providers, by reminding us of what discrimination looks like and how we can remedy it when it occurs. In 2021, we learned valuable lessons about the importance of maintaining harassment-free housing in *Richardson v. Kirkwall Properties Ltd. and Wilma Galbraith, 2021*, a decision of the Manitoba Human Rights Adjudication Panel.

The Commission consists of a small, but mighty team: 18 staff and 8 commissioners who together help administer our complaint process, and undertake the human rights advocacy and promotion work required under *The Code*. We are grateful for the stewardship we receive from our Board of Commissioners, who provide strategic guidance for our efforts.

We are also immensely thankful for our dedicated staff, who have worked tirelessly despite the challenges and uncertainties brought about by the COVID-19 pandemic. Each member of our team understands the importance of the work we do, and we are grateful that they bring their best to our organization every day. Together, we will continue to uphold and protect human rights in Manitoba.

K A R E N   S H A R M A  
A/EXECUTIVE DIRECTOR





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MANITOBA HUMAN  
RIGHTS COMMISSION  
**ORGANIZATION**

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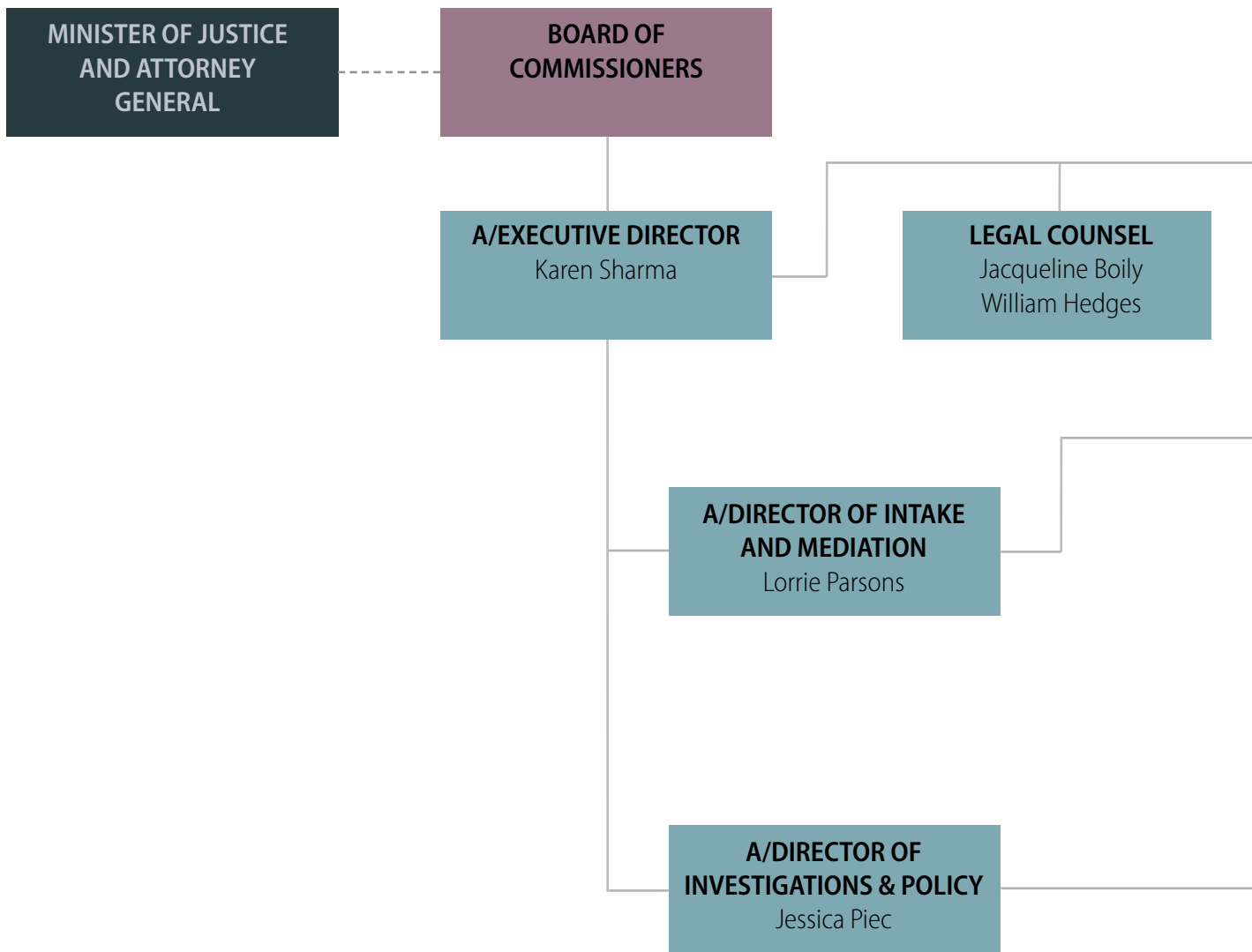


Chart reflects staffing as of December 31, 2021



**ADMINISTRATION**

Shannon Druwe  
Candace Tyerman  
Paula Egesz

**HUMAN RIGHTS OFFICER  
(INTAKE/EARLY RESOLUTION)**

Sheilagh Hooper  
Jessica Lavallee  
Vacant  
Vacant  
Vacant

**HUMAN RIGHTS OFFICER  
(MEDIATION)**

Veronica Joseph  
Marina Caillier-Zimburg

**HUMAN RIGHTS OFFICER  
(INVESTIGATION)**

Megan Fultz  
Aimslie Torres  
Vacant  
Vacant  
Vacant

**Acknowledgments:**

Sincerest thanks to Pat Daniels and Beatrice Watson, who retired following long careers of service to the Manitoba Human Rights Commission.

We are also grateful to Zara Kadhim, Mia Bastien and Abigail Allen for their contributions to the work of the Commission in 2021.



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## OVERVIEW

# THE MANITOBA HUMAN RIGHTS COMMISSION

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### RECOGNIZING THE INDIVIDUAL WORTH AND DIGNITY OF EVERY PERSON

The Manitoba Human Rights Commission is an independent agency of the Manitoba government, responsible for:

- enforcing the rights and responsibilities in *The Human Rights Code* (“*The Code*”) through a complaints process; and
- promoting human rights and educating the public about *The Code*.

Any person who believes they have been discriminated against when at work or when accessing public services or housing may file a complaint with the Commission. We investigate those complaints to determine if there is enough evidence to warrant referring them to the Human Rights Adjudication Panel for a public hearing and final decision. The Commission takes an active role in trying to prove those complaints before the Adjudication Panel because we believe that no person should be discriminated against.

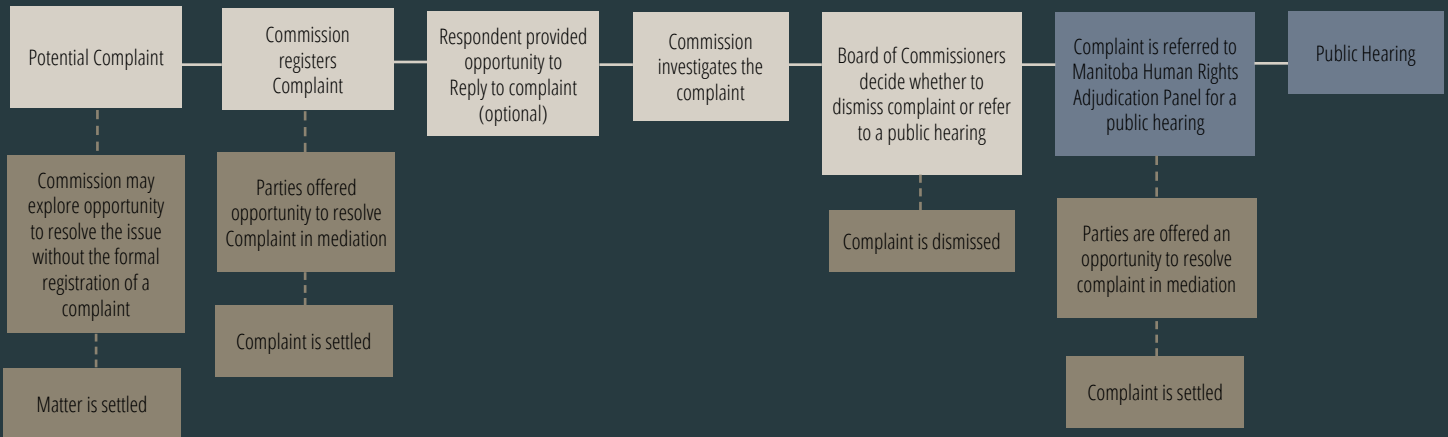
Discrimination is often rooted in ignorance, prejudice and stereotypes. We assist in the early resolution of complaints through education and mediation. We also

engage in policy and research initiatives and conduct education programs to assist the public in understanding human rights obligations and promote equality.

We are made up of eight commissioners appointed by the Lieutenant Governor-in-Council and seventeen staff led by an executive director.

The Commission reports to the public on finance and administration matters via the Crown Law Division of Manitoba Justice.

THE HUMAN RIGHTS CODE  
**COMPLAINT PROCESS**





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## 2021 COMPLAINTS **BY THE NUMBERS**

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The Commission is responsible for investigations allegations of discrimination in Manitoba and deciding if the person's complaint should be dismissed or referred to a public hearing before a member of the Human Rights Adjudication Panel.

*Any person may file a complaint alleging that another person has contravened The Code.*

Intake officers respond to a range of inquiries from the public. We will discuss the situation and if it appears that the person is concerned about discriminatory behaviour or treatment, we provide them with general information about their rights and our complaint process. We may assist at this early stage in trying to resolve the concern through pre-complaint mediation. If there is no resolution of the concern we gather information and evidence to draft a formal complaint under *The Code*.

## PUBLIC INQUIRIES IN 2021

Number of people who contacted us for information

**4,850**

Number of people who believe they were discriminated against

**1,320**

Number of people who were referred to other agencies for assistance

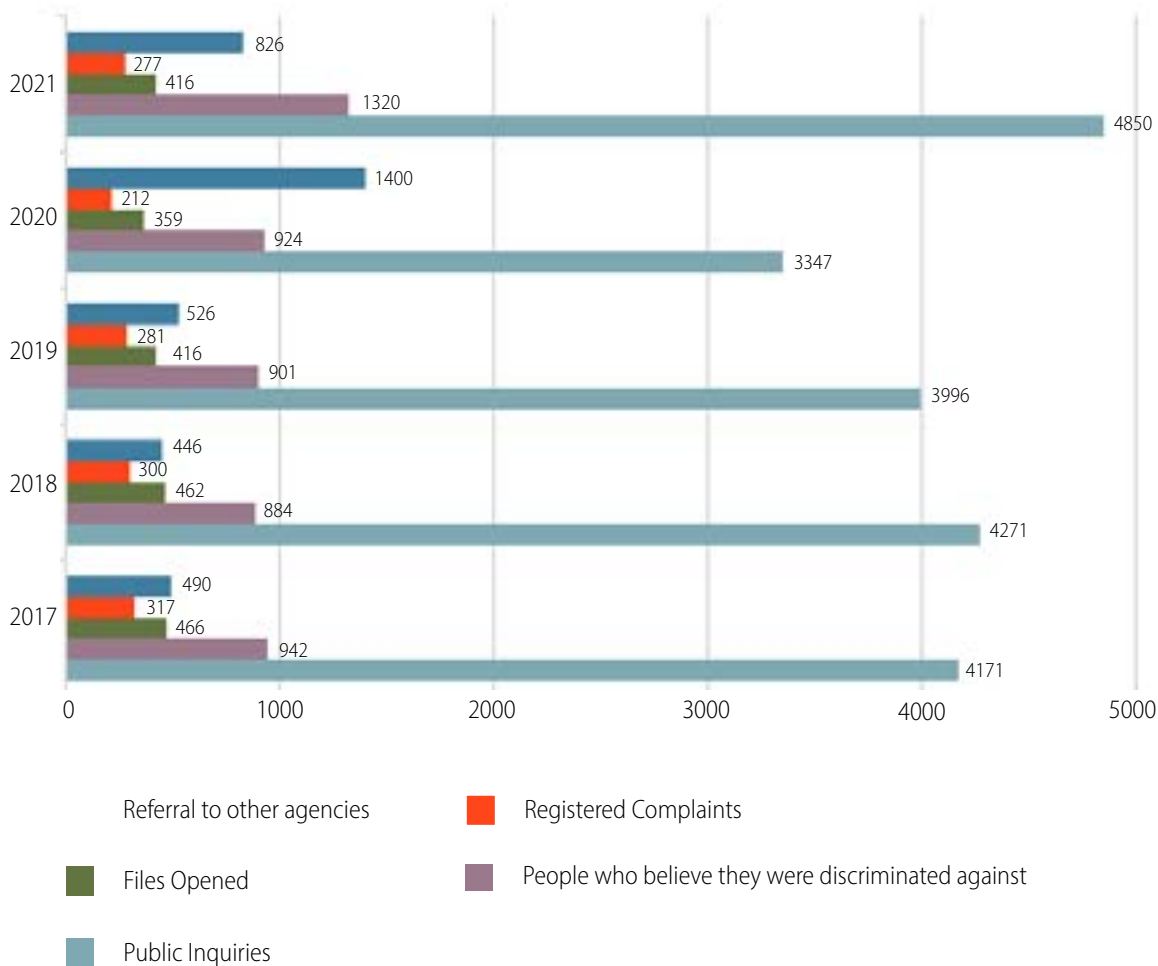
**826**

Number of files opened by the Commission

**416**

Public Inquiries and Registered Complaints, 2017-2021

Fig. 1



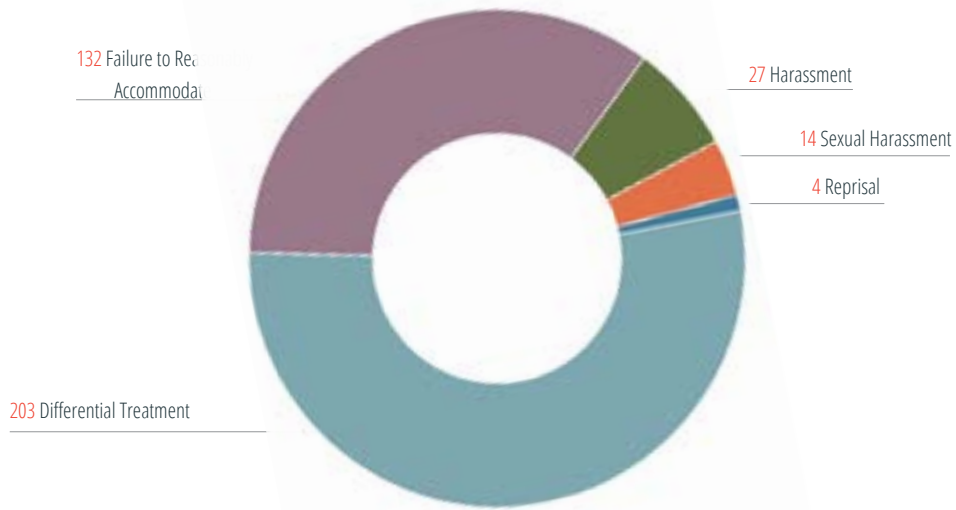
# REGISTERED COMPLAINTS IN 2021

Number of complaints registered by the Commission in 2021

# 277

### Registered Complaints by Type of Discrimination, 2021

Fig. 2



### Registered Complaints by Area, 2021

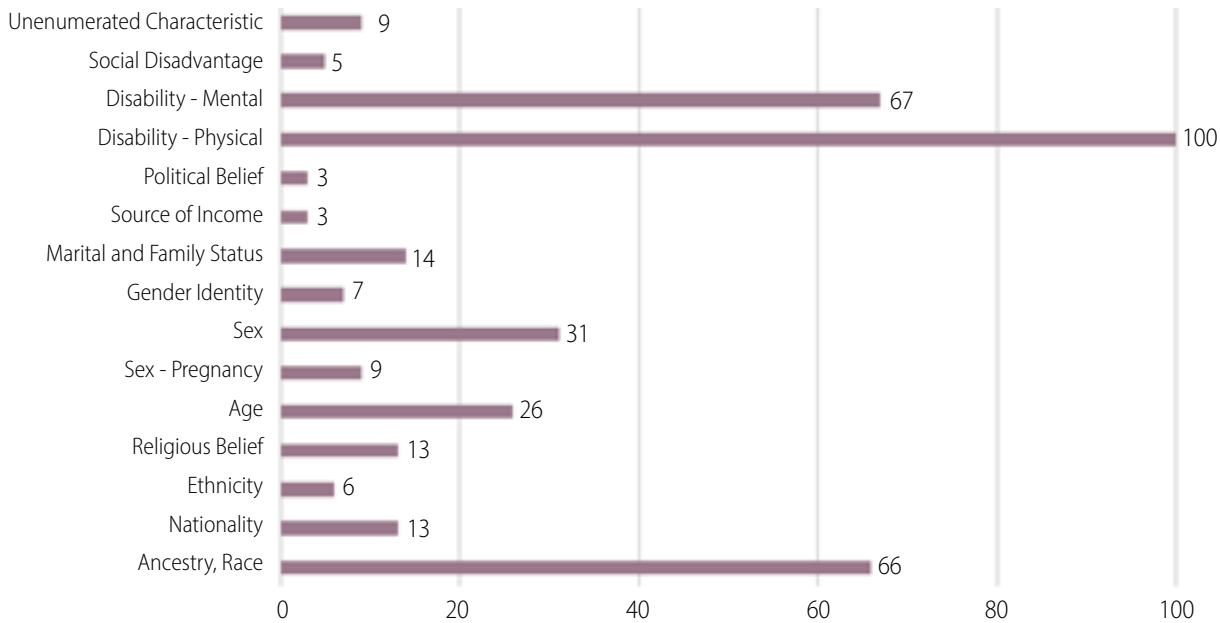
Fig. 3





Fig. 4

## Registered Complaints by Protected Characteristic, 2021



The Commission received 4,850 inquiries from the public in 2021, the highest reported number of public inquiries in the past two decades. Over 60% of these inquiries related to the COVID-19 pandemic, which continued to be a pressing human rights concern for individuals accessing the Commission's services.

Of the 4,850 inquiries received in 2021, 1,320 individuals believe they experienced discrimination and 826 individuals were referred to other agencies for assistance. The Commission opened 416 files and registered 277 complaints of discrimination in 2021.

Within the 277 complaints filed in 2021, most were filed in the context of employment and alleged differential treatment or a failure of reasonably accommodate needs (see figures 2 and 3). Disability remains the top ground of discrimination, with 100 complaints filed on the basis of a physical disability and 67 filed on the basis of a mental disability (see figure 4). Following disability, the Commission received the next highest number of complaints were filed on the basis of race/ancestry.

***In 2021, the Commission received the highest reported number of inquiries from the public (4,850), largely related to the COVID-19 pandemic.***



Mediators assist the parties to find creative solutions that secure the public's confidence that discrimination will not occur in the future, and that compensate for injury to the complainant's dignity and for any financial loss.

Commission staff will work with parties to resolve human rights concerns, without requiring the registration of a formal complaint. If the registration of the formal complaint proceeds, the Commission may offer parties an opportunity to resolve the complaint in mediation prior to the investigation of the complaint.

If the complaint does not resolve in mediation, it will be investigated. Where the Board of Commissioners finds that the complaint is substantiated, the Commission will offer the parties a final opportunity to resolve the complaint in board-directed mediation.

## INVESTIGATION OUTCOMES **IN 2021**

Complaints dismissed following investigation

**59**

Complaints terminated as withdrawn or abandoned

**20**

Complaints where the Commission found sufficient evidence to warrant a public hearing of the complaint before an adjudicator of the Manitoba Human Rights Adjudication Panel

**9**

Total number of completed investigation files in 2021

**88**

*Note: To prepare for proclamation of legislative amendments to The Code, the Commission was required to pause the disposition of complaints in fall 2021, which led to fewer completed investigations in 2021.*

## MEDIATION OUTCOMES **IN 2021**

Resolved through mediation prior to the registration of a complaint

**4**

Resolved through mediation prior to a public hearing

**9**

Resolved through mediation prior or during investigation

**20**

Resolved with limited Commission involvement

**20**

Total number of complaints resolved in mediation in 2021

**53**

The Commission will serve the registered complaint on the respondent and will assist the parties to resolve the complaint through mediation. If there is no resolution of the complaint we will ask the respondent to provide a written response or reply to the allegation of discrimination.

The investigation team will obtain documents and conduct interviews of the parties to determine if The Code has been contravened as alleged in the complaint. The investigator will prepare a report that summarizes all of the evidence relevant to the complaint. The investigator will make a recommendation to dismiss the complaint or to refer it to the adjudication panel for a public hearing, based on whether there is sufficient evidence to substantiate the complaint. The parties have an opportunity to submit a written response to the investigation report before the Board makes the decision.

On October 22, 2021, the Commission received the Supreme Court of Canada's decision in *Northern Regional Health Authority v. Horrocks, 2021 SCC 42*. The decision clarifies that labour arbitrators have exclusive jurisdiction to decide issues arising out of collective agreements, including human rights complaints, unless another law expressly states otherwise. Accordingly, the Commission is directing unionized employees to pursue their human rights concerns via their Union and assessing whether we have jurisdiction to investigate complaints involving unionized employees.



25

Percentage of complaints dismissed because the Board of Commissioners found it lacked jurisdiction to investigate because the issues had been settled or pursued in another legal forum in 2021

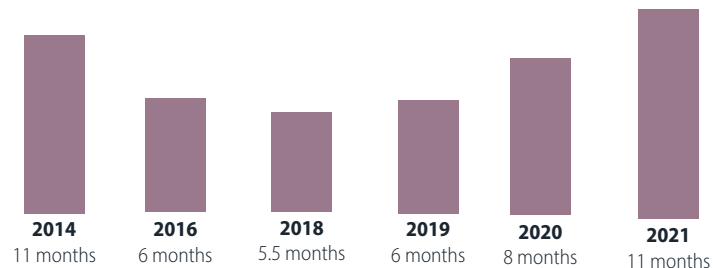
Currently, parties are waiting too long to have their complaints investigated by the Manitoba Human Rights Commission. Current wait times for an investigation to commence average approximately 24 months. We recognize that these wait times can have a significant impact on public trust in the human rights system, can affect the efficacy of the human rights complaint process and can take an emotional toll on the people involved. We are committed to improving client service and removing any unnecessary delay in the

**Currently, parties are waiting on average 24 months for an investigation to commence.**

human rights complaint system. On May 20, 2021, the Manitoba Government passed legislative amendments to *The Human Rights Code* that are aimed at making the complaint process more efficient. The changes will take effect on January 1, 2022 and are expected to help eliminate wait times in the human rights complaints process in the next 2-3 years.

Average time to complete an investigation, 2014-2021  
From the time the complaint is assigned to an investigator until the completion of the investigation report

Fig. 5



### Summary of Changes to *The Human Rights Code*:

- The Board of Commissioners (“Board”) will no longer make decisions about whether complaints are dismissed, referred to a public hearing, or terminated (often because the complaints are withdrawn or abandoned), or assess settlement offers to determine if they are reasonable. Instead, these decisions will be made by the Commission’s Executive Director.
- The Commission will be able to dismiss complaints without investigation, and will be able to dismiss complaints on new grounds, including where the issues raised in the complaint are being dealt with appropriately under another Act, or continuing through the complaint process would not benefit the person who experienced the alleged discrimination.
- A person whose complaint is dismissed or terminated by the Commission’s Executive Director may apply to have the Executive Director’s decision reviewed by three members of the Board within 30 days of the Executive Director’s decision.
- There will be a maximum amount of compensation that can be awarded to a person for injury to dignity, feelings and self-respect is \$25,000.00.
- The Manitoba Human Rights Adjudication Panel will be able to develop rules of procedure. Adjudicators will be empowered to assist with mediation between the parties to settle a complaint at the hearing stage. Adjudicators must also commence their hearings within a set time after an adjudicator has been designated to hear the complaint and issue their decisions within 60 days of the hearing ending, with possibility for one extension.

# COMPLAINTS REFERRED TO A PUBLIC HEARING **IN 2021**

Complaints where the Commission found sufficient evidence to warrant a public hearing of the complaint before an adjudicator of the Manitoba Human Rights Adjudication Panel. Prior to requesting the designation of an adjudicator, the Commission will make one final attempt to resolve the complaint in mediation.

Complaints where the Commission found Sufficient Evidence of Discrimination, by Area of Discrimination, 2021

Fig. 6



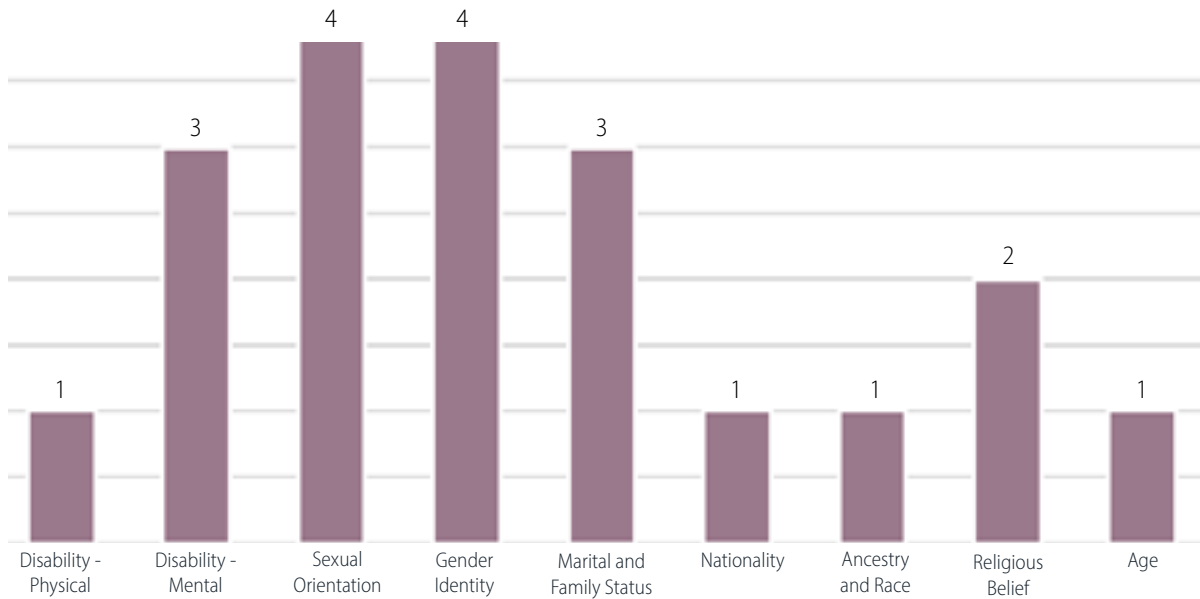
Complaints where the Commission found Sufficient Evidence of Discrimination, by Type of Discrimination, 2021

Fig. 7



Complaints where the Commission found Sufficient Evidence of Discrimination, by Protected Characteristic, 2021

Fig. 8



PUBLIC HEARINGS AND DECISIONS **IN 2021**

Hearings in 2021

**2**

*Madayag and Felix v. Capitol Steel Corporation 2021* (motion to redact counteroffer from materials in a 37.1 reasonable offer assessment)

*Madayag and Felix v. Capitol Steel Corporation 2021* (37.1 reasonable offer assessment hearing)

Decisions in 2021

**3**

*Richardson v. Kirkwall Properties Ltd. and Wilma Galbraith, 2021* (Harassment, Age, Sex, Marital and Family Status, Source of Income)

*Madayag and Felix v. Capitol Steel Corporation 2021* (motion to redact counteroffer from materials in a 37.1 reasonable offer assessment hearing)

*Manitoba (Human Rights Commission) et al. v. Government of Manitoba, 2021 MBQB 122 (Judicial Review: North v. Manitoba, 2018)*





If the Board of Commissioners finds that there is sufficient evidence to warrant a public hearing of a complaint, the parties are provided with a final opportunity to resolve the Complaint with one of the Commission's mediators, before an adjudicator is requested to convene a public hearing. If the complaint is not resolved, the Commission will request that a member of the Human Rights Adjudication Panel is appointed to make a final decision following a public hearing. Our lawyers represent the public's interest in eliminating discrimination in that process. The Commission will present evidence to the Adjudication Panel to prove the complaint and enable the adjudicator to award a remedy. The purpose of the remedy is to put the complainant in the position they would have been in if the discrimination did not happen. The remedy is also meant to stop the discrimination and ensure the respondent does not commit the same or similar discrimination in future.

***In 2021, the Commission requested designation of an adjudicator in 5 complaints.***

## SPOTLIGHTING NOTABLE OUTCOMES **IN 2021**

### *Richardson v. Kirkwall Properties Ltd. and Wilma Galbraith, 2021*

A recent decision of the Manitoba Human Rights Adjudication Panel recognizes the right of tenants to live in a harassment-free environment.

The case involves Brandi Richardson, a young mother who, at the time of the complaint, was pregnant and raising her daughter and younger sister. Richardson had rented an apartment with the Respondent, Kirkwall Properties. From the time she applied for the apartment and throughout her tenancy, Richardson was subjected to degrading sexist, racist and classist conduct from Kirkwall Properties' Owner Wilma Galbraith because she was a young mother in receipt of social assistance benefits and because of her association with her then partner, a young Black man. Ultimately, Richardson moved out of the apartment because of the toxic environment created by Galbraith.

In her decision, Adjudicator Epp states that "Galbraith's crude, humiliating, and demeaning insults together with name calling and taunting attempted to drive the Complainant out of the Apartment Building [and] created a poisoned tenancy...[A] person's home is their safe place, a sanctuary, and that jarring language, degrading comments, volatility all made the Complainant feel unsafe. The Complainant was vulnerable – young, a single parent, pregnant, with limited income. She was not in a position to leave..."

"The Human Rights Code protects Manitobans from experiencing this kind of degrading and dehumanizing treatment where they work and live," said Karen Sharma, A/Executive Director of the Manitoba Human Rights Commission. "We are pleased with the recent decision by the Manitoba Human Rights Adjudication Panel which recognizes that housing providers must provide Manitobans with a harassment free tenancy."

"No one should be mistreated - especially somewhere they are supposed to feel safe, like at home," said the Brandi Richardson, the Complainant. "All I wanted from this was for the Owner, Wilma Galbraith, to know that she cannot treat people like this, especially her tenants. I hope this decision results in an end to her awful behaviour."

To remedy the harassment experienced by Richardson, the Respondents, who did not participate in the hearing, have been ordered to pay her \$15,000.00 in damages for injury to dignity, feelings, or self-respect and special damages in the amount of \$388.00 for the costs of her move. The Respondents have also been ordered to implement anti-discrimination and anti-harassment policies, distribute a copy of the policy widely to all tenants and ensure all employees, including the Owner, receive training on the policy.

"The Commission hopes that the remedies ordered in this case send a strong signal to all housing providers that abusive conduct has no place in Manitoba's rental premises," said Sharma.







## INSPIRING CHANGE: **PROMOTING HUMAN RIGHTS THROUGH PUBLIC EDUCATION**

*The Human Rights Code* is premised on the notion that discrimination is often rooted in ignorance and therefore, public education is essential to its eradication. The Commission regularly engages in public education initiatives to enhance public understanding of human rights in Manitoba. This involves delivering our seminar series, connecting with media to elevate human rights issues in our communities, maintaining our website and coordinating presentations and community outreach.

### **Seminar Series**

In response to the COVID-19 pandemic, the Commission suspended the delivery of in-person educational events. We pivoted to deliver our educational programming by webinar. In April 2021, the Commission offered its core seminar programming, including Human Rights 1.0, which provides a foundational overview of the rights and obligations set out in *The Code*, Human Rights 2.0, which deals with advanced concepts related to reasonable accommodation, Responding to Harassment in the Workplace, a full day seminar focused on preventing and responding to harassment complaints. In addition, the Commission launched its delivery of a new seminar program entitled: Challenging Racism and Racial Discrimination. This program was specifically developed to ensure Manitobans have access to free anti-racism education, in response to 2020 which brought us face to face with the ongoing tragic impacts of systemic racism.

In 2021, the Commission delivered its seminar series to 100 individuals. In addition, the Commission delivered its seminar program on-site for 12 organizations. The Commission also

**2,200**


people attended the Commission's human rights education in 2021

**1,800**

people were trained on human rights issues related to COVID-19

**22**

organizations received customized human rights training



*The Human Rights Code* sets out that the Commission must develop and disseminate information to the public to help them understand their civil and legal rights, and promote the principles of equality and non-discrimination in Manitoba.

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developed customized training on a number of topics, including the human rights implications of implementing of vaccination requirements.

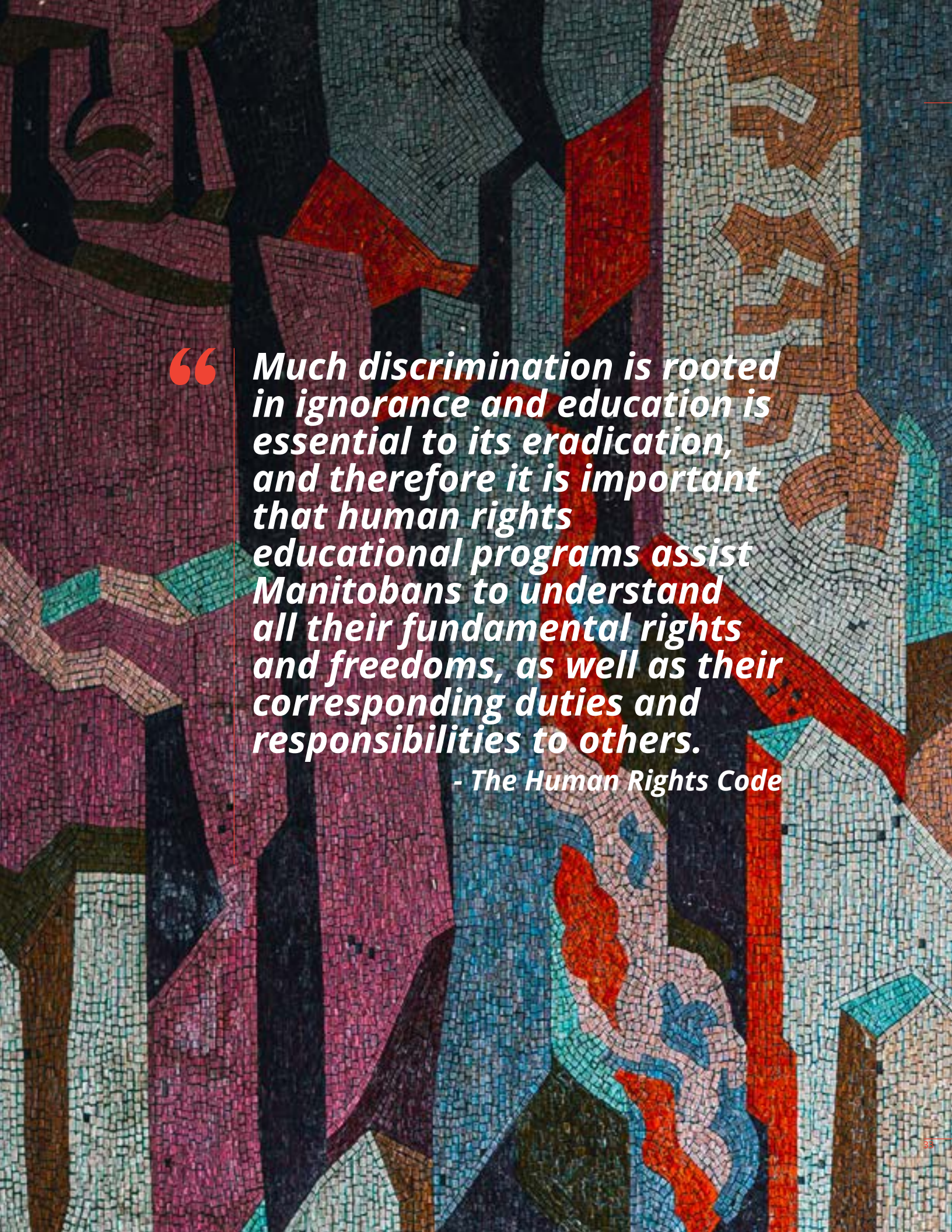
### **Promoting Compliance with *The Human Rights Code***

In addition to its seminar series, the Commission works to proactively encourage compliance with The Human Rights Code. In 2021, the Commission continued to prioritize the release of information and policy guidance related to *The Code* and the COVID-19 pandemic. In June 2021, the Commission released a Statement on the Human Rights Implications of Vaccination Identification requirements and incentive programs. The Commission followed up on this statement with a more comprehensive Guideline on Human Rights and COVID-19 Vaccination Requirements.

In the fall of 2021, the Commission became aware that inaccurate information related to vaccines was being circulated in Manitoba communities bearing our logo. In response, we issued a statement and conducted radio and television interviews, to ensure the public was relying upon accurate and reliable information related to human rights and COVID-19 vaccines.

The Commission also continued to advocate for decision-makers to place human rights at the centre of their responses to the COVID-19 pandemic. In December 2021, the Commission wrote to Manitoba Health requesting that the Department take proactive steps to ensure it employs non-discriminatory criteria when determining how it allocates critical, life-saving resources and equipment, such as ventilators. While the Commission recognizes the importance of triaging protocols for ensuring medical professionals are making ethically informed and justifiable decisions, we expressed our concern that these protocols may have the potential of discriminating against groups who have experienced historic and ongoing structural disadvantage in the health care system, including but not limited to persons with disabilities, older people, and Black, Indigenous and people of colour.





**“ Much discrimination is rooted in ignorance and education is essential to its eradication, and therefore it is important that human rights educational programs assist Manitobans to understand all their fundamental rights and freedoms, as well as their corresponding duties and responsibilities to others.**

**- The Human Rights Code**



# 2021

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