

**MANITOBA HUMAN RIGHTS COMMISSION
BOARD OF COMMISSIONERS' POLICY**

**POLICY # I-6
version 1.1**

SECTION: Interpretation

Effective date: February 21, 2003
REVISED DATE: September 2, 2015

SUBJECT: MARITAL AND FAMILY STATUS – s.9(2)(i)

Purpose:

This policy is intended to assist in the interpretation of “marital or family status” referred to in section 9 of *The Human Rights Code* (“*The Code*”). Where there is any conflict between this policy and *The Code*, *The Code* prevails.

Context:

The protected ground of “marital or family status” may be broken up into two distinct categories: marital status and family status.

“**Marital status**” will be interpreted to include being engaged to be married, married, single, separated, divorced, or widowed, and includes the status of living with a person in a conjugal relationship outside marriage, including both same-sex and opposite sex relationships.

“**Family status**” will be interpreted to include being a parent, regardless of the manner in which a person becomes a parent, or not being a parent, and includes any other familial or perceived familial relationship (for example: child, sibling, grandparent, etc.) or an absence of a relationship.

These definitions are not exhaustive and “marital or family status” will be given a broad and purposive interpretation based on the policy considerations underlying *The Code*, which are to prevent and eliminate discrimination against individuals or groups based on the characteristics listed in *The Code*.

In determining whether discrimination has occurred based on marital status or family status, the Commission will apply Policy #G-7 Reasonable Accommodation: “Marital or Family Status” that adopts the analysis outlined by the Supreme Court of Canada’s decisions of *British Columbia (Public Service Employee Relations Comm.) v. B.C.G.E.U.* (1999), 35 C.H.R.R. D/257 (“Meiorin”) and *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)* (1999) 36 C.H.R.R. D/129 (“Grismer”).

APPROVED BY:

“Yvonne Peters”

Chairperson

September 2, 2015

Date