



## Decision recognizes indignity of harassment

Human Rights Adjudicator Lawrence Pinsky has found that the owners of the Gillam Motor Inn did not take reasonable steps to deal with harassment in their workplace.

Wanda Ross, a woman of African and First Nations descent worked as a waitress for 4888970 Manitoba Ltd., a company that operates more than 10 hotels in Northern Manitoba and North-western Ontario. During her employment she was repeatedly subjected to racial slurs and discriminatory comments by two individuals, one of whom was the general manager. When she reported the harassment to one of the owners she was told she was “imagining things” and was forced to tolerate the harassing conduct.

Pinsky’s order is against the co-owner of the company as well as the corporation and payment of \$15,000 to Ms Ross in compensation for the injury to her dignity caused by the harassment.

“Racial attacks and insults about a person’s ancestry cut to the very core of a person’s identity...Left unremedied the corrosive effect of this type of working environment on the individual is heinous. There are also negative effects on society as a whole of permitting such comments to subsist. Permitting such commentary, if not normalizing it, creates or enables an environment in which decency, kindness, civility, productivity, and humanity are sacrificed”, stated Pinsky.

The numbered company must pay an additional \$2000 for the recklessness of their conduct in ignoring her appeals for assistance and \$500 for failing to participate in the investigative process, and must work with the Commission to develop a policy or program to address discriminatory conduct in its workplaces.

“I am very relieved, but this isn’t just going to go away. I have to live with this every day of my life. More has to be done to make sure people aren’t treated this way”, said Ross.

The Commission relies on decisions like this one to educate businesses about their obligations under *The Code*.

## The Rights Connection

By Isha Khan, Executive Director

Over the last several months the Commission has been asked to weigh in on the prevalence of sexual harassment in the workplace and to comment on the impacts of the “me-too” and “times-up” movements.

Sexual harassment is a form of sex discrimination and is prohibited by *The Human Rights Code*. This means every employer, service provider and landlord in this province and across Canada is responsible for knowing what it is, what it looks like and how it impacts others. Perhaps even more importantly, each is required to know how to take steps to stop it.

The social and media movements have certainly empowered victims of harassment to speak up- which is a good thing. They also seem to have motivated businesses to take a good look at their workplaces and put in place complaint mechanisms- which is also a good thing. Unfortunately though, they have also sparked a revisiting of attitudes that put the victim at the centre of the issue- responsible for speaking up and for reporting- as if without a formal reporting harassment cannot be investigated or examined.

It has long been acknowledged that in some cases an employer, service provider or landlord “reasonably ought to have known” that there was harassment and must take proactive steps to ensure a harassment-free environment. There is no better time to get educated. These issues don’t seem to be going away.



# Bill calling for implementation of *UNDRIP* passes second reading

In November 2017, the Commission made public its support of Bill C-262 an Act to ensure that the laws of Canada are in harmony with the *United Nations Declaration on the Rights of Indigenous Peoples*.

If passed, the federal government will be required to take all steps necessary to fully implement *UNDRIP*.

In 2012, the Commission had, in similar spirit, called on the Government of Manitoba to implement *UNDRIP* and has since put the TRC's Calls to Action at the centre of its strategic priorities.

On February 7, 2018, Bill C-262 passed second reading and the Commission is hopeful that it will soon become law.

In order to achieve reconciliation in Canada, we must work from all angles and perspectives on eradicating discrimination, which includes enforcing laws but also creating new law when necessary.

# Commission says goodbye to long-time Commissioner

Joan Hay was appointed to the Board of Commissioners in July 2007 and served the Commission until February 1, 2018.

For many years, Joan has worked as a Community Helper/ Emergency Services Worker at Ma Ma Wi Chi Itata Centre Inc. and as a Residential Support Worker for the Native Women's Transition Centre.

Joan has lived in the inner-city for more than 30 years, advocating for social change and was the host of a radio show on CKUW called Inner-City Voices. She is a founding member of Inner City Aboriginal Neighbours (I-CAN) and has been fondly referred to as the "Queen of Spence" having served as the President of the Spence Neighbourhood Association several years ago and still a leader in that community. She has served as a member of the University of Winnipeg Community Renewal Corporation and co-authored a book on community development, *In Their Own Voices: Building Urban Aboriginal Communities*.

The Board of Commissioners represent the geographic, cultural, social and economic profile of our province. Joan's perspective and lived experience was an incredible asset to the Board's decision-making and strategic initiatives and her calm and quiet strength will be missed.

Joan will continue to advocate for social justice in our community and is currently serving as Vice- President of the Spence Neighbourhood Association.



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