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New decision protects Manitobans from discrimination on the basis of a criminal record

A recent decision of the Manitoba Human Rights Adjudication Panel protects Manitobans from experiencing discrimination on the basis of a criminal record. The decision was issued following a preliminary motion to dismiss a complaint made by A.B., whose identity is protected under an anonymization order. A.B. alleged he was discriminated against on the basis of a criminal record. The motion was brought by the Respondent, who argued that discrimination on the basis of a criminal record is not protected under Manitoba's *Human Rights Code*.

In the February 10th decision, *A.B. v. University of Manitoba*, Chief Adjudicator Michael Werier finds that although "criminal record" is not specifically listed as a ground of discrimination in *The Human Rights Code*, it ought to be entitled to protection on the basis that it is "analogous" to other characteristics protected by *The Code*. "[M]any individuals in Canada with criminal records are individuals who come from certain backgrounds and/or suffer from addiction or mental disabilities and can be subject to stereotyping and discrimination for the rest of their life," writes Chief Adjudicator Werier. "The *Code*...seek[s] to address this stereotyping and discrimination."

The Manitoba Human Rights Commission hopes that this decision will make clear that individuals with past criminal records cannot be subjected to unreasonable discrimination. "The Commission has long recognized that individuals who interacted with our criminal justice system face serious stigma and prejudice in our communities," said Karen Sharma, A/Executive Director of the Commission. "This decision is an important step toward removing barriers to equality and ensuring every person can live in dignity and rights in Manitoba."

To read the decision, visit www.manitobahumanrights.ca

For media inquiries, please contact (204) 945-5815 or hrc@gov.mb.ca