

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

# ANNUAL REPORT 2004

EQUALITY OF  
OPPORTUNITY

FREEDOM FROM  
DISCRIMINATION



# THE MANITOBA HUMAN RIGHTS COMMISSION

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*Collect calls accepted*

## **Cover**

*This year's annual report cover features one of the many bears, which lined Broadway Avenue in Winnipeg as the signature project commemorating the 75th anniversary of CancerCare Manitoba.*

*A NEW DAY Bear and its message of hope and optimism was chosen to reflect the strength of change and the continuing evolution of human rights.*

*Artist: Natalie Rostad Desjarlais*

*Sponsor: Brenda & David Newman, Q.C.*

*Photo: A. Sikorsky*

**Bilingual Web-site**

**[www.gov.mb.ca/hrc](http://www.gov.mb.ca/hrc)**

# MANITOBA HUMAN RIGHTS CODE

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The Code prohibits unreasonable discrimination in employment, housing, contracts and services available to the public, on the following grounds:

- Ancestry
- Nationality or national origin
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Age
- Sex, including pregnancy, or circumstances related to pregnancy
- Gender-determined characteristics
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability



## ANNUAL REPORT 2004

Members of other historically disadvantaged groups may also be able to file a complaint. Discriminatory signs and statements are also prohibited.

Most activities in Manitoba fall under provincial jurisdiction. Complaints against certain federally regulated entities, however, such as airlines, banks and telecommunication enterprises, or which involve activities on crown land set aside for the exclusive use of aboriginal people and the federal civil service, should be filed with the Canadian Human Rights Commission.

The Manitoba Human Rights Commission enforces the anti-discrimination provisions of The Code. It is authorized to mediate and investigate complaints of discrimination, to refer matters to adjudication, and to educate the public and promote human rights issues.





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**ATTORNEY GENERAL  
MINISTER OF JUSTICE**

Room 104  
Legislative Building  
Winnipeg, Manitoba, CANADA  
R5C 0V8

His Honour  
The Honourable John Harvard  
Lieutenant-Governor of Manitoba

Sir:

May it please your Honour, it is my pleasure to present to you, the Annual Report of The Manitoba Human Rights Commission for the year 2004.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gord Mackintosh', with a long horizontal flourish extending to the right.

Gord Mackintosh  
Minister



THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

The Honourable Gord Mackintosh  
Minister of Justice and Attorney General  
Legislative Building  
Winnipeg, MB R3C 0V8

Sir:

We are pleased to forward to you, the Minister responsible for administration of *The Manitoba Human Rights Code*, the Annual Report of the Manitoba Human Rights Commission for the calendar year ending December 31, 2004.

Janet Baldwin  
Chairperson





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## CHAIRPERSON'S MESSAGE

I was honoured to be reappointed as Chairperson of the Commission in 2004 for a second term of three years. Reappointed with me were Jerry Woods, as Vice Chairperson, and Fausto Yadao and Sheena Rae Reed, leaving the Board of Commissioners again unchanged. An exciting addition to our staff was Sarah Lugtig, the Commission's first independent legal counsel, who will provide advice to both staff and Board at all stages of our process as well as representing the Commission in human rights adjudications.

The mandate of The Manitoba Human Rights Commission is to achieve equality of opportunity and freedom from discrimination, through the protection and promotion of human rights. In 2004, the Commission successfully intervened in two cases before the Supreme Court of Canada: the case of *Pritchard v. Ontario* (Human Rights Commission) affirmed that a legal opinion provided to a commission by in-house counsel was protected by solicitor-client privilege; the Reference re Same-Sex Marriage paved the way for federal legislation to extend the right to civil marriage to same-sex couples. The Commission issued eight press releases on this and other matters, and responded to many media and other enquiries, for example on the perennial issue of fogging to control mosquitoes.

Board and staff members of the Commission held a strategic planning session in November, 2004, to share their vision for the Commission, to identify key goals, and to begin to develop objectives for the next three years and commitments for 2005. The idea of "triage" was discussed, to streamline the complaint process.

The Board of Commissioners determines the disposition of all complaints, which have not been settled, withdrawn or abandoned, oversees the Commission's education and outreach activities, and establishes Commission positions and policies. The Board held six regular meetings in 2004, and another special meeting to discuss continuing issues relating to the accreditation of foreign medical graduates. The Commission is also participating in the broader Manitoba Labour and Immigration Qualifications Recognition Initiative.

In 2004, the Board referred a further forty (40) complaints to board-directed mediation, although the Commission continues to encourage voluntary resolution at all stages of the complaint process.

Almost all the complaints by female part-time employees in the health care field for pro-rated top-up maternity-leave benefits, which had been referred to adjudication, were finally settled, by the provision of individual remedies and the renegotiation of the relevant collective agreements.

I hope people will finally come to realize that there is only one race – the human race – and that we are all members of it.

*Margaret Atwood*

A multi-party mediation, on the verge of adjudication, of a complaint by a driver with limited peripheral vision, whose licence had been restricted by the Motor Vehicles Department, resulted not only in the return of the complainant's licence but in the adoption of individual, functional assessments, rather than automatic standards, to assess driving ability. The Commission looks forward to the full implementation of this new policy.

There was only one adjudication hearing in 2004, which held that a restaurant owner could not dismiss a kitchen worker, who disclosed that she had Hepatitis C, on the basis of a stereotypical and mistaken perception of limitations due to the illness.

Although many complaints raise systemic as well as individual issues, the Commission is also taking a more proactive approach to systemic discrimination, through consultations with government, employers and other stakeholders, as exemplified by the work of the committees highlighted later in this report.

Externally, the Commission played an active role in the Canadian Association of Statutory Human Rights Agencies (CASHRA), where I continued as Past President and Dianna Scarth, our Executive Director, became Secretary. We attended the 2004 Annual Conference, hosted by the Canadian Human Rights Commission in Ottawa and titled "Day In, Day Out: The Everyday Work of Promoting and Protecting Human Rights in Canada". At the mid-year meeting in December, 2004 The Manitoba Human Rights Commission was appointed to a sub-committee to review the CASHRA Constitution.

The Commission also became a member of the Interprovincial Association on Native Employment Inc. (IANE).

In 2004, the chairpersons of several Manitoba administrative bodies with quasi-judicial responsibilities, including The Manitoba Human Rights Commission, established an informal Council of Chairs, to discuss common needs and issues. One of these relates to education, and the Council is planning several training sessions for board members in 2005.

The Commission continues to support the proposed Canadian Museum for Human Rights, and Dianna Scarth and I participated in a community consultation to discuss our expectations of this project.

As we celebrate the 35th anniversary of human rights legislation in Manitoba in 2005, we shall have to consider how best to protect human rights in times of terror, including questions of racism and racial profiling, and whether "hate speech" should be prohibited under The Code. In these discussions we hope to receive input from the community, which we serve, through further public consultations.

*Janet Baldwin*

# EXECUTIVE DIRECTOR'S REPORT

Collecting data for an annual report provides an opportunity to recognize the Commission's achievements within the past year, and to identify trends and patterns, which will assist with planning for the future.

One of the most significant trends noted in 2004 was the increase in the volume of complaints received each year over the past decade. In 1994, 150 formal complaints were filed, while in 2004 there were 260 formal complaints filed, in addition to 122 complaints which were resolved informally - a total of 382. Although we cannot be certain of the reasons for an increase of over 250%, we believe that recent outreach initiatives undertaken by the Commission have had an impact in raising awareness of the Commission and human rights protections.

Another important trend is the dramatic increase in complaints based on physical and mental disability, reaching an all-time high of 42.5 % of the total complaints dealt with during the year. In 1994, only 19% of complaints were based on disability. Numbers do not tell the whole story, however, as the issues raised by disability complaints have become increasingly complex. In response to this trend, the Commission has developed seminars for employers, which focus on their obligations and rights when dealing with requests to reasonably accommodate employees with disabilities.

A major achievement for the Commission was the high rate of settlements. Within the 427 complaints dealt with during 2004, 61% were settled. Mediation and conciliation are proving to be invaluable approaches for dealing with human rights complaints, especially when offered as options to the parties in a flexible way, at every stage of the complaint process. The benefits of mediation include not just an increase in operational efficiency, but also a higher satisfaction rate among the parties where they have fashioned their own resolutions, with the assistance of Commission mediators. Almost 42% of the matters disposed of in the year were completed at a pre-complaint or pre-investigation stage, in an average time of 3 months or less. This allows the Commission to redirect some of its resources to more complex, often systemic investigations. It is important that human rights commissions do not lose sight of the broad, remedial intention of human rights legislation, and in that regard it was encouraging to see that 29% of the pre-complaint resolutions included policy development, and 24% included human rights education.

Our Commission has placed greater emphasis upon proactive activities, especially in the area of public education. Seminars which offer practical and current human rights information to employers have been expanded, in recognition of the fact that over 70% of the complaints received each year arise in employment. A new outreach and liaison position was created with the objective of making the Commission more accessible and responsive to the multicultural community, especially to new immigrants.

Nobody need wait a single moment before starting to improve the world.

*Anne Frank*

Youth conferences for senior level students are among the Commission's most popular and effective educational initiatives. A youth conference and seminar for employers were held in Northern Manitoba for the first time. Three youth conferences were planned for next year-tripling the number since the introduction of youth conferences in 2001. The Commission also continues to develop special features on its website to raise awareness of human rights issues among young people.

And once again, the Commission benefited from partnerships with other community organizations, such as the Canadian Human Rights Commission, the Manitoba Association for Rights and Liberties, and the Community Legal Education Association, when we collaborated with them to celebrate such events as the Human Rights Commitment Awards, International Women's Day and the Elimination of Racial Discrimination Day.

Commissioners and staff met for a full day strategic planning session. The goals which were set for the next few years included: continuing to review policy and legislation to ensure adherence to evolving human rights principles, developing guidelines for employers and service providers that reflect best practices and model policies; considering a new " triage" procedure for assessing complaints; providing ongoing training and education for Board and staff to ensure the most effective level of services is being provided to the public; and developing new outreach strategies which target under-served communities.

Several staff left the Commission during the year. Sharon Wickman and Derek Legge retired at the end of July, and Cheryl Smith resigned to accept another government position in December. We wish them all the best in their new roles. We were delighted to welcome the Commission's first in-house legal counsel, Sarah Luttig, in October, as well as Claire Newlands, who joined our administrative staff on a term basis.

*Dianna Scarth*

# COMMITTEE REPORTS

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## Executive Committee

Chair: Janet Baldwin (Chairperson)  
Jerry Woods (Vice-Chairperson)  
Ajit Deol (Commissioner)  
Robin Dwarka (Commissioner)  
Elliot Leven (Commissioner)  
Yvonne Peters (Commissioner)  
Dianna Scarth (Executive Director)  
Aaron Berg (Legal Counsel)  
Debra Beauchamp (Policy and Program Analyst)  
Sara Lugtig (Legal Counsel)

## Issues & Communications Committee

Chair: Jerry Woods (Vice-Chairperson)  
Janet Baldwin (Chairperson)  
Robin Dwarka (Commissioner)  
Roberta Frederickson (Commissioner)  
Dr. M.V. Naidu (Commissioner)  
Fausto Yadao (Commissioner)  
Dianna Scarth (Executive Director)  
George Sarides (Assistant Director)  
Patricia Knipe (Communications Director)  
Beatrice Watson (Outreach Liaison Officer)  
Debra Beauchamp (Policy & Program Analyst)

## Policy & Legislative Review Committee

Chair: Yvonne Peters (Commissioner)  
Janet Baldwin (Chairperson)  
Jerry Woods (Vice-Chairperson)  
Elliot Leven (Commissioner)  
Sheena Rae Reed (Commissioner)  
Dianna Scarth (Executive Director)  
Aaron Berg (Legal Counsel)  
Sarah Lugtig (Legal Counsel)  
Debra Beauchamp (Policy & Program Analyst)

The Executive Committee reviews requests for reconsideration of complaints but also identifies emerging issues. It continued to correspond with Manitoba Health regarding the extent of coverage provided for sex-reassignment surgery, and initiated a discussion with Manitoba Health on access to Cholinesterase Inhibitors, such as Aricept, by residents of personal care homes.

The Issues and Communications Committee oversees the Commission's education programs, including employment seminars. The 1st Annual Northern Human Rights Youth Conference was held in Thompson, as well as the 4th Annual Human Rights Youth Conference in Winnipeg. It is hoped that the Commission will expand this successful conference to Brandon in 2005. The Committee also reviewed the Guidelines on Reasonable Accommodation under The Human Rights Code (Manitoba) for employers, unions, landlords, service providers, and persons or groups with special needs.

The Legislative and Policy Review Committee continued to develop and press for the adoption of the Commission's proposed amendments to The Human Rights Code. The Commission hosted a public consultation with representatives of organizations involved in poverty issues, who strongly supported the inclusion of "social condition" as a protected characteristic in The Code. Members of the Committee met with the Minister of Justice and will continue to work closely with the Minister in 2005 to ensure the passage of a comprehensive package of amendments to The Code. The Committee also worked on the development of policy, including a Commission Policy on Drug and Alcohol Testing.

# COMPLAINT PROCESS – OVERVIEW

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The only way to make sure people you agree with can speak is to support the rights of people you don't agree with.

*Eleanor Holmes Norton*

**Pre-Complaint Resolution Process** – This is a voluntary, without prejudice process whereby the Commission mediators attempt to resolve an issue between a complainant and a respondent, prior to the filing of a formal complaint of discrimination under the Code. In 2004, 122 were resolved successfully in the pre-complaint process.

**Mediation** – The Commission encourages parties to attempt to resolve a complaint if they wish to do so, at any stage of the process, whether prior to or during an investigation. In 2004, 240 files were assigned to the 3 staff mediators at the pre and mid-investigation stages. 65 complaints were resolved successfully in 2004 at these two stages of the process (47 in pre-investigation and 17 at mid-investigation).

**Investigation** – Each complaint that is not resolved in the mediation process is assigned to the investigation team, who collect, review and analyze evidence. Upon completion of the investigation, a comprehensive Investigation Assessment Report is prepared, making a recommendation to the Board of Commissioners for determination pursuant to the Code. In 2004, the investigation team was assigned 200 formal complaints to investigate and the team completed Investigation Assessment Reports on 136 complaints. In addition to the investigation reports, the team prepared 54 reports with respect to complaints that were either withdrawn or abandoned. Overall, the investigation team completed nearly the same amount of files as they were assigned during 2004.

**Board Directed Mediation** – Pursuant to s.29(2) of the Code, the Board of Commissioners may cause mediation to be undertaken between the parties where the evidence obtained during the investigation is sufficient to substantiate a contravention of the Code. In 2004, 40 files were referred to directed mediation. In 2004, 13 cases were voluntarily resolved at this stage and in 6 other cases, the Board determined that the offer made by the Respondent in the mediation process was reasonable and the file was closed.

**Adjudications** – Pursuant to s.29(3) of the Code, the Board of Commissions can refer complaints to adjudication, either directly or after board directed mediation is not successful. In 2004, 8 files were referred to adjudication and one adjudication hearing was completed. In addition, 43 individual files which all dealt with the same systemic issue and which were referred to adjudication prior to 2004, were resolved by legal counsel in advance of the hearing scheduled to take place in 2004.

# SETTLEMENTS

The following are examples of cases that have been settled by The Manitoba Human Rights Commission.

## **Policy Changes**

### **Housing - Source of Income**

The Commission was contacted when a woman who was on social assistance was told that to rent a particular apartment, she needed a co-signer. The manager of the housing unit informed her that it was policy. The Code however prohibits discrimination based on source of income. In the housing guidelines it reads, “Any policy or procedure which requires all social allowance recipients to provide a co-signer is prohibited under the law.” This information was passed to the manager who agreed to change the policy.

### **Public Services - Age**

A doctor, who said he already had a large number of elderly patients, advised a 62 year old potential client that he was not accepting any more patients over 50 years old. When the Commission contacted the office it was explained that this policy could contravene The Code on the basis of age discrimination. The policy of not accepting anyone over 50 years old was revoked.

## **Jurisdiction of The Code**

### **Housing – Disability**

The complainant has emphysema, which necessitates the constant use of an oxygen tank and a walker. He requested that the condominium corporation accommodate his disability by installing power assist mechanisms on the common doors. He also requested that the sidewalk be revamped to allow him easier access to the building. The respondent corporation believed that The Code did not have jurisdiction as it was bound by the Condominium Act and By-laws. It took the position that any changes regarding access to the building were the complainant’s responsibility. All attempts at mediation failed to resolve the situation and eventually an adjudicator was appointed by the Attorney General. Before the case was heard however, the parties reached an agreement. The Condominium Corporation fixed the ramp problem and agreed to install power assisted front and interior doors.

## **Differential Treatment**

### **Public Services - Ancestry**

A father filed a complaint with the Commission after his son was accused of stealing a shirt, which he was wearing at the time. Not only did the store manager believe the

Silence never won rights.  
They are not handed  
down from above; they  
are forced by pressure  
from below.

*Roger Baldwin*



shirt was stolen, he asked the boy to remove it and sent him home shirtless. The complainant believed that the assumption that his son was a thief and the subsequent actions of the store manager would not have occurred had his son not been Aboriginal. The complaint went to mediation and was settled. The agreement included \$2,500 in general damages and counselling costs for the son up to \$750.00. The manager attended the Commission's Employment Seminar and had a letter of reprimand placed on his file.

## **Employment Complaints**

### **Pre-employment Inquiries**

After filling in a job application form, the complainant contacted the Commission about her concerns regarding some of the questions. The application form required information regarding the candidate's date and place of birth as well as nationality. She agreed that her concerns could be dealt with informally. The company was contacted and acknowledged that their forms were very old and agreed to immediately delete questions regarding age, birthplace and nationality.

### **Accommodation - Disability**

The complainant was a part-time worker with the disability Fibromyalgia, which is a widespread musculoskeletal pain and fatigue disorder resulting in pain in the muscles, ligaments and tendons. Although she did not qualify for long term disability due to her part-time status, she was still listed as an employee of the company. When employees were offered a buyout package, the complainant made inquiries but was informed that she was not eligible because she had not worked within the last 52 weeks. She believed that she was subjected to differential treatment by her employer and denied the opportunity for the buyout package based on the fact that she was away from work due to a physical disability. Before a formal complaint was filed, the parties agreed to the Commission's pre-complaint resolution process. A Manitoba human rights mediator sent the respondent a recent decision from the Court of Appeal of Alberta. It ruled that offering a buyout package only to those senior employees who had worked at some point within the last 52 weeks discriminated against employees who, while senior enough to be earning the minimum pay rate for the buyout, were unable to work within the preceding year due to disability. Both the employer and the union that had arrived at the buyout agreement were found responsible for the discrimination because they had not accommodated the employees with disabilities to the point of undue hardship. The respondent provided the complainant with \$4,500.00 in general damages.

## **Systemic Remedies**

### **Changes Benefit People with Disabilities**

The complainant, who lost some peripheral vision after a brain hemorrhage and surgery, had his driver's license cancelled by the Registrar. Although he was subsequently provided with a restricted Class 5 license, he was limited to driving within a 30 kilometer radius of his home. He appealed this decision several times without success. He filed a complaint with the Manitoba Human Rights Commission.

The Registrar of Motor Vehicles and the Medical Review Committee explained that originally, the complainant's license was restricted because of a standard, which requires drivers to have at least 120 degrees peripheral vision.

The Commission maintained that the strict application of the 120 degree standard failed to comply with recent human rights decisions by the Supreme Court of Canada, which state that such standards must be as inclusive as possible, so as not to unreasonably discriminate against persons with disabilities. The Commission contended that the decisions should be based on more comprehensive testing, including assessments by occupational therapists and physicians, which individually assess a person's functional ability to drive safely.

Mediation was successful and now all individuals with certain functional limitations will be entitled to comprehensive, functional assessments to ascertain whether or not drivers' licenses will be issued.

### **Maternity Leave Benefits Questioned**

In 2004, complaints filed by 47 women who are all part-time employees in the health care field, were settled.

The complainants alleged that their respective collective agreements discriminated against them on the basis of their sex. The only benefit, which was not pro-rated for part-time employees under their collective agreements, was the top-up benefits available to full time employees going on maternity leave and later returning to work. Because the vast majority of part time employees in the health care field are women, it was alleged that this term of the collective agreements had a differential impact on women, which constituted discrimination based on sex.

Not only were individual remedies received by each complainant, based on the amount each woman would have received if the benefits had been available to her on a pro-rated basis, but the collective agreements in question were also changed during the most recent contract negotiations. These settlements reflect the remedial principles, which underlay human rights legislation, in that not only were individual remedies achieved, but there were also systemic changes. In future, part-time employees who apply for maternity-leave benefits under the collective agreements at the institutions, which were the subject of the human rights complaints, will now be entitled to receive the optional top-up maternity leave benefits on a pro-rated basis.

## LEGAL PROCEEDINGS

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If you only look at what  
is, you might never  
attain what  
could be.

*unknown*

In the only human rights hearing during 2004, the adjudicator, appointed by the Attorney General of Manitoba, found that a restaurant owner discriminated against an employee after she revealed that she had Hepatitis C. In her ruling Adjudicator Lori Spivak stated “actions based on impressionistic and misinformed assumptions about the nature of Hepatitis C cannot be justified.”

The complainant testified that she was removed from her duties in the kitchen and was not offered further work after she disclosed she had Hepatitis C. The owner of Little Chief’s Restaurant in Brandon had been visited by a public health nurse who spoke to him of the differences between Hepatitis A, B and C and explained that Hepatitis C cannot be contracted from day to day contact and it is spread when people share blood or body fluids containing blood.

The restaurant owner expressed concern that the complainant would be working with knives. The public nurse, however testified that the appropriate response for any food handler in a situation where the individual is cut while working is to discard the food and clean the surface with bleach.

A disability may be the result of a perceived limitation, based on a prejudice and/or stereotypes, even when no actual limitation exists. Adjudicator Spivak found that the respondent unreasonably discriminated against the complainant in relation to her employment because she had Hepatitis C.

The complainant was awarded \$2000.00 for injury to dignity, feeling and self respect and the respondent was ordered not to discriminate against people with Hepatitis C.

# RAISING AWARENESS

Public education and the promotion of human rights continue to be significant parts of the Commission's work, although limited resources often makes its goals difficult to achieve. As part of its mandate, it is stated in The Code that "it is important that human rights education programs assist Manitobans to understand all their fundamental rights and freedoms, as well as their corresponding duties and responsibilities to others."

Recognizing the value of preventing discrimination and promoting equality, the Commission views 2004 as a very successful year on both fronts. The website, especially the link to the innovative MHRC TV site, which remains a strong component of the Commission's youth initiative, attracts not only students and teachers but the public as well.

The Commission also continues to be a valued partner with The Canadian Human Rights Commission, The Community Legal Education Association of Manitoba and The Manitoba Association for Rights and Liberties in awarding the Manitoba Human Rights Commitment Award. Once again, the Commission and its partners hosted the Commitment Awards Luncheon, in celebration of International Human Rights Day. The 2004 award recognized achievements in the field of equality rights, which have contributed to the elimination of discrimination based on sexual orientation. The recipients of the 5th Annual Manitoba Human Rights Commitment Award were Chris Vogel and Richard North.

The Commission's efforts to inform the public also includes outreach activities, educational seminars, presentations, printed material, news releases, conferences and round table discussions. These efforts are achieved not only by staff hired to fulfill this part of the mandate, but also by investigators, mediators, managers and legal counsel. For example, human rights staff made 86 presentations reaching more than 3100 people. The willingness of these individuals to contribute to public education and promotion has resulted in many successful projects.

## Youth Conferences

With the growing success of the Youth Conferences in Winnipeg, the Commission made the decision to hold its first conference outside the city. In March, the youth conference team travelled to Thompson where students and supervisors from 10 different northern communities gathered. A most remarkable video, from Oscar Blackburn School in South Indian Lake, won the first northern video competition. Called "Respect" this video is now used in countless presentations given by the Commission. As with all winners, "Respect" can be viewed on the Commission's website.

Give to every human  
being every right you  
claim for yourself.

*Robert Ingersoll*

The 4th Annual Winnipeg Human Rights Youth Conference was held on December 10, International Human Rights Day at the Asper Jewish Community Campus. Both the date and the location enabled the Commission to offer the students workshops on International Human Rights as well as information on The Manitoba Human Rights Code. The Holocaust Museum on campus served as the location for a presentation on the Holocaust. As well, the Commission partnered with the Rights and Democracy Network, which sent a guest speaker to the conference to talk to the students about the Rights of the Child and specifically about child labour. The Commission also offered a new workshop "Living Outside the Box", featuring three guests, young adults who have overcome barriers in their chosen field. The 2004 Winnipeg video competition was won by Garden Valley Collegiate in Winkler.

### **Education Programs**

By offering educational seminars and workshops, the Commission continues to respond to employers and their need to understand human rights and responsibilities in the workplace. In 2004, the full day Employment Seminar, which canvasses a variety of work related human rights topics, was once again delivered. Two half-day seminars, one on Harassment in the Workplace and the other on Reasonable Accommodation in the Workplace, were also available and remain popular. The Employment Seminar was piloted in Brandon and will be offered, along with Harassment in the Workplace and Reasonable Accommodation, in 2005 in that city. Also a new workshop, which is designed to assist human resource professionals investigate harassment or discrimination complaints in the workplace, is in its final stages of development and will be available in Winnipeg in early 2005.

An employment seminar was delivered in Thompson as a number of staff was in that city to host the first northern Youth Conference. The seminar brought in a record number of over 50 participants, representing government, businesses and non-profit organizations and provided an educational opportunity while the human rights officer position in the North was vacant.

### **Outreach**

In 2004 a decision was made to redefine an existing job description to create an outreach and liaison officer position. This pro-active approach was done to bridge a gap that the Commission believed existed between itself and minority groups, especially new immigrants. The goal of this new position is to increase awareness of the Manitoba Human Rights Commission and The Code in the multicultural community.

The Commission has continued its practice of having a human rights officer spend one day a week at the St. Boniface Service Centre in Winnipeg, providing bilingual outreach and intake services.

## **Round Table Discussion on Social Condition**

Representatives of organizations involved in poverty issues attended a public consultation hosted by The Manitoba Human Rights Commission on the issue of amending The Human Rights Code to include social condition as a protected characteristic. It was explained that social condition means circumstances relating to social or economic status and that while source of income and other grounds provide some protection, it is limited and sometimes it is the overall ‘social condition’ of a person that is the basis for discriminatory treatment, and not a single or group of personal characteristics.

This was the first round table discussion that the Commission has hosted and it is believed that the feedback and insight received through this public consultation was of great benefit to the Commission, and there are plans to hold future round table discussions.

I saw what could be  
done for I had a vision  
of a new world as  
I talked.

*Nellie McLung*

## BOARD OF COMMISSIONERS

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Commissioners represent the geographic, cultural, social and economic profile of Manitoba. They are appointed for a three-year term and serve on a part time basis. There are ten Commissioners, including a Chairperson and a Vice-Chairperson.

### Chairperson

**Janet Baldwin** has an LL.B degree from the University of London, and did graduate work at the University of Warsaw, Poland, and the University of Illinois (LL.M). She taught law at the University of Manitoba for 31 years. She also served as Chair of the President's Advisory Council on Women and as the Director of the Women's Secretariat, and revised the University's sexual harassment policy. Janet is a member of an Agency Liaison Team with the Red Cross for the United Way. She is Past President of the Canadian Association of Statutory Human Rights Agencies, and a member of the Local Advisory Board to the University of Winnipeg's Global College. Janet is married and has two daughters.

### Vice-Chairperson

**Jerry Woods** is a proud member of the Couchiching First Nation. He has been a labour and social activist all of his working life, which began when he was only fifteen years old. Over the following twenty-five years, he worked as a papermaker at the Boise Cascade paper mill in Fort Frances, Ontario. For twenty of those years, he served as an Officer with the Local Union. In 1989, he became a full time National Representative for the Communications, Energy and Paperworkers Union. Jerry retired in 2002.

### Commissioners

Roberta Frederickson recently completed a Family Fetal Alcohol Spectrum Disorder Support Worker Program and is now an advocate and educator on behalf of families and children in need. Roberta was a Shop Steward with the Canadian AutoWorkers and a long time employee with the Fort Garry Hotel in Winnipeg. She has extensive experience in workplace issues and for many years, facilitated human rights and respectful workplace discussions for CAW members. Her interests include human rights, child advocacy and the issues surrounding domestic violence. Roberta has one grown daughter.

**Yvonne Peters** has a Bachelor of Arts and a Bachelor of Law from the University of Saskatchewan and a Bachelor of Social Work from the University of Regina. She practices equality rights law in Winnipeg, providing legal consultation and advice to unions, community groups, human rights organizations, the corporate sector and governments. Her community work includes serving on the Steering Committee of the National Association of Women and the Law, the Board of Directors of the Canadian Women's Health Network and chairing the Human Rights Committee of the Council of Canadians with Disabilities.

**Fausto Yadao** is the former Dean of Student Affairs at Red River College. He was also the Director of Regional Centres and Distance Education. In 1990, he led the Red River College

Task Force on Services to Aboriginal and Multicultural Communities. Fausto is the Vice-President and Fundraising Coordinator for the Philippine-Canadian Centre of Manitoba and is a recipient of the Golden Jubilee Medal for community service. Fausto has two daughters and a grandson.

**Robin Dwarka** is the Director of Administration for Legal Aid Manitoba. She is a Certified Management Accountant (CMA) and has a Bachelor of Commerce (Honours) from the University of Manitoba. Robin is a founding member of the Manitoba Pan Handlers, a local steel band. Currently, she is active in the Caribbean community primarily through the Building and Youth sub-committees of the Council of Caribbean Organizations of Manitoba. In June, 2004, Robin joined the board of the Manitoba Association for Rights and Liberties (MARL) and is currently its Treasurer.

**Professor M.V. Naidu**, on invitation, joined the Department of Political Science, University of Rajasthan (Jaipur, India) as a Visiting Professor for eight months. He was also invited for a one year appointment to Delhi University as Visiting Professor in the Department of Political Science. Professor Naidu continues to teach political science at Brandon University and is the recipient of many honours and awards including the Canadian government's Citation for Citizenship and a Peace Plaque from the Canadian Peace Research and Education Association. He is the editor of an international journal Peace Research and writes a regular column for the Brandon Sun.

**Sheena Rae Reed** was born and raised in Flin Flon and her love of the North resulted in her returning to her hometown after receiving her Arts Degree from the University of Manitoba and studying two years of law. Once she returned to Flin Flon, she began working in social services and today she works with Child and Family Services. For the last seventeen years Sheena has coached girls' gymnastics and has been involved in Big Brothers/Big Sisters. She is also a board member of the Northern Women's Resource Centre in Flin Flon, the President of the Flin Flon Friendship Centre's Board of Directors and the President of the Manitoba Association of Friendship Centres.

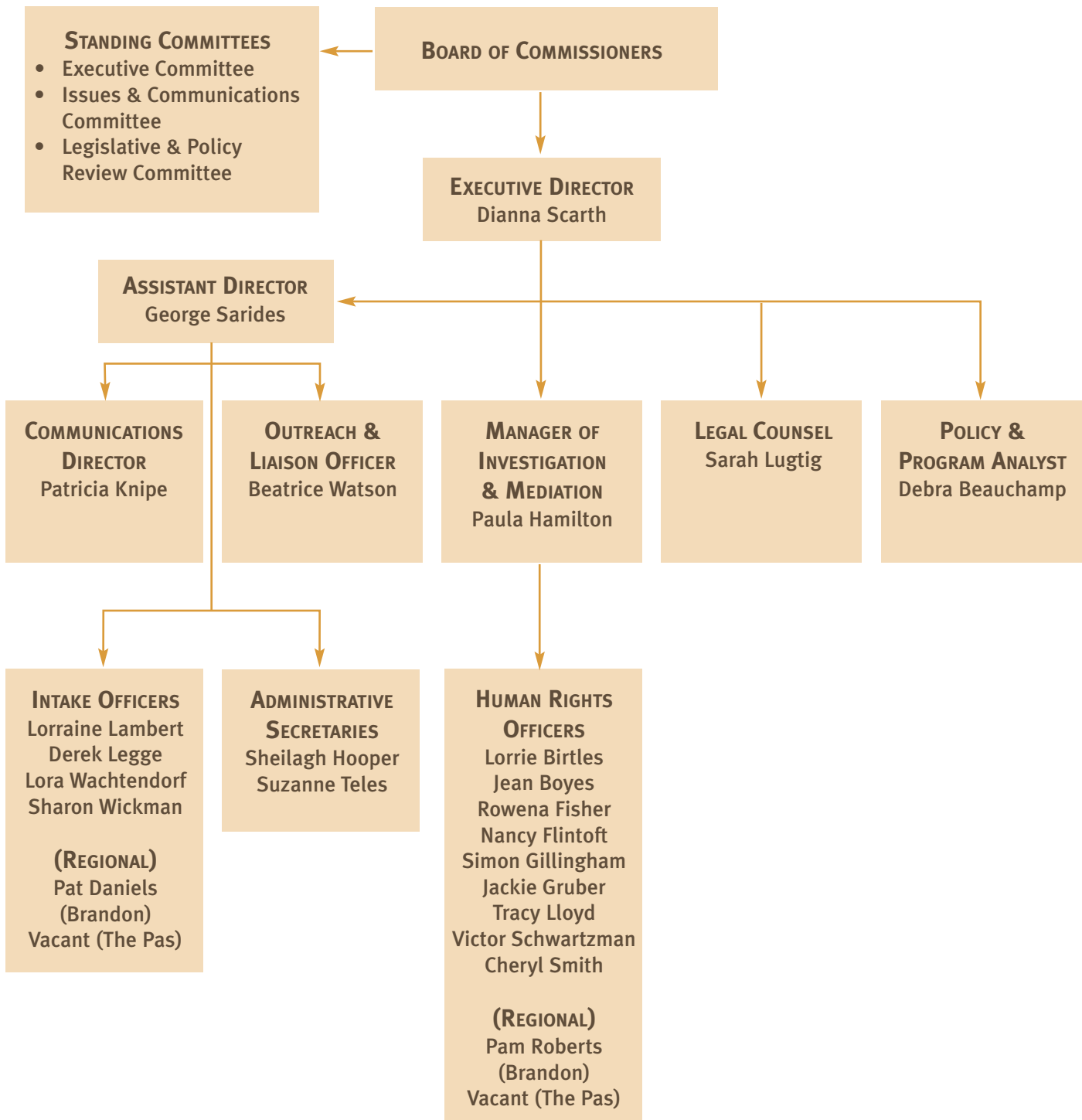
**Elliot Leven** is a lawyer by profession and his preferred areas of practice are labour and employment law and Aboriginal law. He is an active member of Winnipeg's gay and Jewish communities and is the past chair of the Gay and Lesbian Issues Subsection of the Manitoba Bar Association. He is also a former board member of the Rainbow Resource Centre. As the former editor of the Jewish Post, Mr. Leven continues to be active in the Jewish Community and is the President of Camp Massad, a Hebrew immersion residential camp.

**Ajit Deol, O.M.** Ajit has been an educator, a committed activist and forward thinking multicultural leader for many years and has received numerous awards for her work in the community. Ajit was a teacher at Edward Schreyer High School in Beausejour and Maples Collegiate in Winnipeg for many years. She is credited with developing the Caroline McMorland School for the mentally disabled in Ontario. She has been on the Board of Directors of countless organizations and is currently President of the East Indian Support and Advocacy Group, a member of the Manitoba Citizenship Council, and a Director on the Board of the Seven Oaks School Education Scholarship Foundation and Seven Oaks General Hospital Foundation.



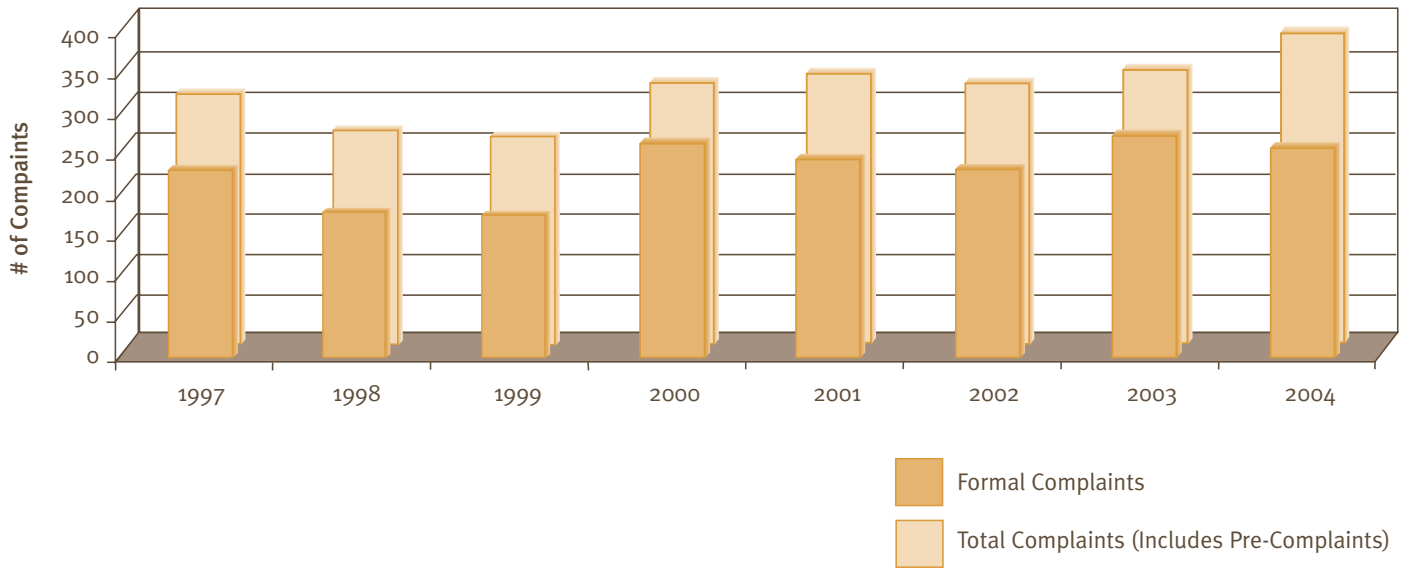
# MANITOBA HUMAN RIGHTS COMMISSION

## ORGANIZATION CHART 2004



# STATISTICS

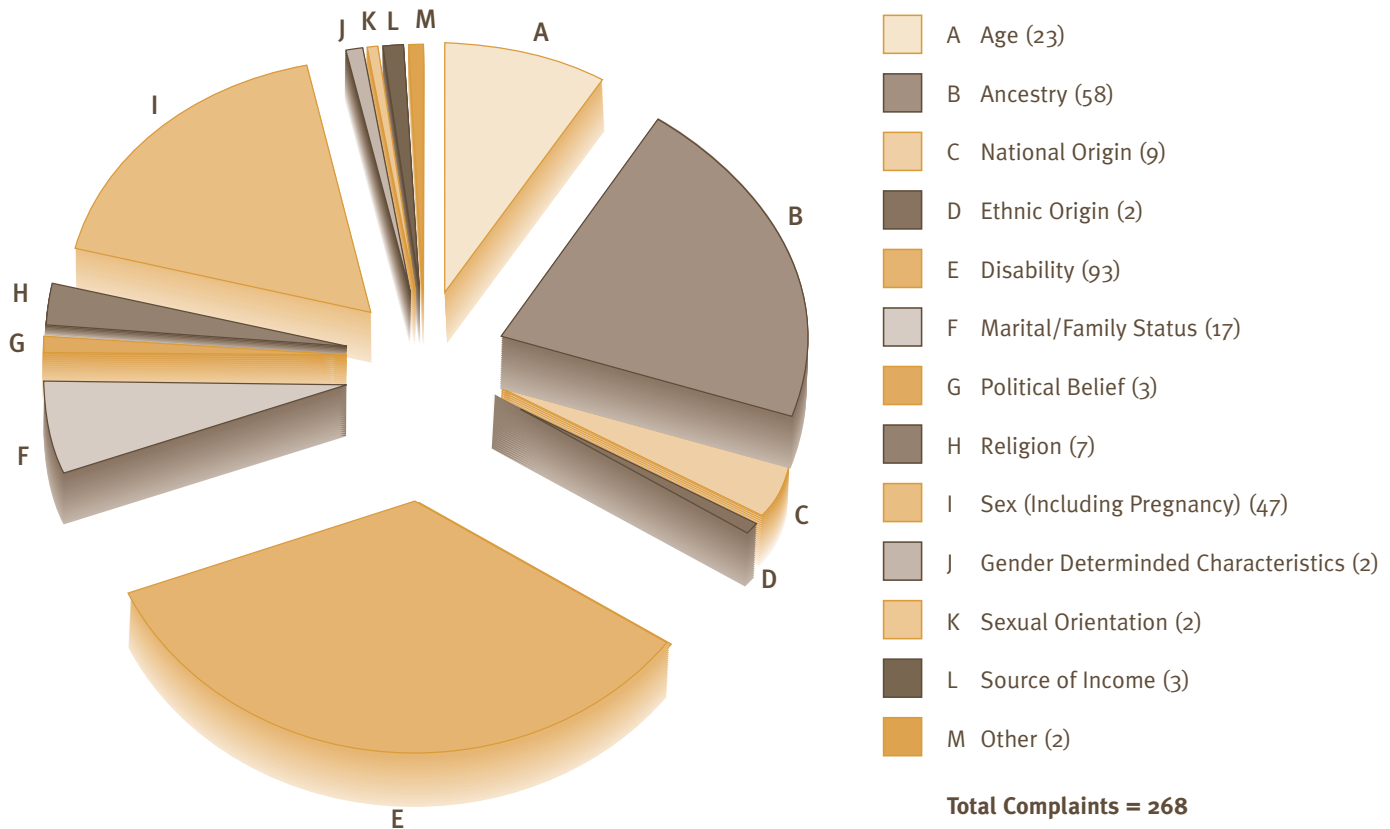
## Complaints Filed



## Number of Complaints

Year	Formal Complaints	Total Complaints (Includes Pre-Complaints)
1990	245	n/a
1991	265	n/a
1992	216	n/a
1993	149	n/a
1994	150	n/a
1995	169	n/a
1996	218	n/a
1997	231	308
1998	177	262
1999	175	252
2000	261	319
2001	241	329
2002	229	319
2003	274	336
2004	260	338

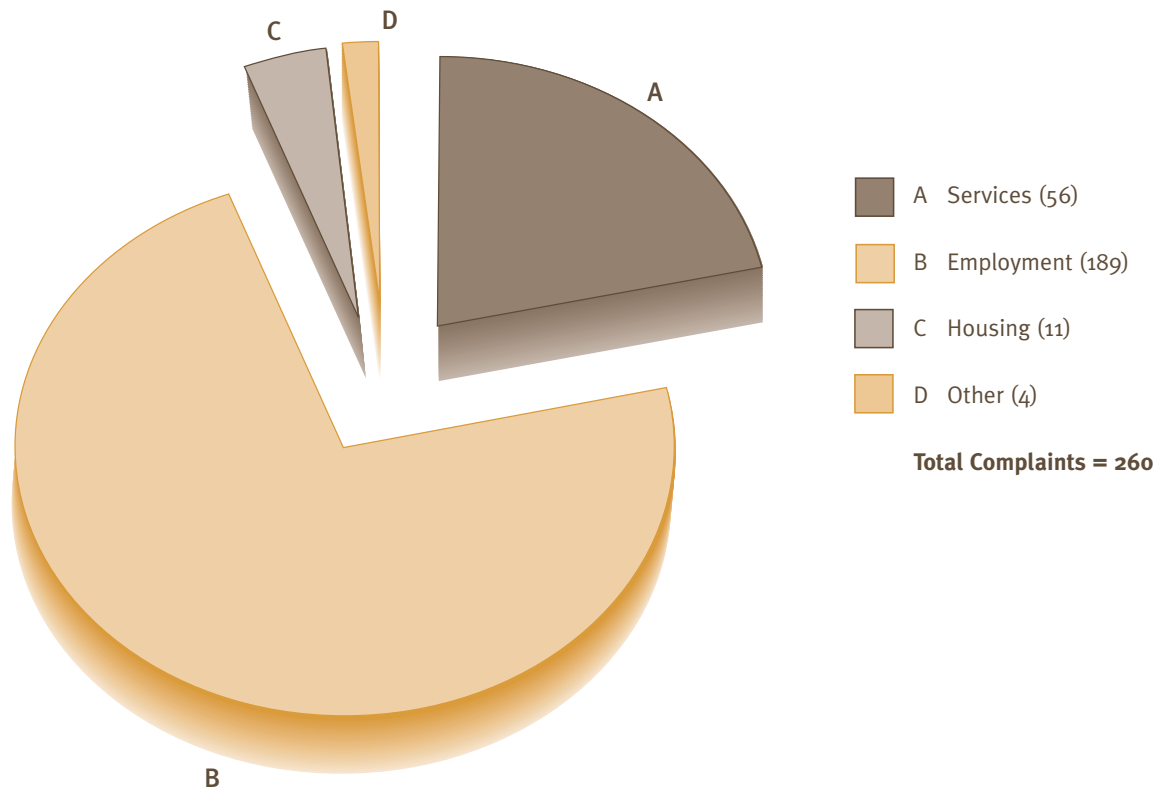
## Formal Complaints Registered in 2004 – By Grounds



## Files Closed by Grounds in 2004

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated / Offer Found Reasonable	Settled by Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Age	10	7	5	6	1	3	1	0
Ancestry	19	13	12	22	0	0	1	0
National Origin	2	0	1	1	0	0	0	0
Ethnic Origin	0	0	1	1	0	0	0	0
Disability	52	31	19	29	3	6	4	1
Marital/Family	7	4	3	13	1	1	1	0
Political Belief	0	0	1	1	0	0	0	0
Religion	5	1	1	2	0	1	0	0
Sex (including Pregnancy)	25	10	11	23	1	3	3	43
Gender Determined Characteristics	0	0	0	0	0	0	0	0
Sexual Orientation	2	1	0	2	0	0	1	0
Source of Income	2	0	0	0	0	0	0	0
Other	4	0	0	3	0	0	0	0
<b>TOTALS</b>	<b>128</b>	<b>67</b>	<b>54</b>	<b>103</b>	<b>6</b>	<b>14</b>	<b>11</b>	<b>44</b>
<b>Total Complaints by Grounds 2004</b>								<b>427</b>

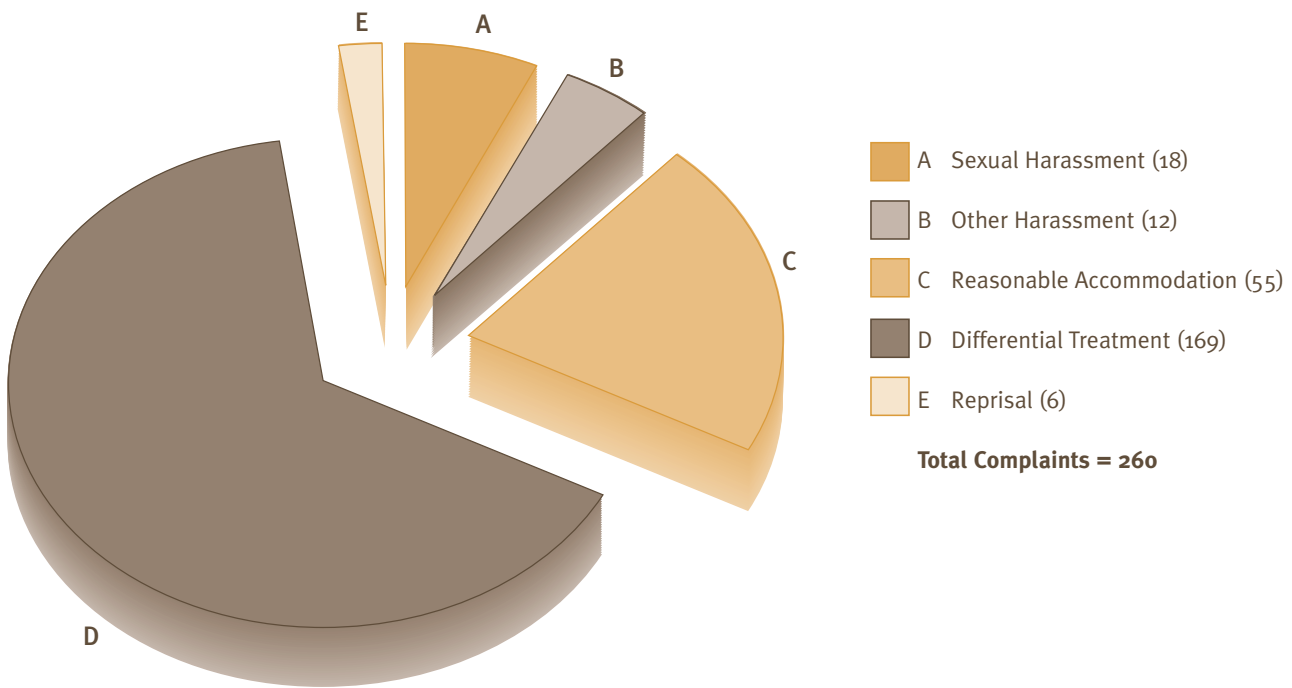
## Formal Complaints Registered in 2004 – By Area



## Files Closed by Area in 2004

Area	Pre-complaint Resolution	Pre-Board Settlements	Withdrawn / Abandoned	Dismissed by Board	Terminated / Offer Found Reasonable	Settled by Board Directed Mediation	Referred to Adjudication	Settled Prior to Adjudication
Services	25	9	10	13	1	3	3	0
Employment	80	53	36	81	3	8	8	43
Contracts	0	0	0	1	0	0	0	0
Housing	17	1	4	3	2	2	0	1
Other	0	2	0	1	0	0	0	0
<b>TOTALS</b>	<b>122</b>	<b>65</b>	<b>50</b>	<b>99</b>	<b>6</b>	<b>13</b>	<b>11</b>	<b>44</b>
<b>Total Complaints by Area 2004</b>								<b>410</b>

## Formal Complaints Registered in 2004 – By Nature of Allegation



## Files Closed by Nature of Allegation in 2004

Nature of Allegation	Number of Complaints
Sexual Harassment	28
Other Harassment	25
Reasonable Accommodation	100
Differential Treatment	254
Reprisal	3
<b>TOTAL</b>	<b>410</b>