

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

20
23

MANITOBA HUMAN RIGHTS COMMISSION
ANNUAL REPORT



**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 2022 calendar year.

Respectfully submitted,

Matt Wiebe
Minister of Justice and Attorney General

Honourable Matt Wiebe
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 2023.

Yours sincerely,

Laurie Bonten
Chairperson
Board of Commissioners

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 ancestral lands of the Anishinaabeg, Anishinewuk, Dakota Oyate, Denesuline and Nehethowuk Nations, and the homeland of the Red River Metis. We acknowledge northern Manitoba includes the ancestral lands of the Inuit.

We recognize that Indigenous territories stretch to every corner of this province and that Indigenous peoples throughout these lands have inherent rights, which are upheld by international, national and provincial laws. We also recognize the long-standing Indigenous laws and governance systems that are integrally linked to these lands and waters.

While Indigenous rights are inherent to the territories stretching across this province, we recognize the serious harms caused by colonialism and its lasting impacts on Indigenous Peoples. 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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BOARD OF COMMISSIONERS



LAURIE BONTEN, Chairperson

Laurie Bonten is Founder and Senior Investment Advisor of Enhanced Wealth Management, at Wellington-Altus Private Wealth. Since joining this file, Bonten has been committed to increasing the representation of women in the financial investment sector. Bonten has also been a strong community advocate, serving most recently as Co-Chair of the David Foster Foundation Miracle Gala & Concert hosted in Winnipeg. Bonten has also volunteered with the United Way Major Donors Winnipeg and Manitoba Special Olympics.



JOHN BURCHILL, Vice 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.



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.



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.



AARON PENNER

Aaron Penner is a Chartered Professional Accountant (CPA) and a retired partner of KPMG. During his 34 years with that firm, Aaron worked primarily with owner-managed businesses and not-for-profit organizations providing his clients with accounting, auditing, and tax services. In addition, he provided many other business advisory services including strategic planning, succession planning, organizational reviews, and business planning. After retiring from KPMG in 2008, Aaron worked with several international not-for-profit organizations that focused on humanitarian aid and economic development. This led to meaningful and interesting work for Aaron, in many countries. Prior to becoming fully retired in 2017, Aaron spent five years as the Director of Finance for Mennonite Central Committee Canada. Aaron has always been, and continues to be, actively involved in the community by serving as a director on a variety of boards.



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.



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.



"We surpassed our target in 2023, successfully disposing of a total of 327 files. This achievement represents the highest number of cases ever resolved annually in the Commission's history. Attaining this goal was a collective effort, reflecting the commitment and diligence of our team members, who consistently strive to uphold the dignity and rights of all Manitobans."



— GREETINGS FROM THE COMMISSION

The year 2023 marked a significant milestone for the Manitoba Human Rights Commission. Since the fiscal year 2015/16, we have been actively addressing the increasing wait times associated with the investigation of human rights complaints. These wait times peaked during the COVID-19 pandemic, with some parties experiencing delays of 24 months or longer before their complaints were investigated. We understand that prolonged wait times can hinder access to justice and erode public confidence in our human rights framework.

In 2022, we implemented legislative amendments to The Human Rights Code, which enhanced the efficiency of our complaint processes. Concurrently, we introduced a Wait Times Reduction Strategy aimed at eliminating the backlog of pending human rights complaints by the end of 2025. To achieve this goal, we pledged to dispose of 325 complaints annually.

Thanks to the dedication of our staff, we surpassed our target in 2023, successfully disposing of a total of 327 files. This achievement represents the highest number of cases ever resolved annually in the Commission's history. Attaining this goal was a collective effort, reflecting the commitment and diligence of our team members, who consistently strive to uphold the dignity and rights of all Manitobans. I take immense pride in the privilege of working alongside such a devoted and empathetic group of public servants. Together, we are improving access to justice in the human rights system for all.

In addition to enhancing the efficiency of our complaint process, we remained committed to proactively advancing human rights in Manitoba through human rights education and promotion. In 2023, we made significant submissions to the Manitoba Law Reform Commission's examination of Non-Disclosure Agreements and participated in the five-year review of the Accessibility for Manitobans Act. We also issued guidance to educators on the International Day for the Elimination of Homophobia, Biphobia and Transphobia and published an op-ed and news media in response to the rise in antisemitism and Islamophobia in the fall of 2023.

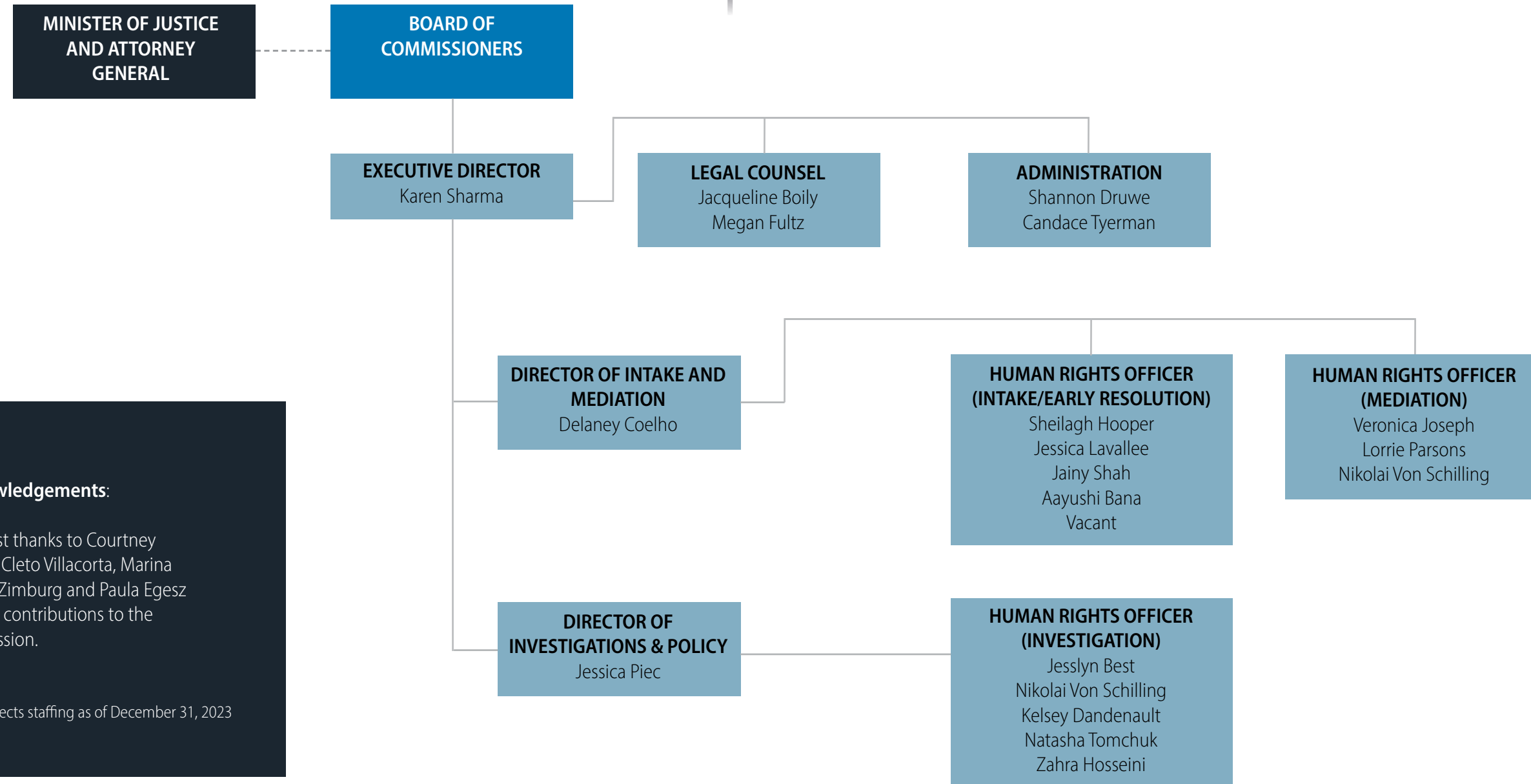
As we continue to make strides in reducing wait times, we are also focusing on our future direction. This year, the Commission began the renewal of our strategic plan, identifying key priority areas for the next five years. We are eager to chart a bold path forward, emphasizing relationship-building within the community and leveraging our human rights education and advocacy mandate to proactively tackle human rights challenges across the province.

We are enthusiastic about the future of our work and remain committed to recognizing the importance and value of our mission. Together we will continue to strive for a more just and equitable society for all Manitobans.

Karen Sharma, Executive Director



OUR ORGANIZATION



Acknowledgements:

Sincerest thanks to Courtney Joshua, Cleto Villacorta, Marina Caillier-Zimburg and Paula Egesz for your contributions to the Commission.

Chart reflects staffing as of December 31, 2023

OVERVIEW

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.

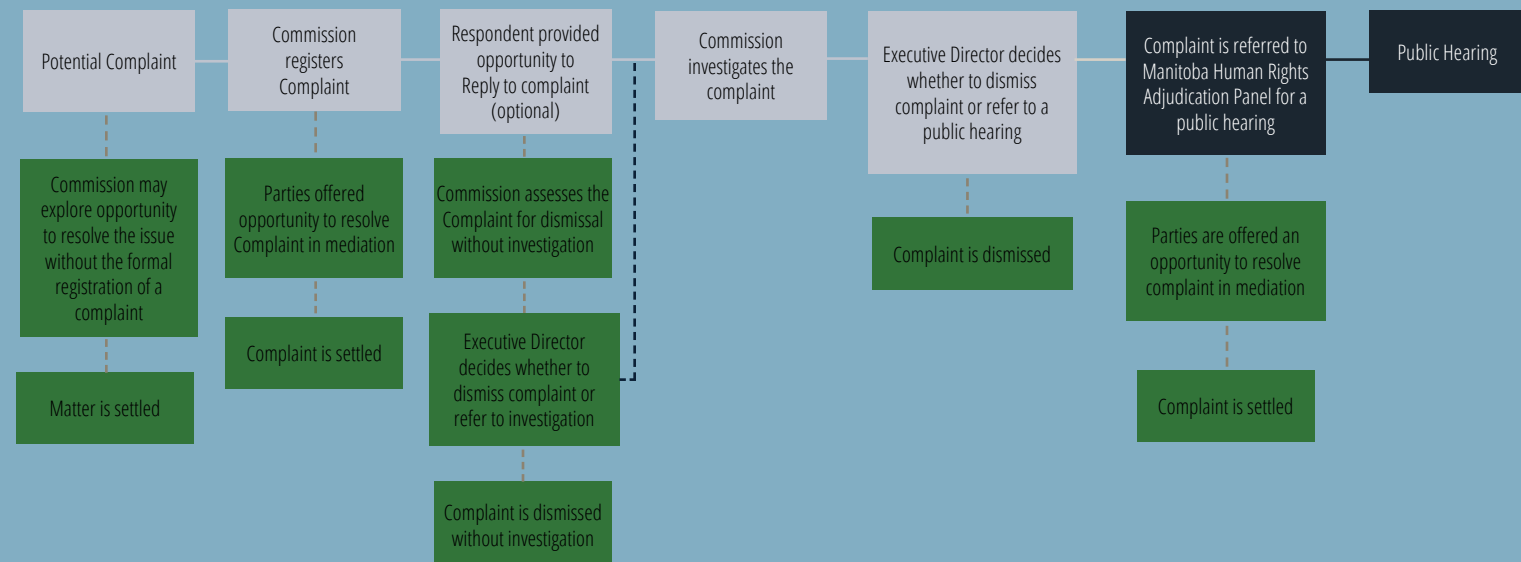
Any person who believes they have been discriminated against when at work or when accessing public services or housing may file a complaint with the Commission. We investigate those complaints to determine if there is enough evidence to warrant referring them to the Human Rights Adjudication Panel for 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 COMPLAINT PROCESS



COMPLAINTS BY THE NUMBERS

The Commission is responsible for investigating 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 2023

Number of people who contacted us for information

3,162

Number of people who believe they were discriminated against

786

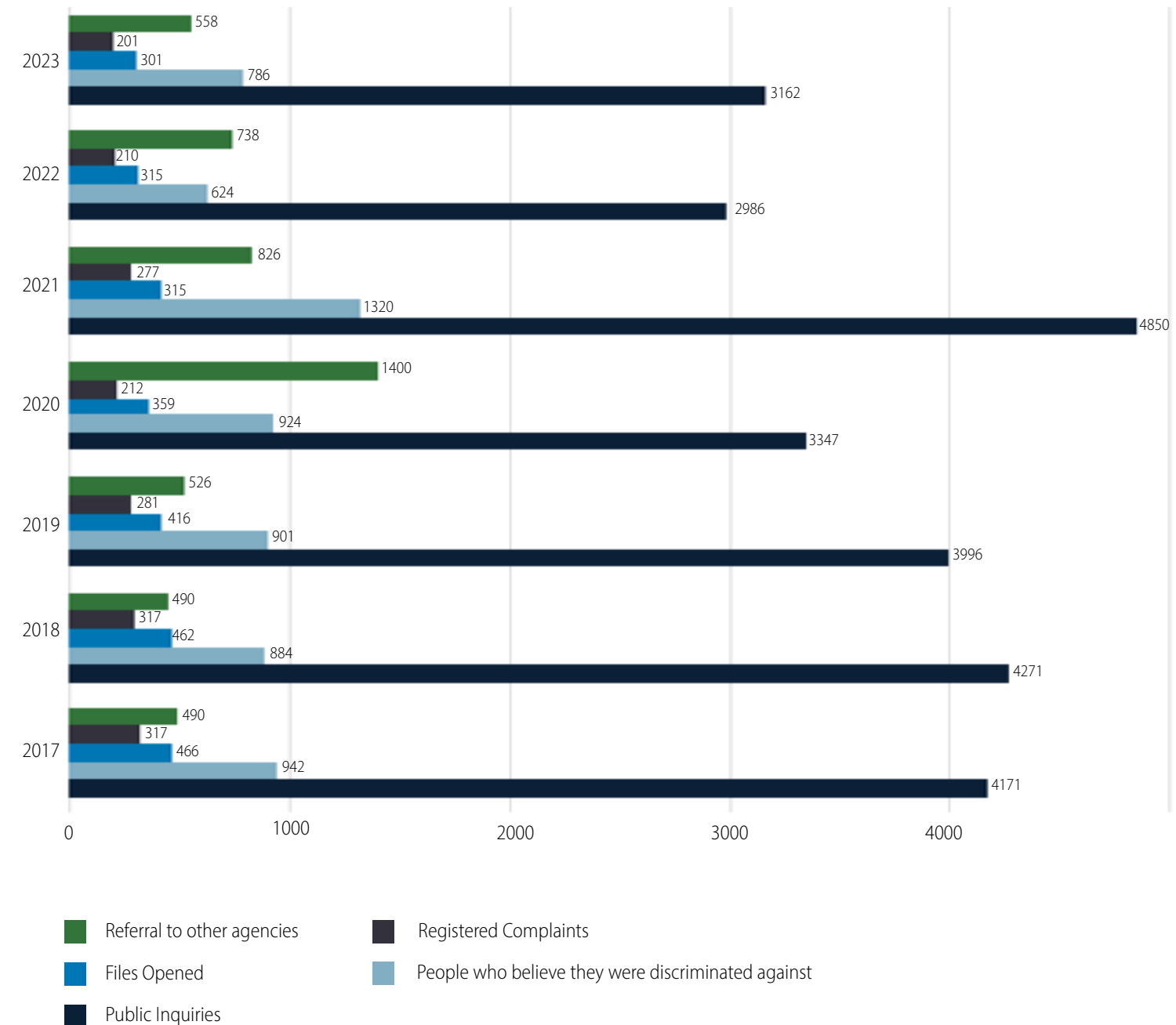
Number of people who were referred to other agencies for assistance

558

Number of files opened by the Commission

301

Public Inquiries and Registered Complaints, 2017-2023, Fig. 1



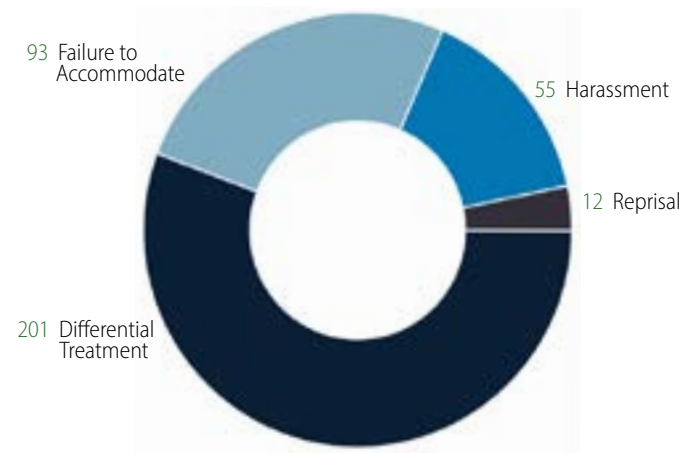
REGISTERED COMPLAINTS IN 2023

201

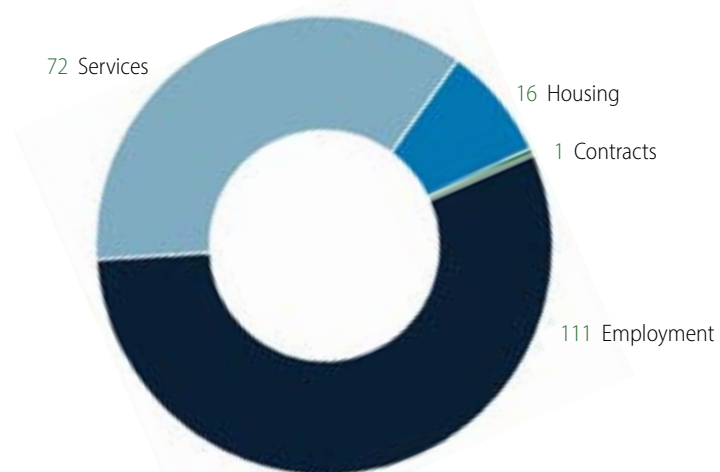
The Commission received 3,162 inquiries from the public in 2023. Of the 3,162 inquiries received in 2023, 786 individuals believe they experienced discrimination and 558 individuals were referred to other agencies for assistance. The Commission opened 301 files and registered 201 complaints of discrimination in 2023.

Within the 201 complaints filed in 2023, most were filed in the area 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 (see fig. 4), with 55% of complaints filed on the basis of a physical disability and 45% filed on the basis of a mental disability. Following disability, the Commission received the next highest number of complaints were filed on the basis of race/ancestry.

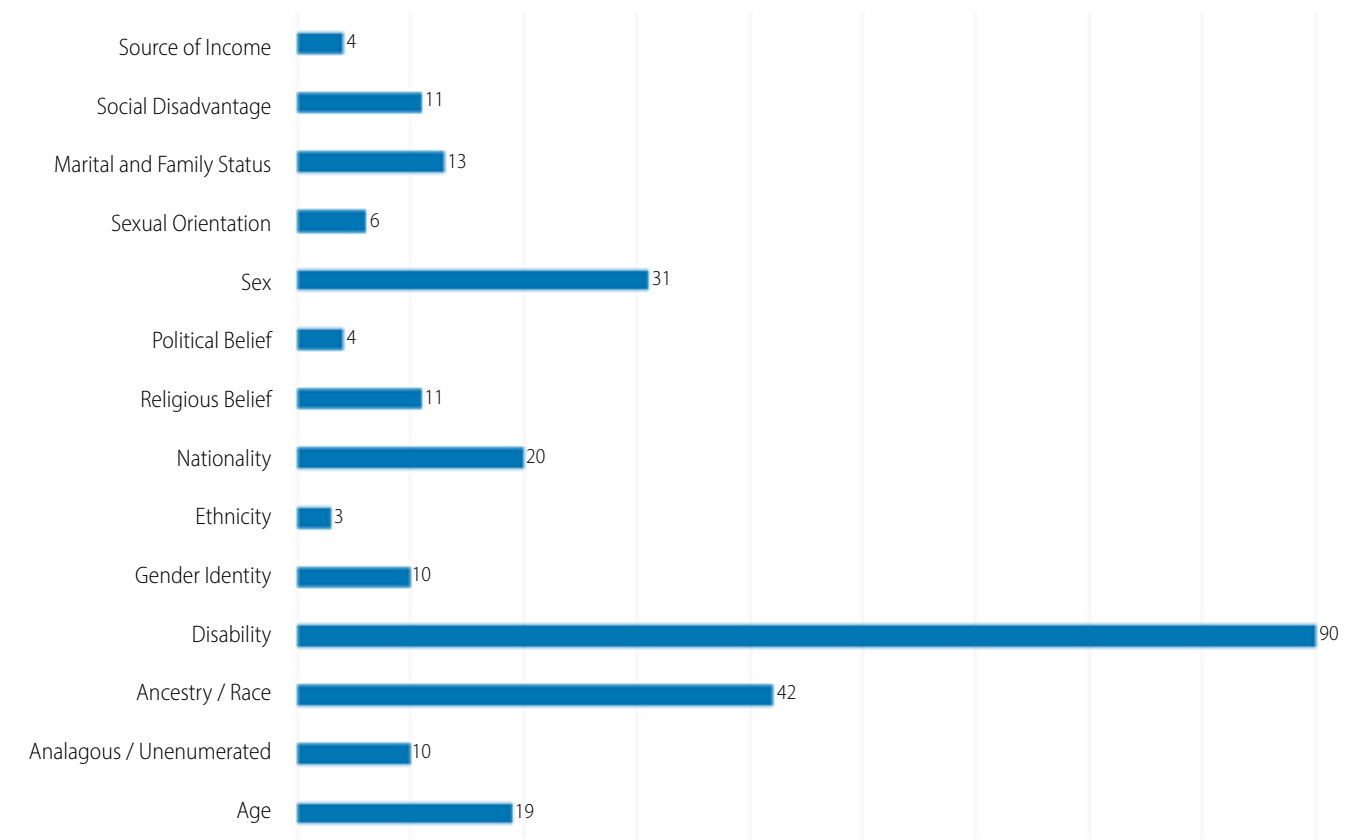
Registered Complaints by Type of Discrimination, 2023, Fig. 2



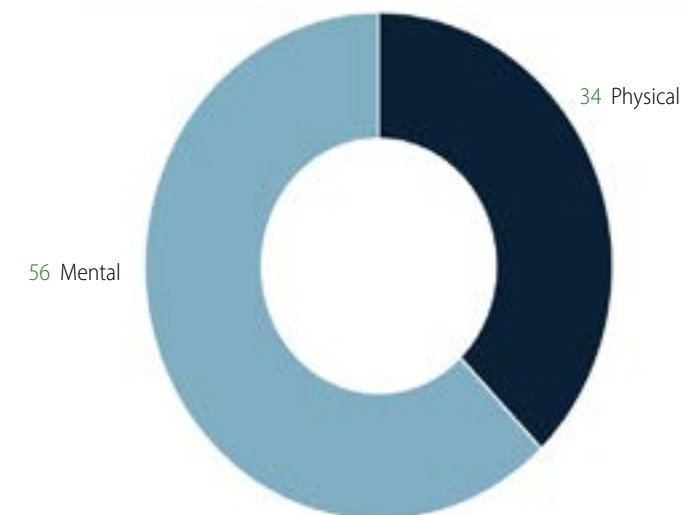
Registered Complaints by Area, 2023, Fig. 3



Registered Complaints by Protected Characteristic, 2023, Fig. 4



Disability Related Complaints, 2023, Fig. 5



MEDIATION OUTCOMES IN 2023

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 assessment or investigation of the complaint.

Resolved through mediation prior or during investigation **29**

Resolved with limited Commission involvement **2**

Resolved through mediation prior to a public hearing **2**

Total number of complaints resolved in mediation in 2023 **33**

Given the remedial nature of The Code, the Commission recognizes that alternative dispute resolution is an integral approach to addressing human rights concerns in Manitoba.

Parties may be offered an opportunity to resolve the complaint via mediation at various points in the complaint process, including:

- Prior to the registration of a formal complaint (pre-complaint resolution);
- Following registration of a complaint, before it is assessed or investigated (pre-investigation mediation);
- After investigation of a complaint, before it is referred to the Manitoba Human Rights Adjudication Panel for a public hearing (Commission-directed mediation);
- During pre-hearing preparation (pre-hearing settlement negotiations).

Once a complaint has been referred to the Manitoba Human Rights Adjudication Panel for a public hearing, parties may request an adjudicator to assist the parties in settling a complaint.

PRELIMINARY ASSESSMENT OUTCOMES IN 2023

As part of the amendments to *The Code*, taking effect January 1, 2022, the Commission may conduct a preliminary assessment of the complaint, under Section 26 of *The Code*, for dismissal without investigation.

Following receipt of the Reply, the Commission will triage complaints to determine if we should conduct a preliminary assessment of the complaint for dismissal without investigation. Where an assessment is conducted, the parties will receive a letter from the Commission, with our analysis and recommendation, as to whether the complaint should be dismissed without investigation under Section 26. The parties are provided with an opportunity to submit a written response to the Commission's preliminary assessment before the Executive Director makes the decision as to whether the complaint should be dismissed without investigation.

In cases where a complaint is dismissed, the complainant may apply to have the Executive Director's decision reviewed by three members of the Board of Commissioners within 30 days of the Executive Director's decision. The Board of Commissioners may confirm the decision of the executive director to dismiss the complaint or make any decision that in its opinion ought to have been made by the executive director.

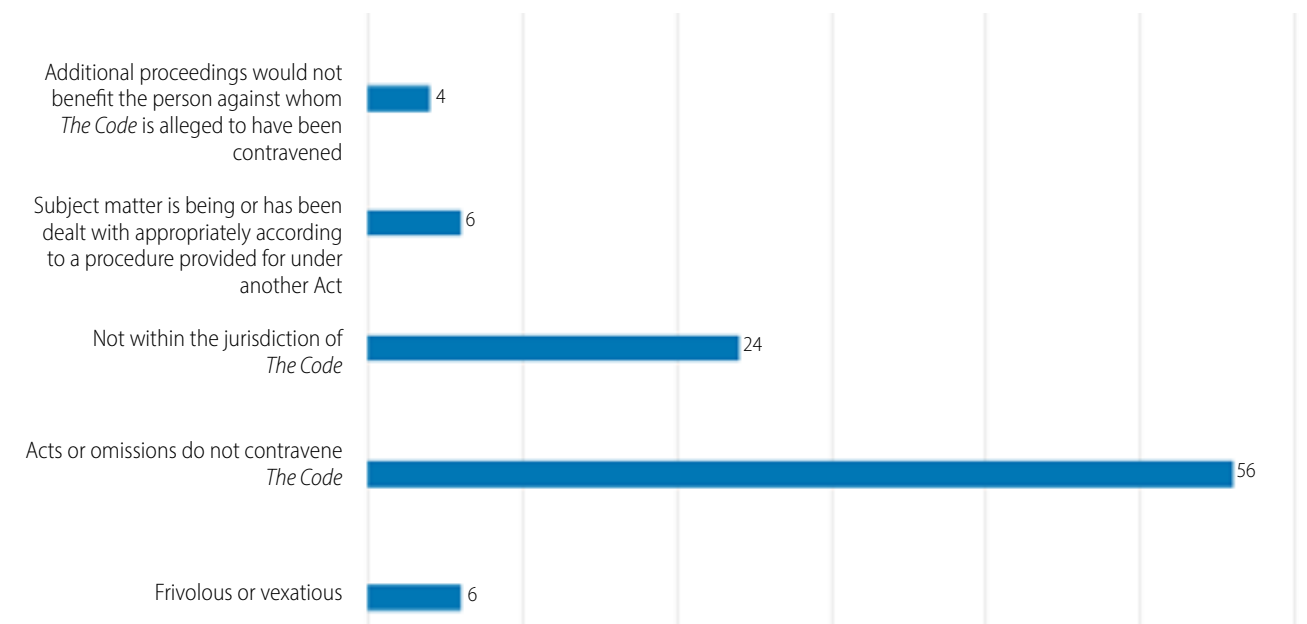
Assessments of complaints for dismissal without investigation

98

Complaints dismissed without investigation

96

Complaints Dismissed without Investigation, 2023, Fig. 6



INVESTIGATION OUTCOMES IN 2023

Following receipt of the Reply unless a complaint is dismissed without investigation following preliminary assessment, the Commission must investigate the complaint to the extent necessary to properly and fairly dispose of it under *The Code*.

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 Executive Director makes the decision.

Completed Investigations

68

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

7

Complaints dismissed following investigation

61

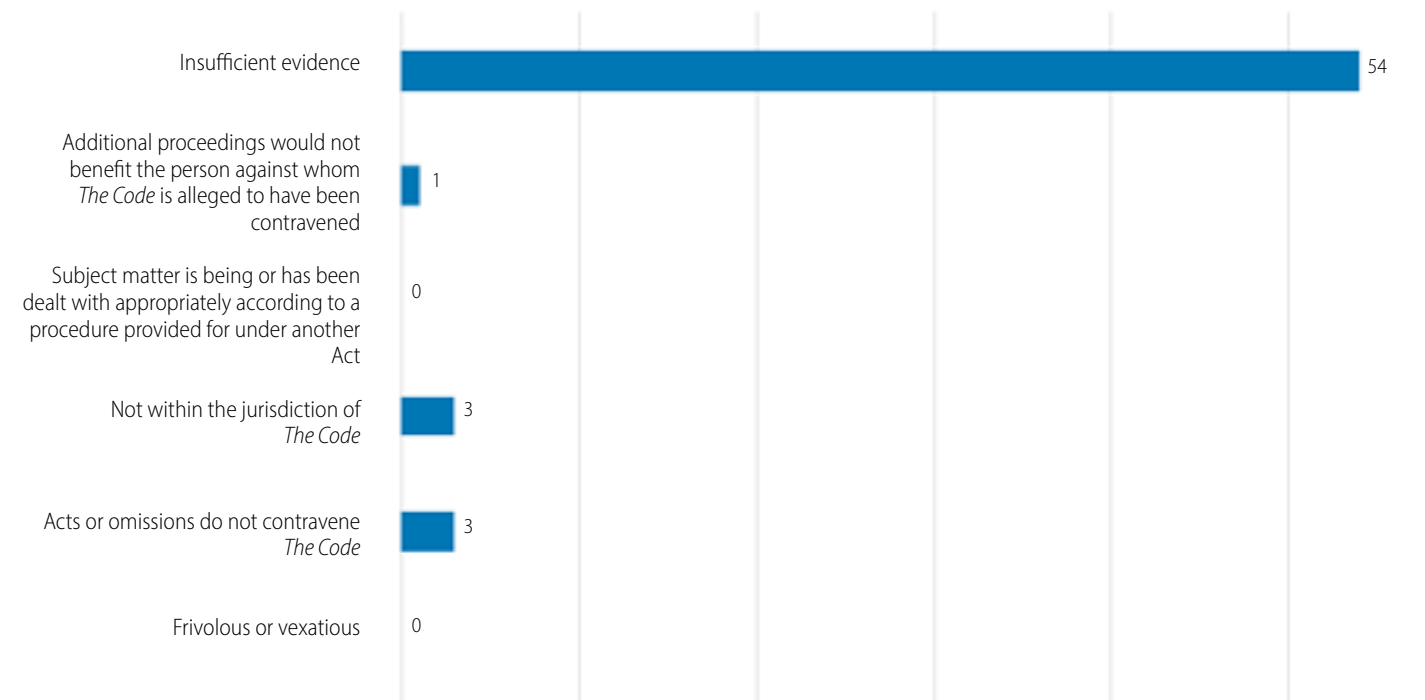
Terminated as withdrawn or abandoned

163

Total number of files disposed of in 2023 (including complaints dismissed without investigation, terminated complaints and completed investigations)

327

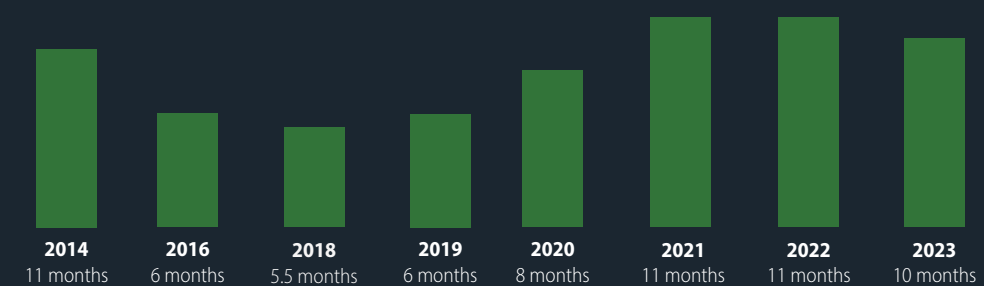
Complaints Dismissed Following Investigation, 2023, Fig. 7



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 human rights complaint system. In 2022, we developed a three year wait times reduction strategy, to help us remove any delay impacting parties awaiting investigation of their complaint.

Average time to complete an investigation, 2014-2023, Fig. 8

From the time the complaint is assigned to an investigator until the completion of the investigation report



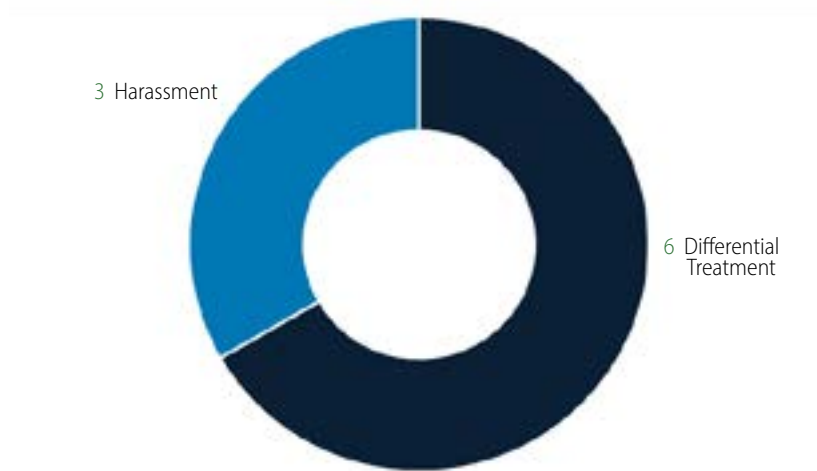
For an update on the Commission's Wait Time Reduction Strategy, see page 24.

COMPLAINTS REFERRED TO A PUBLIC HEARING IN 2023

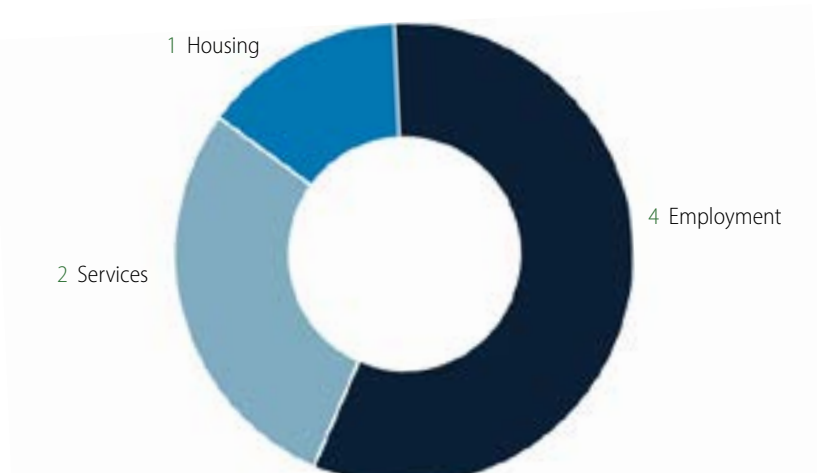
7

If the Executive Director 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.

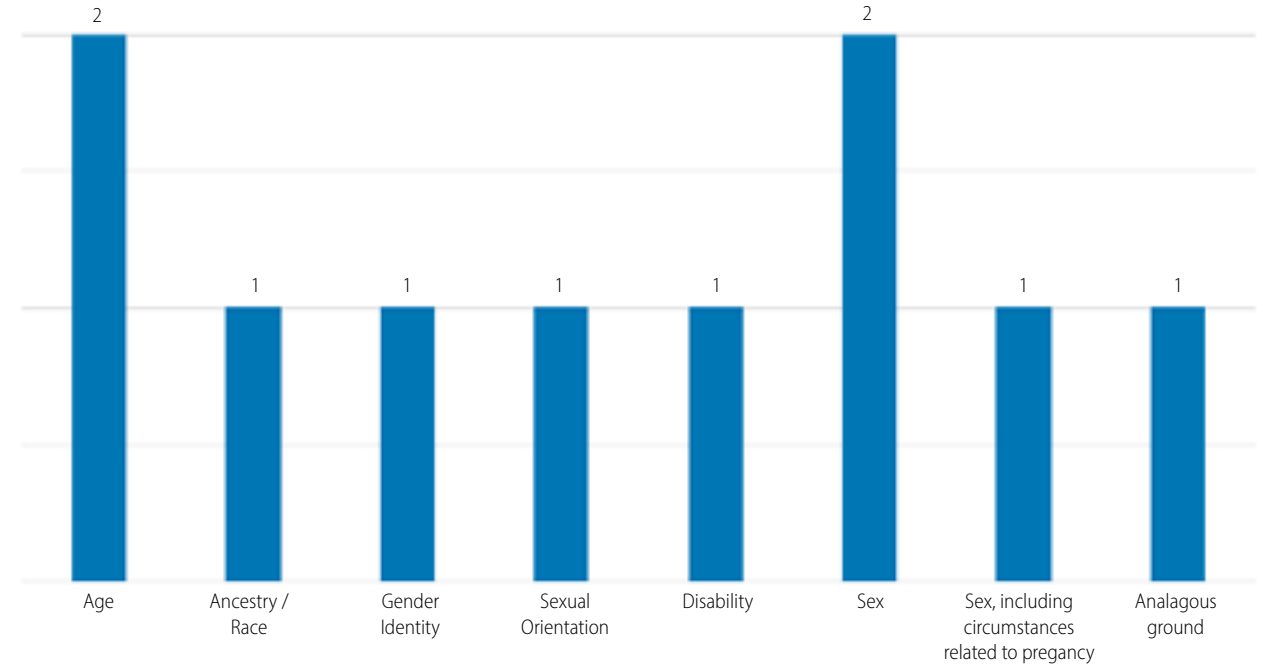
Complaints Referred to Adjudication by Type of Discrimination, 2023, Fig. 10



Complaints Referred to Adjudication by Area, 2023, Fig. 11



Complaints Referred to Adjudication by Protected Characteristic, 2023, Fig. 12



PUBLIC HEARINGS IN 2023

Number of active matters in adjudication at December 31, 2023

7

Adjudication decisions issued in 2023

2

Wagstaff v. Green Drop Ltd. 2023 (37.1 reasonable offer assessment hearing)

Public Hearings held in 2023
Wagstaff v. Green Drop Ltd. (37.1 reasonable offer assessment hearing)

2

Jaques v. Price Industries 2023 (complaint amendment)

Jaques v. Price Industries (complaint amendment)

IMPROVING WAIT TIMES AND PUBLIC SERVICE

Currently, parties are waiting too long to have their complaints investigated by the Commission. 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 human rights complaint system.

What are we doing to help improve timeliness?

On January 1, 2022, changes to *The Human Rights Code* came into effect. These changes were introduced by the Government of Manitoba to help ensure that the human rights complaint system is more timely and efficient.

In accordance with the changes to *The Code*, the Commission has introduced a preliminary assessment process. This allows the Commission to efficiently deal with complaints that may be dismissed without investigation because:

- the complaint is considered “frivolous” or “vexatious” by law;
- the allegations are not a violation of *The Code*;
- the Commission does not have jurisdiction to examine the issues being alleged;
- the issues are being dealt with or have already been dealt with appropriately under another Act; and/or
- continuing through the complaint process would not benefit the person who experienced the alleged discrimination.

As of fall 2022, we have increased our number of investigators to help ensure we can deal with a greater number of files in investigation.

We have also introduced a streamlined process for assigning investigation files, including special investigative initiatives for files that deal with similar issues or allegations.

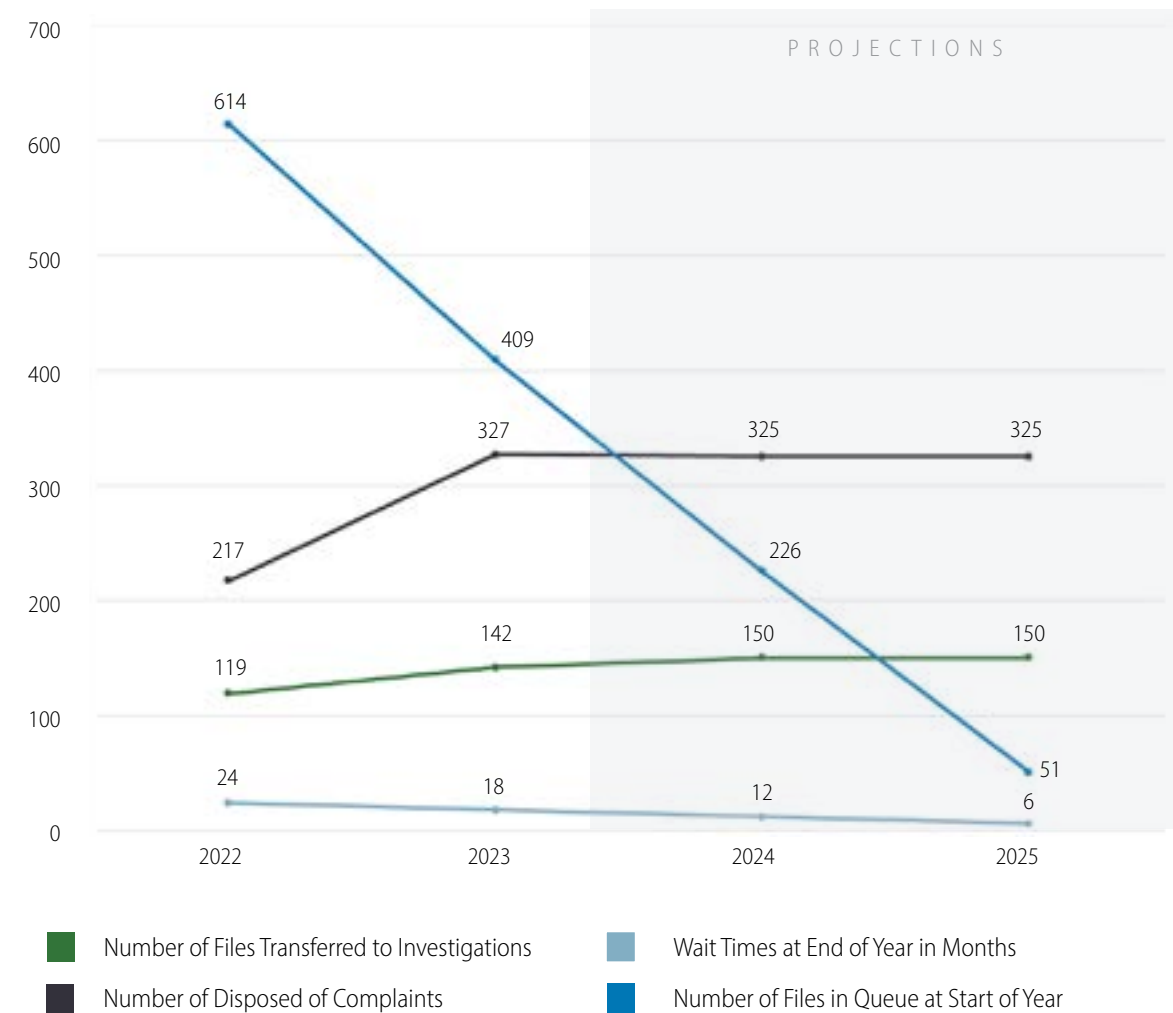
Target for Reducing Wait Times

As of April 2022, the Commission had 614 files awaiting early assessment or investigation. Based on current projections, the Commission expects that it will eliminate wait times in investigation by the end of 2025. We will do this by disposing of at least 325 files each year from 2022 to 2024, as outlined in Figure 10.

2023 Update

At the end of 2023, the Commission has disposed of 327 complaints. We had 410 files awaiting investigation.

Investigations Backlog Reduction, 2022 - 2025, Fig.13



PROMOTING HUMAN RIGHTS THROUGH PUBLIC EDUCATION & ADVOCACY

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, coordinating presentations and community outreach.

Seminar Series

The Commission continues to offer 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 delivers its Challenging Racism and Racial Discrimination program.

In 2023, the Commission delivered its seminar series to 135 individuals. In addition, the Commission delivered its seminar program on-site for 13 organizations. In total, approximately 1,900 individuals attended the Commission's educational programming.

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.

Promoting Compliance with *The Human Rights Code*

The Human Rights Code establishes that the Commission must promote compliance with *The Code* and the principle of equality in Manitoba.

In 2023, the Commission issued a statement in response to the rise in homophobia, transphobia and bi-phobia in Manitoba's education system.

The Commission continues to work with community partners to advance human rights in Manitoba. In 2023, the Commission participated in the following committees and projects:

- **Pilot Project: Supporting Adults Living with Complex Disabilities**
Following the settlement of two human rights complaints, the Commission is participating in the steering committee for a pilot project to ensure that adults with complex disabilities have equitable access to community supports and services. The project was launched on November 7, 2022.
- **Youth Aging out of the Child Welfare System**
The Commission is participating in a research project, organized by YES Manitoba, examining the rights based challenges facing youth aging out of the child welfare system.
- **Race, Ethnicity and Indigenous Data Collection in the Healthcare System**
Since 2020, the Commission has been participating in the governance of race, ethnicity and indigenous data collection related to COVID-19, to measure the impacts of racism in the health care system and plan the appropriate interventions to ensure that Black, Indigenous and people of colour receive equitable access to health care, particularly as it relates to COVID-19.

The Commission also provided inputs into provincial consultations, including the Manitoba Law Reform Commission's review of the use of non-disclosure agreements and the Independent Review of the Accessibility for Manitobans Act. The Commission's submissions can be found on our website: www.manitobahumanrights.ca/education/consultations/index.html

SUPPORTING THE RIGHT TO READ IN MANITOBA

2023 UPDATE

In 2022, the Commission launched a special project examining the potential human rights issues affecting students with reading disabilities in Manitoba's schools, including:

- Universal Design for Learning (UDL): Whether Universal Design for Learning, an approach to education that meets the diverse needs of every student, is being applied within Manitoba's reading curriculum and in classroom teaching methods.
- Early Screening and Assessment: Whether all students are being screened for reading difficulties at the earliest available opportunity using scientific evidence-based early screening tools, as well as the role of psycho-educational assessments and whether students have access to timely and appropriate psycho-educational assessments where needed.
- Interventions: Whether students who have been identified as having reading difficulties through mandatory early screening or other assessment have access to timely, scientific evidence-based reading intervention programs.
- Accommodations: Whether students who have been identified as having reading difficulties through early screening or assessment have access to timely and effective accommodation.
- Training and Ongoing Professional Development: Whether post-secondary teacher training programs provide evidence-based instruction in how to meet the learning students of reading disabilities, as well as whether educators receive ongoing professional development in evidence-based instructional methodologies for students with reading disabilities.
- Monitoring and Evaluation: Whether monitoring and evaluation strategies are in place to ensure that Manitoba's education system is meeting the needs of students with reading disabilities.

In 2023, the Commission surveyed key stakeholders including students, parents, teachers, educational staff and school administrators, to learn about their experience with reading related disabilities and reading instruction in Manitoba schools. We were pleased to have an overwhelming uptake of our survey, with over 670 responses. The Commission continues to analyze the results, which will inform its findings in this project.

The Commission will also continue to undertake key stakeholder consultations and plans to release its final report in 2025.



2023

MANITOBA HUMAN RIGHTS COMMISSION

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