

THE MANITOBA
HUMAN RIGHTS
COMMISSION

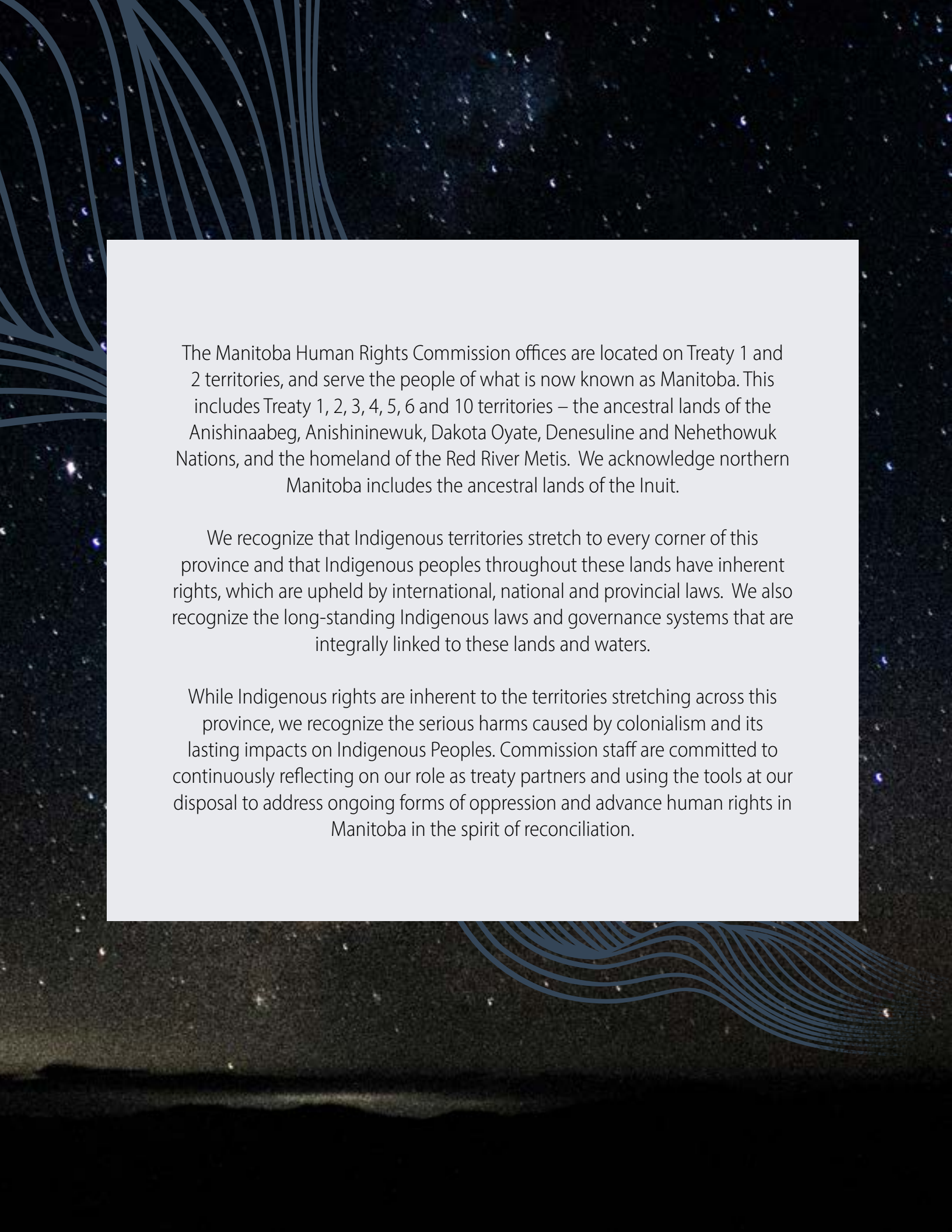


LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

2024

ANNUAL REPORT

MANITOBA HUMAN RIGHTS COMMISSION



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, Anishininewuk, 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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Minister of Justice and Attorney General

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 2024 calendar year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matt Wiebe'.

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 2024.

Yours sincerely,

John Burchill
A/Chairperson
Board of Commissioners

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.



JEANNETTE 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.

Greetings from the Commission



On behalf of the Manitoba Human Rights Commission, I am pleased to present our 2024 Annual Report.

The Commission remains firmly committed to fostering equitable and inclusive communities. We fulfill this mandate by protecting human rights through our complaint process and by advancing human rights through education, awareness-building, and community engagement.

Building an effective and efficient human rights complaint system continues to be the Commission's top priority. In 2024, we made steady progress toward reducing wait times in the investigation of human rights complaints. While we did not meet our disposition target due to staffing challenges, we saw a continued decline in both the number of files awaiting investigation and the length of time parties waited for investigations to begin. We remain dedicated to eliminating these wait times and to ensuring that parties receive timely, fair, and reliable human rights decisions.

The year 2024 was marked by several significant human rights decisions and resolutions. Through collaborative efforts, the Commission was party to a landmark resolution that removed discriminatory eligibility criteria restricting access for First Nations children living on reserve to essential programs and services, including home care and Children's disABILITY Services. We also affirmed the right of employees to reasonable accommodation of their religious beliefs through the resolution of two human rights complaints at the hearing stage.

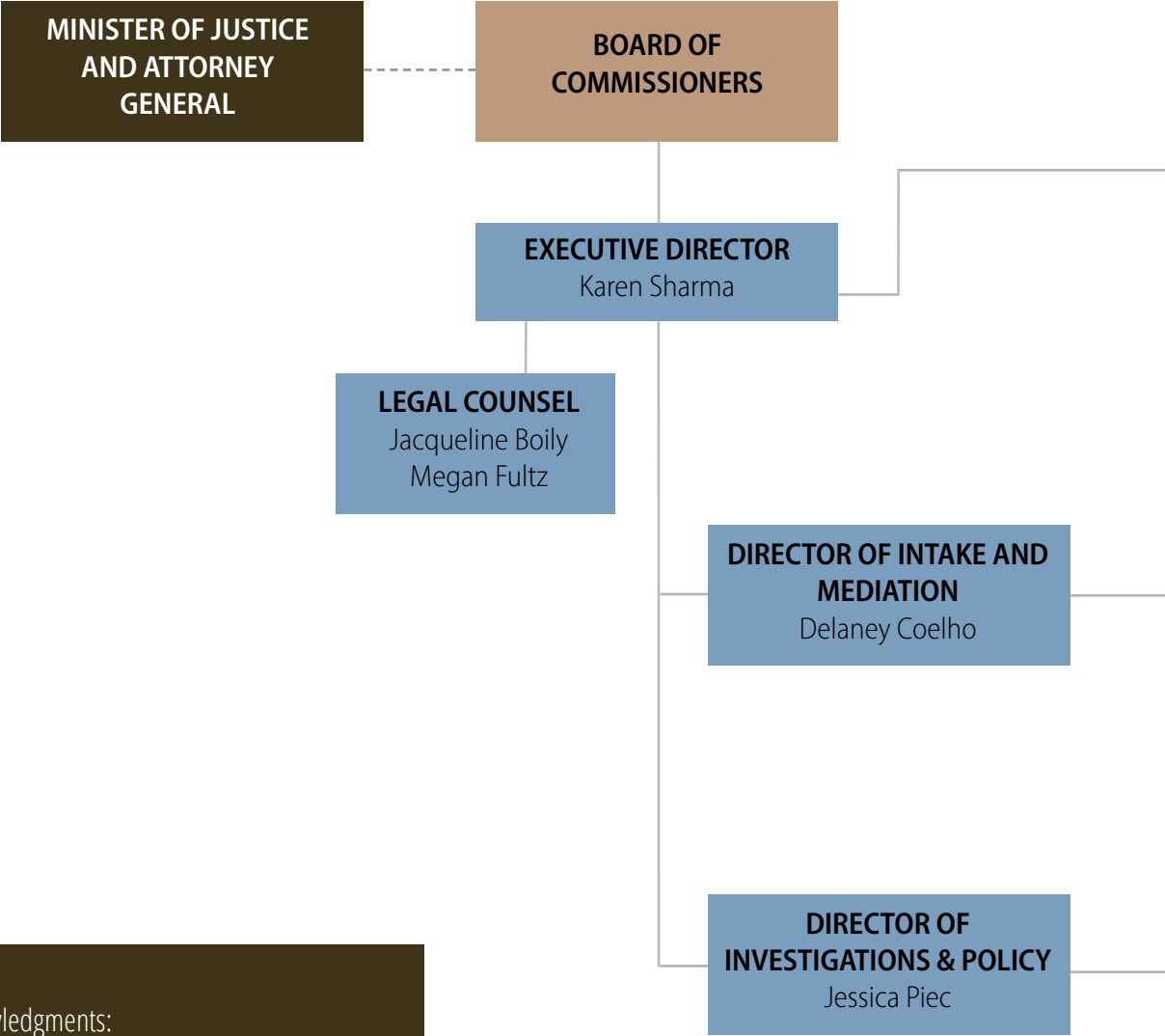
In addition, the Commission received an important tribunal decision in 2024 confirming the responsibility of duty-bearers to provide harassment-free workplaces. The decision in *Smith v. New Age Automation* reinforces the importance of considering factors such as power imbalances when assessing the impact of sexual harassment on complainants.

While 2024 was marked by important achievements, we also witnessed a concerning increase in hate and division within our communities. Although the Commission issued editorials and engaged with media on this issue, we recognize that more must be done to challenge the rise of hateful and divisive rhetoric that threatens to undermine hard-fought human rights advances. We look forward to building on these efforts in 2025 to ensure our communities foster equity, inclusivity and belonging for all.

The work of the Commission is a collaborative effort. I would like to express my sincere appreciation to the Commissioners and staff of the Manitoba Human Rights Commission for their dedication, professionalism, and unwavering commitment to our mandate. Their hard work throughout 2024—often in the face of significant challenges—has been essential to the Commission’s achievements and continued progress. I look forward to continuing to work together as we advance this important mandate and strive to strengthen human rights protections for all Manitobans.

Karen Sharma, Executive Director

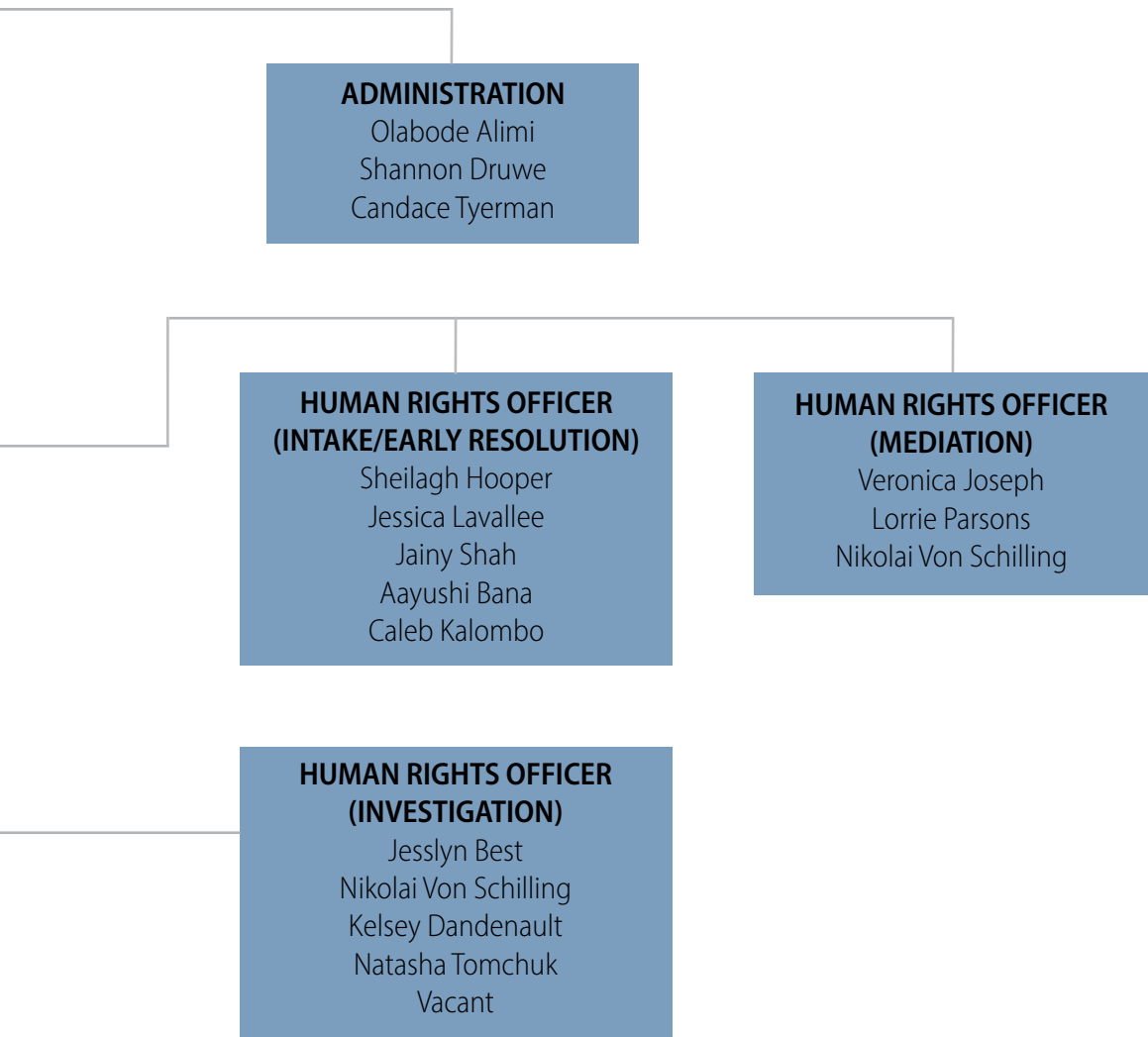
Organization



Acknowledgments:

Sincerest thanks to Shannon Druwe for her contributions to the Commission.

Chart reflects staffing as of December 31, 2024



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.

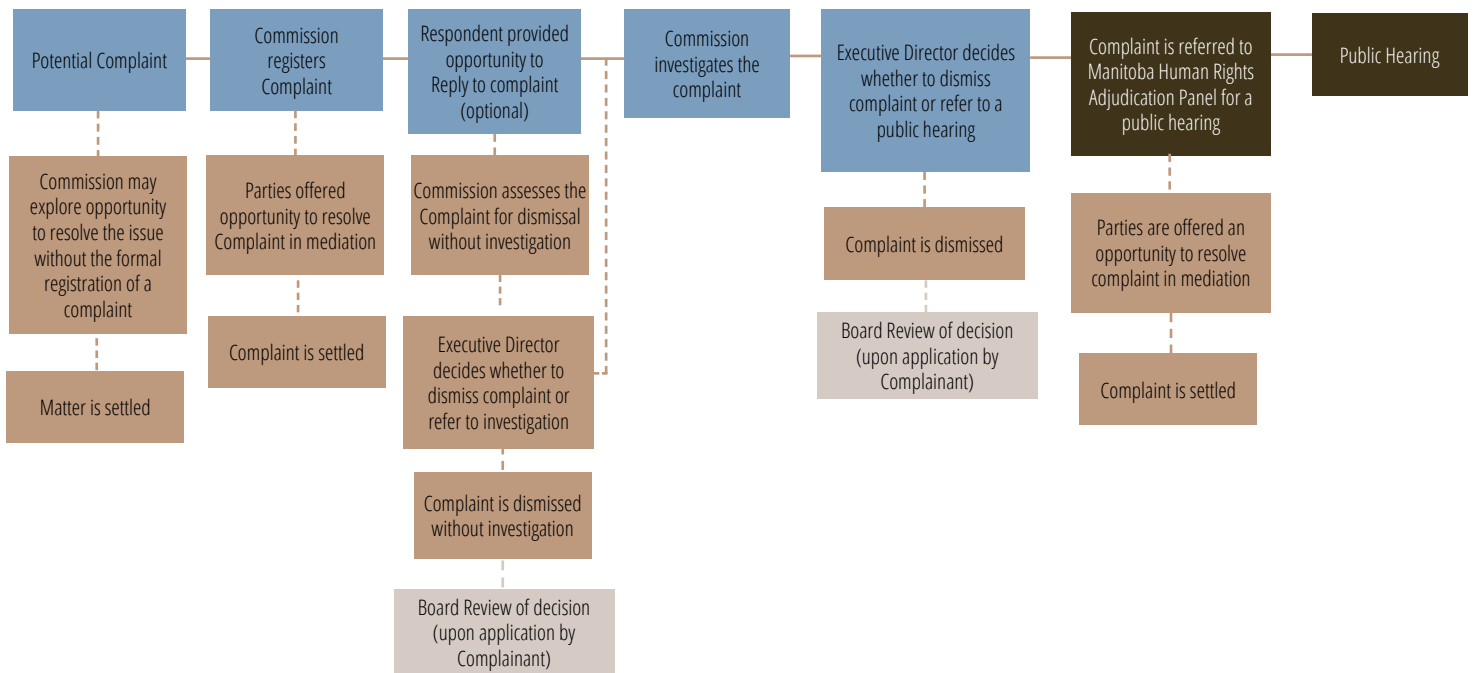
Any person who believes they have been discriminated against when at work or when accessing public services or housing may file a complaint with the Commission. We investigate those complaints to determine if there is enough evidence to warrant referring them to the Human Rights Adjudication Panel for 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 2024

Number of people who contacted us for information

3,238

Number of people who were referred to other agencies for assistance

279

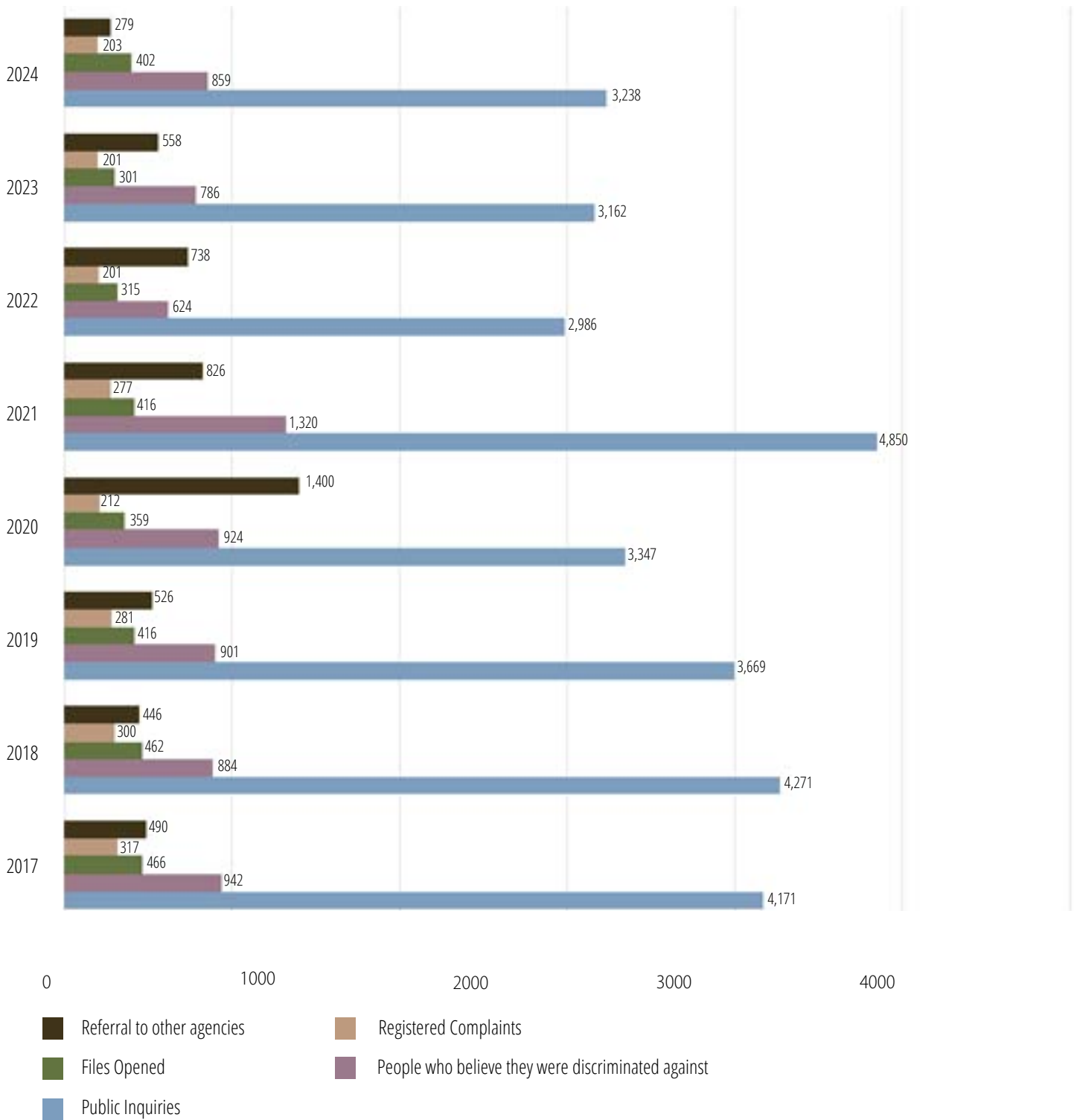
Number of people who believe they were discriminated against

859

Number of files opened by the Commission

402

Public Inquiries and Registered Complaints, 2017-2024, Fig. 1

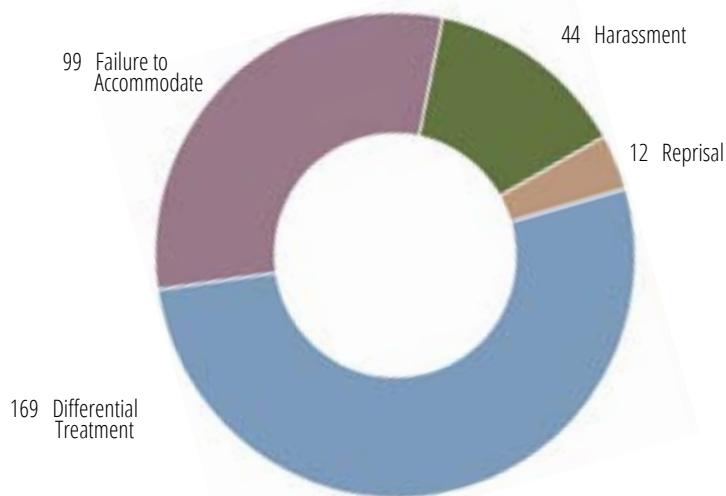


Registered Complaints in 2024

The Commission received 3,238 inquiries from the public in 2024. Of the 3,238 inquiries received in 2024, 859 individuals believe they experienced discrimination and 279 individuals were referred to other agencies for assistance. The Commission opened 402 files and registered 203 complaints of discrimination in 2024.

Within the 203 complaints filed in 2024, 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.

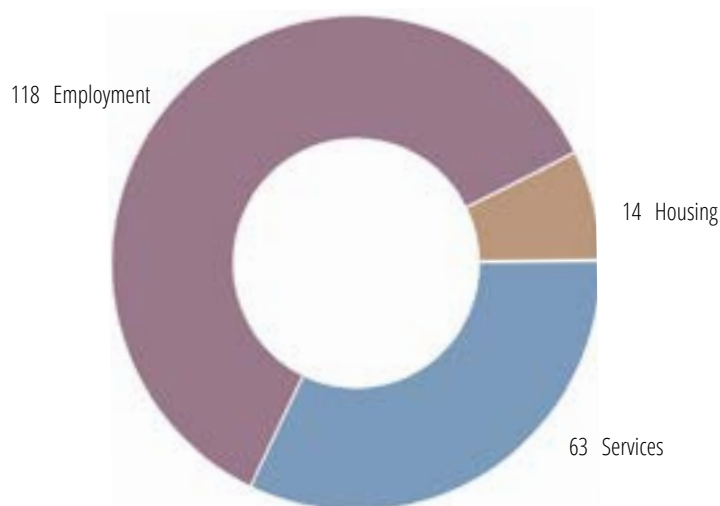
Registered Complaints by Type of Discrimination, 2024, Fig. 2



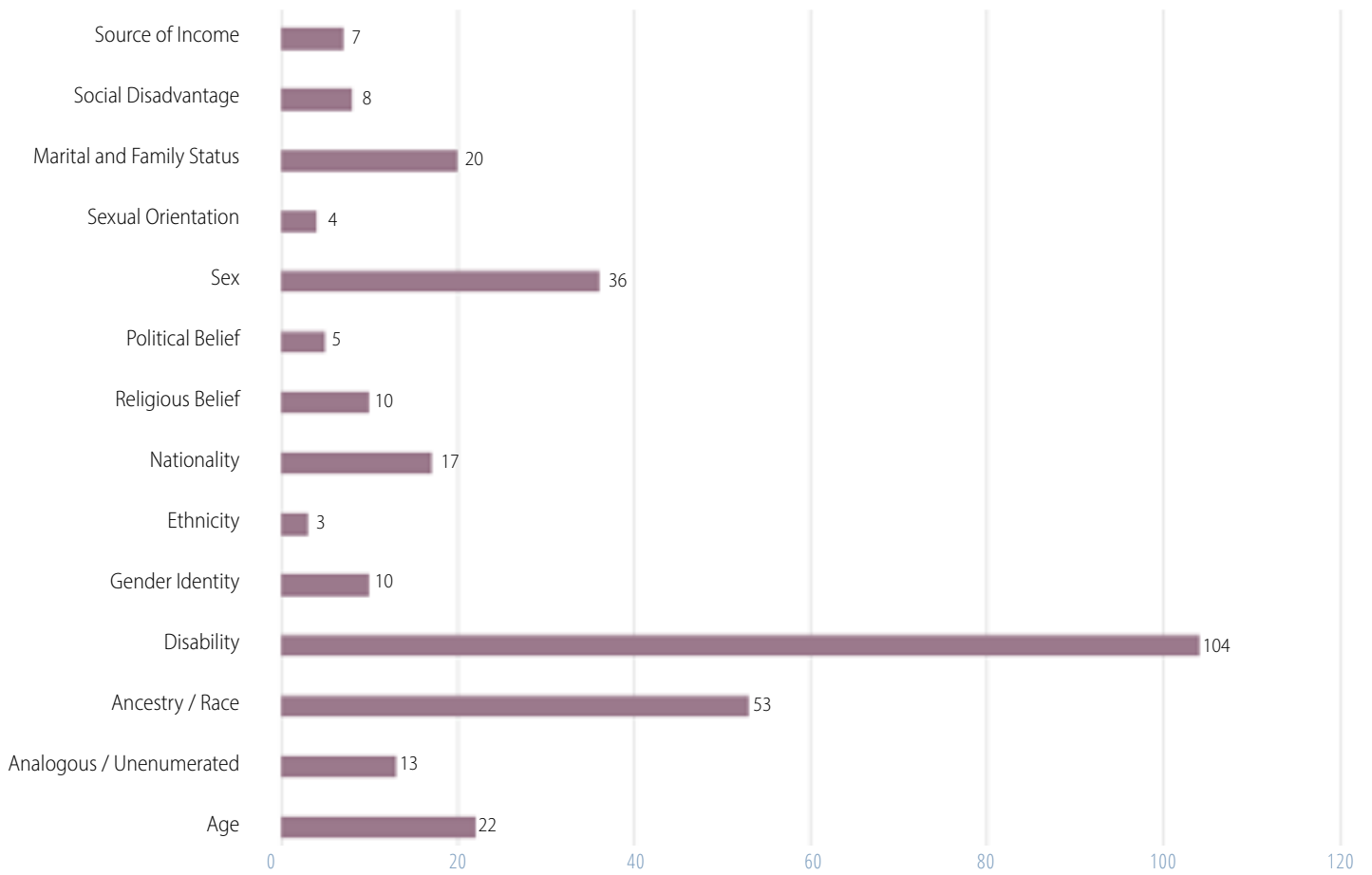
Registered complaints in 2024

203

Registered Complaints by Area of Discrimination, 2024, Fig. 3



Registered Complaints by Protected Characteristic of Discrimination, 2024, Fig. 4



Disability Related Complaints, 2024, Fig. 5



Mediation Outcomes in 2024

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

30

Resolved through mediation prior to a public hearing

7

Resolved with limited Commission involvement

7

Total complaints resolved in mediation in 2024

44

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 2024

As part of the amendments to The Code, taking effect January 1, 2022, the Commission may conduct a preliminary assessment of a 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.

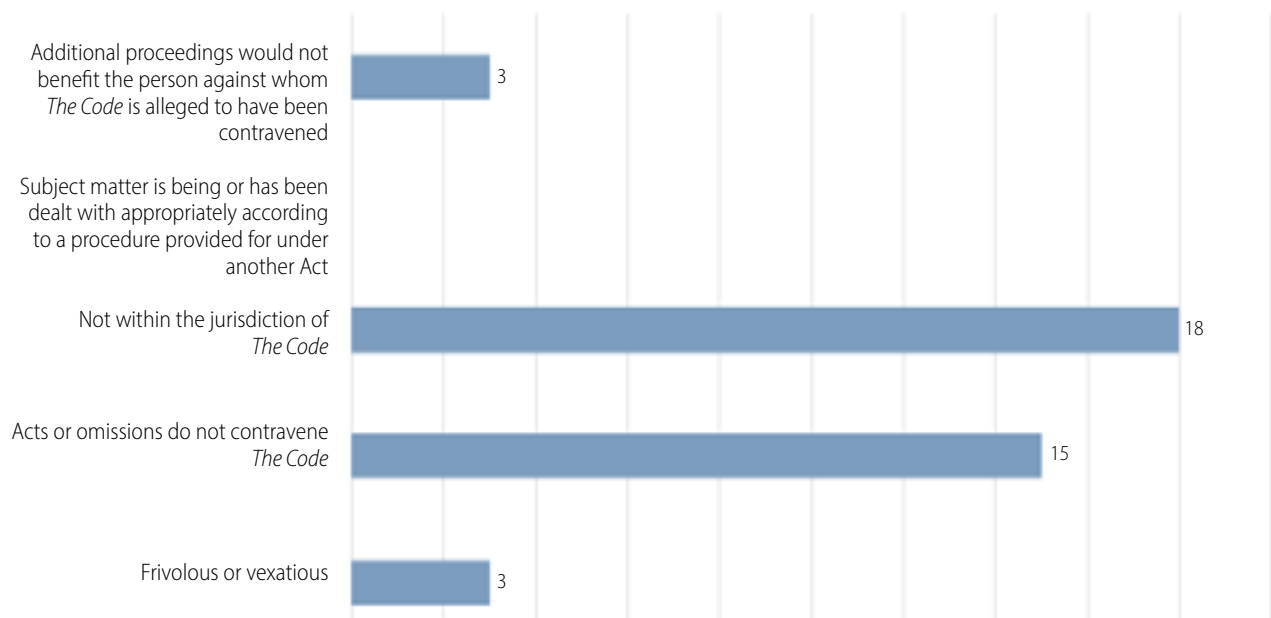
Assessments of complaints for dismissal without investigation

40

Complaints dismissed without investigation

39

Complaints Dismissed without Investigation, 2024, Fig. 6



Investigation Outcomes in 2024

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

93

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

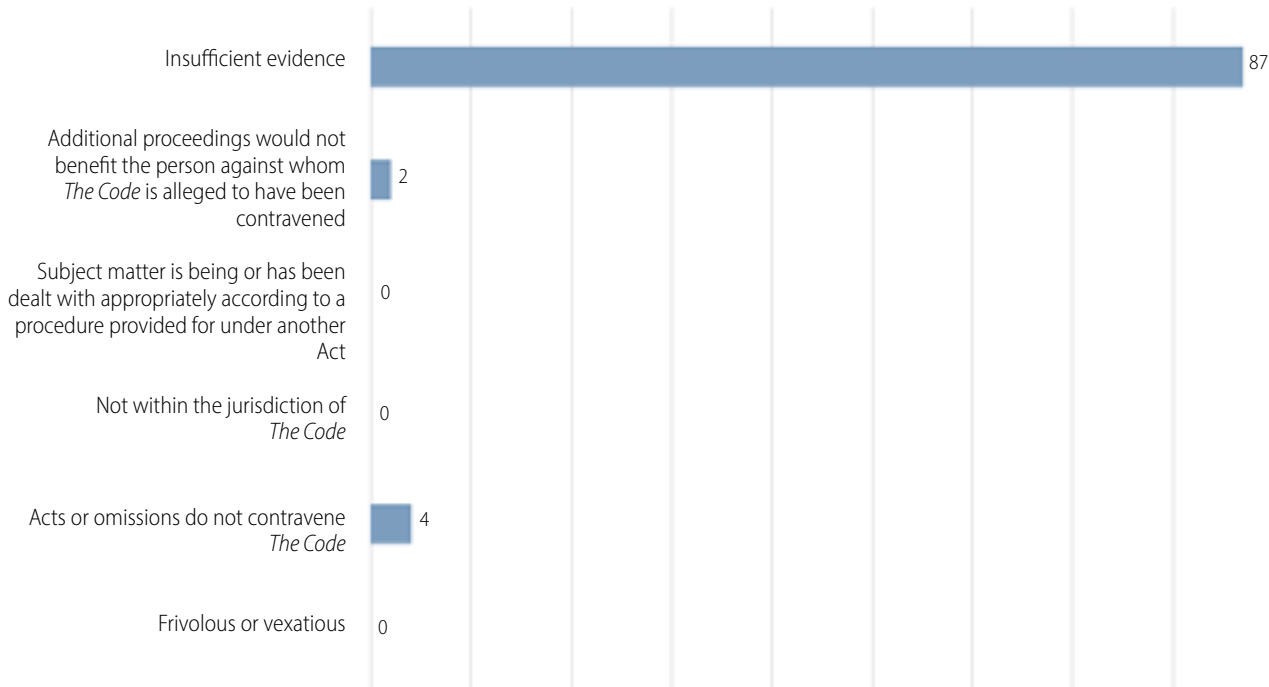
Withdrawn or abandoned

60

Total number of files disposed of in 2024 (including preliminary assessments, withdrawn or abandoned complaints and completed investigations)

200

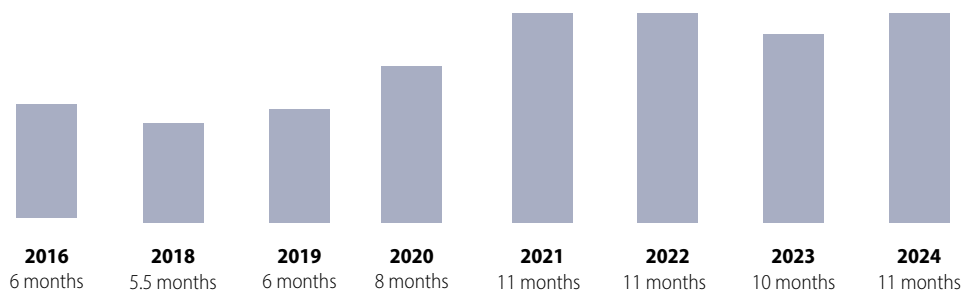
Complaints Dismissed Following Investigation, 2024, Fig. 7



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. Progress on our wait time reduction strategy is detailed on page 24 of this Report.

Average time to complete an investigation, 2016-2024, Fig. 8

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



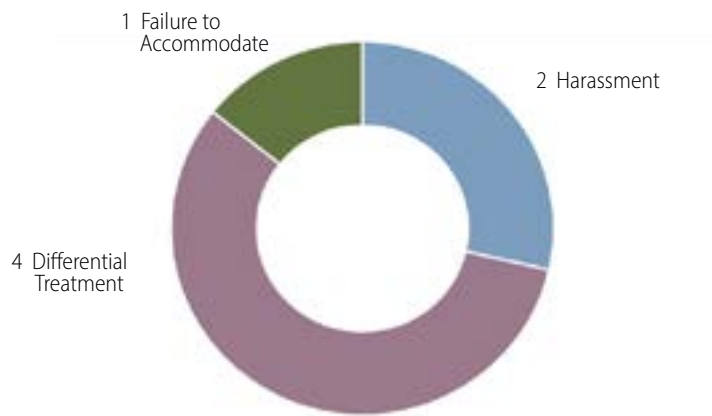
Complaint Hearings in 2024

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.

Total number of complaint files referred to hearing in 2024

7

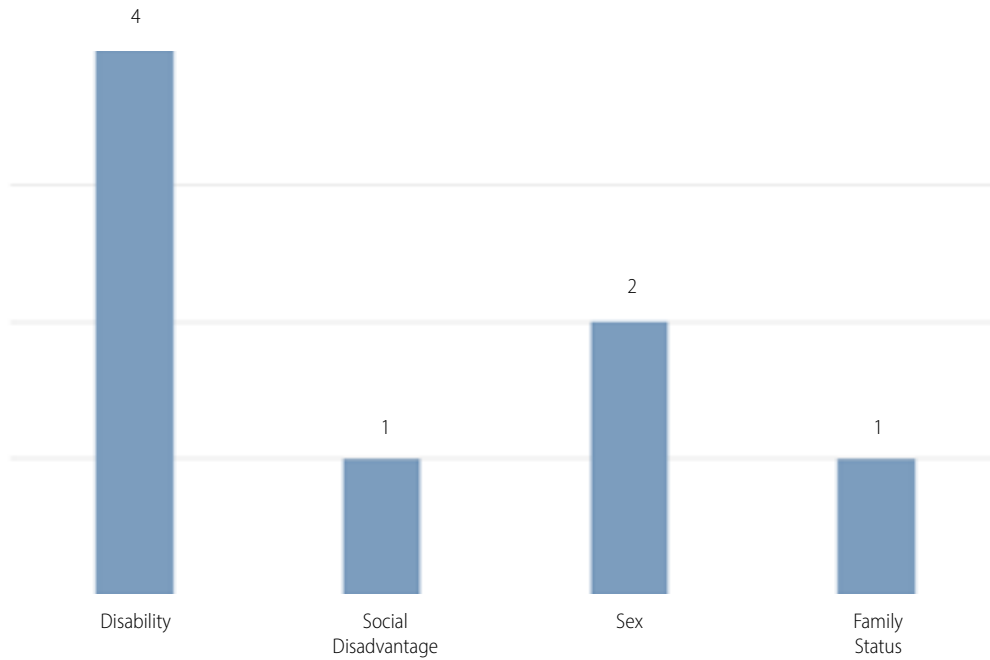
Complaints Referred to Hearing by Type of Discrimination, 2024, Fig. 10



Complaints Referred to Adjudication by Area, 2024, Fig. 11



Complaints Referred to Adjudication by Protected Characteristic, 2024, Fig. 12



Public Hearings in 2024

Number of active matters in adjudication at December 31, 2024

6

Adjudication decisions issued in 2024

2

Jaques v. Price Industries 2024
(reasonable offer assessment)

Public Hearings held in 2024

0

Smith v. New Age Automation 2024
(employment, sexual harassment)

Improving Wait Times in the Complaints Process

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 wait times?

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 effective 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.

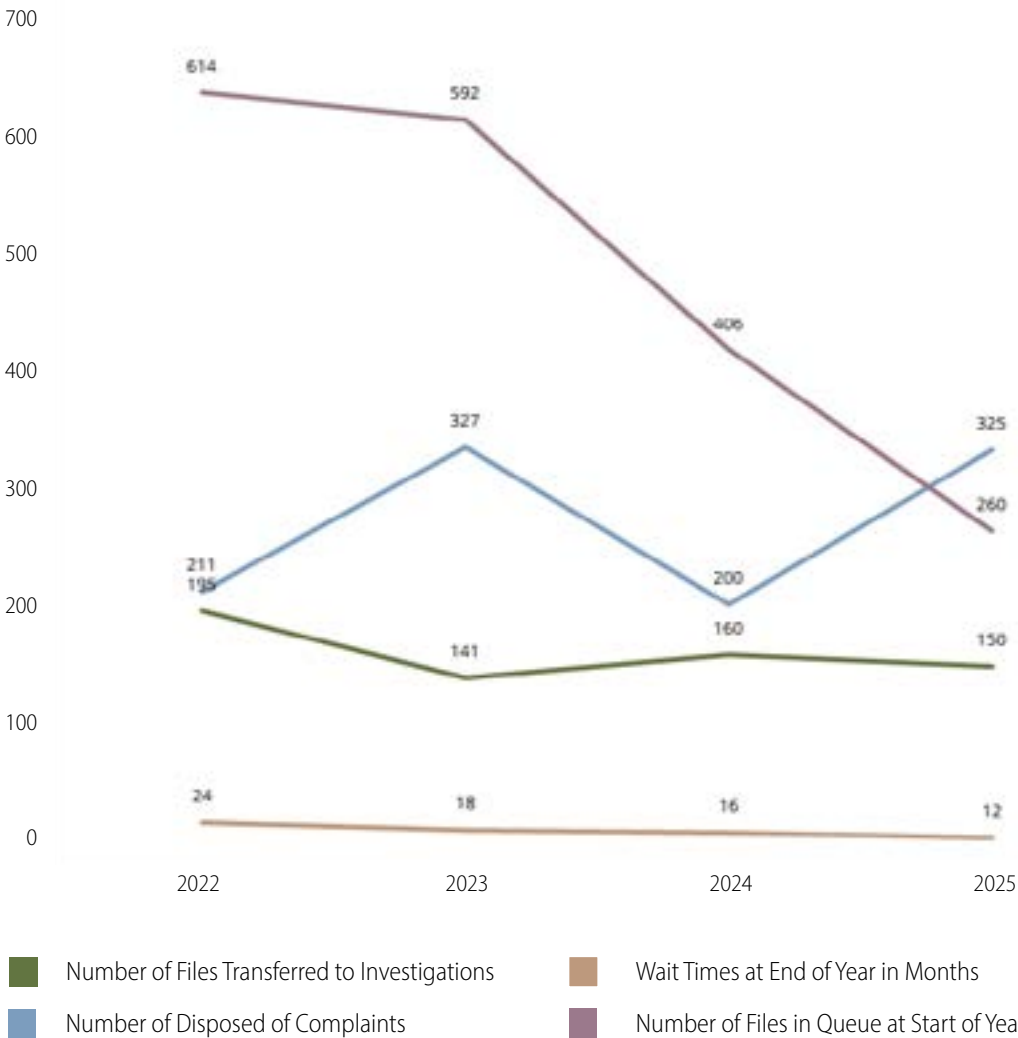
In fall 2022, we increased our investigative resources to help ensure we can deal with a greater number of files in investigation. We have also introduced a streamlined process for assigning investigation files, including special investigative initiatives for files that deal with similar issues or allegations.

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

Update on the Reduction of Wait Times

As of April 2022, the Commission had 614 files awaiting preliminary assessment or investigation. By the end of 2024, this number has been reduced to 353. In 2024, we disposed of 200 files, which fell short of our target of 325 files. We continue to work toward significantly reducing wait times by the end of 2025.

Investigations Backlog Reduction, 2022 - 2025, Fig.13



Promoting Human Rights through Education and 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.

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.

Education and Outreach

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 2024, the Commission delivered its seminar series to 115 individuals. In addition, the Commission delivered presentations on human rights for 17 organizations. In total, the Commission presented to approximately 2,100 individuals in 2024.

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.

The Commission continues to work with community partners to advance human rights in Manitoba. We continue to participate in the Steering Committee for the Integrated Adult Services Pilot Project, which was launched following the settlement of two human rights complaints. The pilot project is examining a new human rights compliant system of service delivery for adult Manitobans with complex disabilities.

The Commission is continuing to make progress in its strategic initiative entitled Supporting the Right to Read in Manitoba. The project examines the potential human rights issues affecting students with reading disabilities in Manitoba's schools. In 2024, the Commission analyzed the responses received to its 2023 surveys, and launched a consultation process to learn from stakeholders involved in supporting students with learning disabilities. The Commission plans to release a report of its findings in 2025.

In 2024, the Commission was also consulted by organizations on a number of key issues, including the accommodation of religious and spiritual belief in the workplace, the accommodation of post-secondary students with disabilities, identity verification requirements in the hiring process, competing rights concerns and accessibility enforcement issues.

2024

MANITOBA HUMAN RIGHTS COMMISSION

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ALTERNATE FORMATS AVAILABLE UPON
REQUEST

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hrc@gov.mb.ca

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