



MANITOBA HUMAN RIGHTS COMMISSION

2022 ANNUAL REPORT

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA



**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,

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

Matt Wiebe
Minister of Justice and Attorney General

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

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 2022.

Yours sincerely,

Laurie Bonten
Chairperson
Board of Commissioners

Territorial Acknowledgment

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.



TABLE OF CONTENTS

| | |
|--|----|
| Transmittal Letter of the <i>Minister of Justice</i> | 2 |
| Transmittal Letter of the <i>Chairperson</i> | 3 |
| Territorial <i>Acknowledgment</i> | 4 |
| Table of <i>Contents</i> | 5 |
| Greetings from <i>the Chairperson</i> | 6 |
| Board of <i>Commissioners</i> | 8 |
| Greetings from the <i>Executive Director</i> | 11 |
| Organizational <i>Structure</i> | 14 |
| Commission <i>Overview</i> | 16 |
| Complaints <i>by the Numbers</i> | 18 |
| Amendments to <i>The Human Rights Code</i> | 30 |
| Reducing <i>Wait Times in Investigations</i> | 32 |
| Human Rights <i>Education and Promotion</i> | 35 |

GREETINGS FROM THE CHAIRPERSON

Twenty twenty-two represented a period of considerable change for the Manitoba Human Rights Commission.

The year started with my appointment as Chairperson of the Manitoba Human Rights Commission's Board of Commissioners. We also welcomed Aaron Penner to the Board and thanked Loretta Ross for her years of service to Manitoba's human rights system, as she completed her appointment to the Board.

Changes at the Board level were accompanied by the proclamation of significant legislative amendments to *The Human Rights Code*. Coming into effect on January 1, 2022, these changes have shifted the way that the Commission processes complaints. The goal of these changes is to improve the efficiency and effectiveness of the human rights complaint system. Currently, it is taking the Commission too long to investigate human rights complaints, which we know has a significant impact on the parties involved in the complaint process.

In order to effectively implement these changes, the Commission focused on ensuring it developed the required policies, procedures, tools and training to support this change management process. The Commission provided notice to parties involved in the human rights system and published fact sheets and guides to help the public navigate these important amendments.

Following the implementation of our renewed legislation, the Commission developed and implemented a focused strategy for eliminating wait times in the investigation of human rights complaints. The strategy, which is summarized on page 32 of this Report, establishes an ambitious but achievable goal of eliminating the current backlog of complaints by the end of 2025. Although we fell a little short of our overall goal in 2022, we are proud that we made significant strides in disposing of 217 complaints in 2022. We are committed to clearing the backlog over the next few years.

As a governance Board one of our most important responsibilities is to provide the Commission with its strategic direction. As 2022 draws to a close, the Board of Commissioners has commenced the process of renewing the Commission's strategic plan. In 2022, we have reached out to key stakeholders to help us identify priorities and areas for action, to help inform our next five years of work. We look forward to launching our new strategic plan in the next year.

Our commission's success is tied to the expertise and commitment of our exceptional board and staff. As we bid farewell to 2022, we extend our heartfelt gratitude for your unwavering dedication. In the upcoming year, we eagerly anticipate further nurturing and amplifying the remarkable talents within our team. Together, we will strive to provide unparalleled public service and steadfastly champion human rights.

LAURIE BONTEN

CHAIRPERSON, BOARD OF COMMISSIONERS



“

Our commission's success is tied to the expertise and commitment of our exceptional board and staff... Together, we will strive to provide unparalleled public service and steadfastly champion human rights.

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.

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.



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.



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.



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.



TRACY LEIPSIC

Tracy Leipsic is a speed skating coach with the River Heights Speed Skating Club, coaching all levels of athletes including beginner, Provincial teams, Masters and Special Olympics athletes. She has a Business Administration diploma from Red River Community College and is a Canadian Accredited Insurance Broker with 17 years of experience in the insurance industry. She is the Vice President, Finance of the Manitoba Speed Skating Association, and has been involved with the 2017 Canada Summer Games, Canadian Sport Centre MB, Revolution Diving Club and Winnipeg Jewish Child & Family Services.



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.





“

In moments of difficulty and social unrest, we cannot lose sight that the equality and well-being of each Manitoban is intertwined with the equality and well-being of their fellow resident.

GREETINGS FROM THE EXECUTIVE DIRECTOR

The year 2022 brought about significant changes for the Commission as we embarked on the implementation of the revised *Human Rights Code*. With *The Code* coming into effect on January 1, 2022, it necessitated substantial modifications in how we handle and resolve complaints of discrimination. This endeavor required a collaborative effort from our entire team, involving extensive research, the formulation of new policies, the establishment of fresh procedures, and comprehensive training for our staff. Despite the challenges posed by the ever-changing circumstances of the COVID-19 pandemic over the past two years, our team demonstrated remarkable adaptability and resilience in diligently implementing these changes.

In this report, you will see that the legislative changes have already begun to assist the Commission in addressing challenges related to the efficiency and timeliness of the complaint system. In 2022, we take pride in having resolved a record-setting number of 217 complaints. To further enhance our capabilities, we welcomed new investigators and introduced a Wait Times Reduction strategy, setting ambitious targets for the elimination of wait times in the investigation of human rights complaints by 2025.

The pandemic continued to exert its influence on every aspect of our work. At the start of 2022, we observed the misappropriation of human rights rhetoric to justify the disregard and violation of public health measures. As we consistently emphasized throughout 2021, human rights are not absolute and cannot exist in isolation. These rights and laws are founded not only on our individual entitlement to equality and non-discrimination but also on our recognition of the interconnectedness and responsibilities we bear towards our community as a whole. In moments of difficulty, we cannot lose sight that the equality and well-being of each Manitoban is intertwined with the equality and well-being of their fellow resident.

This year began not only with the misuse of rights-based language but also with a troubling increase in the circulation of hate symbols. During protests and rallies against public health measures, anti-Semitic symbols and objects promoting anti-Black and anti-Indigenous racism were observed in Manitoba. This reflects a disturbing trend of rising hate speech and incidents across our province and country, particularly since 2020 when we witnessed a concerning surge in anti-Asian racism, as well as expressions of ageism and ableism. At the Commission, we have been deeply troubled by this trend

and started the year by issuing a statement and engaging with the media to emphasize the collective efforts required to eradicate hate.

The rise in hate underscores the importance of human rights education and promotion. In 2022, we continued to deliver our seminar series to Manitobans and provided customized training to 15 organizations. One of these organizations was the University of Manitoba's Faculty of Education, where we trained soon-to-be teaching graduates on the significance of promoting and protecting human rights in their new profession. Overall, we reached approximately 2,680 Manitobans in 2022, hoping to inspire them to advance human rights in their respective spheres within our province.

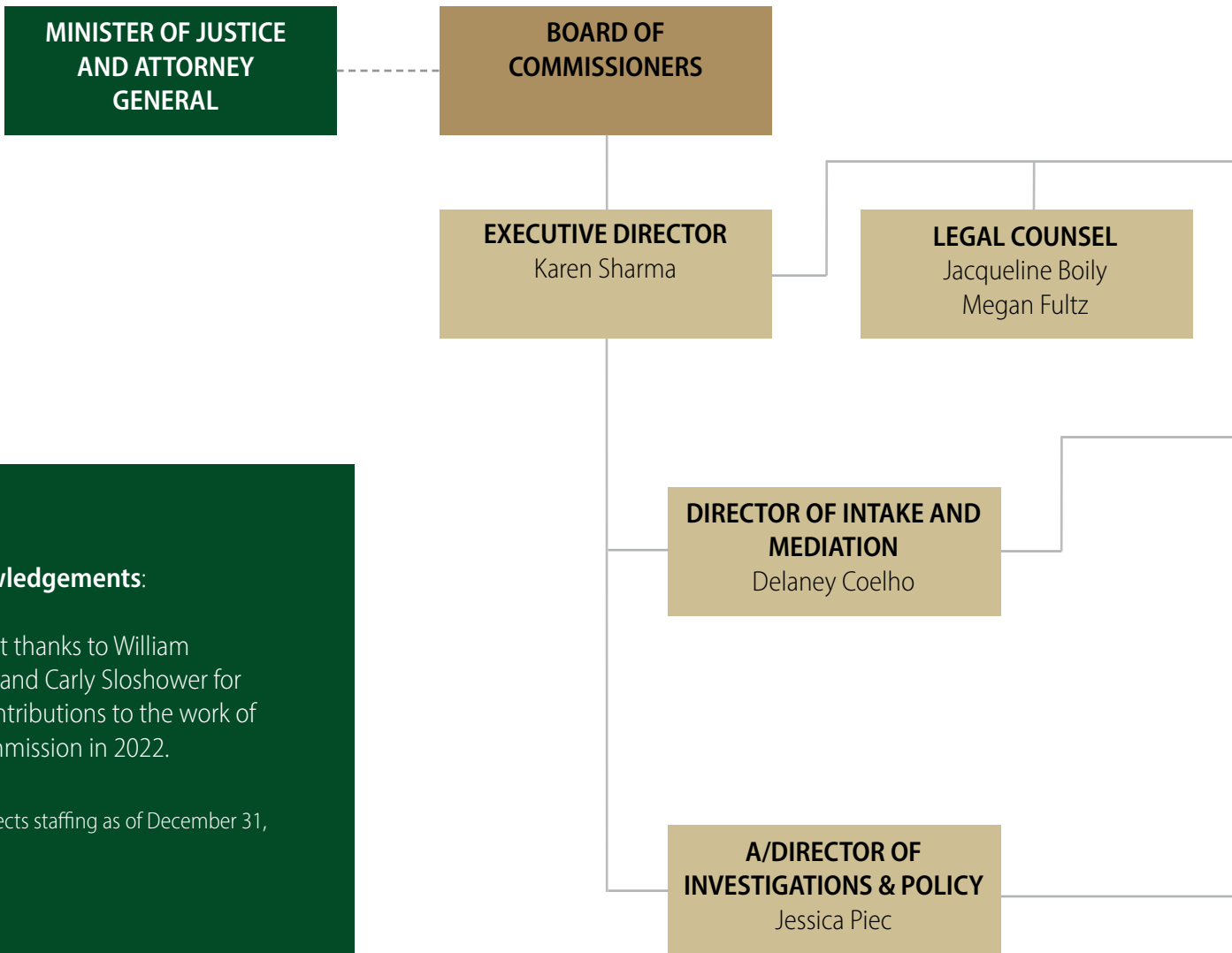
While we strive to improve the timeliness of human rights complaint investigations, we also remain focused on utilizing alternative dispute resolution as a meaningful approach to address human rights concerns. In 2022, we successfully resolved 33 complaints through mediation. One notable case involved T Knight, a welding student at RRC Polytech who experienced demeaning and discriminatory harassment as a transgender, non-binary individual. Prior to a public hearing, Knight and RRC Polytech reached a resolution, leading to significant steps taken by the college to ensure that its faculty and students receive orientation and training to maintain a respectful and discrimination-free learning environment. This case, detailed on pages 28-29 of this report, exemplifies the significant progress we can achieve when all parties are committed to addressing human rights issues.

Every year, I conclude my greetings by reflecting on the incredible team I have the privilege of working with at the Commission. From our Intake and Early Resolution officers, who provide initial support to members of the public reaching out to us, to our mediators, who work diligently to bring parties together in resolving human rights complaints, and our investigators, who conduct thorough and fair fact-finding, as well as our legal counsel, who offer their wise research and advice and represent us effectively at hearings, and our administrative staff, who ensure the smooth functioning of our operations. At a leadership level, I am fortunate to be joined by dedicated and talented Directors, and I am grateful for the stewardship and guidance provided by our Board of Commissioners. Our staff show up every day to carry out the work of human rights with skill and commitment. Each member of our team understands the importance of our mission, and we appreciate their unwavering dedication to our organization. Together, we will continue to uphold and protect human rights in Manitoba.

KAREN SHARMA
EXECUTIVE DIRECTOR



MANITOBA HUMAN RIGHTS COMMISSION ORGANIZATION



Acknowledgements:

Sincerest thanks to William Hedges and Carly Slosower for their contributions to the work of the Commission in 2022.

Chart reflects staffing as of December 31, 2022

ADMINISTRATION

Shannon Druwe
Candace Tyerman
Paula Egesz

**HUMAN RIGHTS OFFICER
(INTAKE/EARLY RESOLUTION)**

Sheilagh Hooper
Jessica Lavallee
Marina Caillier-Zimberg
Vacant
Vacant

**HUMAN RIGHTS OFFICER
(MEDIATION)**

Veronica Joseph
Lorrie Parsons

**HUMAN RIGHTS OFFICER
(INVESTIGATION)**

Zahra Hosseini
Aimslie Torres
Jesslyn Best
Cleto Villacorta
Courtney Joshua



MANITOBA HUMAN RIGHTS COMMISSION

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.

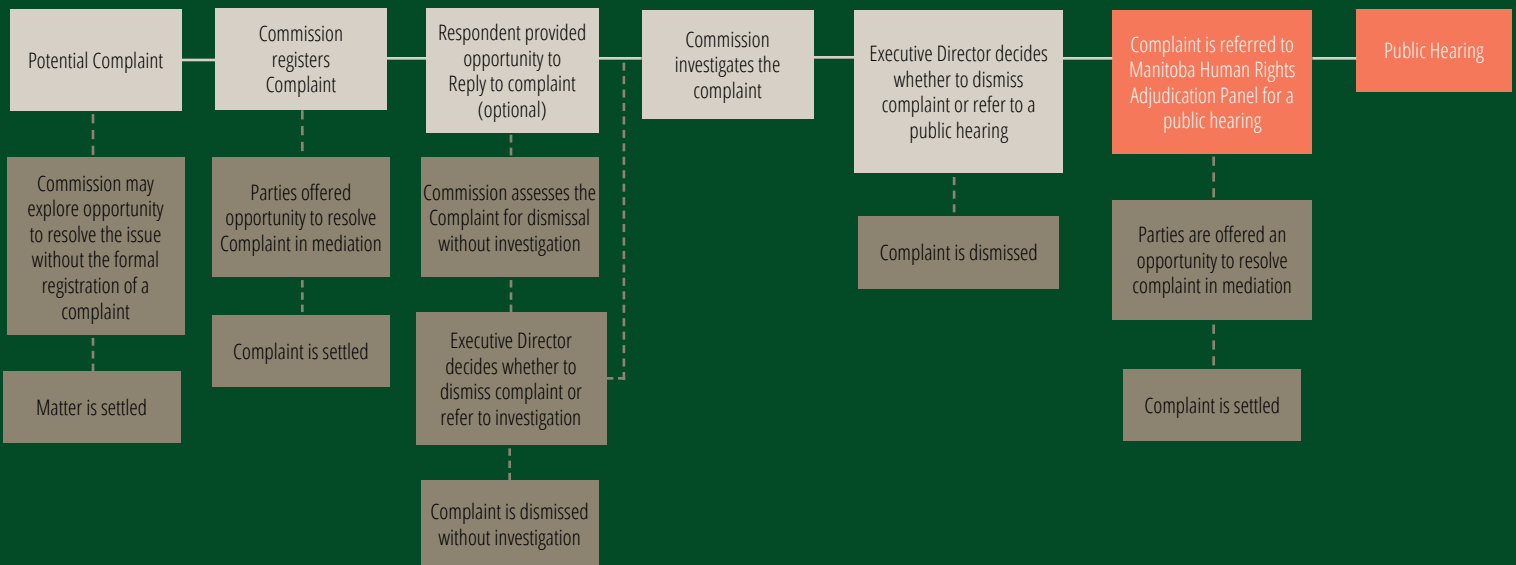
We are made up of eight commissioners appointed by the Lieutenant Governor-in-Council and seventeen staff led by an executive director.

The Commission reports to the public on finance and administration matters via the Crown Law Division of Manitoba Justice.



Manitobans recognize the individual worth and dignity of every member of the human family.
The Human Rights Code

THE HUMAN RIGHTS CODE
COMPLAINT PROCESS



COMPLAINTS BY THE NUMBERS

2022

The Commission is responsible for investigations 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 2022

Number of people who contacted us for information

2,986

Number of people who believe they were discriminated against

624

Number of people who were referred to other agencies for assistance

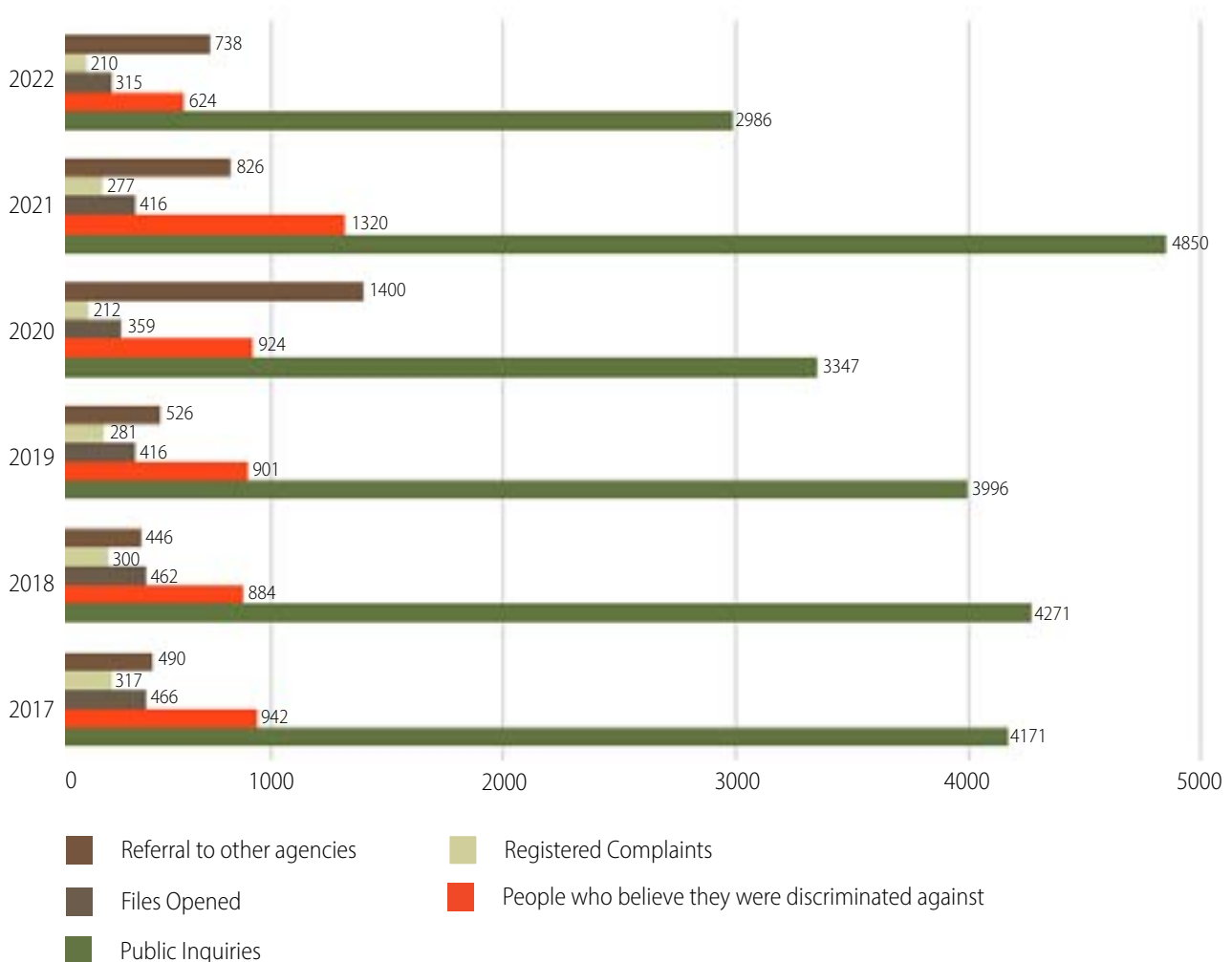
738

Number of files opened by the Commission

315

Public Inquiries and Registered Complaints, 2017-2022

Fig. 1



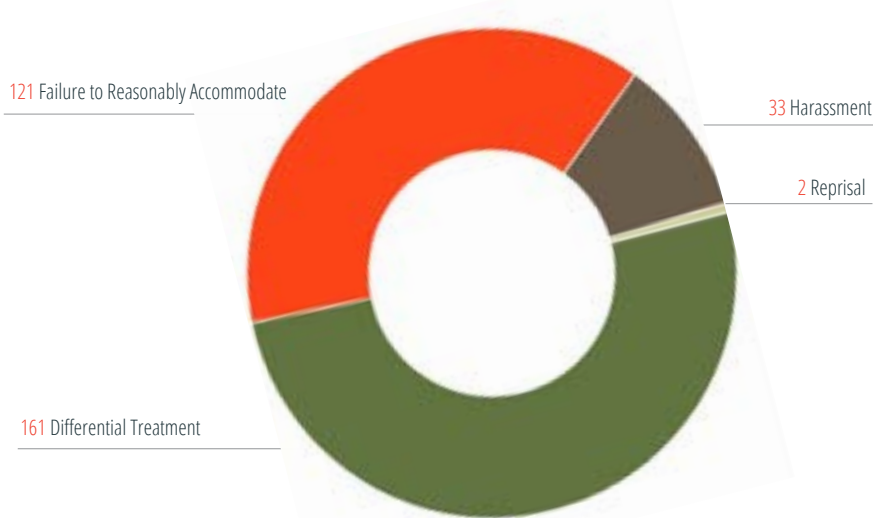
REGISTERED COMPLAINTS IN 2022

Number of complaints registered by the Commission in 2022

210

Registered Complaints by Type of Discrimination, 2022

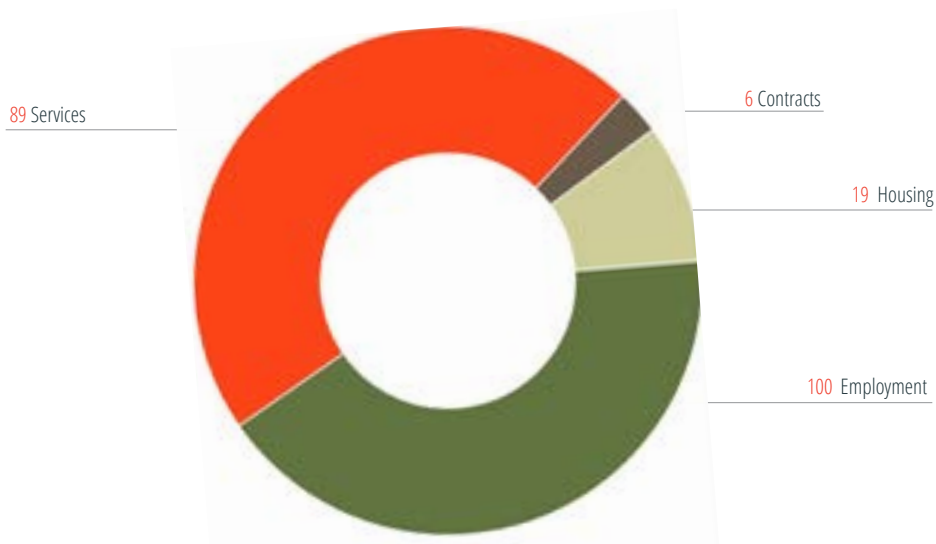
Fig. 2



Note: Complaints may allege more than one type of discrimination.

Registered Complaints by Area, 2022

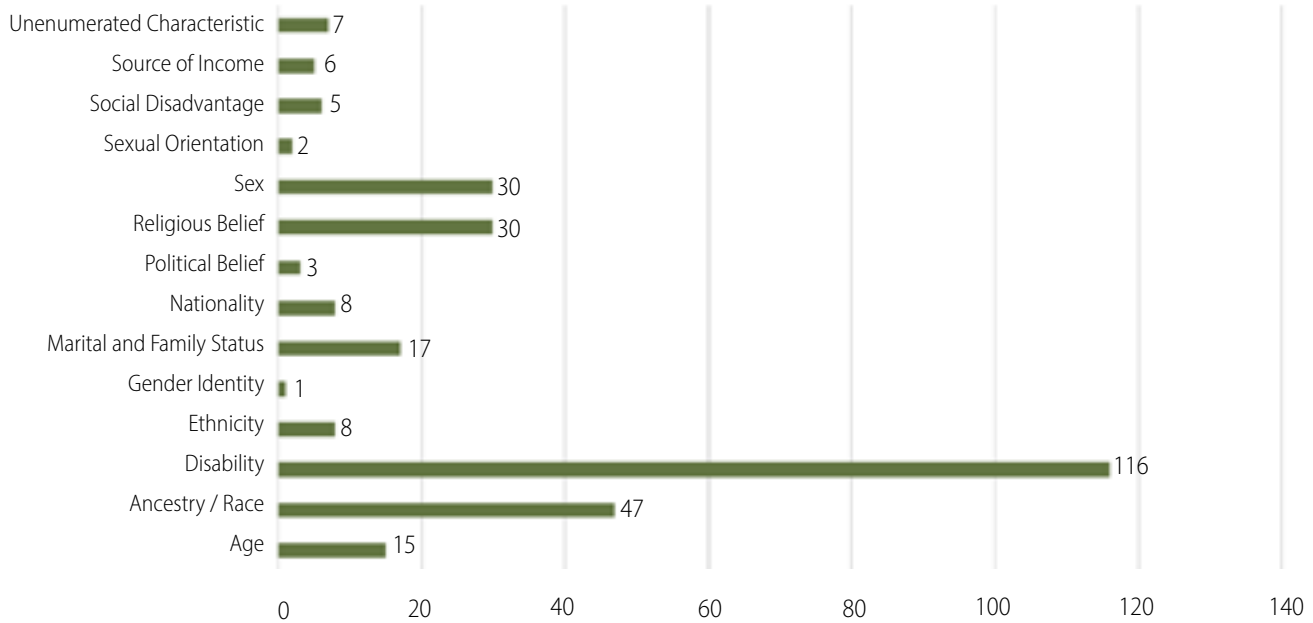
Fig. 3



Note: Complaints may allege discrimination in more than one area.

Registered Complaints by Protected Characteristic, 2022

Fig. 4



Note: Complaints may allege discrimination on the basis of more than one characteristic.

The Commission received 2,986 inquiries from the public in 2022. Of the 2,986 inquiries received in 2022, 624 individuals believe they experienced discrimination and 738 individuals were referred to other agencies for assistance. The Commission opened 315 files and registered 210 complaints of discrimination in 2022.

In 2022, disability remains the top ground of discrimination, with 55% of complaints filed on the basis of a physical disability and 45% filed on the basis of a mental disability.

Within the 210 complaints filed in 2022, 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.



MEDIATION OUTCOMES IN 2022

Resolved through mediation prior or during investigation

25

Resolved with limited Commission involvement

2

Resolved through mediation prior to a public hearing

6

Total number of complaints resolved in mediation in 2021

33

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.

If the complaint does not resolve in these early efforts at mediation, the Commission will request that the Respondent provide a formal Reply to the Complaint. The Reply is the Respondent's official response to the Complaint of Discrimination. Following receipt of the Reply, it is shared with the Complainant.

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

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.

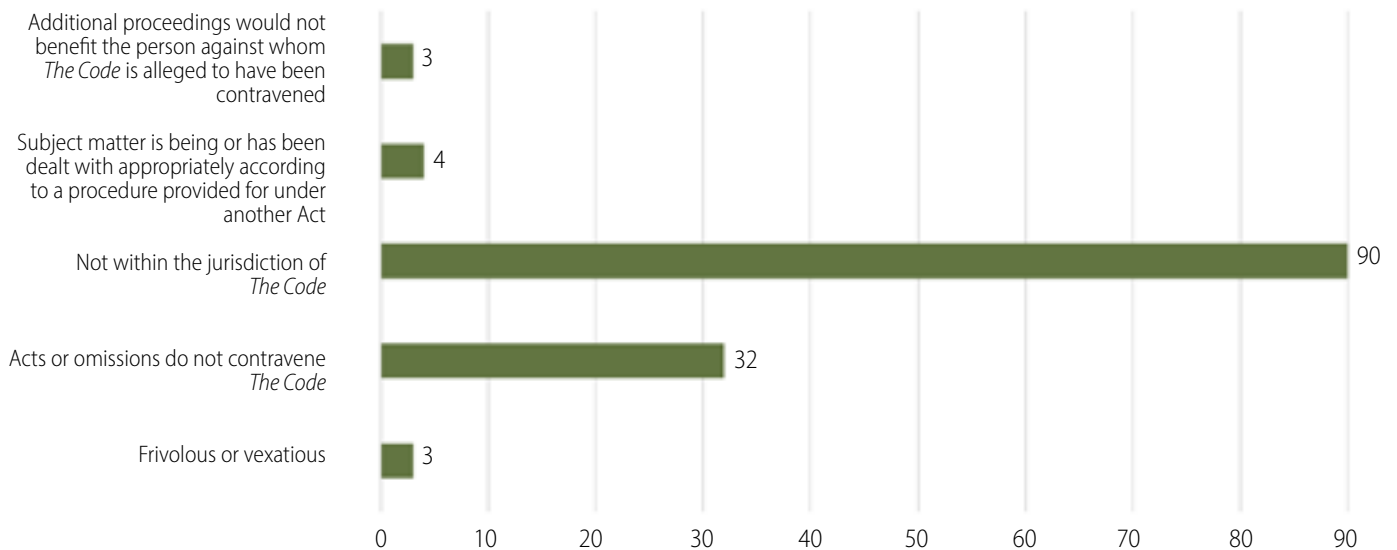
our analysis and recommendation, as to whether the complaint should be dismissed without investigation under Section 26. The parties are provided with an opportunity to submit a written response to the Commission's preliminary assessment before the Executive Director makes the decision as to whether 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.



Complaints dismissed without investigation, by ground of dismissal, 2022

Fig. 5



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.

INVESTIGATION OUTCOMES IN 2022

Complaints dismissed following investigation

54

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

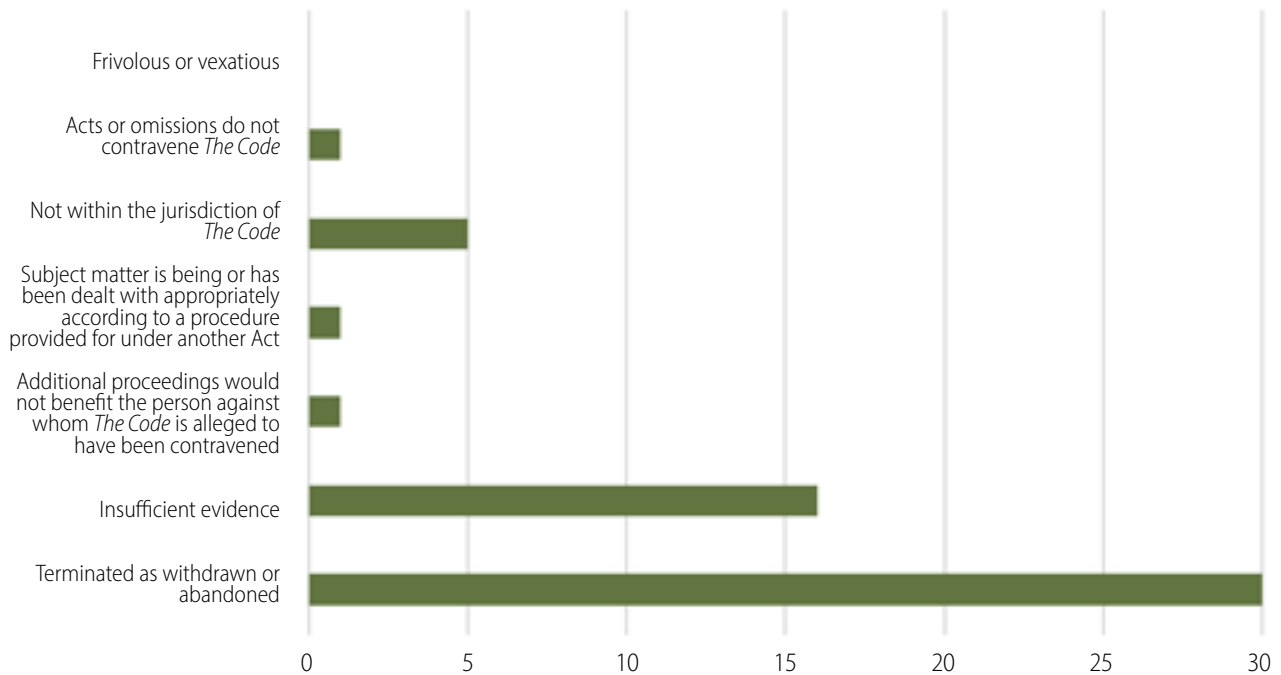
0

Total number of files disposed of in 2022 (including complaints dismissed without investigation, terminated complaints and completed investigations)

217

Complaints dismissed following investigation, by ground of dismissal, 2022

Fig. 6



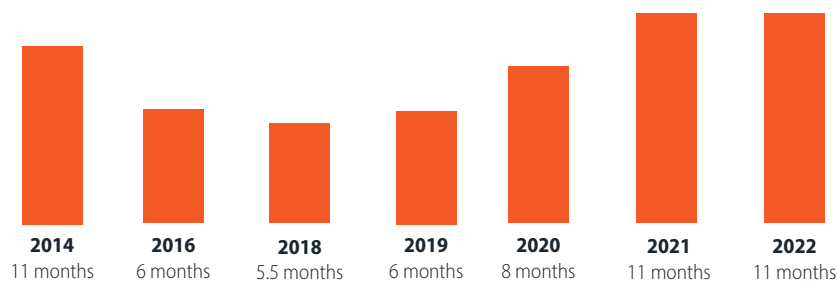
Currently, parties are waiting too long to have their complaints investigated by the Manitoba Human Rights Commission. Current wait times for an investigation to commence average approximately 24 months. We recognize that these wait times can have a significant impact on public trust in the human rights system, can affect the efficacy of the human rights complaint process and can take an emotional toll on the people involved. We are committed

Currently, parties are waiting on average 24 months for an investigation to commence.

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, 2014-2022 From the time the complaint is assigned to an investigator until the completion of the investigation report

Fig. 7



The Commission's wait time reduction strategy can be found on page 32 of this Report.

As part of the amendments to *The Code*, taking effect January 1, 2022, the Board of Commissioners (“Board”) is no longer make decisions about whether complaints are dismissed, referred to a public hearing, or terminated (often because the complaints are withdrawn or abandoned), or assess settlement offers to determine if they are reasonable. Instead, these decisions are made by the Commission’s executive director.

To maintain important checks and balances within the complaint system, a complainant may apply to have the Board of Commissioners review the Executive Director's decision to terminate a complaint or dismiss a complaint (with or without investigation). The Board of Commissioners may confirm the decision of the executive director to dismiss the complaint, make any decision that in its opinion ought to have been made by the executive director or return the complaint to investigation.

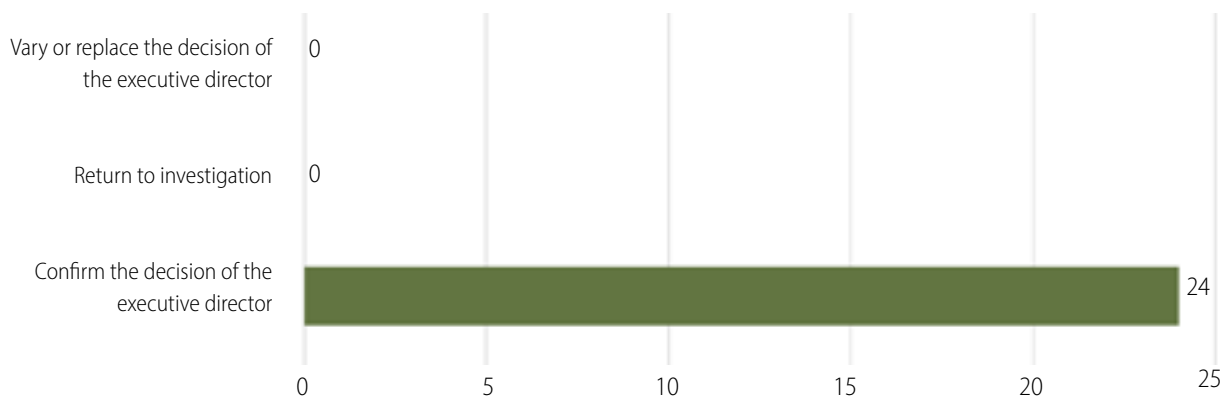
BOARD REVIEW OUTCOMES IN 2022

Number of applications for Board review

24

Board review applications by decision, 2022

Fig. 8



PUBLIC HEARINGS AND DECISIONS **IN 2022**

Hearings in 2022

1

Smith v. New Age Automation (Harassment, Sex)

Decisions in 2022

1

Madayag and Felix v. Capitol Steel Corporation 2021 (37.1 reasonable offer assessment hearing)

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.

In 2022, the Commission worked with parties to resolve 6 complaints where the Commission found sufficient evidence to warrant a public hearing. This resulted in the parties avoiding the need for a public hearing, which can be emotionally difficult for the complainant, lengthy and costly for the parties.



SPOTLIGHTING NOTABLE OUTCOMES **IN 2022**

A 2016 human rights complaint filed by T Knight, a transgender student in Red River College Polytechnic's ("RRC Polytech") Welding Certificate Program at the time, revealed areas of improvement for RRC Polytech in providing a safe, respectful and inclusive working and learning environment, sparking a community-wide effort to strengthen student, staff, and faculty awareness and understanding around harassment, discrimination, and gender equality.

In 2021, RRC Polytech implemented a strengthened Respectful Workplace and Learning Environment Policy and associated Procedures in order to enhance its ability to respond to concerns and complaints related to discrimination and harassment in a timely manner. RRC Polytech then made the completion of its Respectful College course mandatory for faculty and staff and expanded access to the course for students. As part of its settlement with T and to ensure early training on these important issues, RRC Polytech is now making Respectful College training a requirement during orientation for students enrolled in certificate programs offered through the School of Skilled Trades and Technology.

This initiative builds on the many resources, supports, and services offered by RRC Polytech and aims to equip students with a greater understanding of bias recognition and how behaviours can impact on others. The intention of the training is to ensure that students will recognize and avoid engaging in harassment, discrimination, and bullying in the classroom, as well as in the workplace, including harassment, discrimination, and bullying on the basis of an individual's gender identity. Planning is underway on this upcoming expansion of the existing Respectful College training. The project will launch during the September 2023 intake and will be evaluated and enhanced before becoming campus-wide training within two years.

"RRC Polytech recognizes that we have a responsibility to provide a safe, supportive, and healthy working and learning environment across the College, for all students, including transgender students" says Dr. Christine Watson, Vice-President, Academic, RRC Polytech. "We must live up to these commitments throughout our College community every day. In addition to our existing staff and faculty training, this student-focused initiative is essential. Not only will it enrich our working and learning environment, but it will also provide a foundation our students need to succeed in the workplace."

While RRC Polytech's initial response to the circumstances that led to the 2016 human rights complaint included the suspension of those involved in unacceptable behaviour, as identified by T, RRC Polytech recognizes that additional steps should have been taken in a timely manner.

"In this specific instance that occurred in 2016, we recognize that we did not meet our commitments to create a learning and working environment that was respectful and supportive for individuals of all gender identities," says Dr. Watson. "This unfortunate situation is not a reflection of our culture, and we need to continually learn and strengthen the many programs, resources and supports that we have in place. We look forward to delivering this important training to students through this new initiative."

"Transgender and other 2sLGBTQIA+ students deserve a safe and respectful learning environment. It is our fundamental human right," stated T Knight. "Although my experience at RRC Polytech in 2016 was very harmful, and continues to impact my daily life, I am proud that I have worked with RRC to make investments and changes

for the 2sLGBTQIA+ community, ensuring access to education, especially in the skilled trades, without harassment or discrimination. While many spaces still continue to be hostile to transgender and 2sLGBTQIA+ communities, this is a small step in the right direction for accountable behaviour and action.”

“All educational providers in Manitoba have a responsibility to provide learning environments that are free from harassment and discrimination,” said Karen Sharma, A/Executive Director of the Manitoba Human Rights Commission. “The Manitoba Human Rights Commission is proud to work alongside T Knight and RRC Polytech to take the necessary steps to ensure students of all gender identities can learn in an environment that respects their fundamental human rights.”

During the last six years, RRC Polytech has made significant investments in training and resources to strengthen its working and learning environment. For example, RRC Polytech now has dedicated positions for Equity, Diversity, and Inclusion, and a Resource Resolution Advisor that serves as the main point of contact for all human rights-based complaints. RRC Polytech also created and filled the position of Early Assist Case Manager, which position further enhances RRC Polytech’s responses to concerns regarding inappropriate student behaviours.

Since establishing these positions, RRC Polytech has also identified dedicated Diversity and Culture Champions throughout the Institution who help cultivate a safe and supportive working and learning environment. This initiative is open to any staff and is supported by comprehensive mandatory training for all staff and faculty that focuses on harassment, discrimination, and reconciliation.

RRC Polytech is also one of the first post-secondary institutions in Manitoba to partner with EVA (Ending Violence Across) Manitoba and adopt the REES (Respect Educate Empower Survivors) sexual violence reporting tool to bolster its resources and supports for staff, faculty, and students.

“Our students and staff have the right to learn and work in an environment that is free from harassment and discrimination, and we have a responsibility to address it immediately and consistently,” says Dr. Watson. “The addition of this new initiative is the right thing to do. While the circumstances that brought it to fruition were unacceptable, it’s an opportunity to demonstrate the values we espouse as a learning institute and campus community.”

This news release was originally issued by RRC Polytech and the Manitoba Human Rights Commission on May 12, 2022.



A CHANGING LANDSCAPE: **AMENDMENTS TO THE HUMAN RIGHTS CODE**

On January 1, 2022, amendments to The Human Rights Code came into effect. These amendments represent the most significant changes to the administration of Manitoba's human rights complaint process since the Code was initially passed into law in 1987.

Under this amended *Code*, the Commission's Board of Commissioners is no longer making decisions about whether complaints are dismissed, referred to a public hearing, or terminated (often because the complaints are withdrawn or abandoned), or assess settlement offers to determine if they are reasonable. Instead, these decisions are made by the Commission's Executive Director. This change shifts to role of the Board from a decision-maker to a governance entity, responsible for setting the strategic direction of the Commission and monitoring its performance.

The amended *Code* also allows the Commission to dismiss complaints without investigation, and dismiss complaints on new grounds, including where the issues raised in the complaint are being dealt with appropriately under another Act, or continuing through the complaint process would not benefit the person who experienced the alleged discrimination.

While the amendments move decision-making from the Board to the Commission's Executive Director, it also introduces new checks and balances to ensure that the rights of complainants are preserved within this new decision-making system. A person whose complaint is dismissed or terminated by the Commission's Executive Director may now apply to have the Executive Director's decision reviewed by three members of the Board 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, make any decision that in its opinion ought to have been made by the executive director or return the complaint to investigation.

The amendments also set a maximum amount of compensation that can be awarded to a person for injury to dignity, feelings and self-respect (general damages) of \$25,000.00. Prior to the amendments, there was no cap on the amount of general damages that could be awarded in Manitoba.

Finally, the amendments allow the Manitoba Human Rights Adjudication Panel to develop rules of procedure to govern human rights hearings. The amended *Code* also empowers adjudicators to assist with mediation between the parties to settle a complaint at the hearing stage. Adjudicators are now also required to commence their hearings within a set time after an adjudicator has been designated to hear the complaint and issue their decisions within 60 days of the hearing ending, with possibility for one extension.

In order to effectively implement these changes, the Commission focused on ensuring it developed the required policies, procedures, tools and training to support this change management process. The Commission provided notice to parties involved in the human rights system and published fact sheets and guides to help the public navigate these important amendments. The Board of Commissioners also adopted new policies to guide the interpretation and application of the amended *Code*, including:

- P-1 Board Review Process
- P-2 Maximum Length of Written Submissions to Executive Director from Parties to a Complaint
- P-3 Jurisdiction - Concurrent Jurisdiction
- P-4 Jurisdiction – Exclusive Jurisdiction of Other Tribunals
- P-5 Jurisdiction – Federal
- P-6 Jurisdiction – Legislation
- P-8 Jurisdiction – Scope and Application of *The Code*

The amendments to *The Code* were intended to help improve the timeliness and efficiency of the human rights complaint system. Early results following the proclamation of *The Code* suggest that amendments are having a positive impact on the Commission's ability to efficiently administer the complaint process. In 2022, the Commission disposed of 217 complaints and settled an additional 33 complaints. This is the second highest number of complaints disposed of by the Commission (see figure 9).

Completed investigations, 2011 - 2022

Fig. 9



IMPROVING PUBLIC SERVICE: **ADDRESSING WAIT TIMES IN THE INVESTIGATION OF HUMAN RIGHTS COMPLAINTS**

Currently, parties are waiting too long to have their complaints investigated by the Manitoba Human Rights 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.

What are current wait times in the investigation of human rights complaints?

The Commission has a very large volume of complaints in our system. We have also seen a significant increase in the number of people contacting the Commission since the beginning of the COVID-19 pandemic.

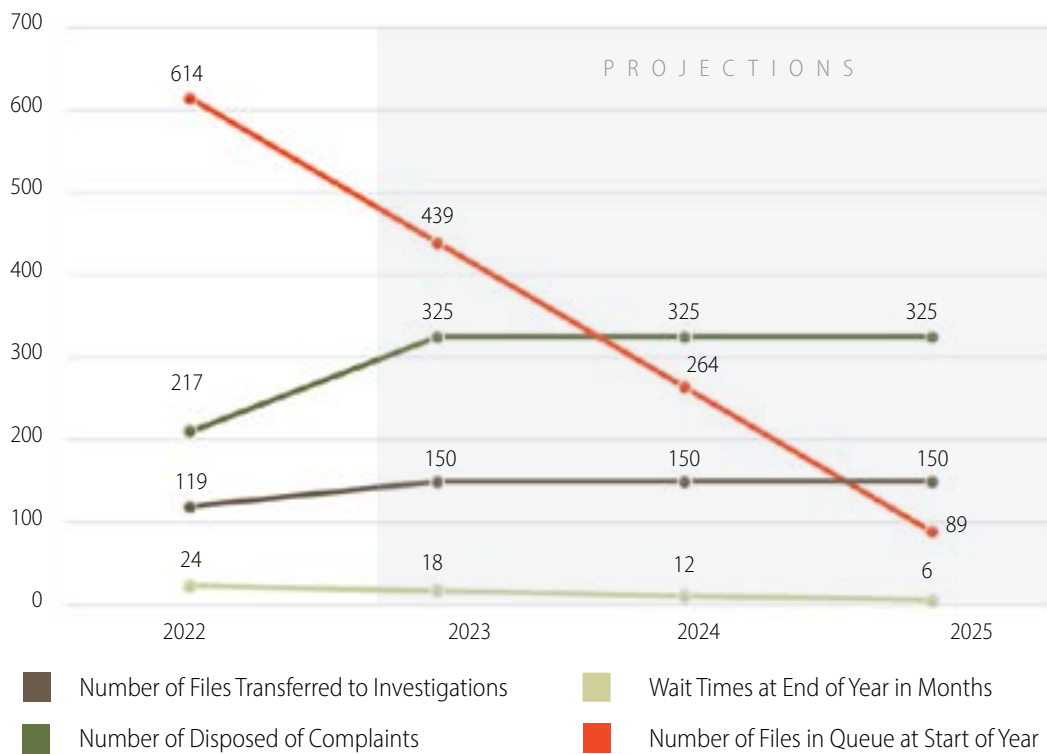
At the end of 2022, parties were waiting on average 24 months to have their complaint investigated.

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 2025. We will do this by disposing of at least 325 files each year from 2022 to 2024, as outlined in figure 10.

Investigations Backlog Reduction, 2022 - 2025

Fig. 10



2,680

people attended the Commission's human rights education in 2022

15

organizations received customized human rights training

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.

INSPIRING CHANGE:
**PROMOTING HUMAN RIGHTS
THROUGH PUBLIC 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.

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 launched its delivery of a new seminar program entitled: Challenging Racism and Racial Discrimination. This program was specifically developed to ensure Manitobans have access to free anti-racism education, in response to 2020 which brought us face to face with the ongoing tragic impacts of systemic racism.

In 2022, the Commission delivered its seminar series to 250 individuals. In addition, the Commission delivered its seminar program on-site for 15 organizations.

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.

At the beginning of 2022, the Commission observed a concerning increase in the circulation of hate speech and symbols, following protests in response to COVID-19 public health measures. Our Commission issued a statement and engaged with media, providing clear guidance to the public that there is no room for hate in Manitoba, and that expressions of hate stand opposed to the values underpinning *The Code*.

The Commission continues to work with community partners to advance human rights in Manitoba. In 2022, 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.
- **Legal Capacity and Reasonable Accommodation**
In 2022, the Commission was invited to join a project, initiated by Inclusion Canada, to develop a legal framework with respect to reasonable accommodation and legal capacity. The initiative is aimed at ensuring that Canadians with intellectual disabilities can exercise their right to make and guide decisions about their life.

SUPPORTING THE RIGHT TO READ: SPECIAL PROJECT ON THE HUMAN RIGHTS ISSUES AFFECTING STUDENTS WITH READING DISABILITIES IN MANITOBA'S EDUCATION SYSTEM

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.

The Commission will also examine the unique challenges for students with reading disabilities who face other barriers such as living in poverty or being members of intersecting Code-protected groups including newcomer students, English-language learners (students who are learning English at the same time as they are learning the curriculum), Black, Indigenous and students of colour, students with other disabilities, etc.

As part of this special project, the Commission will:

1. Conduct research on evidence-based approaches for supporting the needs of students with reading disabilities in Manitoba's education system.
2. Seek input from impacted individuals, including students, families, educators and administrators, through surveys and other means.
3. Conduct targeted consultations with key stakeholders in Manitoba's education system.

The Commission will publicly report on its findings and make recommendations, where necessary, to ensure that all students in Manitoba have an equal opportunity to learn to read.

2022

MANITOBA HUMAN RIGHTS COMMISSION

700-175 Hargrave Street
Winnipeg MB R3C 3R8

Phone

(204) 945-3007
1-888-884-8687 (Toll-Free in Manitoba)

Fax

(204) 945-1292

Email

hrc@gov.mb.ca

Website

www.manitobahumanrights.ca