

MHR *Connections*

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Commission Introduces Online Human Rights Quiz at the Manitoba Safe Schools Conference



The Manitoba Human Rights Commission gave students a chance to preview its interactive, online quiz called Code>Rights. The quiz will soon be available on the Commission's website.

Manitoba Human Rights Commission More Proactive

As revealed in its 2001 Annual Report, the Manitoba Human Rights Commission continues to set new goals promoting human rights, strengthening its education programs, improving its complaint resolution process, updating its policies and reviewing the Human Rights Code.

According to Chairperson Janet Baldwin, the Board has taken a more proactive approach to the promotion of human rights. "It expanded its outreach and education programs, held the first Annual Youth Awareness Conference, continued a full schedule of speaking engagements, and issued news releases on such topics as the dangers of stereotyping and backlash after the September 11th tragedy", she said.

The Commission also spoke out on issues such as supporting the right of same-sex partners to adopt, the extension of family property laws to common-law couples, and the right of same-sex couples to choose to marry. The Commission urged the Government of Manitoba to intervene in the cases challenging the restriction of marriage to heterosexual couples, if and when they reach the Supreme Court of Canada. In November the Commission recommended the addition of

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The Rights Connection by Janet Baldwin - Chairperson Dependencies and Disability

Dependency, or addiction, can be a confusing disability. It can confound not only the person who is ill, but others involved with the addicted person, such as an employer. Society as a whole has made progress in understanding that addiction is an illness. For an employer, however, the challenge can be sorting out the obligation under The Human Rights Code to reasonably accommodate this illness, as all other physical or mental disabilities.

While unacceptable behaviour or performance in a workplace must, of course, be addressed, employees who suffer from dependencies - whether to alcohol, drugs or gambling - have a right to reasonable accommodation. In most cases, this will mean support towards rehabilitation.

A recent complaint filed with the Commission illustrates the problems that can arise for employers where reasonable accommodation of addiction is not made. A man who had worked as a machine operator for an employer for more than twelve years was fired. The employer said that he was terminated because of his absenteeism. However the complainant said his manager told him there were rumours that he had a drug problem.

The complainant had, in fact, become dependent on cocaine and his performance and attendance had suffered. Some of the missed work had been due to his attending counselling for his addiction, but he had never advised his employer of his disability.

The employee claimed that there was general knowledge that he had a drug addiction and the company had failed to reasonably accommodate his disability. The company maintained that the complaint was without merit, but recognized that the employee had previously been a reliable worker and entered into a negotiated settlement. The complainant received three thousand dollars in general damages.

Addiction is only one of many illnesses, which can affect performance in the workplace. As this example illustrates, it is important that employers not ignore an underlying disability when addressing performance issues.

Commissioner Profile

Robin Dwarka may not consider herself an artist, but her interest in photography, graphic arts, dance and percussion instruments suggests something else. "I don't think of myself as an artist, but rather, I pursue different avenues. My passion for the last twelve years has been playing steel drums," says Robin, who also happens to be the Director of Administration at Legal Aid Manitoba.

Robin was born in Trinidad. Her parents, in search of better opportunities for their three children, left the West

Indies and moved to Ottawa. They joined her grandmother who had immigrated to Canada before Robin was born.

Robin says her parents stressed that the foundation for success was a solid education and community involve-

ment. They encouraged her to study hard and participate in cultural events. Like many young women, Robin found it difficult to do her schoolwork and take part in cultural activities while her friends pursued other interests. "It could be a drag sometimes because my friends had part-time jobs and I had to stay home and do homework or go to cultural events." However, she adds, "it paid off in the end."

Robin's pay off came by way of working hard and getting an Honours Commerce Degree from the University of Manitoba, followed by a Certified Management Accounting designation. She says that the accounting designation has allowed her to work in a number of sectors such as defense systems, agriculture, publications, and government which fuels her desire to keep learning.

In terms of human rights, Robin has a past involvement with the Immigrant Women's Association of Manitoba, the Year for Racial Harmony Monument Committee and the

Manitoba Association for Rights and Liberties. She was appointed to the Manitoba Human Rights Board of Commissioners in 2001.

Robin continues to be involved in cultural activities. She is the representative of the Trinidad and Tobago Society to the Council of Caribbean Organizations of Manitoba and is the treasurer and a performing member of the Winnipeg Steel Orchestra. Robin loves to travel. In 1991 she returned to Trinidad to reconnect with both family and culture. In 1997 she toured South East Asia.

Her passion continues to be music and admits that she loves to play any percussion instrument she can get her hands on. Last summer she spent six weeks in Toronto playing steel drums with a band that placed first in the annual steel band competition. Her next goal is to play at the panorama competition in Trinidad and Tobago.

"social condition" as a protected ground under the Code, to address discrimination on the basis of poverty and homelessness. Ms. Baldwin also addressed the Senate Standing Committee on Human Rights and spoke about the impact of the Manitoba Commission on the evolution of Canadian human rights as well as its own initiatives and challenges.

"The Board is committed to emphasizing systemic issues and will consider the greater use of Commission-initiated complaints to address systemic discrimination," Ms. Baldwin said.

The 2001 Annual Report also disclosed monitoring reports regarding the under representation of women in both faculty and administration at two of the province's universities: the University of Winnipeg and Brandon University. These published reports are part of settlement agreements.

Although the volume of complaints is comparable to last year, the Commission noted that the percentage of complaints based on disability continues to increase steadily. According to the Commission's Executive Director Dianna Scarth, "a substantial increase in disability complaints is a trend noted by other commissions across the country. Not only has there been an increase in disability complaints, but also the allegations raised have become increasingly complex, and there are more complaints based on mental disability than was the case in the past."

The vast majority of complaints continue to occur in employment.

The report also indicates that the Commission continues to improve efficiency in its resolution of complaints. When all of the options available to resolve a complaint were combined and a time calculated, the average time to process complaints that were resolved in 2001, was 103 days or just over 3 months.

The 2001 Annual Report states that the decrease in the amount of time required to resolve a human rights complaint is a result of the use of such efficient and remedial practices as pre-complaint resolution and mediation.

The full report will be available on the Commission's website at www.gov.mb.ca/hrc

In Brief

Youth Conference Update: The second annual Human Rights Youth Awareness Conference has 150 registrants and four entries to the video contest. This year's workshops include "Working Blues" (human rights in the workplace), "Sticks and Stones" (When do words and actions cross the line?), "Pride and Prejudice" (respecting differences in one another), and "Not So Trivial Pursuit" (Test your knowledge on human rights). The Conference takes place on December 6, 2002 at the Franco Manitobain Culturel Centre.

Congratulations to Manitoba human rights worker Lora Wachtendorf who is the proud recipient of the Queen's Golden Jubilee Medal. Lora received this recognition for her many years of volunteer work with the Hong Kong Veterans of Canada.

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