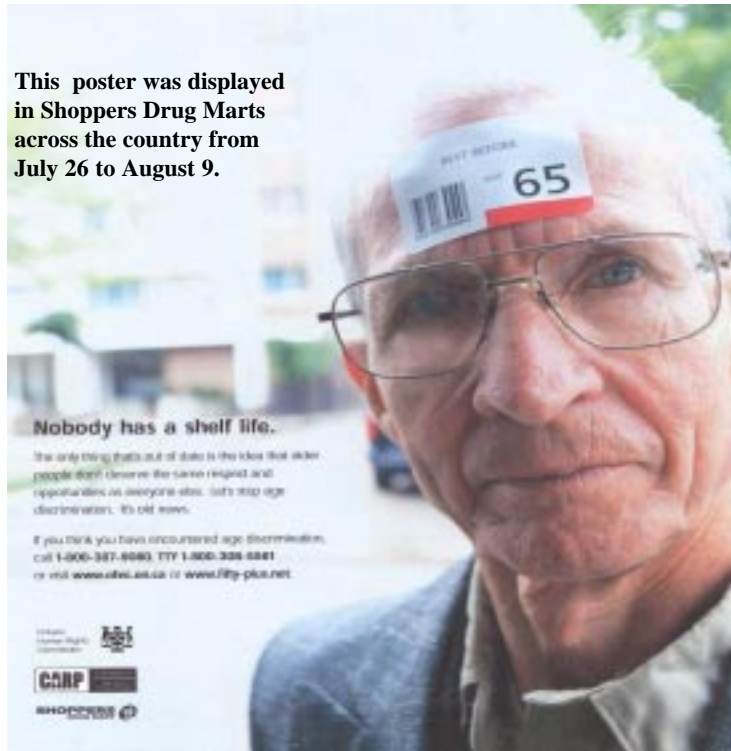


## Promoting Human Rights for Older People

This poster was displayed in Shoppers Drug Marts across the country from July 26 to August 9.



This summer a national campaign was launched by the Ontario Human Rights Commission, in partnership with shoppers Drug Mart and CARP, Canada's Association for the Fifty Plus. The campaign was endorsed by the Canadian Association of Statutory Human Rights Agencies (CASHRA).

The campaign featured a poster of an older person with a *Best Before* sticker on his forehead and a tagline, "Nobody has a shelf life. The only thing that is out of date is the idea that older people don't deserve the same respect and opportunities as everyone else. Let's stop age discrimination. It's old news."

The posters were displayed in Shoppers Drug Mart stores across the country. The national drug store chain also distributed a pamphlet on age discrimination.

During 2002 approximately 12% of the complaints received by the Manitoba Human Rights Commission were on the grounds of age. In Manitoba the provisions of *The Code* apply to all, regardless of age.

### The Rights Connection By Janet Baldwin - Chairperson To Spray, or Not to Spray

The debate over the use of chemical sprays for control of adult mosquito populations continues every time the mosquito population swells. Growing concern over the risk of contracting West Nile Virus from a mosquito bite has shifted the debate from one of how to respond to the nuisance of mosquitoes, to how to assess and balance the possible health risks of using adulticides, as opposed to larvicides, with the possible risk of contracting West Nile.

The use of chemical agents to control mosquitoes may be of particular concern to pregnant women, parents of young children, and to persons with disabilities such as multiple chemical sensitivities or asthma.

*The Human Rights Code* prohibits discrimination in the provision of services on the basis of a number of protected characteristics, such as disability, age, and sex, including pregnancy. "Discrimination" includes a failure to reasonably accommodate special needs, which are based on a protected characteristic.

Municipalities considering the use of chemical agents to control mosquitoes are obligated to consider the impact of such a plan on persons protected by *The Code*. Is the plan rationally connected to halting West Nile Virus? Is it reasonably necessary to take the approach under consideration, or are there alternative approaches, which might accomplish the objective in a way that has less of a discriminatory impact on the protected group? If there are not such alternative approaches, how can the municipality reasonably accommodate special needs that are based on protected characteristics?

The duty to reasonably accommodate extends to the point of undue hardship. While reasonable accommodation must be assessed on the facts of each case, measures such as reasonable notice so that protected groups can take steps to lessen the impact of "fogging", and implementing reasonable "no-spray" zones on request, are examples of accommodation.

# Executive Director Thinks Outside the Status Quo

When Dianna Scarth first arrived at the Manitoba Human Rights Commission, she embarked on a mission with a strong message: rather than stay the course, she intended to transform it.

Today, after seven years as Executive Director, her vision has made the Commission an innovative organization that has embraced change. By initiating a series of educational human rights workshops, Dianna was able to continue to fulfil the Commission's mandate of educating the public despite losing educational officers to cutbacks during the 1990's. This was accomplished by following a business model and developing a series of seminars and workshops, available to the public, on a cost recovery basis. The staff, whether investigator, mediator or intake officer, allocate part of their work schedule to education.

Also under Dianna's leadership, two new complaint resolution processes were introduced. The first was pre-investigation mediation and the second, pre-complaint conciliation. When successful, both of these processes cut down the length of time it takes to find a resolution to a complaint by avoiding the investigation process.

Dianna's management approach encourages others to think outside the status quo. This is just one of the reasons why Human Rights Officers, Simon Gillingham and Nancy Flintoft, nominated Dianna for a leadership award at the fifth annual Manitoba Service Excellence Awards.

Both Simon and Nancy agree that Dianna has created a stimulating and rewarding work environment. They also praise her for raising the bar of professionalism at the Commission, for embracing technology, and for improving service to Manitobans. One of Dianna's more recent goals was to ensure that young people have the opportunity to learn about their human rights. On this front, she has encouraged Commission youth conferences and has embraced MHRC TV, an interactive section of the Commission's website, designed specifically for students

This is the second time a member of the Commission's staff has been nominated for a Manitoba Service Excellence Award. Last year, Intake Officer Derek Legge was nominated in the category of service excellence. He was also an honourable mention recipient.



**MHRC Executive Director Dianna Scarth receives an honourable mention certificate at the 2003 Manitoba Service Excellence Awards**

## Coming in September

**The Manitoba Human Rights Workshop Schedule**  
Employment Seminar  
Human Rights Issues for Non-Profit Organizations  
Recent Developments in Human Rights Laws  
Reasonable Accommodation in the Workplace  
Harassment in the Workplace

## Media Reports Result in Clarification by Commission

Although the Manitoba Human Rights Commission rarely comments about complaints which are under investigation, the Commission is concerned that recent press reports regarding sexual harassment complaints filed against the Indian and Metis Friendship Centre of Winnipeg may have left some members of the public with an inaccurate impression of the Commission's procedures.

Janet Baldwin, chairperson of the Commission, stated: "The Commission would not recommend to a party to a human rights complaint that it should undertake its own investigation before the Human Rights Commission would be prepared to consider the matter." Recent media reports implied that this had occurred with regard to the complaints noted above.

The Commission has the legislative mandate to consider complaints of harassment filed under *The Code*. The Commission starts to deal with complaints as soon as they are filed; investigations are not adjourned pending the outcome of other investigations. In fact, a team of investigators was immediately assigned to these complaints.

Ms Baldwin pointed out, however, that "...under *The Human Rights Code*, employers are liable for substantiated complaints of harassment in their workplaces. Therefore, an employer may be well advised to consider undertaking, for its own purposes, an investigation, by an internal investigator, or an independent investigator." The process undertaken by an employer in response to a complaint will be a relevant factor, but the Commission will base its determination of the merits of a complaint on its own investigation.

Ms Baldwin added that, when credibility issues arise during the Commission's investigations, the Board of Commissioners may direct such complaints to a hearing before a human rights adjudicator, who will hear the evidence under oath and make findings of credibility. The fact that the parties do not agree as to what occurred does not automatically result in a complaint being dismissed.