



## Human Rights Commitment and Youth Awards Call for Nominations

The 5<sup>th</sup> Annual Manitoba Human Rights Commitment Award and the 2<sup>nd</sup> Annual Manitoba Human Rights Youth Award will be presented on December 9, 2004 in Winnipeg. The purpose of these awards is to recognize a group or an individual who has promoted respect for human rights and fundamental freedoms by working towards social progress and better standards of life within Manitoba.

Nominations are now open for the 2004 awards. This year the awards will recognize achievements in the field of equality rights, which have contributed to the elimination of discrimination based on sexual orientation.

Last year the awards recognized work done in the field of social and economic rights as found in the United Nations International Covenant on Economic, Social and Cultural Rights. Winnipeg Harvest received the Commitment award for its ongoing work towards social progress and a better standard of living for Manitobans. Youth Helping Youth, a project developed by eighteen young people, received the Youth Award. This group raised funds to support education in Bangladesh and Nepal.

The awards will be given out at the International Human Rights Day luncheon, which is sponsored by The Manitoba Human Rights Commission, The Canadian Human Rights Commission, the Manitoba Association for Rights and Liberties and the Community Legal Education Association. Tickets for the event are \$25.00 and will be available next month.

For more information, please email the Commission at [hrc@gov.mb.ca](mailto:hrc@gov.mb.ca) or call Patricia Knipe at 945-5112. The deadline for nominations is 4:00 p.m. December 1, 2004.

### The Rights Connection by Janet Baldwin - Chairperson

#### Manitoba Human Rights Commission Intervenes in Same-Sex Marriage Reference

Our Legal Counsel, Aaron Berg, recently represented the Commission before the Supreme Court of Canada in the same-sex marriage reference. We were one of three human rights commissions intervening in support of equal access to marriage. We sought this opportunity in light of our obligations to promote the principles set out in The Human Rights Code.

The federal government asked the Court to rule on a number of questions with respect to the constitutionality of its proposed marriage legislation, which would extend marriage to persons in same-sex couples, while protecting religious officials from being compelled to perform marriages not in accordance with their religious beliefs.

Mr. Berg noted that when our material was filed to the Court, Manitoba was “a have-not province” but that we are now “a have province”. He was referring to last month’s decision of Mr. Justice Yard of the Court of Queen’s Bench, which ordered that the definition of marriage in Manitoba include same-sex couples and that marriage licences be immediately made available to same-sex couples. He also highlighted the problems, which would ensue if same-sex marriages continue to be legal in some Canadian jurisdictions, but not in others.

Counsel reviewed the relevant developing international human rights jurisprudence. The recently adopted Charter of Fundamental Rights of the European Union removed the reference to men and women in regard to the right to marry. He noted the opportunity for Canada to play a leading role internationally “in progressively interpreting equality principles in light of changing conditions and societal attitudes.”

Having voiced our views on this important equality rights issue, we now look forward to the release of the Supreme Court’s decision, and the early enactment of the proposed marriage legislation.

## Settlements

### Benefit extended to part-time employees

The Commission is pleased to announce that complaints filed by 47 women, who are all part-time employees in the health care field, have been settled.

The complainants alleged that their respective collective agreements discriminated against them on the basis of their sex. The only benefit, which was not pro-rated for part-time employees under their collective agreements, was the top-up benefits available to full time employees going on maternity leave and later returning to work. Because the vast majority of part time employees in the health care field are women, it was alleged that this term of the collective agreements had a differential impact on women, which constituted discrimination based on sex. The complaints were scheduled to be heard by a human rights tribunal.

The Commission is particularly pleased to report that, not only were individual remedies received by each complainant, based on the amount each woman would have received if the benefits had been available to her on a pro-rated basis, but the collective agreements in question were also changed during the most recent contract negotiations. These settlements reflect the remedial principles, which underlay human rights legislation, in that not only were individual remedies achieved, but there were also systemic changes. In future, part-time employees who apply for maternity leave benefits under the collective agreements at the institutions, which were the subject of the human rights complaints, will now be entitled to receive the optional top-up maternity leave benefits on a pro-rated basis.

#### **Congratulations**

**2004 Winnipeg Accessibility**

**Awards Winners**

**Government Project:**

ACCESS River East

Stantec Architecture

**Non-Profit Project:**

Grosvenor School Playground

Hilderman Thomas Frank Cram

Landscape Architecture & Planning

**Residential:**

The Epstein Home

Number Ten Architectural Group

## Commission to Host Three Youth Conferences

Due to popular demand and the success of the first ever Northern Youth Conference earlier this year, the Commission has decided to offer three Youth Conferences during the 2004/05 school year.

The first conference will be held in Winnipeg on December 10, 2004, International Human Rights Day. The second and third will see the Commission returning to the North in March and to the Brandon/Shilo area in the spring of 2005.

The goal of the Youth Conferences is to increase young people's awareness of human rights and to give them the tools they need to explain human rights to other students.

The December 10th conference will take place at the Asper Jewish Community Campus in Winnipeg. Four workshops will be offered to the students. The first is one that has proven to be a favourite at past conferences – "Taking Care of Business" – about rights and responsibilities in the workplace. "Living Outside the Box" is a new workshop, which will examine the attitudes and barriers faced by women, men and disabled people when they take on non-traditional jobs. The third is "Respect Reloaded" and will deal with discrimination, harassment and bullying at school. The final workshop is a tour of the Holocaust Education Centre guided by a holocaust survivor.

In past years students attending the Winnipeg Conference have requested a session on International Human Rights and an afternoon session on this topic will be presented. The guest speaker is Cynthia Gervais of the International Centre for Human Rights and Democratic Development.

## Two Long Time Commission Employees Retire

Derek Legge and Sharon Wickman have retired from the Manitoba Human Rights Commission.



Derek began in 1987 as an Intake Officer and by January 1997 he was instrumental in implementing the new pre-complaint resolution process. His resolutions were often unique and his drive, enthusiasm and talent set the standard for others to follow. Derek's sense of humour and tenacity to get a complaint resolved before it became formal, will be missed in the office.



Sharon worked for over 26 years with the Commission. She began in 1975, and other than a brief absence when she moved to Alberta and worked in labour relations, Sharon's career has been with the Commission. She has held a variety of positions including Acting Director of Compliance, Compliance Supervisor, Special Programs Officer, Investigator and Intake Officer. Her knowledge of the Commission's history cannot be replaced.