



Winnipeg Hosts Disabled Peoples' International World Summit



Disabled Peoples' International (DPI) is coming home and has invited the world to Winnipeg, September 8-10, 2004.

Disabled Peoples' International was established in Winnipeg in 1981 by a steering committee of 14 people from the Coalition of Provincial Organizations of the Handicapped (COPOH). Together this group created a new international organization of disabled people. The first DPI World Congress was held in Singapore in 1981.

The 2004 DPI World Summit is an opportunity for 135 national assemblies, disabled organizations, Non Government Organizations, international organizations, and service providers in the disability field, to discuss and share information. The theme for the Summit is diversity of people and their cultures and will focus on women, youth, and Indigenous and Arab peoples. Over 800 delegates from around the world are expected to attend.

Over 30 workshops are planned for the three-day event. The Summit will be an opportunity to evaluate the progress made since the 2002 6th World Assembly in Sapporo, Japan and to develop a broad range of strategies and solutions to global challenges. The resolutions reached at this year's Summit will set the international agenda for future action on such issues as human rights, self determined living and bioethics.

Those attending the conference can also experience the Summit's Global Disability Village. It is here that participants can share information and research on many aspects of disability issues. For example, the human rights section offers the opportunity to exchange models of legislation, projects and research that lead to the full participation of persons with disabilities. The Manitoba Human Rights Commission and the Canadian Human Rights Commission will share an information booth hosted by Derek Legge, a former intake officer with the Manitoba Commission. Derek retired in July of this year.

For more information about the Summit, contact Disabled People's International Headquarters, 748 Broadway, Winnipeg, MB, 204-287-8010 or visit its web site www.dpi.org/summit2004.

The Rights Connection

by Janet Baldwin - Chairperson Freedom of Religion or Contract?

The Supreme Court of Canada recently released its decision in *Syndicat Northcrest v. Amselem*. The issue in that case was the extent of freedom of religion under The Charter and Quebec's human rights law.

A number of Orthodox Jews living in condominiums in Montreal had set up temporary huts (succahs) on their balconies during Succot, an annual nine-day religious festival. Their declaration of co-ownership prohibited constructions on balconies, and the syndicate of co-owners asked them to remove the succahs. The co-owners in question refused, and the syndicate applied for a permanent injunction to prohibit them from setting up succahs and, if necessary, permit their demolition.

In a 5-4 decision, the majority of the Supreme Court held that the declaration of co-ownership infringed the co-owners' freedom of religion, which, they determined, was the freedom to undertake practices or to hold beliefs rooted in religion and sincerely practiced or held, regardless of whether they were required by official religious dogma. It found that there was insufficient evidence to conclude that the succahs would cause a decrease in the value of the units or property, that any potential annoyance would be trivial, and that the appellants' offer to construct their succahs so as to not obstruct doors or fire lanes would satisfy any security concerns.

This case is important in that it focuses on sincerely held religious beliefs or practices held by individuals or groups, rather than on expert opinion as to what is required by a given religion. The declaration of co-ownership did not override the right to freedom of religion.

In Manitoba, there has also been examples of how activities of condominium corporations may engage human rights law. In one human rights settlement, a condominium corporation agreed to install a strobe light feature to a hearing impaired complainant's fire alarm. In another case, a condominium owner has filed a complaint believing that the refusal by the condominium corporation to address physical access barriers at the entrance to the building, constitutes a failure to reasonably accommodate special needs based on his disability.

Berg to Represent Commission before the Supreme Court of Canada

Aaron Berg, Counsel for the Manitoba Human Rights Commission, will represent the Commission before the Supreme Court of Canada this fall, when it considers the reference on the legal recognition of same-sex unions.

“We are very pleased that Mr. Berg will present our position in this historic human rights reference,” said Commission Chairperson, Janet Baldwin. “His good counsel to the Commission on complex human rights issues over the years, and his record before our highest court speak for themselves.”

Mr. Berg previously appeared before the Supreme Court of Canada on behalf of the Commission in the landmark cases of *Janzen v. Platy Enterprises Ltd.*, and *Brooks v. Canada Safeway Ltd.* In *Janzen*, the Supreme Court unanimously held that sexual harassment is sex discrimination, overturning a decision of the Manitoba Court of Appeal. In *Brooks*, the Court unanimously ruled that discrimination on the basis of pregnancy is discrimination because of sex, again overturning a Manitoba Court of Appeal ruling.

The Commission has repeatedly urged both the federal and Manitoba governments to remove barriers to same-sex couples marrying. While gay and lesbian couples are now able to legally wed in some Canadian jurisdictions, Manitoba has chosen not to issue marriage licenses to same-sex couples at this time. Last month, the Yukon Supreme Court ruled that the Yukon Government must issue a marriage license immediately to a gay couple, without waiting for the Supreme Court of Canada decision. The Yukon now joins Quebec, Ontario and British Columbia in recognizing marriage between two persons of the same sex as lawful and valid.

**Next Month: MHRC offers new
Human Rights Workshops**

A Quick Tour of www.gov.mb.ca/hrc

After applying for a job with a small business service, a young woman was hired as an account manager. She told her employer she was anxious to learn about the company and was willing to work late. Within a month, her employer set up a late night business meeting at a hotel. Although she felt uncomfortable about the arrangement, she agreed to meet him. In the room he made unwanted sexual advances towards her. She filed a complaint with the Manitoba Human Rights Commission.

The respondent denied the allegations, and the case eventually went to a hearing. The adjudicator ruled that there was a contravention of *The Code* and the employer was ordered to pay the following: damages for wages owing or lost in the amount of \$1,678.25; general damages of \$2,000.00; and exemplary damages of \$1,000.00. The entire ruling by the adjudicator is available on the Commission's web site.

Most web sites have a wealth of information. You just have to know where to look.

When you arrive at the Commission's web site, you will first be asked if you want information in English or French. Once you have made your selection, the Commission's home page will appear. It has the latest information on scheduled hearings, new documents such as the upcoming annual report. There is also a news scroll, which changes depending on the latest information available. This scrolling text may include a scheduled human rights hearing or a news release or the latest column from the Connections Bulletin. You can also click on MHRC TV, which is a link to the Commission's interactive web site. Here you will find videos, quizzes and a pre-booked chat room.

On the left hand side of the home page is the menu of what is available in printed form. For example, at the top of the menu you can click on “About Us” and a brief explanation about the Commission and how it functions will appear. Other options on the menu include: How to file a complaint, Publications, Workshops, Legal Proceedings, our latest news release, links to other Commissions across the country, our Connections Bulletin and finally *The Code* itself.

If you are considering attending one of our public education workshops, dates and brief descriptions of the courses are available by just clicking on “Workshops”. For those curious about human rights law, all the recent decisions, written by adjudicators can be found under “Legal Proceedings.” The case described above is in that section.

“Publications” also holds a wealth of information. All the guidelines, fact sheets and the last three annual reports are located here. The fact sheets have topics such as What is Mediation, Prohibiting Harassment and Reasonable Accommodation. Guidelines deal with Pre-Employment Inquiries, Employee Benefits Plans and, in September, an updated Guide to Reasonable Accommodation will replace the existing guideline. The document section also has interesting reading and information. Here there are examples of company anti discrimination and anti-harassment policies. The document section also contains Access Bulletins with information on such topics as wheelchair ramps, elevators and lifts. As well, an extensive report on Human Rights in the School is located in this section.

Finally, our MHR Connections monthly bulletin is available in a pdf format. If your computer does not have Acrobat Reader, which enables you to read pdf files, you can go to <http://www.adobe.com/products/acrobat/readstep2.html> for a free download. All the past bulletins are available as are our previous newsletters called Human Rights from Manitoba.

