

MHR *Connections*

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Pride Day Celebrated in Winnipeg

Winnipeg Pride ended its eleven days of celebration with a rally at the Manitoba Legislature, a parade through downtown, and a festival and

business fair at Memorial Park. It began June 1 with a flag raising ceremony at city hall and concluded with thousands of people dancing and celebrating Pride Day's 20th year.

Adjudicator makes interim decision on jurisdiction questions

Adjudicator M. Lynne Harrison has concluded that she has jurisdiction to hear two human rights complaints against the Manitoba High Schools Athletic Association Inc.

In a preliminary hearing, Adjudicator Harrison dealt with three objections to her jurisdiction to hear these complaints. The first was that the complaints were directed at the wrong party. The second was that the MHSAA appeal process had not been exhausted. The final was that the MHSAA does not provide services to the public. She concluded that the MHSAA is properly named in the proceedings, that the issue at hand was whether the MHSAA rules were discriminatory and not whether any appeal was pursued and finally, that the services the MHSAA provides to high school students are public in nature, and therefore do fall within the scope of The Code.

In the original complaints, it is alleged that the Manitoba High Schools Athletic Association Inc., contravened Section 13 of The Human Rights Code by subjecting Jesse and Amy Pasternak to differential treatment based on their sex (female). The sisters were denied the opportunity to try out for the high school men's hockey team because the MHSAA rules do not allow females to play male high school hockey if there is a female team at the same school.

The decision is available on the Commission's website: www.gov.mb.ca/hrc.

The hearing resumed on June 19, 2006 and concluded on June 29, 2006. The decision is expected later this summer.

The Rights Connection By Janet Baldwin - Chairperson Human Rights and Security

Following the terrorist bombings in Britain last summer, I wrote about the need for responses to terrorism which do not compound the fear or violation of human rights. Now, as we respond to alleged averted terrorism strikes within our own borders, the need to preserve our Charter-protected rights and freedoms is all the greater. Balancing security and human rights was a theme at the conference of Canadian Statutory Human Rights Agencies (CASHRA) held in Fredericton this month.

Diversity and multiculturalism are Canadian facts and indeed official policy. Yet multiculturalism has recently been blamed, if not as a root cause, as fertile breeding ground for terrorists. Some European countries have reacted to security concerns by rejecting diversity and multiculturalism.

They have not always shared the same history of immigration and multiculturalism as Canada; for some European countries, the approach to multiculturalism has served more to preserve the status of newcomers as temporary workers who will return to their country of origin, than as new citizens with rights both to preserve culture and language, and to integrate into society.

There are of course limits to multiculturalism: extremism that threatens or causes harm or death to others, or that unreasonably interferes with the human rights or freedoms of others, is intolerable. Within these limits, however, we must invest in immigration and integration, and respect and celebrate diversity and multiculturalism as the bonds which hold us together.

Our Supreme Court will consider the question of reasonable limits in a free and democratic society when it decides an appeal concerning the immigration security certificates used to detain five suspected terrorists. The process for security certificates provides for secret court hearings and allows suspects to be held indefinitely, with undisclosed evidence. We will have to wait to see how the Court will balance the threat of terror with the threat this response to it poses to our fundamental human rights.

Students promote racial harmony



Janet Baldwin, Chairperson of the Manitoba Human Rights Commission addresses the students of Maples Collegiate on the steps of the Manitoba Legislature after their 11th Annual Unity March. "Maples Collegiate has shown that by doing more than thinking and talking we can

affect change and make things better. All of us have a part to play in the evolution of human rights, and you have played your part well," she said. Almost five hundred students walked from Maples Collegiate to the Legislature carrying signs asking for motorists to honk if they oppose racism. The march is organized every year by the school's unity group.

Reprisal and The Human Rights Code

Earlier this month in Brandon, a human rights hearing was held to determine if the actions of a youth hockey association amounted to reprisal under The Human Rights Code.

In this case, the father of a hockey player claimed his son was subjected to reprisal and denied the opportunity to play for the association because he had previously filed a human rights complaint against the organization. The hockey association denied that its actions were based on reprisal. The adjudicator hearing the case has not yet handed down her decision.

In its broadest meaning, reprisal is retaliation. Under *The Code*, reprisal is an actual or threatened prejudicial act, which is linked to the enforcement of any person's rights under *The Code*. As well, unlike other sections of *The Code*, reprisal must be intentional. For example, if a woman contacted the Human Rights Commission regarding an allegation of sexual harassment, and as a result of that contact was fired, she could file a complaint. It does not matter if the initial contact was informal or formal, nor does it matter if the original complaint was dismissed, a detrimental action against the person for contacting the Human Rights Commission is a violation of *The Code*.

Reprisal not only involves penalizing someone, it could also be withholding a benefit. If an employee for example, was denied a regular bonus because of contact with the Commission, there could be grounds for a complaint.

The decision regarding the Brandon reprisal hearing will be posted on the Commission's website as soon as it is available.

Making a Difference Challenge Awards

Congratulations to Daniel McIntyre Collegiate and Miles Macdonell Collegiate in Winnipeg. Both schools organized human rights projects following the Winnipeg Respect Reloaded Youth Conference and received Manitoba Human Rights Certificates of Achievement and cash prizes.

WASAC welcomed into the Circle of Champions

The Winnipeg Aboriginal Sports Achievement Centre was one of four recipients honoured at the Breakfast of Champions hosted by the Interprovincial Association on Native Employment Inc. (IANE). The Breakfast of Champions was held at the Fairmont Hotel Thursday June 8, 2006.

Kevin Chief, the Executive Director of WASAC spoke on behalf of the organization saying that the importance of role models cannot be underestimated. The philosophy of WASAC is to provide a continuous stream of role models for many Aboriginal children, youth and adults. As each year passes new role models take on the responsibility of mentoring new youth leaders. WASAC fosters relationships of Aboriginal youth during the impressionable years of their development. Providing leadership through the training of others, WASAC is committed to ensuring a succession of experienced Aboriginal leaders.

Also welcomed into the Circle of Champions were Jennifer Morris, Director of Human Resources, Transportation and Government Service and Aboriginal and Northern Affairs, J.P. Marcoux, Human Resources Division Manager, Manitoba Hydro, and Glenn Dipple, President, International Brotherhood of Electrical Workers Local 2034.

Keeping the Fires Burning Honouring our Grandmothers

Eight First Nations and Métis women were acknowledged on June 15 during the 5th Annual "Keeping the Fires Burning" Honour Ceremony and dinner. This celebration of Aboriginal women's leadership acknowledges the tremendous contribution that Manitoba's Aboriginal women have made in the preservation and transmission of their cultures.

The dinner event was organized by Ka Ni Kanichihk, a registered, non-profit community based Aboriginal human services organization. Ka Ni Kanichihk means "those who lead" in the Ininew (Cree) language. Honoured grandmothers are: former **Chief Tina Levesque**, Brokenhead First Nation; **the late Mary Roberts**, Roseau River Anishnaabe Nation; **Irene Michel**, Barren Lands First Nation; **Eula Hotomani**, Carry the Kettle First Nations; Saskatchewan, **Ivy Domin**, Peguis First Nation; **Myrtle Thomas**, Peguis First Nation; **Diane Redsky**, Shoal Lake First Nation; and **Bernice Potosky**, Mother of Red Nations Women's Council of Manitoba.

"For 500 years our grandmothers have kept the fires burning. They were warriors, who kept our stories and our songs alive, our language spoken, our connections to Mother Earth strong and our spirits brave. Now it's our turn to keep the fires burning."