

MHR *Connections*

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Rappelling 18 storeys helps overcome fear of heights

In all, fifty-four brave, mostly inexperienced souls, slipped over the edge of the Royal Bank Building in Winnipeg and rappelled down the 18 floors. Only one, however, managed this feat in a wheelchair.

When asked before his jump if he was nervous, John Wyndels said that he wasn't. That of course was moments before he went from roof to air.

"When you just get over the edge and your wheels are spinning on their own accord without any help, you have reason to fear," says John moments after he was safely on the ground. "That was the scariest part."

With his fear of heights tucked somewhere in the back of his mind, John agreed to take part in this Easter Seals fundraiser called the Drop Zone. Like many others, John says he confronted his fear so he could help raise money to support persons with disabilities. He knew that the organizers of the event would not allow him to do this unless they were totally confident that it could be done.

Nonetheless the reality for him moments after he started his descent was that there was something unnatural about dropping over the edge of a building with nothing below for 200 feet.

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The Rights Connection by Jerry Woods - Chairperson

A recent human rights decision in British Columbia found that McDonald's Restaurants improperly terminated the employment of an employee. The Tribunal ruled that McDonald's didn't do enough to accommodate the woman who, after twenty years on the job, developed, a skin condition that prevented her from working and meeting the restaurant's hand-washing policy. Instead the company fired the long-time employee after she developed contact dermatitis from the frequent hand washing required by the company's policies. This case has been widely misunderstood and much of the public has come away thinking that the Human Rights Tribunal ruled that companies cannot require employees to wash their hands.

In fact, the Tribunal applauded the restaurant's hygiene standards and did not say that the woman should be exempt from the hand washing regulations. It did note, however, that there was a lack of effort on the part of McDonald's to find an alternative solution that would accommodate the employee's disability. She was simply disposed of after twenty-three years of service. There was no effort made to see if she could meet the hygiene standards by wearing gloves or using another cleanser that did not aggravate her skin condition or even performing another job for the company, which did not require handling food.

An employer has an obligation to consider re-assigning people with disabilities to a position that accommodates their current or new life situation.

Unfortunately there are some companies, which believe that instead of finding alternative work for long term employees, it is easier to fire them. When no effort is made to reasonably accommodate them, what message are they sending to people who have disabilities or those of us who may develop one in the future? We all hope that, should something happen to us, our bosses would make some effort to keep us purposefully employed.

Reasonable accommodation requires an effort by both the employee and the employer and knowledge and support is the best solution for all involved. The Manitoba Human Rights Commission offers a half day course for those who are attempting to navigate this tricky road.

Settlements - Services

The complainant, who is visually impaired, went shopping to buy an item on sale. He brought cash but at the checkout he was told that he would get further savings if he applied for a store credit card. With the assistance of his colleague he completed the application form. When he was asked for photo identification, he presented his transit pass issued by the Canadian National Institute for the Blind (CNIB), which had a registration number and a picture. He did not possess a driver's license due to his disability.

He was advised, however, that he could not receive the credit card because the identification was unacceptable by the store and its management.

The man contacted the Commission and both parties agreed to pursue pre-complaint mediation before a formal complaint was filed. The matter was resolved by the respondent providing him with a letter of apology, a \$100 gift certificate and clarification as to how it has, and will, deal with various situations where identification is required in its stores.

A woman, who was shopping with her daughter, filed a complaint with the Commission alleging that her daughter, who is physically and mentally challenged, was discriminated against on the basis of her disability.

While shopping, the daughter began to vocalize some discomfort and rather than offering assistance, or giving the mother an opportunity to resolve her daughter's difficulty, they were asked to leave the store.

Both parties agreed to resolve the matter through mediation and no investigation was initiated.

After negotiation by a Commission mediator, the complainant was given a letter from the respondent explaining his perception of what had happened and how he could have dealt with the situation differently and apologized. She also received \$250.00 worth of gift cards.

Due to an assault, the complainant is blind and a traumatic paraplegic. She can walk, but not for long periods of time, so she uses a wheelchair. She is also a crack cocaine addict and was an addict for approximately one year.

The complainant was subsequently incarcerated for a short period of time and upon her release, the judge sentenced her to stay at the respondent's treatment facility. However, when she got there, she was told that it did not have the proper facilities for someone with her disabilities and she could not participate in the rehabilitation program.

She filed a complaint and during the Commission's investigation it was found that the treatment centre did not have an accommodation policy and, based on the evidence, the process to assess the issue of accommodation was inadequate.

When the Board of Commissioners reviewed the report, it referred the complaint to Board-directed mediation.

Following shuttle negotiation, the complainant accepted a settlement offer. The respondent gave the complainant \$1,000.00 in general damages, developed and adopted a policy on reasonable accommodation, and sent a number of its intake staff to a Commission seminar on reasonable accommodation for training.

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"We're not supposed to be hanging in the air. We're built for the ground. There's comfort on solid ground. There's safety on solid ground. There is no comfort or safety being suspended in the air," he says.

He admits that he was grateful he didn't give in to his overwhelming desire to first yell, "No more. Get me up!"

Once he started his descent, however, he admits he began to feel safe and enjoy the spectacular view.

"Unlike the able-bodied people who face the building as they go down, people in wheelchairs descend facing forward. I don't know which way is scarier, but I certainly got a better view of the city," he says, adding, "Who says there's no advantage to being in a wheelchair?"

The fifty-four rappellers, with the much appreciated help and encouragement of climbing experts, have raised over \$80,000 in Winnipeg with donations still coming in.

John, with all the other participants of the Drop Zone Fundraising event, has now achieved "Superhero Status." Since 2005, more than 1400 Superheroes have joined the exclusive Superhero Club for Easter Seals, raising more than \$1.9 million dollars for kids with disabilities across Canada.

Easter Seals has set a national goal of raising \$1 million in 2008.



Among the many to congratulate John on his rappelling fundraising adventure was Constable Garnie McIntyre. John raised over \$1,800.00

Plans underway for human rights conference in Winnipeg

In celebration of the 60th Anniversary of the Universal Declaration of Human Rights, the Manitoba Human Rights Commission, the Canadian Human Rights Commission and the Manitoba Association for Rights and Liberties are hosting a conference in Winnipeg on December 10, 2008, which is International Human Rights Day.

The conference agenda includes recognizing the evolution of human rights since 1948, as well as discussions on the "next generation" of human rights with panels looking forward pro-actively to new challenges.

Since 1990, the three groups have hosted a luncheon celebrating International Human Rights Day, and presented two awards – the Sybil Shack Youth Award, and the Commitment Award. This year the award recipients will be honoured at a dinner on the evening of the conference.

Details of the conference and the awards will follow in upcoming bulletins.