

MHR *Connections*

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Manitoba's newly appointed Lieutenant Governor Philip Lee, visits with the Commission's Executive Director Dianna Scarth and Chairperson Jerry Woods.

Disability rights a priority for Lieutenant Governor

By Cindy Luu

Former Manitoba Human Rights Commissioner Philip Lee has been named Manitoba's 24th Lieutenant Governor, and first of Chinese decent. Set to assume the office on August 1st, Mr. Lee hopes to make assisting people with disabilities the cornerstone of his term in office.

"Persons with disabilities have a place in society," he said. "Services that do not have provisions for these people are depriving them of the privilege to enjoy the things they ought to." Mr. Lee's vision as Lieutenant Governor is to bridge the gap between able and disabled communities and promote the well-being of people living with disabilities.

Reflecting on his time as a member of the Board of Commissioners, Mr. Lee remembers it as an intensive learning experience about the issues that affected society, and provided him a great opportunity to meet diverse individuals from across the province. Mr. Lee served on the Board from 1978-1981 and 1993-1999.

Born in Hong Kong, Mr. Lee immigrated to Winnipeg in 1962 to study at the University of Manitoba and quickly fell in love with his new home. He has spent most of his life dedicated to the Chinese Canadian community in Winnipeg, developing and promoting Winnipeg's Chinatown. He is currently the first vice-president of the Winnipeg Chinese Cultural and Community Centre and the president of the Winnipeg Chinatown Non-Profit Housing Association.

Aside from his roles in Winnipeg's Chinese community, Mr. Lee has also been active in Winnipeg's arts community. He was the vice-president of the Folk Arts Council of Winnipeg, a member of the Multiculturalism Council of Canada and was on the Board of the Winnipeg Symphony Orchestra. Mr. Lee was appointed to the Order of Canada in 1999 and received the Queen's Jubilee Medal in 2002.

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The Rights Connection by Jerry Woods - Chairperson More Myths

Last month some myths and misconceptions about the Manitoba Human Rights Commission were addressed in this column. There are more.

Many people believe that once a complaint has been filed, too much time passes before a resolution is found. Certainly some very complex systemic issues take time. In other cases, however, a resolution can be found within months. For example, by using the pre-complaint process, situations can be resolved even before a formal complaint is filed. The pre-complaint process averages less than one month.

If the parties involved agree to pre-investigation mediation and it is successful, the file is often closed, on average, in three months.

Investigations can take longer depending on, for example, the cooperation of the parties involved and the complexities of some complaints, especially those dealing with systemic issues. Most other investigations are completed and a report sent to the Board of Commissioners within ten months of the date it was assigned to an investigator.

Some say that the mediation process only helps the individual involved. Although this may be true in some complaints, many mediated settlements include a change of policy and often respondents attend one or more of the Commission's education programs. In other words, mediation of an individual complaint can result in systemic solutions.

There is also the belief that adjudicated remedies involve tens of thousands of dollars. General damages are awarded to compensate for that intangible injury to one's dignity and self respect that is caused by discrimination.

Damages awarded by an independent adjudicator usually range from \$2,000 to \$5,000. For example, Arlene Ursel, who just won her case of discrimination, was awarded \$3,000 in damages.

And finally, The Manitoba Human Rights Commission staff does not rule on cases; nor does its Board of Commissioners. A finding or decision as to whether or not discrimination has taken place, can only be made by an independent adjudicator after a full public hearing at which time all the evidence is heard. The adjudicator is appointed by the Lieutenant Governor in Council and is independent and not part of the Commission.



Troy Westwood and Jacelyn Lobay chat between takes.



Wab Kinew and Alexander Mickelthwate deliver their message.

PSAs to appear on a TV near you

A football player, a ballerina, a rapper, and the conductor of the Winnipeg Symphony Orchestra: what's the common bond? They all recently volunteered their time to one of the Commission's awareness campaigns.

In late May, the Commission created five 30-second public service announcements, educating Manitobans about their human rights protections.

Volunteers included former Winnipeg Blue Bomber Troy Westwood, WSO conductor Alexander Mickelthwate, comedian "Big Daddy" Taz, Royal Winnipeg Ballet dancer Jacelyn Lobay, and local rapper Wab Kinew. Local actors also volunteered, as well as a former complainant, Arlene Ursel.

Be on the look-out for these PSAs on local television affiliates.

Victory for wheelchair athlete

Human Rights Adjudicator Lyle Smordin has found that the owners of a Neepawa hotel discriminated against Arlene Ursel when they stopped making a wheelchair accessible room available to her. Ms Ursel is a paraplegic and relies on a wheelchair for mobility. She had rented an accessible room at The Bay Hill Inns & Suites a number of times while visiting her parents.

In April 2007, however, Ms Ursel was told by one of the owners that there was no longer an accessible room at the hotel. She subsequently filed a complaint with the Manitoba Human Rights Commission.

Ms Ursel testified that there were no other accessible hotels in Neepawa. As her parents did not have an accessible home, she was forced to drive back and forth to Winnipeg on the same day, a journey of about five hours. She said her father was very ill and she visited him many times. Her father passed away in January 2008.

There was no reply or response received from the respondent either to the complaint or at any time afterwards up to and including the date of hearing. Although the respondent was notified of the hearing, they did not attend.

Adjudicator Smordin found that the hotel had violated the *Human Rights Code* ordering that the accessible room be restored within 60 days, and that the Manitoba Human Rights Commission monitor the situation for a period of 2 years. He also awarded Ms Ursel with general damages of \$3,000 for injury to her dignity, feelings and self respect caused by the barriers she faced in accessing the hotel.

The Supreme Court of Canada in the recent VIA Rail case said that, "Independent access to the same comfort, dignity, safety and security as those without physical limitations, is a fundamental human right for persons who use wheelchairs."



Winnipegger named one of the Top 25 Canadian Immigrants of 2009

By Cindy Luu

Growing up in Sierra Leone, Dr. Francis Amara dreamt of studying in England. He attained this goal and found himself travelling across Europe, studying science and medicine. In 1990 his journey saw him land in Winnipeg for post-doctoral work, where he continues to reside and is now a scientist and assistant professor of biochemistry and medical genetics at the University of Manitoba.

Dr. Amara was recently named one of the winners of the Top 25 Canadian Immigrants 2009 by Canadian Immigrant Magazine for his work in sharing his passion of science and medicine to youth. This award is a peoples' choice award that recognizes individuals who have come to Canada and have made a positive difference living here.

Throughout his travels, Dr. Amara became fascinated with the education of children in minority communities. "No one in the world can see that elementary school kids can actually do high-end science. They have to wait until high school, and then it's too late," he said. Believing that children need to be exposed to science at a very young age, Dr. Amara began to explore options to bring science into these communities.

Working closely with Winnipeg's Aboriginal communities, Dr. Amara created the Inner City Science Centre located at Niji Mahkwa School, an elementary school with a predominant aboriginal student population. What was once an old storage room is now a high-end science lab, equipped with the same tools used by graduate and medical students.

The Centre is the first of its kind in Winnipeg, and perhaps in the world as Dr. Amara is unaware of anything else quite like it. He envisions the centre will go beyond under represented minorities, and become a learning centre he refers to as "the YMCA of science" – a place where anyone, regardless of age, ethnicity or social status, can go to learn or mentor. The only key requirement would be a passion for learning.

Dr. Amara believes that the Centre will inspire inner-city students and push their science knowledge and ambitions to higher levels. Because of this, the Centre not only benefits Winnipeg, but is also a "gift to the world," said Dr. Amara.

Aside from the Centre, Dr. Amara is also the founder of the Head Start Aboriginal Biomedical Youth Program, where he mentors aboriginal students who are considering a career in science. His contributions aren't just in the field of science either. He is the co-founder of Sierra Leone Refugee Inc., which aids newcomers with the settlement process, because as he puts it, newcomers who choose to embrace their new community always find success in Canada.