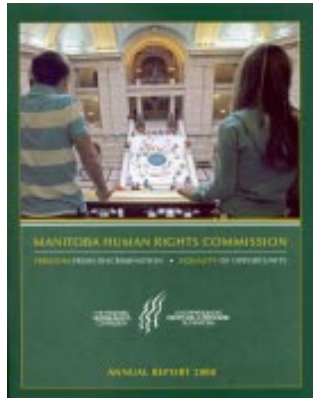


MHR *Connections*

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The Manitoba Human Rights Commission Releases 2008 Annual Report

The Manitoba Human Rights Commission has released its 2008 Annual Report and its cover proudly displays the Peace by Piece Banner created by students who had attended the Commission's youth conferences. The massive 20 by 24 foot banner was unveiled at the Manitoba Legislature on December 9, 2008 in celebration of the 60th Anniversary of the Universal Declaration of Human Rights and symbolizes the commitment of Manitoba youth to human rights today and tomorrow.

The annual report once again reveals that complaints based on disability continue to be most common complaint filed. During 2008, forty-one percent of new complaints were based on disability. The next two highest grounds for new complaints were "sex, including pregnancy" at 17.5 percent and "ancestry/ethnic or national origin" at 16 percent.

Disability cases comprised 47.5 percent of the complaints closed during the year, which is an increase of 10 percent over the previous year.

As well the Commission was successful in resolving several significant systemic complaints also based on the ground of disability. According to Executive Director Dianna Scarth, as a result of a settlement with the Government of Manitoba, "over 800 families will benefit from increased social assistance payment to adults with disabilities who live with family members."

Another systemic complaint based on disability, she says, will assist thousands of visually impaired citizens. The settlement with the City of Winnipeg will result in new audible traffic signals throughout the city.

"Such settlements" says Ms Scarth, "destroy the myth that human rights complaints deal with discrimination on a case by case basis, and do not have a significant impact on large groups."

In his annual report message, Chairperson Jerry Woods referred to the many great events held in celebration of the

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THE MANITOBA
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The Rights Connection Debra Beauchamp - Policy Analyst The Real Remedy

On June 10, 2009, the Indian Residential Schools Truth and Reconciliation Commission appointed the Honourable Justice Murray Sinclair as its Chairperson. He is well known for his work as Associate Chief Justice of Manitoba and as Co-Commissioner of Manitoba's Aboriginal Justice Inquiry, but earlier in his career, he also acted as legal counsel for the Manitoba Human Rights Commission in some discrimination cases.

Almost twenty years ago, he took time out of his busy schedule to speak to Manitoba Human Rights Commission staff and commissioners on the question of why Aboriginal peoples were not accessing our services more often.

He spoke about the history of Aboriginal peoples in Canada, and how most First Nations resolved difficulties through a healing, cooperative approach and not an adversarial approach, as with our justice system and human rights complaint processes. He talked about discriminatory laws, such as the Potlatch, Sundance and pass laws, and about the impact of the residential school system. In particular, I remember him speaking about the inter-generational legacy of the residential school system and the challenge for those separated from their parents having to later parent their own children, without having known the ongoing experience of being parented.

Justice Sinclair recommended that the Commission do more to educate youth about human rights, do more community outreach, and be more aggressive with respect to affirmative action programs (programs designed to lessen the effects of historical discrimination and disadvantage.) Over the past several years, the Commission has focussed more attention on youth education, including hosting annual youth conferences. It has also expanded its outreach services, vigorously promoted human rights and expanded the less-adversarial parts of its process to allow for more mediation and early resolution of complaints. As Justice Sinclair then observed, remedies of human rights complaints are not the answer: people do not want to be discriminated against - that is the real remedy.

Apartment block owner ordered to remove restrictions

Adjudicator M. Lynne Harrison has ruled that a Brandon apartment block management company discriminated against a woman by restricting families with children to main floor apartments. She ordered that Martin-Liberty Realty Ltd. remove the restriction from its standard lease of the Amberwood Village and pay Wendy Hiebert \$1,000.00 for damages.

Hiebert, who had a five year old child, tried to rent an advertised apartment in Brandon in 2007 but was informed that although the management company allows children, it is its policy to keep them on the main floor citing noise and safety concerns. No ground floor apartments were available at that time.

Ms Hiebert filed a complaint with the Manitoba Human Rights Commission stating that she was being discriminated against on the grounds of family status. After an investigation, the Manitoba Human Rights Board of Commissioners asked that the Government appoint an independent adjudicator to hear the case.

In her decision Adjudicator Harrison wrote that the rule restricting families with children to the main floor of an apartment building is “based on impressionistic assumptions” and that there was no data showing that all children are likely to make noise. She also found that the evidence did not support that safety was a motivating factor in adopting the main floor only rule.

Adjudicator Harrison also noted that there are other ways to ensure that renters, including children, will not be excessively noisy, such as requesting references. The Commission’s evidence showed that other apartment block owners, including the one where Ms Hiebert lived with her daughter at the time of the hearing, allowed children to live on upper floors.

“Landlords, rental agencies and management companies have responsibilities to existing and potential tenants,” says the Commission’s Executive Director Dianna Scarth adding, “these decisions bring attention to human rights protections, but a more proactive approach is education to ensure that *The Code* is not contravened in the area of housing in the first place.”

Ms Scarth says that the Commission has just published guidelines designed to assist landlords as well as tenants.

The new guidelines “You can support human rights in rental housing – your rights and obligations” deal with such topics as what the *Human Rights Code* says about discrimination in rental housing, who is legally responsible for discrimination and what is involved in reasonably accommodating the special needs of a tenant.

The Guidelines also contain a sample “protection from discrimination and harassment policy” and a checklist for landlords when considering an application for tenancy.

“You can support human rights in rental housing” is available in print and on the Commission’s website www.manitoba.ca/hrc. The Hiebert v Martin-Liberty Realty Ltd. decision is also available on the website.



Claudia Wright-Yule 1940-2009

Claudia Wright-Yule was the Chairperson of the Manitoba Human Rights Commission from 1984 to 1988 and was one of the forces guiding in the present *Human Rights Code* which came into effect in 1987.

Executive Director Dianna Scarth referred to Ms Wright as a very “forward-looking individual, who was instrumental in bringing about our current human rights legislation.”

Ms Wright, who was a professor and administrator at the University of Winnipeg for almost 40 years was deeply committed to the advancement of human rights and dignity. She was honoured by many organizations including the National Black Coalition of Canada’s Distinguished Service Award and the YWCA Woman of the Year Award for public affairs.

Women’s history month celebrates women judges



Premier Greg Selinger speaks with Lily Rosenberg at an information table presented by the Manitoba Human Rights Commission and the Canadian Human Rights Commission during the Women’s History Month celebrations.

Both women and men visited the Manitoba Legislative Building in honour of Women’s History Month. This year the province paid tribute to the women judges of the provincial court of Manitoba. Women now make up 50 per cent of the provincial court judges.

The keynote speaker at this year’s event was retired judge Susan V. Devine who, in 1988, became one of the first women appointed to the position of provincial court judge. Ms Devine was recently awarded the 2009 Cecilia I. Johnstone Award from the Canadian Bar Association for her work to advance women in the legal profession. Ms Devine spoke about her personal challenges, experiences and successes in her career. Women’s History Month is held nationally each year in October to celebrate the advances and contributions of women in all aspects of Canadian society.

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60th Anniversary of the Universal Declaration of Human Rights that occurred in 2008, including the *Into the Future Human Rights Conference* and the *Celebrate Your Rights Youth Conference*.

He also noted however, that despite these celebrations and education efforts, there continues to be misunderstandings about the Manitoba Human Rights Commission, how it works and what it accomplishes.

“Inaccurate descriptions of the adjudication process or erroneous reports on recent decisions from other jurisdictions have, at times, clouded the important work that is being done to reinforce a Manitoban society free of discrimination,” he wrote.

The 2008 Annual Report is available on the Commission’s website www.manitoba.ca/hrc.