

THE MANITOBA
HUMAN RIGHTS
COMMISSION

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

DES
SONNES

News Release: Manitoba Human Rights Commission
FOR IMMEDIATE RELEASE
January 28, 2005

Hepatitis C misconception leads to contravention of the *Human Rights Code*

In a recent decision, a human rights adjudicator appointed by the Attorney General of Manitoba, found that a restaurant owner discriminated against an employee after she revealed that she had Hepatitis C.

In her ruling, Adjudicator Lori Spivak stated “actions based on impressionistic and misinformed assumptions about the nature of Hepatitis C cannot be justified.”

The complainant, Ms A., testified that she was removed from her duties in the kitchen and was not offered further work after she disclosed she had Hepatitis C. A public health nurse who also testified, said she visited Mr. B., the owner of Little Chief’s Restaurant in Brandon, Manitoba, because of Ms A.’s concerns that her employer did not understand the nature of her illness. The nurse explained the difference between Hepatitis A, B and C to Mr. B. and left explanatory pamphlets on the subject with him.

Hepatitis C cannot be contracted from day to day contact. It is spread when people share blood or body fluids containing blood.

Mr. B. expressed concern that Ms A. worked with knives. According to the testimony of the public health nurse however, the appropriate response for a food handler in a situation where the individual is cut while working, is to discard the meat and clean the surface with bleach. This would be true whether the food handler had infected blood or not.

Mr. B. also wanted Ms A. to supply him with a doctor’s note. Adjudicator Spivak wrote that the information had been conveyed to Mr. B. by the public health nurse and the pamphlets she left with him. She concluded that there “was no reasonable basis to preclude Ms A. from working further shifts and to require a doctor’s note,” whatever Mr. B.’s subjective beliefs.

A disability may be the result of a perceived limitation, based on a prejudice and stereotypes, even when no actual limitation exists. Adjudicator Spivak found that the respondent unreasonably discriminated against the complainant in relation to her employment because she had Hepatitis C.

Adjudicator Spivak awarded Ms A. \$2000.00 for injury to dignity, feelings and self-respect. She also ordered that Mr. B. not discriminate against other persons with Hepatitis C.

Counsel to the Commission Sean Boyd and Sarah Lugtig represented the Manitoba Human Rights Commission in this case.

The complete decision can be found on the Commission's web site at www.gov.mb.ca/hrc

For further information contact:

Sarah Lugtig
Legal Counsel
945-3016