

THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

News Release: Manitoba Human Rights Commission
FOR IMMEDIATE RELEASE
March 23, 2007

Discrimination results in compensation

In a recent human rights decision, independent Adjudicator Lyle Smordin has awarded the sum of \$3,000 for general damages and one month's pay to a former caretaker at an apartment building operated by the Vietnamese Non-profit Housing Corporation. The caretaker lost her job to after taking time off to recover from cancer surgery. Independent Human Rights Adjudicator Lyle Smordin also ordered the Corporation to adopt and post a suitable accommodation policy acceptable to The Manitoba Human Rights Commission.

The caretaker filed a human rights complaint alleging that her employer had failed to reasonably accommodate her needs arising from her physical disability, cancer. Failure to make reasonable accommodation for disability-related needs of employees is a form of discrimination prohibited by *The Human Rights Code*. After surgery and a two month recovery time, she had tried to return to her job and was told that she was no longer employed. She was subsequently told that she could re-apply.

The respondent originally argued that this did not qualify as discrimination based on disability. By the conclusion of the hearing, however, which was held in January 2007, it conceded that she should have been accommodated.

"This is an important human rights case," says Dianna Scarth Executive Director of the Manitoba Human Rights Commission, "because complaints based on disability continue to be widespread and comprised over 40% of formal complaints in 2006."

"The outcome once again emphasizes that all employers, whether non-profit or for profit, need to educate themselves about human rights issues in the workplace," says Ms. Scarth.

The Human Rights Commission offers a variety of educational seminars on a regular basis, including one focusing on reasonable accommodation in the workplace.

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

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