



News Release: Manitoba Human Rights Commission
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Council of Canadians with Disabilities v. Via Rail Canada Inc. Decision ensures equality and freedom from discrimination

The Manitoba Human Rights Commission is extremely pleased with today's Supreme Court of Canada Decision, which affirms the universal application of human rights principles and the right to equality for people with disabilities, says Executive Director Dianna Scarth adding, "The Court says clearly that equal access means independent access with the same comfort, dignity safety and security as those without physical limitations."

"The Commission particularly appreciates the great work of the Council of Canadian with Disabilities, which, as a non-profit organization, pursued this issue to the country's highest court at considerable expense and effort," she says.

The Commission had intervened in the appeal before the Supreme Court of Canada with its counterpart in Saskatchewan, arguing that human rights principles must be applied and applied consistently, by all government agencies entrusted to protect them. "Otherwise, the modern trend of incorporating human rights principles will not achieve the goal of promoting a society where all people enjoy recognition in law as equal human beings and members of society," says Sarah Luttig, the Commission's Legal Council.

In its written submission, the Prairie-based commissions noted that human rights principles can be applied in a flexible manner that responds to a unique context. The commissions also emphasized that service providers have an obligation to engage in an appropriate process to assess accommodation issues for people with disabilities, including the obligation to gather concrete information of any cost, safety or other hardships that they later allege prevent them from implementing measures to ensure equal access to their service.

According to Ms Luttig, "fears or myths about excessive cost or disruption to services with no back up in evidence cannot be used to justify the failure to remove obstacles to access by people with disabilities."

Finally, the commissions directed the Court's attention to the harm to disabled travelers on the prairies if VIA Rail was allowed to justify lack of access in some of its routes by offering equal access elsewhere in its network. "The decision acknowledges the right of disabled persons to be self reliant and have independent access to rail transportation," she says.

Ms Lugtig adds that "the Court's decision provides a very thorough and comprehensive description of the obligation to ensure equality and freedom from discrimination for people with disabilities when accessing services and facilities that will greatly assist all agencies entrusted with deciding similar issues in the future."

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