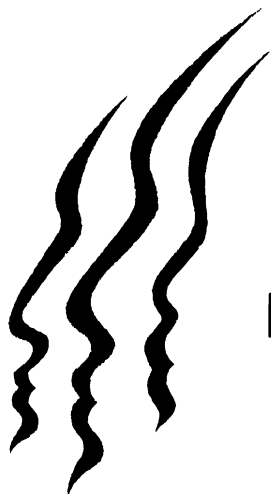


THE MANITOBA
HUMAN RIGHTS
COMMISSION



LA COMMISSION DES
DROITS DE LA PERSONNE
DU MANITOBA

2003

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Manitoba Human Rights Code

In 1987 the provincial government passed the current Manitoba Human Rights Code. Protection under *The Code* extends to all ages. It prohibits unreasonable discrimination on the following grounds:

- Ancestry
- Age
- Ethnic background or origin
- Religion or creed, or religious belief, religious association or religious activity
- Nationality or national origin
- Sex, including pregnancy, or circumstances related to pregnancy
- Gender-determined characteristics
- Sexual orientation
- Marital or family status
- Source of income
- Political belief, political association or political activity
- Physical or mental disability

Members of other groups, which have been historically disadvantaged but are not listed above, may be able to file a complaint on analogous grounds.

The mandate of the Manitoba Human Rights Commission is to achieve equality of opportunity and freedom from discrimination in the areas of housing, employment, contracts and services available to the public. Although many of these activities fall within provincial jurisdiction, complaints against certain federally regulated entities, such as airlines, banks, telecommunications, crown land set aside for the exclusive use of Aboriginal people and the federal civil service, should be filed with the Canadian Human Rights Commission.

The Manitoba Human Rights Commission is authorized to mediate and investigate complaints of discrimination, to refer matters to adjudication, to issue binding opinions and to educate the public and promote human rights issues.

Mission Statement
The Manitoba Human Rights Commission is mandated to achieving equality of opportunity and freedom from discrimination.

Board of Commissioners

Janet Baldwin
Chairperson

Jerry Woods
Vice-Chairperson

Commissioners

Roberta Frederickson

Yvonne Peters

Fausto Yadao

Robin Dwarka

M.V. Naidu

Sheena Rae Reed

Elliot Leven

Ajit Kaur Deol

Minister
The Honourable
Gord Mackintosh

Message from the Chairperson

I am pleased that the membership of The Manitoba Human Rights Commission did not change in 2003. The Board of Commissioners reflects the geographical and demographic diversity of Manitoba, and has been able to develop some expertise in dealing with increasingly complex and lengthy complaints. The mandate of the Commission is the protection and promotion of human rights in Manitoba. The Board determines the disposition of all complaints, which have not been settled, withdrawn or abandoned, oversees the Commission's activities and programs, and establishes Commission policies.

"I have been concerned with many things, but the underlying factor which is basic to all these concerns is human rights. Human rights and all that this phrase implies is based on the value of human worth and of personal dignity."

Eleanor Roosevelt

The full Board of Commissioners held six regular meetings in 2003, and two special meetings, one to discuss the continuing cases involving the accreditation of foreign medical graduates, and the other to review its own processes, in light of the practices of other human rights commissions. This latter special meeting did not propose any radical changes to our procedures, but made several suggestions for streamlining, in particular, recommending the appointment of a part-time Chair of the adjudication panel or a tribunal, better to manage the logjam of complaints awaiting adjudication.

In 2003, the Board referred thirty-three (33) complaints to Board-directed mediation and/or adjudication. The Board also reviewed reports in regard to cases with counsel and staff, pre-complaint conciliations, settlements, and withdrawn or abandoned complaints. The Commission continues to stress alternative dispute resolution processes, and in 2003 one hundred and forty-seven (147) complaints were settled at various stages.

Many complaint resolutions involve systemic, as well as individual, remedies. The complaints by the Association of Foreign Medical Graduates in Manitoba were resolved in regard to the College of Physicians and Surgeons of Manitoba, as the conditional licensing scheme is no longer discriminatory, although issues remain relating to access to residency positions. The claims by part-time workers, the vast majority of whom are women, for pro-rated, supplemental maternity-leave benefits, granted to full-time workers, have been resolved in principle by the renegotiation of the relevant collective agreements. A complaint involving the provision of an appropriate fire-warning device to a deaf condominium owner was settled. The Commission entered into a settlement with the Manitoba Theatre Centre for the gradual provision and monitoring of American Sign Language interpretation, commencing with one main stage performance in the 2003-04 season. A complaint involving the provision of services to a dyslexic client was resolved at an early stage by the development of an appropriate policy.

The Commission is exploring a more proactive approach to systemic issues, for example, by meeting with employers to discuss employment equity plans, and with police and retailers in regard to the sale of intoxicants. It is generally agreed that the best way to prevent discrimination is through human rights education. The Issues and Communications Committee of the Board, chaired by Vice-Chairperson, Jerry Woods, with the support of Assistant Director, George Sarides, and Communications Director, Patricia Knipe, oversees the Commission's education and outreach activities, detailed in this Report. The Commission conducts a series of education programs each year, including the

successful Employment Seminars. The main educational focus in 2003 was again on youth: a seminar was delivered to the Manitoba Association of School Trustees; the Third Annual Youth Conference was held on November 21, 2003, and we hope to expand this conference to Northern and Western Manitoba in 2004. Our innovative website was further developed, and our informational brochure was translated into Cree and Spanish; we hope to translate this brochures into other languages, such as Tagalog, in 2004. The Bulletin, appeared monthly with my column, *The Rights Connection*, written with Deb Beauchamp, Policy and Program Analyst.

“For too long the development debate has ignored the fact that poverty tends to be characterized not only by material insufficiency but also by denial of rights.”

UN Commission for Social Development, Thirty-sixth session, 1998/4

The Commission continued to promote human rights by issuing press releases and responding to media requests. Commissioner Elliot Leven and I appeared at the House of Commons Standing Committee on Justice and Human Rights hearings in Steinbach, Manitoba, in April, 2003 in support of the right of same-sex couples to choose to marry. The Commission applied for leave to intervene in the reference to the Supreme Court of Canada concerning the legal capacity for marriage, which is scheduled to be heard in 2004.

The Executive Committee of the Board initiated a continuing correspondence with Manitoba Health, regarding the extent of the coverage provided for sex reassignment surgery, while recognizing that such surgery is considered an insured service by Manitoba Health when recommended by a recognized gender identity clinic.

The Legislative Review Committee, chaired by Commissioner Yvonne Peters, continued to press for the adoption of amendments to *The Human Rights Code* previously proposed, particularly the addition of ‘social condition’ as a protected ground, and the clarification of the protection of gender identity. The Committee continued its research in regard to social condition, which would allow the Commission to respond more comprehensively to discrimination based on social and economic disadvantage. The Commission also finalized its proposed amendment to the harassment section of *The Code*, to enable a complainant to name the alleged harasser as a respondent in addition to the employer, in the employment context and where the respondent is at least 16 years old. This was considered necessary, as currently, even though harassment has occurred, the employer might have taken reasonable steps to provide a harassment-free workplace, leaving the complainant without a remedy. In 2004, the Committee will develop amendments to change the Commission’s reporting line from Justice directly to the Legislative Assembly; to enable the Commission to hold public inquiries, and to update the definition of “systemic discrimination” in *The Code*, as well as additional procedural amendments. We trust that the full package of amendments to *The Code* will be passed in 2004. The Legislative Review Committee will continue to consider the expansion of the section concerning discriminatory signs and statements, to address hate speech.

The Policy Review Committee almost completed the review of all our current policies interpreting *The Code*, in 2003. The Board approved the revised policies on: Defining Physical and Mental Disability; Special Programs; Employment – Age of Majority; two policies relating to Marital and Family Status; Reasonable Accommodation of Religious Belief; Closed Bond Credit Unions; Private Clubs, and Pre-Employment Inquiries. The Committee continued to work on the development of new policies, in particular in regard to Drug and

Alcohol Testing. In 2004, the Legislative Review and the Policy Review Committees will be merged.

Nationally, The Manitoba Human Rights Commission had been elected President (myself) and Treasurer (Dianna Scarth, our Executive Director) of the Canadian Association of Statutory Human Rights Agencies (CASHRA) from May, 2002 to May, 2003. Our Commission also hosted the 2003 Annual Conference, which was held in Winnipeg from 25 - 28 May, 2003. The Conference was called "Meeting at the Forks", and focussed on human rights issues facing Aboriginal peoples. I should like to thank Jerry Woods, Vice-Chairperson of The Manitoba Human Rights Commission, and Chair of the Conference Planning Committee and the Conference itself, for making the Conference such a success. I should also like to thank all our presenters and panelists, particularly our keynote speaker, Mr. Justice Murray Sinclair. CASHRA continues to be preoccupied with its own role and structure, particularly whether it should take public positions on national human rights issues.

Dr. Israel Asper spoke to the 2003 CASHRA annual meeting about his vision for the Canadian Museum for Human Rights at the Forks, which had just been officially announced. We offer our condolences on the death of Dr. Asper, but hope to establish a co-operation partnership with the Friends of the Canadian Museum for Human Rights, to realize his legacy.

"The difference between perseverance and obstinacy is, that one often comes from a strong will, and the other from a strong won't."
Henry Ward Beecher

As well as the many other partnerships detailed in this Report, we worked with the University of Winnipeg, the Court Challenges Program, and the United Nations Chair and Resource Centre to bring Mary Robinson, the former President of Ireland and the former United Nations Commissioner for Human Rights, to Winnipeg in June, 2003, to receive an honorary doctorate from the University of Winnipeg, and to promote the international protection of human rights as an essential part of globalization.

The challenge in 2004 for the Commission will be to fulfill our mandate despite decreasing resources, particularly in regard to human rights education, and in the North. We have no dedicated education position, and our investigation officers are carrying increasing caseloads with staff losses in Winnipeg and The Pas. We will hold a further Strategic Planning session to update the objectives identified at the start of my term as Chairperson in 2001.

I should like to thank all members of the Commission's Board and staff for their work and support throughout the year. Delegates to the CASHRA Annual Conference remarked on the collegiality and teamwork of our staff and Board. In particular, I should like to thank Donna Seale, our former Manager of Investigation and Mediation, and wish her well in motherhood, and to welcome her successor, Paula Hamilton. As always, I should like to express my appreciation to Jerry Woods, Vice-Chairperson, Dianna Scarth, Executive Director, and Aaron Berg, legal counsel to the Commission, for his wit and wisdom.

Janet Baldwin

Executive Director's Report

*"Surely the day
will come when
color means
nothing more
than the skin
tone, when
religion is seen
uniquely as a
way to speak
one's soul;
when birth
places have the
weight of a
throw of the
dice and all are
born free..."*
Josephine
Baker

There are 3 components to the mandate of the Manitoba Human Rights Commission under *The Human Rights Code*: to promote human rights, to design and deliver public education programs, and to enforce the provisions of *The Code* through its complaint processes. These responsibilities are closely interwoven within the Commission's day-to-day activities. A review of the data gathered at the end of the year shows that steady progress was made toward achieving its long term objectives of increasing education and outreach activities, improving complaint resolution processes, and becoming more proactive in raising awareness of human rights.

A total of 274 formal complaints were filed in 2003. Another 62 complaints were resolved informally, by way of pre-complaint conciliation. This total of 336 complaints reflects a slight increase over the 319 complaints the previous year. The three major activities in which the Commission has a mandate to enforce *The Code* are employment, housing and public services. One of the most significant trends in the past decade has been the increase in the volume of complaints filed in employment. Ten years ago, the 1993 Annual Report statistics revealed that employment complaints were in the range of 44% of the total. By 2003 however, complaints of discrimination and harassment in the workplace represented 75.9% of the formal complaints filed. This fact has led to the establishment of one of the major areas of the Commission's education programs - a series of workshops and seminars designed to inform employers about their rights and obligations under *The Code*. As a general practice, as well, the Commission's mediators strongly encourage the parties to consider including terms in their agreements, which go beyond an individual complaint, to reflect systemic resolutions. For example, some employers may agree to ensure that managers will participate in the Commission's education programs or to develop anti-harassment or accommodation policies. This approach to settlements not only illustrates the remedial philosophy underlying *The Human Rights Code*, but also meets the objective of taking steps to prevent future incidents of discrimination.

Another trend noted in complaints filed during 2003, was a significant increase in complaints based on mental and physical disability, an increase that has been steady and incremental over the past decade. In both 1993 and 1994, the percentage of disability complaints filed with the Commission was 19%. By 2003, this figure had reached 40%. The majority of disability complaints raise allegations that employers or service providers have failed to offer reasonable accommodation of special needs, which are based on a protected characteristic in *The Code*. This topic has been addressed within the past few years in the *Meiorin* and *Grismer* decisions of the Supreme Court of Canada. The Commission's seminars assist employers and service providers deal with the implications of recent court and tribunal decisions.

In the area of complaint resolutions, one positive outcome noted during 2003 was that the percentage of complaints under investigation, which was more than one year old decreased from 19% to 14.8%.

The Commission also continued to ensure that a range of options by which complaints could be resolved were offered. The statistics gathered for 2003

demonstrated that complaints are resolved faster when mediation or conciliation is utilized early in the complaint process. For example, pre-investigation mediations were completed within an average of 59 days, while Board-directed mediations, which occurred after investigative reports had been considered, took an average of 95 days to complete.

We are pleased to report that the settlement rate in 2003, when the pre-complaint, pre-investigation and Board directed mediation figures are combined, exceeded 50% of the complaints which were disposed of during the year, and a relatively low number (18%) were withdrawn or abandoned. This is in contrast to the year 1995, when 19% of formal complaints were settled, and 51% were withdrawn or abandoned.

In addition to emphasizing education for employers, the Commission has chosen to focus on programs for youth. Many young people face discrimination and harassment in their daily lives. We also believe that it is important to expose young people to information about human rights in their formative years, while attitudes are developing.

*“Good fortune
is what
happens when
opportunity
meets with
planning.”*

*Thomas
Alva
Edison*

The most successful educational activity for young people has proven to be Youth Conferences, which were first undertaken in 2001. The third annual youth conference, held on November 21 in Winnipeg, was very successful. The Commission plans to increase the number of youth conferences offered each year, and to expand the venues to include rural areas. As in previous years, highlights of the youth conference can be viewed on our website feature MHRC TV.

The Commission also undertook outreach and public education in collaboration with other organizations, such as the Canadian Human Rights Commission. Displays by the two commissions marked important human rights events during the year. As well, on December 10TH, 2003, the annual Human Rights Commitment Award was presented, in collaboration with the Canadian Human Rights Commission, The Manitoba Association for Rights and Liberties, and the Community Legal Education Association of Manitoba, to Winnipeg Harvest. For the first time, a youth award was also presented to Youth Helping Youth.

Several members of our staff retired or resigned to undertake new opportunities during the year. I wish to acknowledge the contributions made by Elizabeth Bennett and Roger Young, who retired after a combined total of almost 60 years of government service. Donna Seale, who was seconded from Civil Legal Services, Department of Justice, to be Manager of Mediation and Investigation, left the Commission in July to prepare for the arrival of twin daughters, and Don Pranteau, our Northern human rights officer, accepted a position as a hearing officer with the Residential Tenancies Branch. They will all be missed, and we wish them good luck and happiness in the future.

Dianna Scarth

Complaint Process

Manitoba Human Rights Commission

When the Commission is first contacted

- The intake unit is the first point of contact when someone calls or drops by the Commission.
- The person may be provided with information on the Commission and the *Human Rights Code* or directed to another agency, if the matter does not fall within *The Code*.
- After establishing that the complaint falls within the Commission's jurisdiction, the intake staff will attempt, in some cases, to resolve matters informally usually over the telephone. This is called pre-complaint resolution.
- If pre-complaint conciliation is not appropriate or does not result in a resolution, a written complaint will be prepared by the intake staff, registered and sent to the respondent.

After a complaint has been formally registered

- The parties are offered an opportunity to resolve their complaint through a voluntary resolution process called pre-investigation negotiation facilitated by one of the Commission's specially trained mediators.
- All pre-investigation negotiations are confidential and are conducted on a neutral, without prejudice basis.
- Complaints not resolved by pre-investigation negotiation will proceed to a full investigation by the Commission's investigators. The investigation may include interviews and documentation review.
- Once an investigation is concluded, investigators prepare a report of their findings and make a recommendation to the Board of Commissioners as to whether or not the complaint should proceed further.
- At any time during the investigation process, the parties may explore voluntary resolution with one of the Commission's mediators.

Once a complaint has gone to the Board of Commissioners

- The Board is free to accept, reject or modify investigators' recommendations.
- The Board may dismiss a complaint.
- The Board may direct mediation to be undertaken to settle the complaint.
- The Board may ask the Minister of Justice to appoint an independent adjudicator from an established roster.
- The adjudicator convenes a public hearing, hears the evidence and issues a written decision as to whether there has been a contravention of *The Code*.

Overview

A total of 499 files were opened in 2003. Files are opened when a complainant requests that an allegation, which appears to have the basis for a complaint and falls within the jurisdiction of the Manitoba Human Rights Commission, be pursued.

Pre-complaint resolution was attempted with 397 files, 62 of which were resolved successfully. The average length of time that a file spent at the pre-complaint stage in 2003 was 20 days.

Of the total files opened in 2003, 274 resulted in formal complaints being filed with the Commission.

During the year, the mediation team was assigned 242 formal complaints for the purposes of pre and mid-investigation negotiation and 55 of those complaints were resolved successfully in 2003. (39 in pre-investigation and 16 in mid-investigation). Pre-investigation negotiations were, on average, completed within 59 days in 2003, while mid-investigation negotiations took, on average, 50 days.

The investigation team was assigned 208 formal complaints in 2003. During 2003, the team completed investigations and prepared investigation reports with recommendations to the Board of Commissioners on 117 complaints. These reports were then reviewed and considered by the Board of Commissioners and determinations were made pursuant to *The Code* (either that the complaint be dismissed or that it be referred to directed mediation or adjudication). In addition to the investigation reports, the investigation team prepared 52 reports with respect to complaints withdrawn and abandoned. The average length of an investigation in 2003 (including withdrawals and abandonments) was 9.02 months.

*“Life is a
journey, not a
guided tour.”
Bryan Rehard*

In terms of overall age of the Commission’s investigation files, by the end of 2003, only 14.8% of the files in investigation at that time were one year or older. This is down substantially from 19% at the end of 2002.

The advantages of pre-complaint conciliation and pre-investigation mediation become obvious when one looks at the time lines involved in these various processes. When all of the options noted above are combined, and a time calculated, the average time to process complaints in 2003, from the pre-complaint attempt to board directed mediation, was 101 days or 3.32 months.

Board directed mediation is the last opportunity for a settlement between the parties. It is a process, which occurs after a full investigation of a formal complaint has been completed and the Board of Commissioners has determined that the complaint will not be dismissed, and that directed mediation ought to occur. Twenty-one formal complaints were referred to directed mediation in 2003 with 12 cases, 5 of which were assigned in 2002, being resolved successfully. In 2003, directed mediations were, on average, completed within 95 days.

During 2003, 14 complaints were referred to adjudication, however many were settled before a hearing took place. As a result, no legal proceedings took place during the year.

In all, during 2003 the Commission closed 254 complaints. Of the 254 matters that were closed during this year, 101 were resolved prior to proceeding to investigation (i.e. in pre-complaint or pre-investigation negotiation). This means that of the matters closed by the Commission in 2003, 40% were resolved prior to an investigation even being commenced.

As of December 31, 2003, the Commission's active caseload was 299 files, which included complaints and pre-complaint matters.

Settlements

Employment

Sex – including pregnancy

A woman, who had worked for a company for over a year, left on maternity leave. A month before her leave ended, she was advised that in her absence, the company had made changes to its computer system and that it would be too difficult to retrain her. Her employment was terminated and she received four weeks severance pay. She found another job but it paid \$2,000 a year less.

She approached the Commission believing that if she had not taken maternity leave, she would have continued her employment and would not now be making less money.

*“When one door
of happiness
closes, another
opens; but often
we look so long
at the closed
door that we do
not see the one
which has
opened for us.”
Helen Keller*

With her approval, the company president was contacted in an effort to resolve this before a formal complaint was filed. The pre-complaint effort was successful, and \$2000 was added to her severance package.

Sexual Orientation

During a job interview, a man was asked if he was homosexual. He said yes. According to him, although the interview went well, he did not get the job. He filed a complaint with the Commission alleging that he was denied the opportunity for employment based on his sexual orientation.

Mediation took place and the parties entered into an agreement. The man received \$400 as general damages. Copies of the guideline for Pre-employment Inquiries are available at the Commission and on the website.

Political Activity

While at work, the complainant received a fax at his workplace concerning the possibility of his running as a candidate in the provincial election. According to the complainant, other staff also saw the fax. He said he subsequently left the office to meet with a client and on his return he said he discovered that all his files had been removed from his desk and it appeared that his desk had been gone through. He met with his manager. He claimed his manager told him his sales were poor and also spoke to him about the upcoming election. According to the complainant, the manager then asked for a list of his next day activities. The list was provided but later that day his employment was terminated. He believed he was fired because of his political activities.

While the file was pending investigation, the two parties agreed to meet, and with the mediator's assistance, try to work out a voluntary resolution. Since the

investigation was put on hold, it was not necessary for the respondent to file a formal response to the complaint.

They reached an agreement with the complainant receiving \$1,500 as general damages.

Mental Disability

A woman had been working for the same company for twelve years. She suffered an aneurysm, which resulted in her missing six months work. As a result of her illness, her personality changed and she had some short term memory loss. While continuing her treatment, she experienced another unrelated medical problem and surgery was required. She was off work for another three months.

When she returned to work, she said she had booked a week vacation in July. She then took her vacation. On her return she claimed that her supervisor told her she had booked a week in August not July and was fired for dishonesty. She received three months severance upon dismissal.

She contacted the Commission stating that she believed the real reason she was fired was because of her absences due to her disability, including the point that her memory problem was behind the mix-up in vacation plans. In an effort to resolve this before a formal complaint was filed a pre-complaint resolution was attempted with the complainant's consent.

Within two weeks, the matter was resolved with the complainant receiving an additional two months severance.

Harassment - Sexual

A woman, who worked in a hotel as a cleaner, says that she was subjected to sexist comments by a hotel manager. She claimed that she reported this harassment to management but was repeatedly told to just ignore him and that he was leaving soon anyway.

Before he left however, the cleaning woman's job was terminated. She contacted the Human Rights Commission, not because she lost her job, but rather because of the lack of action in response to the harassment.

Although the company manager admitted that the woman had complained that the manager in question had been difficult, he claimed that she never told him about the sexist comments.

Nonetheless, the company was very open to adopting and communicating an anti-harassment policy and the Commission provided sample policies. One was modified and is now posted in the lunchroom and at the front desk of the hotel. The complainant was satisfied with this outcome and the file was closed.

*“The pessimist
sees difficulty
in every
opportunity. The
optimist sees
opportunity in
every difficulty.”
Winston
Churchill*

Housing

Physical Disability

An owner of a condominium unit, who is deaf in one ear and has severely limited hearing in the other, requested that the condominium corporation attach, at its own expense, a strobe light feature to the fire alarm in his unit. When it refused, he filed a complaint with the Commission. He believed that the condominium's corporation's lack of action constituted a failure to reasonably accommodate his special needs based on a disability.

The condominium board believed that the installation was the unit owner's responsibility. It also said that several measures were already in place to assist people in case of an emergency. Furthermore, the board questioned the effectiveness of the strobe light feature when the complainant was asleep. Experts and other evidence however, confirmed that visual signals such as strobe lights are effective and do wake people up.

"We can try to avoid making choices by doing nothing, but even that is a decision."

*Gary
Collins*

Initial attempts at mediation failed to resolve the situation so the complaint proceeded to investigation. The Board of Commissioners determined that directed mediation take place and if that failed, the complaint would proceed to adjudication. This time, a settlement was reached.

Two strobe lights, linked to the central alarm system, were installed in the complainant's unit at the respondent's expense. It was noted that buildings with visual alarm systems, as well as audio alarms, could prove to be of great importance to people with hearing disabilities.

Services

Physical Disability - Systemic

Sometimes one person's complaint paves the way for others. The Commission often deals with these systemic issues and encourages resolution whenever possible. That is what happened when a deaf woman filed a complaint against the Manitoba Theatre Centre. In her complaint, she said that the theatre company had failed to accommodate her disability by not providing a sign interpreter at a play she wanted to attend.

MTC willingly entered into mediation. Although the complainant could not reach a settlement with the theatre company, the Commission was determined to move on this systemic issue and stepped in. A settlement was reached.

In the agreement, MTC agreed to accommodate the deaf community by providing American Sign Language (ASL) interpretation of a main stage production during its 2003-2004 season. The ASL interpreters will sit or stand near by the assigned set of seats. Also, a photocopy of the play will be sent to the person requesting a seat. The signed performance will be publicized and MTC will consider including one signed performance of all its main stage plays at some time in the future.

With this agreement, MTC moves to the forefront among theatres by offering a means for the deaf community to enjoy a play. It now exceeds the level of service offered by most other theatres in North America.

*“There is
nothing like a
dream to create
the future.”*

*Victor
Hugo*

Ancestry

A woman who was not allowed to buy a can of hairspray at a grocery store filed a complaint with the Commission. She believed that the decision not to sell to her was based on her ancestry, which is Aboriginal. She not only took her complaint to the Commission, she also took it to the media. The respondent admitted that the incident happened but cited *The Liquor Control Act of Manitoba*, which states that it is an offence to sell intoxicants to impaired customers. He claimed that the store had been warned in the past. He admitted however, that the staff did not suspect the woman was a substance abuser but rather was concerned that she was purchasing the hairspray for someone else.

The complaint went to investigation but midway, a financial settlement was reached. As well, a company representative apologized to the woman both privately and publicly.

Family or Marital Status

A divorced couple with two children was told that the school bus, which transported their children to school, would only pick up the children from one location. This caused a problem since they shared custody, with the children staying alternate weeks with alternate parents. They did, however live in the same neighbourhood. The woman contacted the Commission saying that the school division was failing to accommodate her on the basis of family or marital status.

In an effort to resolve the issue before a formal complaint was filed, the Commission contacted the superintendent who agreed to look into the matter. The situation was resolved and it was agreed that the children would be picked up at the appropriate home on alternate weeks.

Age

A mother of a 14 year old boy filed a complaint with the Commission when she discovered that a local ice cream store barred students from a particular school during lunch hour. She believed that not allowing students from one school at a particular time constituted differential treatment in the provision of services, based on age.

The respondent however contended that access had to be denied because of acts of vandalism, disturbance and disruption of business in the past. He also believed his policy was not discriminatory since students from other schools were allowed in, and students from the affected school were allowed to enter with an adult.

Mediation was attempted and a full investigation took place. Finally the Board of Commissioners directed that the parties return to mediation. It took some time, but finally a settlement agreement, which was acceptable to both parties, was reached. Now up to five students may enter at a time to purchase food or other products. This policy is posted outside the door. In the event however, that there is a re-occurrence of destructive or illegal activity, the store is at liberty to amend this policy.

University Monitoring Report

Brandon University

“Obstacles are those frightful things you see when you take your eyes off your goal.”

Henry Ford

For the fifth and final year, Brandon University has submitted its hiring data for the previous year to the Commission pursuant to a settlement agreement reached in 1999. The data has been reviewed again this year, with a view to determining whether progress has been made toward rectifying the historic under-representation of women in faculty and administrative positions.

In 1997, the Commission undertook a statistical analysis, which compared the availability of qualified women in the external workforce to the number of women in the academic ranks at Brandon University on a department by department basis. At that time, as has been noted in previous Annual Reports, there was a pattern of under-representation of women in all faculties, with the exception of Nursing.

The hiring data for the year ending August 31, 2003, indicated that there had been a total of 36 “new hires” in faculty positions during the year, of which 14 (40%) were women. This percentage was fairly consistent with the statistics for the previous year (46%), and reflects progress since 2001, when only 31% of the “new hires” were female. By way of historical overview, in January 1997, only 21% of the faculty within the classification “university professors” were women. In the year 2000, special measures were undertaken to recruit women, and a total of 54% of the new hires in the previous year were women.

The Faculty of Science was the subject of comment in the 1997 statistical analysis, as having a particularly low ratio of females to males. In the year currently under review, 4 of a total of 9 “new hires” were women, bringing the number of women in the Faculty to 36%. The overall percentage of women in Science has remained relatively consistent in the 5 years covered by the settlement agreement.

The University has also reported that in the most recent time period, “...opportunities to hire new faculty have increased, and we recently celebrated the grand opening of a new Health Studies Complex, which will accommodate the new Bachelor of Nursing Program in 2004. “

In summary, it can be noted that Brandon University has made modest progress in the past 5 years towards meeting its stated objective of “...improving the status of all women at the university.” However, as has been noted in previous Annual Reports, as a small university in a rural setting, Brandon University faces unique challenges when recruiting and hiring faculty and staff. The information submitted for the current year is optimistic and Louis P. Visentin, President of Brandon University writes, “We have seen a substantial growth in programs and enrolment over the past 3 years...The next few years will be a period of renaissance, renewal and revival”. Although it will no longer be required to provide hiring data to the Commission, it is to be hoped that Brandon University will keep at the forefront of its agenda its undertaking to demonstrate its commitment to educational equality for all women at the University.

Raising Awareness

Public Education is an integral part of the of the Manitoba Human Rights Code, which states that “it is important that educational programs assist Manitobans to understand all their fundamental rights and freedoms as well as their corresponding duties and responsibilities to others.” Although public education is provided on many fronts, in 2003 the Commission continued to focus much of its activities on employers and students.

“It has long been recognized that an essential element in protecting human rights was a widespread knowledge among the population of what their rights are and how they can be defended.”

*Boutros
Boutros-Ghali*

Awareness of human rights issues is brought to the public attention through media releases, the monthly Connections Bulletin, the Commission’s website, presentations, outreach activities, youth conferences, awards and educational programs.

Website

The Commission’s website can be found at www.gov.mb.ca/hrc. It contains fact sheets, guidelines, the Connections Bulletin, legal decisions, *The Code* itself and information about upcoming workshops. The website also has a link to MHRC TV, an interactive site designed specifically for students. MHRC TV offers videos, quizzes and a pre-booked chat room to students and teachers across the province as a learning resource. This year a women’s rights quiz was added to the menu in recognition of International Women’s Day.

Presentations

There is a great need for public education, much more than the budget allows. Over time, the amount of money necessary to educate the public has diminished and too often the Commission has had to turn down presentation requests or has not been able to update and re-print information pamphlets. Nonetheless, the Commission staff made 96 formal presentations in 2003 and reached nearly 4000 people. For example, the staff of the Commission gave a three-hour presentation at the annual Manitoba Association of School Trustees (MAST) meeting in Winnipeg. Another presentation was given in both French and English to 500 students at College Jean Sauve. Human rights presentations are a response to requests from businesses, organizations, government departments and educational institutions. Audiences ranged in size from ten participants to over 500.

Educational Programs

Two of the Commission’s five educational programs were updated and re-vamped in 2003. In particular its half day Harassment Workshop now includes a section on teaching supervisors how to investigate complaints in their workplace. The workshop reviews the importance of documentation, answers who should conduct the investigation, explains what questions should be asked and what steps to take before an investigation begins. The full day Employment Seminar was also changed, and now reflects the latest human rights decisions.

The other workshops offered to the public are Human Rights for Non-profit Organizations, Recent Developments in Human Rights Law and Reasonable Accommodation in the Workplace.

Youth Conference

The third annual Youth Awareness Conference was held in Winnipeg. This year the Commission presented the students with a new workshop option. Mia Momma was designed to inform students that pregnant teens and teen moms have rights. The workshop featured special guests from a local Winnipeg group called Resources for Adolescent Parents (RAP). This group not only talked to the students about their own experiences, but also put on skits and monologues. Three other workshops were also offered: Diversity without Division (bullying and harassment), Taking Care of Business (rights and responsibilities in the workplace) and Not So Trivial Pursuit (the human rights quiz). The Conference took place on November 21, 2003. The winner of the video contest was the students of West Kildonan Collegiate. Their entry was called "Poverty in Winnipeg."

Outreach

The Commission continues its efforts to keep up its outreach activities in the community. A human rights officer spends one day a week at the St. Boniface Service Centre, providing bilingual outreach and intake services. Once a month another bilingual human rights officer delivers the same service at the St. Laurent Manitoba Metis Federation Interlake Office, Winnipeg's Aboriginal Centre and the Manitoba Metis Federation Winnipeg Regional Office. As well, our northern officer continues to travel extensively throughout the North and hold regular office days in Friendship Centres and other community offices.

*"Those who
stand for
nothing fall
for anything."
Alexander
Hamilton*

The Commission often takes its mobile display to such organized events as International Women's Day, Law Day and Elimination of Racism Day.

Awards

The Manitoba Human Rights Commission joined forces with The Canadian Human Rights Commission, The Community Legal Education Association of Manitoba and The Manitoba Association for Rights and Liberties in recognizing and awarding the annual Commitment Award and the inaugural Human Rights Youth Award. The 2003 awards recognized work in the field of social and economic rights as found in the United Nations *International Covenant on Economic, Social and Cultural Rights*.

The recipient of the Commitment Award was Winnipeg Harvest, which has been working towards social progress and a better standard of living for Manitobans since 1985. Since then, the people behind Harvest have spoken out on many social and economic rights issues.

Youth Helping Youth received the first ever Youth Award. Youth Helping Youth is a project developed in Winnipeg by a core of eighteen young people. Their purpose is for young Canadians to raise funds to support education in Bangladesh and Nepal. Although the group has been involved in many fundraising activities, it became most widely known for its jewelry/pop culture buttons made from baking soda and cornstarch dough.

The keynote speaker at the luncheon event was Gail Asper, Managing Director of the Asper Foundation. She spoke on the future of the Canadian Museum for Human Rights.

2003 Commissioners

Commissioners represent the geographic, cultural, social and economic profile of Manitoba. They are appointed for a three-year term and serve on a part time basis. There are ten Commissioners, including a Chairperson and a Vice-Chairperson.

Chairperson

Janet Baldwin has an LL.B degree from the University of London, and did graduate work at the University of Warsaw, Poland, and the University of Illinois. She taught law at the University of Manitoba for 31 years. She also served as Chair of the President's Advisory Council on Women and as the Director of the Women's Secretariat, and revised the University's sexual harassment policy. Janet is a member of an Agency Liaison Team with the Red Cross for the United Way. She was elected President of the Canadian Association of Statutory Human Rights Agencies for 2002-2003. Janet is married and has two daughters.

Vice-Chairperson

Jerry Woods is a proud member of the Couchiching First Nation. He has been a labour and social activist all of his working life, which began when he was only fifteen years old. Over the following twenty-five years, he worked as a papermaker at the Boise Cascade paper mill in Fort Frances, Ontario. For twenty of those years, he served as an Officer with the Local Union. In 1989, he became a full time National Representative for the Communications, Energy and Paperworkers Union. Jerry retired in 2002.

Roberta Frederickson is currently finishing a Family Fetal Alcohol Spectrum Disorder Support Worker Program. With this training, she will be an advocate and educator on behalf of families and children in need. Roberta was a Shop Steward with the Canadian AutoWorkers and a long time employee with the Fort Garry Hotel in Winnipeg. She has extensive experience in workplace issues and for many years, facilitated human rights and respectful workplace discussions for CAW members. Her interests include human rights, child advocacy and the issues surrounding domestic violence. Roberta has one grown daughter.

"Wisdom is the reward you get for a lifetime of listening when you'd have preferred to talk".

Doug Larson

Yvonne Peters has a Bachelor of Arts and a Bachelor of Law from the University of Saskatchewan and a Bachelor of Social Work from the University of Regina. She practices equality rights law in Winnipeg, providing legal consultation and advice to unions, community groups, human rights organizations, the corporate sector and governments. Her community work includes serving as a member of the Equality Rights Panel of the Court Challenges Program and sitting on the Board of the Women's Health Clinic.

Fausto Yadao is the former Dean of Student Affairs at Red River College. He was also the Director of Regional Centres and Distance Education. In 1990, he led the Red River Task Force on Services to Aboriginal and Multicultural Communities. Fausto is a Board Member of the United Way and Board Member and Fundraising Coordinator for the Philippine-Canadian Centre of Manitoba. He is a recipient of the Golden Jubilee Medal for community service and has two daughters.

Robin Dwarka is the Director of Administration for Legal Aid Manitoba. She is a Certified Management Accountant (CMA) and has a Bachelor of Commerce (Honours) from the University of Manitoba. Robin is a founding member of the Manitoba Pan Handlers, a local steel band. Currently, she is active in the Caribbean community primarily through the Youth and Education sub-committee of the Council of Caribbean Organizations of Manitoba.

M.V. Naidu is the past Chair of the political science department and a professor at Brandon University. The recipient of many honours such as the Canadian government's citation for Citizenship and the Fulbright Scholarship Grant, Professor Naidu is also the past president of the Canadian Peace Research and Education Association and the Canadian Asian Studies Association. Well known for his community involvement, he founded the West Manitoba Multicultural Council, the Citizen's Committee for Medicare and the Civic Affairs Association of Brandon. He is the editor of an international journal *Peace Research* and writes a regular column for the Brandon Sun.

*"We are
continuously
faced by great
opportunities
brilliantly
disguised as
insoluble
problems."*

*Lee
Iacocca*

Sheena Rae Reed was born and raised in Flin Flon and her love of the North resulted in her returning to her hometown after receiving her Arts Degree from the University of Manitoba and studying two years of law. Once she returned to Flin Flon, she began working in social services and today she works with Child and Family Services. For the last fourteen years Sheena has coached girls' gymnastics and has been involved in Big Brothers/Big Sisters. She is the President of the Flin Flon Friendship Centre's Board of Directors and the 1st Vice-President of the Manitoba Association of Friendship Centres.

Elliot Leven is a lawyer by profession and his preferred areas of practice are labour and employment law and Aboriginal law. He is an active member of Winnipeg's gay and Jewish communities and is the past chair of the Gay and Lesbian Issues Subsection of the Manitoba Bar Association. He is also a former board member of the Rainbow Resource Centre. As the former editor of the Jewish Post, Mr. Leven continues to be active in the Jewish Community and is the president of Camp Massad, a Hebrew immersion residential camp.

Ajit Kaur Deol who immigrated to Canada in 1967, is credited with developing the Caroline McMorland School for the Mentally Handicapped in Marathon, Ontario, from a church basement operation. This program is now integrated into the local high school system. Today she is a retired teacher and continues to be involved in her community. Among her many activities, Ajit is the President of the East Indian Support and Advocacy Group, a position she has held since 1993. In 2002, Ajit was invested into the Order of Manitoba, the province's highest honour. The following year, she was awarded the Queen's Jubilee Medal for her community service.

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