



CANADIAN HUMAN RIGHTS COMMISSION
 COMMISSION CANADIENNE DES DROITS DE LA PERSONNE

THE MANITOBA HUMAN RIGHTS COMMISSION



LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA



**Canadian Human Rights Commission
 Manitoba Human Rights Commission
 Treaty Relations Commission of Manitoba**

WIDOKODADIWIN – WE ALL WORK TOGETHER

*Think Tank Session Summary
 April 27, 2010*

Prepared by:



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Introduction

The National Aboriginal Initiative of the Canadian Human Rights Commission (CHRC), the Manitoba Human Rights Commission (MHRC) and the Treaty Relations Commission of Manitoba (TRCM) are working together to raise awareness of Human and Treaty rights in Manitoba.

Collectively the Commissions have developed a strategy to clearly identify a vision, goals and objectives of the work that can be achieved through its efforts together. On November 13, 2009 the Commissions developed a PATH process to engage community stakeholders in discussions relating to Human and Treaty rights.

As a first step, a “Think Tank” was held on April 27th at Red River College (RRC) with community leaders to discuss and consider Human and Treaty rights in Manitoba. *The objectives were to have ‘Think Tank’ participants gain a deeper understanding of the Commissions’ mandates, hear from valued partners such as the Truth and Reconciliation Commission and RRC and have input into the identification and address of key Human and Treaty rights issues.*

Mutually conscious of the need to provide an enhanced learning experience for all people living in Manitoba and Canada relative to Human and Treaty rights, the Commissions established a relationship to promote future collaboration. At the ‘Think Tank’ session, the Commissions signed a MOU solidifying their partnership. The objectives of the MOU are to commit to an on-going dialogue and to establish a framework for collaboration to enhance and educate on Human and Treaty rights. During the term of the MOU the following forms of cooperation will be pursued:

- Explore and implement opportunities for collaboration and support;
- Promote and raise awareness of Treaty and the Treaty relationship and federal, provincial and international Human rights through various events or large gatherings, including being a source for information; and
- Gather information and engage grassroots people in a broader discussion about Human and Treaty rights.

There were 45 community members and stakeholders in attendance that were engaged, through breakout groups and plenary discussion, in identifying key Human and Treaty rights issues affecting Manitoba’s Aboriginal communities. The Commissions also asked participants ‘who else needs to be engaged’ to create a broader understanding of Human and Treaty rights as the Commissions move forward?

Mandates, Roles and Responsibilities

In an effort to raise awareness about the mandates, roles and responsibilities of the three (3) Commissions, each of the partners provided overviews of their respective organizations. Verbal presentations were delivered by Deputy Chief Commissioner David Langtry of the CHRC, Chairman Jerry Woods of the MHRC and Commissioner Dennis White Bird for the TRCM.

Valued Partners

The Commissions provided an opportunity to its valued partners to bring greetings and remarks about the various initiatives and projects that they are continuing to build upon. Invitations were extended to Red River College (RRC) with a verbal presentation delivered by April Krahn, Manager, Aboriginal Student Support and Community Relations as well as Brock Pitawanakwat, Executive Assistant and Advisor to the Chair of the Truth and Reconciliation Commission (TRC).

Red River College is renowned for providing accessible, innovative, applied learning and research in an advanced environment, creating skilled graduates to drive the Manitoba economy. With a committed staff and faculty dedicated to ensuring each student is armed with the knowledge, experience, and confidence to succeed in today's multi-skilled workforce RRC strives to keep its curriculum on the cutting edge through partnerships with industry and by using state-of-the-art equipment. Its aim is to steadily meet and exceed the job market's evolving requirements.

The Truth and Reconciliation Commission of Canada has a mandate to learn the truth about what happened in the residential schools and to inform all Canadians about what happened in the schools. The Commission will document the truth of what happened by relying on records held by those who operated and funded the schools, testimony from officials of the institutions that operated the schools, and experiences reported by survivors, their families, communities and anyone personally affected by the residential school experience and its subsequent impacts.

Empowering Indigenous Youth in Governance and Leadership (EIYGL) is a youth led leadership capacity building initiative of the Indigenous Leadership Development Institute Inc. Bringing together Indigenous youth leaders from across Canada, EIYGL engages young people to work towards positive change in their communities through meaningful skill development and the identification of common issues, challenges, opportunities and values.

The Group Discussions

The Breakout Questions and Table Inputs

To assist the Table Groups in identifying up to five (5) key Human and Treaty rights issues affecting Manitoba First Nations and other Aboriginal communities, the following questions were reflected on:

- 1. What do you see as the areas related to Human and Treaty rights that are not understood?*
- 2. What are the impediments to improving or enhancing Human and Treaty rights in First Nations and other Aboriginal communities today?*
- 3. What areas of Human and Treaty rights should be explored more broadly?*
- 4. What are the main areas of discrimination that you see?*

The Table Group discussions provided an opportunity to hear and comment on the topics in a smaller forum. Discussions were captured by youth scribes who participated from the Empowering Indigenous Youth in Governance and Leadership (EIYGL) group, a valued partner of the Commissions. One break out group at the session also identified that there should be key principles identified to reflect on Human and Treaty rights; equity, reasonableness, flexibility, resource recognition, respect, building trust and affordability. Discussions surrounding these four (4) questions elevated awareness and focus on key Human and Treaty rights issues.

Key Human and Treaty rights Issues Affecting Manitoba First Nations and other Aboriginal Communities

As identified by the Think Tank participants, there were eight (8) key Human and Treaty rights issues affecting Manitoba First Nations and other Aboriginal Communities that surfaced. In no particular order or priority they are:

1. ***Public understanding of the ‘spirit and intent’ of Treaties and their intersection with Human rights.*** There is a general lack of awareness of the Treaties and Treaty rights in Manitoba which extends to both Aboriginal and non – Aboriginal Manitobans. There is also confusion surrounding the Indian Act and the reality that it is not a reflection of Treaty rights. The Indian Act has restricted many and basic Human rights for First Nations people in Manitoba. There is a need to recognize that lack of implementation of Treaty rights and their collective rights have a significant impact on Human rights and equality rights and Aboriginal rights in Manitoba that are protected by Canada’s Charter of rights.

There is *a need for more education and information on Treaties and the ‘spirit and intent’* to properly address Human and Treaty rights.

2. ***Access and underfunding of services in First Nations and northern communities.*** The Standards of Living is very poor on many First Nations and in other Aboriginal communities. Much of this has resulted from colonization methods including the Indian Act, Residential Schools and other laws and policies that have resulted in marginalization. In terms of Human and Treaty rights, there must be equal access and opportunity to *good housing, health, education, food, access to information, water, employment, cross-cultural services, treatment, citizenship, woman’s rights, etc.* These basic services have to be available to all Manitobans and they are not for most First Nations and northern communities.

There are specific shortcomings in the area of disability services. In terms of disabilities there must be equal access to supports such as medical management, cross-cultural services, access to information, equipment and support on a timely basis. The level of concern and support is more pronounced with young people as children that are not provided the proper care early on are often faced with a life long battle that is far greater than necessary.

3. ***Gender inequality/systemic barriers to equality for women.*** Gender equality between men and women is not the case on many First Nations and Aboriginal communities. The issue has both societal and cultural roots and these need attention in improving the roles, contributions and recognition of women First Nation and other Aboriginal communities.

4. ***Systemic and institutional biases and constraints.*** The policy and regulation environment in Manitoba does not adequately address the individual needs of First Nations and other Aboriginal people. Living conditions and the lack of education in communities has contributed to the over representation of First Nations and other Aboriginal people in the justice system. There should be opportunities explored for First Nation and other Aboriginal people which starts to remedy the over-representation of Aboriginal peoples in the justice, child welfare and welfare systems and under representation in decision making roles in the same systems (I.e. Judges, politicians and service providers).

5. ***Jurisdictional issues and the separation/division of services (departmentalization).***

There is currently little or no collaboration or coordination of services extended to First Nation and other Aboriginal people due to significant jurisdictional issues. Areas of health and education as well as many social services are caught in jurisdictional disputes between funding bodies and service delivery agencies. The problems escalate each year rather than moving closer to resolution. It would be very meaningful to articulate the areas of federal, provincial and Aboriginal accountability and responsibility to identify the gaps for further attention and priority. It should not matter jurisdictionally if you are on or off reserve as to whether you receive services and support. In many cases the individual is forced off reserve to access services and, in doing so, can detrimentally impact the ability to receive support at the community level.

The direct voice of First Nations and other Aboriginal people respecting government input is a topic that frequently surfaces. There is a need to consider the case for a third order of government to address a fair allocation of resources.

6. ***Education access has to be equal.*** This is a specific area of priority and the education provided to First Nations and other Aboriginal people has to be at par. That means the necessary resources need to be provided with access to quality teachers, equipment and facilities. Post-secondary funding is a Treaty right. Every First Nation and Aboriginal person should have the right to education, training and the option of both traditional and western ways of education and learning.

7. ***Employment opportunities.*** The opportunity to improve one's standard of living is directly linked to the availability of good employment opportunities and appropriate training and skill development necessary to be successful. First Nations and other Aboriginal communities are often isolated and opportunities are limited. Opportunities for linkages at the community level should be explored to access resource development and technology connecting them to the broader economy and trade to improve the employment opportunities for young people.

8. ***Reconnecting with Elders and Grandmothers.*** There are significant benefits available to young people today relating to Human and Treaty rights that can be gained through guidance and reconnecting with Elders in their communities. To create a path forward, youth must reclaim their culture, language and traditions. This can create a sense of 'who you are' as well as an opportunity to make a connection to the 'spirit and intent' of the Treaties.

The support and nurturing provided to the youth in First Nation and other Aboriginal communities related to the grandmother and the maternal teachings of a grandmother figure can also build strong values and community connections.

Next Steps/Moving Forward

The group gathered in a plenary session to discuss challenges in moving forward, the next steps that the collaborative partners should take and any additional groups that should be engaged in the dialogue on Human and Treaty rights.

Challenges

It was noted that there are still attitudinal barriers. Education was seen as the primary vehicle to address this. This should include a school curriculum that covers the Treaties and the history related to First Nations and other Aboriginal people in the province. It should also include an increased emphasis on Human and Treaty rights awareness in both First Nation and non First Nation communities and workplaces.

Next Steps

The following items were identified by participants as possible next steps for the Commissions to consider:

The Commissions need to engage First Nations and Aboriginal leaders.

- *To better support community based leadership and its capacity;*
- *To provide familiarity and inputs into the go forward process including a specific need to consider S 67 of the Canadian Human Rights Act (CHRA) establishing internal dispute resolution mechanisms in Manitoba where Human and Treaty rights have been violated.*

The educational inputs require dialogue and more attention at the University and post secondary levels.

- *There are courses on Native Studies at the University level and these should touch on the relationship with Human rights and teach what Human and Treaty rights are;*
- *There is a need and opportunity to hold a dedicated ‘think tank’ with University and College educators to get their ideas, inputs and buy-in for integrating a more inclusive path for a shared history in Manitoba and Canada.*

There should be consideration for a session with the Commissions to focus on raising awareness of First Nations people with disabilities.

- *This is a specific area where there is a real lack of service and it would be useful to spend time to look at these areas and issues;*
- *This area affecting Aboriginal people with disabilities is particularly pronounced with young people and children.*

There is a need to identify the areas of jurisdictional overlap as well as gaps that are present today.

- *The priority areas to focus on are education and health care.*
- *Separate jurisdictional sessions in going forward should be held for First Nations, Inuit and Métis issues, as not all are the same.*

The media is a partner in moving forward and should be engaged in communicating the issues and future directions.

- *There are good media outlets, for example Grassroots News and First Perspective as well as all Commissions’ websites;*
- *Mainstream media is also a major conduit;*

- *There is an opportunity to raise awareness with the opening of the Canadian Museum for Human Rights. (CMHR).*

There should be additional sessions on specific topics and some consideration to holding sessions throughout the province.

- *Groups that should be engaged are business groups, First Nations, Aboriginal leadership, Aboriginal women’s groups and Manitoba First Nations Education Resource Centre.*

Summary

The *Widokodadiwin Think Tank* engaged a broad group of participants in a full day of presentations and table discussions. The resulting eight (8) key Human and Treaty rights issues affecting Manitoba’s First Nations and other Aboriginal communities provide a good base for additional dialogue and engagement. This summary is an effort to capture the main elements of the day-long discussions and notes. The participants’ feedback indicated that the Think Tank met the goals and objectives it set to accomplish with overall feedback scores between 4.5 and 5 out of 5.

The participants are all valued partners in the development of this report that is available to all participants via the Commissions’ websites. The Commissions wish to thank their valued partners and participants for their contribution during the Think Tank.

Some of the **positive aspects of the Think Tank** that people commented on include:

1. “It was a great session and thank you for hosting this important issue. Great to hear updates and looking forward to the summary report and future actions”.
2. “All key areas appointed by each table group – listening and incorporating youth voices”.
3. “I gained a better understanding of Human and Treaty rights and the effect of changes to Human rights in First Nation communities”.
4. “Broad concepts of Human and Treaty rights that allow me to reconsider my ‘go-forward’ position in government based on these concepts”.

The **tools, resources and support required** to enhance the knowledge and respect of Human and Treaty rights in communities and organizations include:

1. “Education seems to be the way to start”.
2. “Curriculum information is needed in the school curriculum”!
3. “Awareness workshops, educational books or videos for children and their parents”.
4. “Information packages for classroom presentation by educators that gives an account of First Nations history and Treaty rights”.

Suggestions for change to ensure the CHRC, MHRC and TRCM continue to grow:

1. “Need to advertise in the Winnipeg Free Press”.
2. “Be more visible, visit more communities”.
3. “Be careful that all nations are respected including people of Métis and European ancestry”.
4. “More of these forums; regional or community based to provide inputs from others in the province”.

Topics from the Think Tank that you would like to hear in future events:

1. “More education on Treaties in all Manitoba schools”.
2. “Education, Health and Jurisdiction”.
3. “Treaty rights and obligations; portability of rights, child welfare, systemic racism, discrimination and oppression”.
4. “Federal government perspective of their involvement and plans to address issues”.

The general consensus was that the session was a very positive day and all respondents indicated they would be willing to participate in a future session or presentation.

Appendix 1 – Agenda

Canadian Human Rights Commission
Manitoba Human Rights Commission
Treaty Relations Commission of Manitoba

WIDOKODADIWIN – WE ALL WORK TOGETHER

THINK TANK - April 27, 2010

**Red River College – Princess Street Campus
160 Princess Street – Heritage Room – 3rd Floor**

- 9:00 AM *Opening Prayer* – Elder Levinia Brown – Red River College
 Introductions
 Goals and Objectives of Think Tank
- 9:15 AM **Mandates, Roles and Responsibilities of Commissions**
 ○ Canadian Human Rights Commission, Sherri Helgason - Director
 ○ Manitoba Human Rights Commission, Jerry Woods - Chair
 ○ Treaty Relations Commission of Manitoba, Dennis White Bird - Commissioner
- 10:00 AM **Signing Ceremony – Memorandum of Understanding**
- 10:15 AM *Health Break*
- 10:30 AM Breakout Groups – Identify 5 key Human and Treaty Rights Issues that affect Manitoba’s First Nation and other Aboriginal communities
- 12:00 PM *Lunch (Provided)*
- 12:15 PM **Kinikinik: A Treaty Play By Ian Ross**
- 1:00 PM Reconvene in Breakout Groups and prepare for Plenary Reporting
- 1:30 PM Plenary – Report back from Breakout Groups – Priority Areas
- 2:00 PM **Valued Partners**
 ○ Truth and Reconciliation Commission - Brock Pitawanakwat, Executive Assistant and Advisor to the Chair
 ○ Red River College – April Krahn, Manager – Aboriginal Student Support and Community Relations
- 2:30 PM *Health Break*
- 2:45 PM **Next Steps/Moving Forward – Plenary Session**
 ○ Summary and Action
 ○ Community Forums and extending the reach - Who do we talk to?
 ○ Theme/topics/timeframes/contacts
- 3:45 PM **Closing Remarks**
- 3:55 PM *Travelers Prayer* – Elder Levinia Brown – Red River College
- 4:00 PM Adjourn

Appendix 2 – Background for Speakers and Presenters

The Honourable Levinia Brown Red River College – Resident Elder

Levinia Brown was born in Dawson Inlet - just south of Whale Cove, Nunavut in 1947. At a time when there were no nurses, doctors, or government services in that area, she was delivered by her father.

After serving as an information officer, chairperson of the local housing authority, and Deputy Mayor, Levinia became the first woman Mayor of Rankin Inlet. A successful career in municipal politics provided a natural step to territorial politics for Ms. Brown. Elected Member for Rankin Inlet South/Whale Cove on February 16, 2004, the Honourable Levinia Brown was selected by MLAs to sit on the Executive Council. On March 9, 2004, Premier Paul Okalik named Ms. Brown Deputy Premier.

Levinia Brown is a role model and leader for Nunavut's youth. Her belief is that life is a precious opportunity that should not be wasted as she clearly expresses that sentiment in her thirst for education, strength in leadership, and compassion for social issues.

David Langtry Deputy Chief Commissioner Canadian Human Rights Commission

David Langtry was appointed as a full-time Commissioner on June 16, 2006 and as Deputy Chief Commissioner on August 3, 2007. In this capacity, he is responsible for three areas of the Commission's work: Case Management; the National Aboriginal Initiative; and leading the Commission's international involvement on the Accreditation Sub-Committee of the International Coordinating Committee (ICC) of National Human Rights Institutions, a United Nations supported body. He is an accomplished senior executive and lawyer with more than 23 years of combined progressive experience in the private practice of law and public sector administration.

In his home province of Manitoba, he has served as the Assistant Deputy Minister for Child and Family Services, where he led five program areas: Child, Family and Community Development (child welfare), Family Conciliation, Family Violence Prevention, Children's Special Services, and Child Day Care. Prior to that, Mr. Langtry served as Executive Director of the Multiculturalism Secretariat in Manitoba, responsible for implementation of the province's Multicultural Policy. In this role, he helped develop the Multiculturalism Act proclaimed by the province in 1992, as well as a Multicultural Internship in Government program to facilitate the entry into government by individuals from specific ethnocultural communities.

In addition, Mr. Langtry has served as Vice-President and President of the Folk Arts Council of Winnipeg/Folklorama festival on a volunteer basis. Other roles have included membership of the Canadian Multiculturalism Advisory Council, Chairperson of the Multicultural Grants Advisory Council, and Treasurer of the Manitoba Bar Association. He earned his LLB from the Faculty of Law at the University of Manitoba in 1976.

Jerry Woods
Chair
Manitoba Human Rights Commission

Jerry Woods is the chairperson of the Manitoba Human Rights Commission and a proud member of the Couchiching First Nation and hosts all the Commission's youth conferences. His background in the labour movement and his expertise as a negotiator serve him well as a strong advocate for Aboriginal employment and human rights issues. He continues to work in the community as an activist and strives for equitable outcomes with a dedication to improving the quality of life for all people. Jerry's passion is golf, and his joy is his family, wife Cathy, their six children and eight grandchildren.

Dennis White Bird
Treaty Commissioner
Treaty Relations Commission of Manitoba

Dennis White Bird is an Anishinaabe from the Rolling River First Nation and is proud to say that the Anishinaabe language is his first language.

Commissioner White Bird worked as a teacher for seven years before he was called to take a leadership role within his community. During his 18 years as the Chief of Rolling River, Commissioner White Bird successfully negotiated a Treaty Land Entitlement agreement with Canada and Manitoba. His community was the first to ratify the agreement.

Upon leaving the position within his community, Commissioner White Bird's leadership responsibilities grew as he was elected as Regional Chief for the Manitoba region within the national First Nation organization: the Assembly of First Nations. As Regional Chief, he was appointed the Executive Member in Charge of Treaties and was very involved in the promotion of First Nation languages.

Commissioner White Bird was elected to the position of Grand Chief of the Assembly of Manitoba Chiefs in August 2000. Throughout his term as Grand Chief, Commissioner White Bird showed a strong interest in promoting First Nations youth issues and worked closely with the Manitoba First Nations Youth Council, an initiative of the Assembly of Manitoba Chiefs.

Dennis White Bird was appointed Treaty Relations Commissioner for Manitoba in June 2005 by a federal Order-in-Council. The appointment is a natural progression for a man who has shown a great interest and dedication to the fulfillment of the true spirit and intent of the Treaty relationship and the education of both First Nation and non-First Nation youth.

Brock Pitawanakwat
Executive Assistant and Advisor to the Chair (Commissioner Sinclair)
Truth and Reconciliation Commission of Canada

Brock Pitawanakwat is Anishinaabe (Whitefish River First Nation) and currently the Executive Assistant to Justice Murray Sinclair, Chair of the Truth and Reconciliation Commission of Canada. Brock recently completed a doctorate on Anishinaabe language revitalization and is on leave from the Aboriginal Governance Program at The University of Winnipeg.

April Krahn
Manager, Aboriginal Student Support and Community Relations

April Krahn is a proud Métis/ Mohawk originally from Ontario who lives her life with integrity, balance, and optimism guided by the sacred teachings. Over the years April has worked in variety of disciplines including; communicable disease education in Winnipeg, Africa and The Pas Manitoba; child abuse education for teachers in Africa, human resource management, marketing, consultation and currently at Red River College for the past eleven years as the Manager of the Aboriginal Student Support & Community Relations. She has served on various advisory councils, boards, and committees related to the advancement of Aboriginal people and their communities through capacity building.

April's commitment to lifelong learning started with a Bachelor of Arts Degree, a Human Resource Management Certificate, a Masters in Education, Certificate in Management and Administration and she is currently working on her Ph.D.

Warren Thompson, Facilitator
Prairie Edge Management, Inc.

Warren Thompson, CMC, B.Sc., MBA (Marketing), AAE, is a skilled strategist and management consultant with significant management experience in both the public and private sector. He is President of Prairie Edge Management Inc., a Winnipeg based management consultancy providing facilitation and support in *strategic planning, governance and structure, business planning and project management* for private companies, NGOs, all three levels of government, arts and culture organizations and education/training organizations since 2002.

Appendix 3 – Organizations in Attendance

1. Aboriginal Council of Winnipeg
2. Provincial Justice Department
3. Red River College
4. Manitoba Urban Inuit Association
5. First Nations and Inuit Health, Health Canada
6. Social Planning Council of Winnipeg
7. Assembly of Manitoba Chiefs
8. Mother of Red Nations Women’s Council of Manitoba
9. Manitoba Bar Association – Aboriginal Section
10. University of Manitoba
11. First Nations disABILITY Association of Manitoba
12. Public Interest Law Centre
13. Aboriginal Council of Winnipeg
14. Aboriginal Students’ Council – University of Winnipeg
15. Lake Manitoba First Nation
16. Southern First Nations Network of Care
17. Manitoba Aboriginal and Northern Affairs
18. The Office of the Children’s Advocate
19. First Nations, Métis and Inuit Health, Manitoba Health
20. Aboriginal & Northern Health, Manitoba Health
21. Truth and Reconciliation Commission
22. Ma Mawi Wi Chi Itata Centre
23. Brokenhead First Nation
24. Disabilities Issues Office, Province of Manitoba
25. Empowering Indigenous Youth in Governance and Leadership
26. Treaty Relations Commission of Manitoba
27. Canadian Human Rights Commission
28. Manitoba Human Rights Commission
29. Prairie Edge Management Inc.

Appendix 4 – Canadian Human Rights Commission Presentation

Rights, Respect and Responsibility

Mandates, Roles and Responsibilities of the Canadian Human Rights Commission

April 27, 2010 Think Tank and MOU Signing

Background Information History of the CHRA

“The existence of fundamental human rights and freedoms, including the right of every individual to participate in society without encountering discrimination, is a basic and underlying principle which has long been recognized by the Parliament and the Government of Canada...”

Quote from then Minister of Justice on the introduction in 1977 of a Bill to establish the CHRA

CHRA PURPOSE (1977)

All individuals should have the opportunity equal with others:

- to make the life they are able to and wish to have,
- to have their needs accommodated,

...without being hindered or prevented from doing so by discriminatory practices based on one or more of the prohibited grounds. *Section 2, CHRA*

Prohibited grounds

- Race
- Colour
- National or ethnic origin
- Sex (includes pregnancy)
- Marital status
- Family status
- Age
- Religion
- Sexual Orientation
- Pardoned Conviction
- Disability (physical or mental, includes drug or alcohol dependence)

CHRA Practices

Section 5 – services

Section 7 – employment

Section 8 – job application/advertising

Section 9 – employee organizations

Section 10 – employment policies or practices

Section 11 – equal wages (pay equity)

Section 12 – notices

Section 13 – hate messages

Section 14 – harassment

Section 15 – Accommodation

JURISDICTION

- Federal government departments and agencies
- Federal Crown corporations
- Federally regulated enterprises: interprovincial transportation companies of passengers, goods or services, (ferries, railways, buses, airlines, trucking); chartered banks; telecommunications companies; certain mining operations (uranium); prairie grain elevators; First Nations.

CHRC MANDATE

- Expanding knowledge
- Preventing discrimination
- Resolving disputes

Expanding Knowledge

- Develop and share knowledge on human rights issues through research, policy development and special initiatives.
- Try to get ahead of emerging and evolving issues and provide evidence based advice.
- The National Aboriginal Initiative is part of this work.

Preventing Discrimination

- Prevention and communication activities to work with federally regulated organizations to assist them in creating and sustaining a culture of human rights.
- Assist federally regulated employers to meet the requirements of the Employment Equity Act.
- Partnering with stakeholders (employers, NGO's, community groups) to increase awareness of, and commitment to, reducing discrimination.

Dispute Resolution

- Encourages resolution of complaints of discrimination by federally regulated organizations
- Inquiries are screened to ensure they are receivable complaints
- Some inquiries may be referred to other organizations
- ADR services are offered throughout the process
- If a dispute cannot be settled early on, then complaint may be investigated (objective, impartial)
- Cases can be referred to tribunal

Commission decisions

The Commission can decide whether to:

- Deal or not deal with a complaint (s. 40, 41)
- Appoint a Conciliator (s. 47)
- Approve a settlement (s. 48)
- Request the appointment of a Tribunal (s. 44)
- Dismiss a complaint (s. 44)

s. 67 of the CHRA

- Section 67 stated *“Nothing in this Act affects any provision of the Indian Act or any provision made under or pursuant to that Act”*.
- Repealed, with amendments to protect Aboriginal and treaty rights, and a three year transition period, on June 18, 2008.

National Aboriginal Initiative

Objective

- To strengthen relations with Aboriginal stakeholders
- To foster a dialogue on how to incorporate the unique context of First Nations communities into human rights protection mechanisms

Focus

- Help Commission's services to be more accessible and culturally sensitive
- Advance Aboriginal human rights through public engagement, and support to policy, research, tool development, and casework

Conclusions

- Increasing awareness of the CHRA and prevention of discrimination needs to be a priority.
- Federal and Provincial Commissions need to be prepared to respond to more, and more complex, cases.
- Will need to explore culturally appropriate methods of resolving disputes
- Collaborating with partners is an important way of achieving increased awareness, and advancing human rights issues.

Appendix 5 – Manitoba Human Rights Commission Presentation

Jerry Woods Chairperson of the Manitoba Human Rights Commission

Widokodadiwin (We All Work Together)

April 27, 2010

Good morning to my new partners and all the leaders who have gathered here today. I am a proud member of the Bear Clan from the Couchiching First Nation. My spirit name is Ish Ka Dae Mukwa, which is Fire Bear in Ojibway.

It is an honour to be here today. This is the first time in Canada that the Treaty Relations Commission, the Manitoba Human Rights Commission and the Canadian Human Rights Commission have joined together in partnership. I am looking forward to working with you and hope that our new relationship will benefit First Nations and other Aboriginal people living in Manitoba.

Most importantly I hope to hear from all of the leaders who have gathered here today. Our process is simple. Tell us how we can do more to ensure that your rights are protected.

It has been said that “Hearing is one of the body’s five senses. But listening is an art.” We are here to listen.

I would like to take a moment and tell you about the Manitoba Human Rights Commission itself and the human rights you have living in this province. The Universal Declaration of Human Rights states that “All human beings are born free and equal in dignity and rights.”

In Manitoba, this ideal has been translated into law by *The Human Rights Code*, which prohibits unreasonable discrimination on the basis of race, religion, sex, age, disability, or other group stereotypes. These grounds are called “protected characteristics” and the full list can be found on the back of the yellow website cards in your folder. Protected characteristics are the grounds on which a human rights complaint can be filed.

These protections specifically apply to the areas of employment, housing, and services to the public, like stores, schools, hospitals and restaurants.

Most employers, landlords or service providers that are located in Manitoba are regulated by provincial law and are bound by *Manitoba’s Human Rights Code*. Federally regulated businesses like banks, airlines and telecommunications are under the Canadian Commission’s jurisdiction. So too are many First Nations governments and organizations.

There are very complex jurisdictional issues between provincial and federal governments. A 1996 Federal Task Force found that “jurisdictional forces have led to fragmented policies and a patchwork of supports and services.” Many of you have experienced this. It is time for new ideas and new partnerships, and hopefully solutions to jurisdictional disputes.

For example, commissions, including the Manitoba and Canadian Human Rights Commissions, have agreed to set up a preliminary consultation for those who approach any Commission, with the goal of

making sure that no-one loses the opportunity to file a human rights complaint because of jurisdictional confusion.

The Manitoba Human Rights Commission enforces the anti-discrimination provisions of *The Code*, through its complaint process. Anyone, including a group or organization, can file a complaint if it is believed that a practice or policy results in unreasonable discrimination.

There are two other parts to our mandate. Not only do we enforce the *Human Rights Code*, the Commission also promotes human rights and conducts public education.

When the *Human Rights Code* was legislated in 1987, there was broad support for the advancement of human rights. Over the years the Commission has continued to fulfill its mandate. And yet, many people still face discrimination.

Ask the young Aboriginal boy who was accused of stealing the shirt he was wearing; then further humiliated by being told by the store manager to remove it and leave the store. The shirt was his. This was an actual complaint filed at the Commission.

You could also talk to the young women who continue to file sexual harassment complaints against their employers. Or single mothers who are refused rental housing.

Or speak with Arlene Ursel, whose Human Rights case became public when an adjudicator ruled that the owners of a Neepawa hotel discriminated against her when they stopped making a wheelchair accessible room available to her. Ms Ursel is a paraplegic and relies on a wheelchair for mobility.

We also receive complaints by groups and organizations believing that they face systemic discrimination.

So what exactly is systemic discrimination? It occurs when policies or procedures have a discriminatory affect on a specific group of people. A profound example is the Residential School System.

The residential schools policy was proudly promoted by the government of the time. When Prime Minister Stephen Harper apologized in June 2008, he said that there was no place in Canada for the attitudes that inspired and maintained the Residential School System, and the government would not allow these attitudes to prevail again.

As we all know, the systemic discrimination resulting from the Residential School System Policy has had long lasting affects on generations of Aboriginal people.

Systemic discrimination continues to exist. We know that some attitudes, policies and practices concerning disabilities, religions, gender, sexual orientation, age, and race continue to mirror the same assumptions that resulted in this dark chapter in Canadian history.

A recent settlement that was resolved through the Manitoba Human Rights mediation process, alleged systemic discrimination.

Elizabeth Fry Society believed that women incarcerated at the Portage Correctional Centre were being treated differently than men in similar circumstances, on the grounds of sex, ancestry and disability.

It also alleged that the Government of Manitoba had failed to reasonably accommodate the women at the Portage Correctional Centre on the grounds of ancestry, sex (including pregnancy), family status, and disability.

Cases of systemic discrimination are complex requiring the work and cooperation of many. In this case, mediation was successful.

An agreement revealed a commitment by those involved to work towards the goal of accommodating the special needs of women incarcerated at the Portage Correctional Centre. The settlement included facilitating contact between incarcerated women and their children, and accommodating the special needs of Aboriginal women, women with disabilities and pregnant women.

There was also an agreement on a series of principles acknowledging that the needs of women in the corrections system differ from the needs of men, and that these differences have significant implications for the delivery of services.

A number of future initiatives also were identified. These include: addressing the increased demand for Aboriginal spiritual and cultural services; abuse and trauma counseling; library and recreation enhancements; improvements in dealing with mental and physical disabilities; and staff training in responding to women who harm themselves. Manitoba Justice worked with the Manitoba Human Rights Commission to develop and deliver human rights training for Correctional staff and inmates.

It is important to note, that education was part of the solution in this complaint.

I said earlier that our mandate has three parts. The other two aspects of our work revolve around education and promotion.

Our education initiatives include Human Rights workshops, guidelines, a monthly bulletin and public presentations. We have hosted round table discussions on such topics as social and economic condition and hate speech. We have also initiated research projects. For example a few years ago, an Aboriginal Community Organization approached me with concerns regarding the relationship between their community and the Winnipeg Police Service. This time we partnered with the University of Manitoba and began the continuing *Racialized Communities and Police Services Project*.

The report on the first phase of this research project can be found on our website. Today we continue to meet with the Chief of Police to offer any assistance in improving the relationship between diverse communities and the Winnipeg Police.

We focus much of our efforts on youth as we believe that we need to reach out to the younger generation and promote respect and human rights. We have youth conferences in Winnipeg, Brandon and the North. Students from across the province have worked on and completed many projects including a banner with individual human rights messages. This banner was unveiled on the steps of the Manitoba legislature and covered the entire grand staircase.

This year we gave the participants at our youth conferences a chance to send a message using another medium. On our website you can view over 20 human rights public service announcements made by students. Also on our website is a series of booklets called “The Rights of Youth” which were published with our other partners, the Manitoba Ombudsman and the Children’s Advocate.

And finally, we will soon be launching an interactive website for students and teachers called Manitoba Class Action. We make these efforts to reach young people because we know that they are our future and hold the evolution of human rights in their hands.

We are proud of our accomplishments whether they are resolving individual and systemic complaints or educating the public about Human Right protections.

We do have our successes, but we sometimes face disappointment or even failure. Obstacles such as lack of awareness, systemic discrimination and jurisdictional confusion can make it unnecessarily difficult to achieve equality of opportunity and freedom from discrimination.

It is, however, my profound wish and belief that with your guidance, our new alliance with the Treaty Commission of Manitoba and the Canadian Human Rights Commission can make a difference.

The Manitoba Human Rights Commission has become more and more involved with helping communities understand their human rights, responsibilities and protections. We are aware of the many unique difficulties First Nations and other Aboriginal people face, and look forward to discussing these challenges with the grassroots community. You can begin by identifying key Human and Treaty Rights issues and, as I said earlier, tells us how we can do more. Together we will explore opportunities and look for solutions. Thank you.

Appendix 6 – Treaty Relations Commission of Manitoba Presentation

About the TRCM

The Treaty Relations Commission of Manitoba (TRCM) is a neutral body created in 2005 through the partnership of the Assembly of Manitoba Chiefs (AMC) and the Government of Canada.

AMC Elders Council

TRCM MOA

3.0 Principles

3.1.2 the involvement of First Nation Elders is fundamental to understanding Treaty relationships

The Mandate: 2006 - 2011

The TRCM's mandate is to strengthen, rebuild and enhance the Treaty relationship and mutual respect as envisaged by the Treaty Parties and includes:

- Public Education;
- Independent Research; and
- Facilitation.

Public Education

- We Are All Treaty People” campaign
- TRCM Resource Tools:
 - Website: www.trcm.ca
 - We Are All Treaty People DVD
 - Kinikinik: A Treaty Play by Ian Ross
- Speakers Bureau
- Partnership Agreements
- Treaty Commemorations
- Resource Library
- The Learning Centre
 - TRCM celebrated the Grand Opening of the Learning Centre on September 23, 2009
 - TRCM hosts a Brown Bag lunch series offering unique presentations and perspective of the Treaties.
 - Developed in partnership with AMC and Canada, the TRCM Learning Centre is intended to provide an opportunity for all Manitobans to learn more about the Treaties and the Treaty relationship.
- Manitoba Treaty Curriculum Project: Grades 5 & 6 & Teacher Resource Guide
 - Goal:** Produce a K-12 Manitoba Treaty Curriculum that will be mandatory for ALL students
 - Objective:** Begin the process of developing and piloting a Manitoba Treaty Curriculum which is a series of lesson plans for Grades 5 & 6 along with a Teacher Resource Guide

Research

- TRCM Research Strategy
- Oral History Project

- *The OHP resulted from a mandate of the Chiefs in Manitoba who recognized that we must have a clear vision of Treaty Rights in a contemporary context from the oral histories preserved by our Elders.*
- Historical Atlas of First Nations in Manitoba:
 - *The Atlas project arises out of a series of discussions with the MOA parties, First Nation Leaders, Community Members and Treaty Researchers.*

Facilitation

- Facilitate public understanding of the importance and role of Treaty making in building a stronger and healthier nation.

We Are All Treaty People!

Appendix 7– Truth and Reconciliation Commission Presentation

Truth and Reconciliation Commission of Canada

- Context of Residential Schools
- TRC Mandate
- TRC Commissioners
- Upcoming National Event

Context of Residential Schools

- PM Macdonald explicitly justified residential school policy for Indigenous children as follows:
When the school is on the reserve, the child lives with his parents who are savages; he is surrounded by savages, and though he may learn to read and write, his habits and training and mode of thought are Indian...Indian children should be withdrawn as much as possible from the parental influence...where they will acquire the habits and modes of thought of white men.”

Quoted in Stonechild’s The New Buffalo – The Struggle for Aboriginal Post-secondary Education in Canada.

- The IRS System lasted from the 1870s to the 1990s
- These schools were government funded and church operated
- Families were prevented from keeping their children out of the IRS
- 150,000 students attended of which 80,000 estimated to be alive today
- Many students suffered from abuse and neglect
- All students suffered isolation from community and family, loss of culture, and loss of language

TRC’s Five Year Mandate

- Create the Commission (staff and IRSSC)
- Gather Statements (documents and oral history)
- Coordinate Health Supports (Health Canada)
- Conduct Research (analysis and archive creation)
- Prepare Reports (truth and reconciliation)
- Stage Seven National Events (educate Canadians)
- Support Community Events (local IRSS activities)
- Guide and inspire reconciliation both between and among Indigenous peoples and Canadians
- Establish a National Research Centre and other Commemorative Projects

Winnipeg National Event

- June 16-19, 2010, at The Forks in Winnipeg, MB
- Free and open to the public with artists’ performances and educational presentations on the IRS legacy
- Please check our website www.trc.ca for information and updates.