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Supreme Court of Canada Grants Leave to Appeal Case of Unionized Employee

The Manitoba Human Rights Commission is pleased that the Supreme Court of Canada has granted leave to appeal the case of a unionized employee who was terminated from her employment for substance use disorder.

In 2015, the Manitoba Human Rights Adjudication Panel found that a regional health authority had unreasonably discriminated against an employee on the basis of a disability – alcohol use disorder – when she was fired from her job. During the hearing, the health authority argued that the employee should have raised concerns about her termination with her union, as the essential character of the dispute was within the exclusive jurisdiction of a labour arbitrator under their collective agreement. The Manitoba Human Rights Adjudication Panel disagreed and found that it had jurisdiction to consider the employee's complaint of discrimination.

The 2015 decision of the Manitoba Human Rights Adjudication Panel was reviewed by the Court of Queens Bench and appealed to the Manitoba Court of Appeal.

"This case is critically important to determining the rights of unionized employees to file complaints of discrimination under *The Human Rights Code*," said Karen Sharma A/Executive Director of the Manitoba Human Rights Commission. "While the Court of Appeal's ruling provided some guidance as to the right of unionized employees to file complaints with the Commission, there remains ambiguity on the interaction between human rights and labour relations schemes in Canada. We are pleased that Supreme Court of Canada has agreed to hear this case and look forward to receiving much-needed clarity on this issue."

The Commission anticipates that the Court will hear the case later this year.

For more information on *Northern Regional Health Authority v. Linda Horrocks* (SCC File No. 37878), visit the Supreme Court of Canada's website: <https://www.scc-csc.ca/>

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