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Manitoba Human Rights Commission Will Appeal Court of Queen's Bench Ruling on Jurisdiction

The Manitoba Human Rights Commission will appeal the recent decision of the Manitoba Court of Queen's Bench in *Northern Regional Health Authority (NRHA) v. Manitoba Human Rights Commission and Linda Horrocks*.

The Court overturned a 2015 human rights adjudication decision that ordered the NRHA to reinstate Ms Horrocks in the workplace with lost wages and seniority and awarded her \$10,000 in compensation for injury to dignity, because the NRHA had not reasonably accommodated Horrocks' disability-related needs.

The NRHA had asked the Court to review the 2015 decision arguing that Ms Horrocks' complaint under *The Human Rights Code* should have been pursued through a union grievance process, not through the Commission's complaint process that results in a public adjudication.

Executive Director and Counsel Isha Khan stressed the importance of the Manitoba Human Rights Commission appealing this decision. "This decision is serious for Ms Horrocks, but the impact goes well beyond this one individual. It could also limit options for all unionized workers in Manitoba to enforce their human rights. The decision has significant implications for how human rights are enforced in Manitoba." says Khan.

The Court's May 2016 judicial review decision was focused solely on whether or not the human rights adjudicator had the jurisdiction to hear and make a decision on the human rights complaint brought forward by Ms Horrocks. The decision did not examine whether or not the adjudicator's finding of discrimination and the remedy ordered was reasonable.

The Manitoba Human Rights Commission will file its Notice of Appeal in the upcoming weeks, which will outline the grounds for the appeal.

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