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For immediate release

Perceived addiction to alcohol results in discrimination

An adjudicator has found that the Canadian Mental Health Association, Westman Region Inc., discriminated against an employee on the basis of a perceived addiction to alcohol, when the woman was fired from her job.

Legal Counsel for the Manitoba Human Rights Commission Isha Khan says that this is a case where it was believed that an employee had an addiction and used it to treat her poorly.

In her written decision Adjudicator M. Lynne Harrison stated that it has long been established that an addiction to alcohol constitutes an illness and falls within the meaning of a disability under the *Human Rights Code*.

Adjudicator Harrison however, found that there was not sufficient evidence to support that the employee had an addiction that would constitute a disability. She concluded however, that it did not matter if the addiction was real or perceived. The evidence indicated that her employer and others *believed* that she had an addiction to alcohol and under the *Human Rights Code* a *perceived disability* can result in discriminatory actions.

The Canadian Mental Health Association, Westman Region argued that the only reason the woman was fired was for misappropriation of funds. Adjudicator Harrison wrote that such an allegation is a serious matter and evidence is needed to be clear and compelling. She was not convinced that it was.

Remedies awarded by Adjudicator Harrison include lost wages; \$4,000 in damages for injury to dignity, feelings or self respect; and an order allowing the Manitoba Human Rights Commission to monitor the Canadian Mental Health Association, Westman Region's employment practices for a period of two years.

The Commission also asked Adjudicator Harrison that the employee's full name not be used in the written Reasons for Decision, due in particular to the substantial amount of personal and sensitive information which had been disclosed in the proceedings. The Canadian Mental Health Association, Westman Region did not object to this request. Given the nature of the evidence and the relationship between the Complainant and witnesses, Adjudicator Harrison also substituted initials for the full names of witnesses.

The full decision can be found on the Commission's website www.humanrightsmanitoba.ca.

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