

**THE EDUCATION MANDATE
OF THE MANITOBA HUMAN RIGHTS COMMISSION**

by

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A THESIS
Presented to the Faculty of Graduate Studies
University of Manitoba
In Partial Fulfillment of the Requirement For The Degree
Master of Education

Department of Educational Administration & Foundations.
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ABSTRACT.

The purpose of this study was to examine the direction the Manitoba Human Right Commission has taken in fulfilling its education mandate during the period 1971-1986. Specifically, the following research questions were addressed:

- 1) How has the Commission conceived its role in fulfilling its education mandate?
- 2) What is the relative importance given to education in relation to other activities?
- 3) What areas of discrimination has the Commission emphasized in pursuing its education mandate?
- 4) To which institutions, organizations and groups has education been directed?

Four time periods were identified as a means of providing a framework within which to examine the Commission's education mandate: 1971-1974, 1975-1978, 1979-1981, 1982-1986.

The study was conducted in Winnipeg, Manitoba, Canada between October, 1986 and August, 1987.

The method of research employed in this study is descriptive in nature. The research design included three techniques for gathering data: a review of the Manitoba Human Rights Annual Reports from 1971 to 1986, an examination of Manitoba Human Rights publications between 1972 and 1986, and semi-structured interviews (13 subjects were interviewed).

The major findings of the study indicate that Commission members from three of the four time periods began their term with the intent to make education a major part of their function. At the outset members expressed the desire to take a proactive role in education. This can be described as phase one.

Initial attempts to make education a major part of the Commission's function soon dissipated as Commission members began questioning the feasibility of their educational goals. The latter was often the result of an increasing caseload. This can be described as phase two.

With phase three came a sense of frustration. Commission members had gone from high expectation with respect to fulfilling the education mandate (phase one) to the perception that they could not provide even adequate human rights education for Manitoba residents. This sense of failure seems to have resulted in a "make-do" approach with respect to fulfilling the education mandate.

Thus, perceptions surrounding each of the time periods with respect to how Commission members conceived their role in fulfilling the education mandate (research question 1.) had a significant influence on:

- the relative importance given to education in relation to other activities (research question 2.)
- areas of discrimination emphasized in pursuing the education mandate (research question 3.)
- which institutions, organizations and groups education was directed at (research question 4.)

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RAM RAM SITA RAM

DEDICATED TO

MY PARENTS

MAHADEO SOOKSAGAR MAHARAJ

&

CAMAL RAMANANAN MAHARAJ

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CHAPTER 1

INTRODUCTION TO THE STUDY

INTRODUCTION

On August 13, 1970 the Lieutenant-Governor of Manitoba gave Royal Assent to the Manitoba Human Rights Act. Specific to this Act is the protection of human rights, and the enforcement of anti-discrimination legislation.

In March, 1971, the Lieutenant-Governor-in-Council appointed the first Human Rights Commission in Manitoba. The purpose of this Commission was to administer the Human Rights Act.

Along with the task of handling the receipt and settlement of complaints, the Commission is charged with developing and conducting human rights education programs.

Before it is possible to study the area of human rights education, one must determine an operational definition for such education. Human rights education may be defined in an all encompassing and abstract manner, such as "education designed for the for the improvement of social systems and public attitudes so as to reduce and eventually eliminate the incidence of discrimination." (Canadian Human Rights Commission, 1978, p.1). Or it may be defined in a more concrete manner, related to the creation of an awareness of specific political and economic rights guaranteed to all individuals in a particular society.

The Manitoba Human Rights Act provides for a definition of human rights education which allows for both the concrete

and the abstract. The latter is described in section 9 of the Act (1971), and remains much the same in 1986.

Function.

13 The Commission has power to administer this Act and without limiting the generality of the foregoing, it is the function of the Commission,

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, nationality, religion, colour, sex, age, political beliefs, family status or source of income;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political beliefs, family status or source of income;
- (d) to disseminate knowledge and promote understanding of the civil and legal rights of residents of the province and to conduct educational programs in that respect;
- (e) to further the principle of equality of opportunity and equality in the exercise of civil and legal rights regardless of status.

S.M. 1974, c.65,s.13; Am. S.M. 1977,c 46,s.2; S.M. 1982,c.23,s.23.

(Manitoba Human Rights Act, 1985, p.11)

What one notes in the above are concrete elements with respect to educating Manitobans on the Act itself and the grounds upon which discrimination should not occur. At the same time the above is relatively abstract in the use of phrases such as:

to forward the principle that every person is free and equal in dignity and rights...

to further the principle of equality of opportunity and equality in the exercise of civil and legal rights...

Nowhere in the Act does it state what form such education should take, be it proactive or reactive. If education is to be reactive the Commission is likely to take its direction from existing forms of discrimination. If it is to be proactive an attempt would be made to make education preventative in nature, thus involving human rights education prior to discriminatory acts occurring.

In addition to not specifying what form education should take, the Act does not identify what role the Commission should assume in fulfilling the education mandate, be it in the capacity of a facilitating body, a consulting body, or a resource body. If the Commission is to act as a consulting body then much education would be initiated outside of the Commission, and the Commission would be expected to be available for advising external organizations and groups on the development and implementation of educational activities. If it is to be a facilitating body then the Commission would combine the consulting function with that of facilitating education in instances where they have identified a need. For example, Commission members might suggest that an organization educate its employees or members on human rights issues.

Finally, if the Commission is to act as a resource body then it would combine both facilitating and consulting functions with that of developing educational programs, and making such programs available to organizations, institutions, and groups at no cost.

Finally, nowhere in the Act does it state to whom such education should be directed, be it society as a whole, societies' youth, those who are the victims of discrimination (complainant group), those doing the discriminating (respondent group), or certain target groups within both the former and latter.

Since these three elements:

- 1) The role of the Commission in fulfilling the education mandate
- 2) The target population at which education will be directed
- 3) The form education will take

are not mandated by the Act, these are theoretically left for Commission members to decide upon.

Thus the question becomes, what does the Commission consider to be an acceptable level of education, at whom is such education to be directed, and what form should this education take? Since Commission members have not remained the same since the inception of the Commission in 1971, rather, almost all members were replaced at four points in the Commission's lifespan, it seems that policy decisions regarding the above questions would experience much change over time.

Thus, it seems that an acceptable level of education, as defined by the Commission, would be determined by how Commission members perceived societal needs at a particular point in time. Such would also be the case with respect to target populations at which education is to be directed, and with how the Commission perceives its role in fulfilling the

education mandate.

While concern with human rights issues is not a recent development in Canada, the attempt to promote human rights through education is a fairly new endeavour.

Today, Human Rights Commissions across Canada have made human rights education a major component of their mandates. For the purpose of this study human rights education will be defined in the following manner: Education designed

to forward the principle that every person is free and equal in dignity and rights without regard to race, nationality, religion, colour, sex, age, political beliefs, family status or source of income;

(Manitoba Human Rights Act, 1985, p.11)

PURPOSE OF THE STUDY

The purpose of this study was to examine the direction the Manitoba Human Rights Commission has taken in fulfilling its education mandate during the period 1971-1986.

Specifically, the following research questions were addressed:

- 1) How has the Commission conceived its role in fulfilling its education mandate?
- 2) What is the relative importance given to education in relation to other activities?
- 3) What areas of discrimination has the Commission emphasized in pursuing its education mandate?
- 4) To which institutions, organizations and groups has education been directed?

These latter questions identify key issues pertaining to the education mandate of Human Rights Commissions. For example, in order to understand fully what directs a

commission in fulfilling its education mandate, one must first gain insight into how the commission conceives its educational role. Certainly it makes a difference, for example, whether the Commission views its role within the context of proactive versus reactive education, or as a consultant versus resource service.

The second question also identifies an important factor which may determine what direction the Commission takes in pursuing its education mandate. Since activities are often given a status in terms of priority, the relative importance given to education in relation to other activities such as case conciliation, needs to be examined.

Moving from more general questions, question three and four are relatively narrow in scope. Question three is intended to gain insight into specific trends, with respect to the area(s) of discrimination given priority in pursuing the education mandate. Similarly, question four is intended to gain insight into specific trends, with respect to institutions, organizations, and groups given priority in pursuing the Commission's education mandate.

In the process of identifying existing trends, an attempt was made to generate an understanding of the reasons shift(s) may have occurred in the direction taken by the Commission in fulfilling its education mandate.

RATIONALE FOR THE STUDY

The degree of human rights available to members of a particular society is often a reflection of the political

and economic systems and/or the socially accepted values of that society. Accordingly, human rights education should serve to educate members of society about their protections, as well as their obligations within the normative structures of that society. But normative structures are generally not static, they evolve with time. Therefore, human rights education also subsumes amelioration; to a great extent such change is dependent on education. The Manitoba Human Rights Commission is a societal agency charged with providing for such change.

When one considers the ramifications of human rights education on societal institutions as well as members of society, it is surprising that research on educational activities of Human Rights Commissions is very limited. A survey of the literature reveals the absence of a systematic study of the education mandate of Human Rights Commissions in Canada.

It is the hope that this study will aid in identifying questions which are critical in understanding and evaluating the activities of Human Rights Commissions in fulfilling their education mandate. The pursuit of such knowledge as an essential part of research is apparent.

Research is a process which has to do with the advancement of understanding and achievement of systematic knowledge. Partly, it is a question of placing fragmented bits of information into a system which facilitates overview and understanding. Partly, it is a question of critical reevaluation of new models of thinking and analysis...Education about human rights is dependent on systematic knowledge about this evolution which follows from it.

(Eide and Thee, 1983, p.3)

METHODOLOGY

The method of research employed in this study was descriptive in nature. The mode of analysis used was that of content analysis. More specifically, the researcher attempted to assess "the relative extent to which specified references, attitudes, or themes permeate a given message or document" (Holsti, 1968, p.597).

Three methods for gathering data were used in this study:

- 1) A review of the Manitoba Human Rights Annual Reports from 1971 to 1985.
- 2) An examination of Manitoba Human Rights publications between 1972 and 1986.
- 3) The semi-structured interview.

Commission Annual Reports

According to section 18(2) of the Manitoba Human Rights Act, the Commission is to "prepare annually and submit to the minister, a report of the activities of the Commission and boards of adjudication during the preceeding year". Included in this Report is a section providing an overview

of the Commission's educational activities for the year.

The following types of information are included in this section. Identification of:

- a) Major educational activities undertaken during the year.
- b) Previous educational initiatives completed or put in place during the year.
- c) Present and future objectives with respect to the Commission's present mandate.
- d) Problems encountered by the Commission in fulfilling its education mandate.
- e) Commission publications developed and distributed during the year.
- f) Commission publications which are in the developmental stage and intended to be released the following year.

Each Annual Report was read, then compared and contrasted. The intent was to identify reoccurring themes and/or shifts pertinent to each of the above items (a-f).

Organization of Data

With respect to a) and b) Annual Reports were not consistent in the amount and/or type of information provided for each activity.¹

Item c) "Present and future objectives with respect to the Commission's education mandate." Reports were examined for possible indications with respect to how the Commission conceived its role in fulfilling its education mandate, areas of discrimination emphasized in pursuing the education mandate, and institutions, organizations and groups at which education was directed.

Item d) "Problems encountered by the Commission in fulfilling its education mandate", Reports were examined for information pertinent to the relative importance given to education in relation to other activities.

Items e) and f) Identification of Commission publications was used to develop a list of all Commission publications between 1972 and 1987. The list was used as a starting point with which to examine Commission publications.

Commission Publications

Commission publications are one of the major means used by the Commission to promote awareness of human rights issues, and decrease discrimination. Because this mode of education is the one available to the greatest number of persons, and is possibly the only form of exposure that many Manitobas ever have with the Commission, they are an important source of data.

Organization of Data

Data gathered from Commission publications were organized by way of the following categorization scheme.

Name of publication	Area(s) of discrimination addressed	Organization(s)/Group(s)/Institution(s) directed at	# of pages
Confronting the stereotypes	sex discrimination	teachers	117

This data sheet was completed for each year; this provided the researcher with an overview of possible trends with respect to research questions three or four.

3) What areas of discrimination has the Commission emphasized in pursuing its education mandate?

4) To which institutions, organizations and groups has education been directed?

The Semi-structured Interview

The semi-structured interview allowed the researcher to combine the advantages of both the structured and the unstructured interview; thus providing information which the interviewer was free to probe.

The interview begins with at least an outline for topics the investigator intends to cover with each subject; but in both the interviewer and the subject are free to deviate from the prepared agenda and introduce thoughts or observations that are particularly relevant to their personal perspective as the conversation unfolds.

Interviews offer the interviewer more latitude to move from content area to content area, to follow up on cues suggested by the respondent, and to spend various amounts of time interviewing one subject or another... by the end of the interview the pre-determined topics or questions have been covered in some sequence, in some form with each interviewee.

(Wilson, 1985, p.382)

The semi-structured interview best allowed for this type of exploratory research, where there was an absence of a systematic study of the topic under consideration. It was also well suited to research which attempts to identify prevailing attitudes and themes as well as changing attitudes and themes, such as the research presented here.

Interview Schedule

Each interview lasted approximately one hour in duration, and was tape recorded.

The interviewer began the interview by introducing herself to the interviewee. In doing this the following was discussed:

- a) the interviewer's past work in the area of human rights
- b) the academic status of the interviewer as a Masters student in the Faculty of Education.

The interviewer then proceeded to state the purpose of the study and the nature of the interview as follows:

The purpose of this study is to review the educational activities of the Commission in fulfilling its education mandate from 1971 to 1986. This interview is a means of gathering data to gain insight into the Commission's education mandate. The interview itself is divided into four main sections. Section one deals with how the Commission conceived its role in fulfilling its education mandate. Section two deals with the relative importance given to education in relation to other activities. Section three relates to the various areas of discrimination emphasized in pursuing the education mandate. And the last section deals with trying to identify the various institutions, organizations and groups education was directed at. Do you have any questions about anything so far?

If there were no questions the interviewer proceeded to ask the subject's permission to tape the interview.

Interviewees were informed that their responses might be quoted in the body of the written thesis, but they would not be identified by name. Rather, each response quoted would be identified by noting the most recent time period in which the interviewee being quoted served on the Commission. All interviewees agreed to the latter. Thus, in the

interest of anonymity and with the consent of interviewees, interviewees have been indentified by the most recent time periods in which they served as Commission members or as staff. Although time periods are co-terminus, several also overlap. Furthermore, a minimum of three individuals were interviewed from each period, with the exception of the first period where two individuals were interviewed. Consequently the anonymity of interviewees has been maintained.

Before beginning section one of the interview (see appendix 1 for interview questions) the interviewee was reminded of the general nature of the questions in this section. This was done prior to each section. At the end of each section the interviewee was informed that the section was completed, and was asked whether there were any points not covered, that s/he feels are important in understanding the area discussed.

Upon completing the interview, the interviewee was asked for his/her permission to contact him/her at a later date should further information or clarification be required. All interviewees agreed to the latter.

Interviewees

For the purposes of this study various key individuals were identified as potential interviewees. These persons have been selected on the basis of the following variables:

- a) Involvement in fulfilling the Commission's education mandate.

- b) Leadership role in Commission activities, objectives and priorities.
- c) Length of time with the Commission.
- d) Time period within which the individual served the Commission.

With respect to the first variable, the following individuals were identified as having the most input in educational activities of the Commission.

-J. Brisco, (1971-1974)	Director of Education and Research
-N. Kohuch, (1975-1979) (1975-1979)	Chairperson, Education Committee Commissioner
-M. Burka, (1975-1977) (1978-1979) (1983-1987)	Education Officer Human Rights officer Chief Human Rights officer
-M. Smith, (1977-1978) (1975-1978)	Chairperson, Education Committee Commissioner
-R. Cathcard, (1979-1981) (1975-1981)	Chairperson, Education Committee Commissioner
-R. Young, (1983-1987) (1975-1982)	Education officer Human Rights officer
-J. Burch, (1983-1985) (1985-1987)	Volunteer, Education program Education officer

With respect to the second variable, previous chairpersons, as well as the present chairperson, were identified as holding official leadership status. These individuals were:

-C. Cramer, (1971-1974)	Chairperson
----------------------------	-------------

-M. Myers, (1975-1978)	Chairperson
-S. Enns, (1979-1981)	Chairperson
-D. Gibson, (1982-1983)	Chairperson
-C. Wright, (1984-1987)	Chairperson
(1982-1983)	Commissioner

With respect to the third variable, three key individuals were identified due to the relatively long period of time they served the Commission. These individuals were:

-G. Mendelson, (1973-1978)	Enforcement staff
-T. Olenick, (1976-1982)	Commissioner
-D. Germscheid, (1977-1981)	Human Rights officer
(1982-1987)	Executive Director

It should be noted that D. Gibson and J. Brisco were not available to participate in this study.

With respect to variable d, four time periods were identified as a means of providing a framework within which to examine the Commission's education mandate. Time periods were determined by identifying the period during which each of the chairpersons, with the exception of one, presided over the Commission. Since one chairperson served on the Commission for a relatively short duration (1982-1983), and since the chairperson for the 1984-1986 period also served in the capacity of Commissioner during the 1982-1983 period,

it was thought more feasible to identify 1982-1986 as the fourth time period.

The latter was thought to be an appropriate way to determine time periods, since with a change in the Commission Chairperson came a change in Commission members. Commission members are the policy making body of the Commission, thus a change in Commission members may result in important policy changes with respect to fulfilling the education mandate.

The four time periods identified for providing a framework within which to examine the mandate are as follows:

- 1) 1971-1974
- 2) 1975-1978
- 3) 1979-1981
- 4) 1982-1986

Organization of Data

Data was organized using the following six steps:

- 1) data was transcribed from tapes into written form
- 2) data was examined for any general themes
- 3) data was examined for reoccurring themes with respect to each of the four research questions
- 4) upon identifying several themes the researcher cross-referenced them with the content of Annual Reports and Commission publications to check for relative accuracy
- 5) Interviewee responses were separated into four categories:
 - a) responses of interviewees from the 1971-1974 time period
 - b) responses of interviewees from the 1975-1978

- time period
 - c) responses of interviewees from the 1979-1981
time period
 - d) responses of interviewees from the 1982-1986
time period
- 6) steps 2, 3, 4 were repeated for each category of responses (a-d)

LIMITATIONS

The basic limitation of the interview as a method of gathering data, is the interviewee's awareness of his/her participation in research. Thus, data acquired through interviews may not reflect the subject's actual beliefs; rather, they may reflect what the subject perceived to be an appropriate response.

The interview schedule had been structured in such a way as to minimize this problem. Since some questions required the interviewee to identify perceived changes from one time period to the next, it became possible to probe conflicting responses. In addition, since the research was designed to arrive at a minimum of two interviewee's from each time period, and thirteen interviewees in total, any discrepancies in responses were further probed upon identification. It should be noted that at the end of each interview, interviewees were asked for their permission to contact them if additional information or clarification was required. A final method used to check for inconsistencies in responses, was to supplement data gathered from interviews with information provided by Annual Reports.

Annual Reports were somewhat limited in scope, as they were prepared by the Commission with the intent to report the activities of the Commission to the legislature. Moreover, while Reports were fairly consistent in the type of information provided, the amount of detail provided varied from one Report to another. However, the researcher was able to gain a wider perspective of the Commission's activities and events through the interviews. In cases where Reports were vague, interviews allowed the researcher to seek out more specific information on a particular issue or activity.

Thus, data gathered from interviews and Reports were used to both confirm seemingly reoccurring themes, and identify inconsistencies. In this sense, each form of data collection served to compensate for the limitation of the other.

ORGANIZATION OF THE THESIS

In order to provide the reader with a framework for better understanding the education mandate of the Commission, Chapter Two, offers a brief historical background to human rights legislation in Canada, as well as a discussion of the social context within which human rights has developed.

In presenting a historical background to human rights legislation, the researcher hoped to accomplish the following:

identify legislation which appears to have had some impact

on the development of human rights in Canada, more specifically legislation which may be said to have had a significant impact in promoting human rights in Canada. Some examples of such legislation are the Quebec Act of 1774, Ontario's Racial Discrimination Act of 1944, Fair Employment Practices Act (1954), and the Ontario Human Rights Code (1962).

Chapter Two will also focus on the social context within which human rights became an increasing concern for Canadians. The major objective of such discussion is to address issues pertinent to the wider social context in which Human Rights Commissions developed. In pursuing the latter, items such as the Royal Commission on Bilingualism and Biculturalism, Multicultural Policy, Women's Rights, Canada's Native population and the position taken by different provincial governments with respect to human rights are discussed.

The bulk of Chapter Three deals with the education mandate of the Federal Human Rights Commission. In presenting a historical review of the latter, the researcher hoped to accomplish the following: to describe the activities of the Canadian Human Rights Commission in fulfilling its education mandate, from its date of inception to 1986. In this section the researcher identified shifts in the structure of the Commission's education program, as well as shifts in the target groups at which education was directed, and the Commission's goals and objectives with

respect to education.

It should be noted that the intent of this chapter was not to evaluate or analyze the activities of the Commission with respect to education. The latter would require an in-depth study of the Commission's educational activities, past and present, possibly a study similar to the one at hand. Unfortunately, there was very little published on the activities of the Commission with the exception of Annual Reports.

Apart from the identification of Commission activities, a second objective of this chapter was to move from the broad perspective of human rights legislation in general, to human rights education specific to the Federal Human Rights Commission. Unlike provincial commissions whose jurisdiction "is restricted to matters within the constitutional authority of the provincial legislature"(Manitoba Human Rights Commission, 1986, p.6), the Federal Commission's authority extends to all areas of federal jurisdiction. This being the case, the Commission has established seven regional offices across Canada, of these seven, one is located in Winnipeg, serving Manitoba, Saskatchewan, and Northwestern Ontario; a second one is located in Edmonton, serving Alberta and the Northwest Territories. These two are identified for special note as Chapter Four of this study deals with the Saskatchewan and the Alberta Human Rights Commissions.

Specific to the objective of Chapter Four is to provide an historical account of the education mandate of the Alberta and Saskatchewan Commissions. In doing this the researcher hoped to provide a description of the direction Human Rights Commissions of the Prairie Provinces have taken in pursuing their education mandate.

The remaining chapters (5,6) is a report of the findings from the investigation of the four research questions identified at the beginning of this Chapter.

Chapter Five begins with a brief examination of those variables which have been influential throughout the life of the Commission, and continue to influence the direction which the Commission's education mandate takes 1986. The remainder of the chapter consists of four sections; each section provides a descriptive report of the findings pertinent to one of the four research questions.

Chapter six provides a recap of various reoccurring themes and the recommendations arrived at by considering their implications.

CHAPTER 2

HUMAN RIGHTS IN CANADA: PAST AND PRESENT

HUMAN RIGHTS LEGISLATION IN CANADA

Upon reviewing the literature concerning constitutional rights in Canada with respect to civil liberties, it is not uncommon to come across the following introductory statement: "The basic constitutional document of Canada, the British North America Act (BNA) of 1867, makes no explicit reference to human rights or fundamental liberties." (Leavy in Macdonald and Humphrey, 1979, p.53). While the BNA Act does not make specific reference to human rights, other authors have pointed out that a Canadian concern with human rights predates this Act.

Even prior to the Constitution Act of 1791, the British government had taken actions in Quebec which are important in the development of civil liberties federally. The Quebec Act of 1774 is particularly important because it forms the legal cornerstone of French-Canadian existence right up to the present day. This British statute guaranteed French-Canadians the freedom to enjoy their Roman Catholic faith and to continue their civil law tradition.

(Cheffins and Tucker, 1979, pp.40-41)

Cheffins and Tucker (1979) further state that the Quebec Act was of great significance, not only in Canadian history, but also in the evolution of civil liberties throughout the world. In a period of history when religious intolerance existed throughout Europe, Roman Catholics in Quebec were able to participate, to some degree, in their own self-government.

A second example of anti-discrimination legislation,

which predates the BNA Act, is the passing of a statute entitled "An Act to prevent the further introduction of slaves and to limit the term of Enforced Servitude within the Province" (1793). The purpose of this statute was to forbid the further importation of slaves in Upper Canada, and to grant freedom to the children of slaves upon their twenty-fifth birthday. One notes that this statute predates the Emancipation Act of 1833.

Prior to the Emancipation Act passed by the British Parliament in 1833, racism toward Blacks in Canada was overtly expressed in the institution of slavery. As slaves, Black men and women were advertised and sold on the open market in much the same manner as cattle or home furnishings.
(Winks, 1971, p.26)

Fourteen years after the passing of the Emancipation Act, another significant Act came into existence: The BNA Act united three of the British colonies, Canada, New Brunswick, and Nova Scotia. As previously stated, this Act makes no explicit reference to human rights. However, there are a few sections of the BNA Act particularly worth noting due to their relationship to provincial constitutions (Cheffins and Tucker, 1979).

In an attempt to develop the stated relationship, reference will be made to the work of Cheffins and Tucker (1979). According to the latter, section 92(1) of the Act is a key provision regarding provincial constitutions. Section 92(1) of the BNA Act (1867) allows for "The Amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as

regards the Office of Lieutenant-Governor". Thus, provincial legislatures are granted the power to design their provincial constitutions. However, it is important to note that "the traditional Anglo-Canadian model of pre-Confederation continued to function in every province." (Cheffins and Tucker, 1979, p.43).

Along with section 92, provisions made in section 93, and section 133 are also believed to be important by various scholars writing on human rights in Canada (Kallen, 1982; Leavy, 1979; Samuda, Berry and Laferriere, 1984). While section 93 gives jurisdiction over education to the provincial sphere, it also protects the rights of Protestants and Catholics to their denominational schools. A second area in which parliament has no authority is the area of language rights; these rights are guaranteed in section 133 of the Act. According to Cheffins and Tucker (1979), this section is especially important as it guarantees the right to use English and French in both the houses of the legislature and the courts of Quebec, and in any court founded by the Parliament of Canada.

Section 92(13) is also very important with respect to provincial jurisdictions. This section allows for provincial legislatures to make laws regarding "property and civil rights".

For civil liberties the very special importance of s.92(13) for Quebec was that it guaranteed her the right to maintain the Civil Code. Thus, Quebec, as a province, did not have to follow the common law model of the other provinces in the area

of private law rights. Similarly, the other provinces have been able to build a private law based on English common law which is, for them, an important part of their cultural heritage. It is important to note that many of our most important freedoms come within provincial jurisdictions under s.92(13).... Attention should also be drawn to s.92(14) which places the fundamental jurisdiction for the administration of justice within provincial domain.
(Cheffins and Tucker, 1979, p.42)

While Cheffins and Tucker provide useful information regarding the indirect ramifications of the BNA Act with respect to human rights in Canada, a Bill which more adequately reflects upon the stated area is the Canadian Bill of Rights (1960); "AN ACT FOR THE RECOGNITION AND PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS". The latter quotation which is the introduction to the Bill, states the purpose of this piece of legislation.

Section one of the Bill of Rights states that certain rights and freedoms have existed in Canada and will continue to exist. The Bill goes on to list the rights and freedoms affirmed by Parliament: right to life, liberty, security of persons, enjoyment of property, equality before the law, freedom of religion, speech, assembly, association, and the press. In accordance with this Bill, these rights and freedoms apply to all individuals without discrimination on the grounds of race, colour, national origin, religion, or sex.

Through this Bill Canada intended to reinforce its commitment to and support of the Universal Declaration of Human Rights (1947). The Bill of Rights, however, has been

the subject of much legal criticism in recent years. The arguments presented by Lyon and Collins in the Toronto Star (1980) have been reiterated by various researchers. Lyon and Collins present the reader with what they perceive as the four basic shortcomings of the Bill.

...the fundamental human rights of individual citizens in Canada are not adequately protected under the 1960 Bill of Rights because this Bill has a number of serious shortcomings. First, its application is limited to the federal jurisdiction, i.e., it does not apply provincially. Secondly, it is an ordinary statute, which means that it can be negated by other federal statutes. Thirdly, its status as an ordinary statute has led to a narrow interpretation by the courts. Fourthly, as an ordinary statute, it can be repealed at any time.

(1982, p.18)

Aside from the stated inadequacies of the Bill, it is interesting to note that part II of the Bill states that any regulations or powers conferred by way of the War Measures Act, are not judged to be in violation of the Bill. The War Measures Act allows for the restriction of the following freedoms: freedom of assembly, of speech, of the press, of property, and of liberty.

Taking its place alongside the Canada Bill of Rights is the Canadian Human Rights Act (1977). According to Kallen (1982), the major event leading to the creation of this act was Ontario's consolidation of its legislation into the Ontario Human Rights Code (1962). This code prohibited discrimination on the grounds of race, creed, colour, ancestry, nationality, and place of origin. Ontario seems to have taken the lead in establishing human rights

legislation between the fifties to the early sixties. It is interesting to note the various pieces of legislation introduced in Ontario prior to Ontario's Human Rights Code:

- The Ontario Racial Discrimination Act of 1944 prohibited the publication, broadcast, or display of that which may reflect discrimination based on race or creed.
- The Ontario Fair Employment Practices Act (1951) was the first of its kind in Canada.
- The Ontario Fair Accommodation Practices Act (1954).

Referring back to the Canadian Human Rights Act, a Federal Human Rights Commission was established in 1977 to carry out the provisions of this Act. The Commission's authority extends to all areas of federal jurisdiction:

...including federal departments and agencies, Crown corporations, private companies which regularly transport goods or people across provincial or national borders, chartered banks, companies which handle radioactive materials, inter-provincial or international pipelines, broadcasting companies and telephone companies doing business in more than one province.

(Human Rights Commission, 1985, p.8)

Individuals who encounter discrimination in areas not under federal jurisdiction are protected by provincial human rights laws. All Canadian provinces have some form of anti-discrimination legislation, which is, generally speaking, similar to federal legislation. All provinces, with the exception of British Columbia, have an established commission.

While commissions may differ in their jurisdiction, activities, and composition, the nature of their mandates

are similar to one another, as well as being similar to the federal commission. Leavy (1979) develops upon the nature of their mandate:

they are to investigate complaints of discrimination contrary to the antidiscrimination codes; to do research and to encourage research into human rights and their protection; to promote public awareness of fundamental freedoms; and to encourage tolerance.

(Leavy, p.64)

In 1982 the Canadian Charter of Rights and Freedoms was included in the text of Canada's Constitution, and as such strengthened the role of human rights commissions across Canada.

The equality rights provided for in section 15 of the Charter prohibits discrimination on the grounds of race, national or ethnic origin, colour, religion, sex, age and mental or physical disability. It is important to note, however, that the Charter does not seek to replace human rights legislation nor does it undermine the role of advocacy and education provided by human rights commissions. In the book A Guide To The Charter produced by the Court Challenges Program of the Canadian Council on Social Development, differences between the Charter and human rights legislation are identified and developed:

- Human rights laws deal with discrimination practiced by individuals or companies, whereas the Charter focuses on discrimination practised by governments. For example, a Human Rights Commission would likely be the first recourse in a case of discrimination practised by an employer or landlord. A problem of discrimination in a law, or a government policy or practice, would likely be best Challenged under

the Charter.

- A Human Rights Commission provides investigative services at no charge to the complainant.... A person or group wishing to take a case under the Charter to court has to find a lawyer and pursue the case on his or her own.

- Human rights legislation deals with discrimination in employment, accomodation, and public services . The Charter is far broader, covering all areas of government action or control.

(1987, p.6)

While such differences exist what has been established, however, is a uniform standard for the protection of civil rights in Canada (Canadian Council on Social Development, 1987).

THE SOCIAL CONTEXT WITHIN WHICH HUMAN RIGHTS DEVELOPED

The increasing emphasis on human rights in Canada has not occurred in a vacuum, rather, it is a reflection of wide spread social change. Many human rights issues which command the attention of Canadians in the eighties have their roots in Canada's colonial past. Such contemporary issues as aboriginal rights, the language rights of French-speaking minorities outside of Quebec, and immigration policies have a long history.

Prior to World War II, human rights in Canada had low priority. This priority was illustrated in incidents such as the denial of rights guaranteed in section 93 of the BNA Act to the Acadians of New Brunswick in 1871, followed by the denial of these same rights to Roman Catholics in Ontario in 1912. Manitoba experienced a similar dispute when the Manitoba government passed the 1890 legislation

abolishing separate schools. The battle which followed to regain separate schools is referred to as the Manitoba School Question.

In Manitoba, the dispute centered on religion. In Ontario, it centered on language. But in each case the issue was identical: were the French Canadians to have a distinct place, guaranteed by the Constitution, in the society of the English-speaking majority outside Quebec?

(Berger, 1981, p.62)

The plight of the Metis and the Nishga Indians to ensure their constitutional rights are two further examples of minorities who were hindered in their struggle to find a secure place for themselves in Canadian society. This struggle, too, can be traced back to Canada's colonial period and continues today.

As a marginal group, whose exclusion from the mainstream was the reason for their movement, the Metis inevitably went to the modern state-the "arbiter" of the system-to seek redress. No other group, save Indian and Inuit had been so systematically excluded from social and economic development.

(Dobbin, 1984, p.185)

Alongside discriminatory practices in the areas of language rights and aboriginal rights was Canada's Immigration Act. Immigration in post-Confederation Canada was a highly explosive issue. Before the turn of the century, Canadians were calling for more rigorous restrictions in the Immigration Act; the general sentiment being that those who could not be readily assimilated be denied entry into Canada.

The debate in English Canada over immigration numbers and the desirability of central, southern, and eastern Europeans and Orientals continued throughout the 1920s. Under increased pressure from British Columbia, the federal government passed the Chinese Immigration Act of 1923, almost totally preventing Chinese immigration. (Palmer, 1975, p.18)

The assimilationist perspective demonstrated by Anglo-Canadians prior to World War II was a dominating force, not only in immigration matters, language rights and aboriginal rights, but also in economic and religious tensions. According to Palmer (1984) "discrimination and anglo-conformity were simply two different sides of the same coin - the coin being the assumption of the inferiority of non-Anglo-Saxons" (p.27).

Following World War II, the stage was set for the progressive decline of the anglo-conformity perspective, alongside cultural pluralism. Various factors contributed to changing attitudes towards immigrant's ethnicity. The terrors of the holocaust forced Canadians to recognize the extent to which racism could develop. Unfortunately Ottawa was not sympathetic to the plight of Jewish refugees; less than 5,000 refugees were permitted entry into Canada between 1933 and 1945. It was only during the post-War period, when there was increased knowledge of Nazi crimes, that Ottawa brought in a new refugee policy.

In addition to instituting a new refugee policy, Ottawa began to reduce the racial barriers to immigration. In his book, Immigration and the Rise of Multiculturalism, Palmer describes the immigration policy as it stood in 1947.

Large-scale immigration resumed after World War II. Mackenzie King's statement of government policy in 1947 reflects the consensus on immigration which developed by the end of the war. Although the immigration policy still included a discrimination clause giving preference to those of British origin, no groups were completely excluded and the laws restricting the entry of Chinese were relaxed. Prime Minister King, speaking for the majority of Canadians, still believed, however, that immigration should be limited to those groups that could be absorbed. In comparison to earlier immigration policies, King's government had a relatively broad view of who could be absorbed, but tolerance did not extend to include many non-whites.

(1975, pp.19-20)

Post-War immigration brought a new type of immigrant to Canada; immigrants were generally better educated and were more politically aware. Since many of the new immigrants had left their homeland due to political disruptions they came from all social and economic backgrounds. They had experience as business persons, professionals, government employees and skilled tradesmen (Palmer, 1975). In addition to being more educated and politically conscious, post-War immigrants were more familiar with urban life than were previous immigrants. Thus, the majority of incoming immigrants tended to settle in urban areas. In Book IV of The Report of the Royal Commission on Bilingualism and Biculturalism, the Commission identified differences in the settlement pattern between earlier immigrants and the new immigrants.

Because of their backgrounds and their familiarity with urban life, these immigrants have not tended to establish heavily concentrated settlements in the cities as the earlier, less skilled groups had done. Instead, they quickly spread out into any part of the city where they found other Canadians

sharing their educational level, occupations, and tastes.

(1975, p.19)

At the same time that incoming immigrants were settling in urban areas Canada's rural sectors were experiencing a tremendous transition. There was a sharp decline in the percentage of wealth produced by agriculture compared to other natural resources. The appliances found in the farm home were becoming more and more similar to those of the urban home. Schools in rural areas provided educational programs and facilities similar to their urban counterpart. Similarly, rural dwellers shopped in urban areas for clothing, furniture, and even food (Friesen, 1984). Gibbins expands upon this post-War transformation experienced in the West.

The percentage of the western Canadian population living on farms fell as did the absolute size of the prairie farm population, and the number of prairie farms decreased even as the absolute output of agricultural producers increased over time. Prairie society became increasingly urbanized as new metropolitan skylines came to dominate the prairie landscape and psyche just as the grain elevator had in the past. The base of Western economy gradually broadened to include oil, natural gas, potash, uranium and coal. Contact with the rest of the Canadian society became progressively easier; Toronto was only four hours by air from Vancouver, three from Calgary or Edmonton, less than two from Winnipeg. Apart from dialing an extra four numbers, Ottawa and Montreal were as close by telephone as the neighbour down the street.

(1984, p. 38)

The changing characteristics of Canada's rural sectors were conducive to the intergration of Canada's rural population into mainstream society. Now it was no longer

possible for rural populations to remain isolated from urban society. With a majority of Canada's post-War immigrants settling in urban areas, a new form of leadership penetrated ethnic minority groups. In his announcing a multicultural conference in Ontario, Mr. Yaremko, the Ontario provincial secretary and minister of citizenship, comments on the leadership role played by postwar immigrants.

The postwar immigrants have played an important leadership role because of their long association with nationalist political struggles in their European homelands. They have continued their activities often ideological as well as national, aimed at keeping alive in Canada the culture they believe is being obliterated abroad. This leadership has managed in some cases to shift the focus of activity of their national organizations from the problem of intergration within Canadian society to the problem of cultural survival either in Europe or in Canada as a locus for cultures in exile.

(Porter, 1984, p.74)

The new political leadership found among post-War immigrants, paired with an increasingly vocal second and third generation non-Anglo-Canadian group, placed increasing pressures upon provincial and federal governments for increased recognition of Canada's ethnic minorities (Palmer, 1984). The period between 1947 and 1959 was a period of transition for human rights, while many pre-War prejudices remained and discrimination continued, various factors set the stage for the increasing decline of racism and the emergence of pluralist ideology (Palmer, 1984).

The stage was set; Canada's entrance into the sixties was to be remembered as a decade embedded in human rights

issues. It was a decade in which ethnicity became a major issue and ethnic minorities placed increasing pressures on the federal government to eliminate discriminatory practices.

Ethnic minorities did not stand alone in their call for recognition and equality. At the outset of the decade, often referred to as the Diefenbaker years, the Canadian Bill of Rights was introduced, Canada's Prime Minister continued his call for a "one Canada" nationalism, and Indians were given the right to vote. In 1963 Diefenbaker was replaced by Pearson.

The period between 1963 and 1970 was a turbulent one and is often referred to as the greatest crisis in Canadian history. While the latter reflects upon the activities of the FLQ in Quebec, it also identifies a period of terrorism which commanded the attention of all Canadians. In her article, Myths and Multiculturalism, Burnet describes the events surrounding the Quebec crisis;

...relations between English Canadians and French Canadians,....reached the critical stage of which they have not yet passed.... At the time, ethnic movements were occurring everywhere in the world and in many cases were leading to the birth of new nations. The germs of nationalism had been incubating in Quebec for a long time. Now, with a high degree of urbanization and industrialization and a rising educational level in the population, they broke out. The death of Maurice Duplessis, the Quiet Revolution of Jean Lesage, the hatching of several separatist movements, and the flaring up of terrorism from 1963 to 1970 were a few events of the time.

(1984, pp. 19-20)

In an attempt to determine why French Canadians were dissatisfied with their place in Canadian society the Pearson government established The Royal Commission on Bilingualism and Biculturalism. The Commission was set up in July, 1963, and was given the following mandate:

...to inquire into and report upon the existing state of bilingualism and biculturalism in Canada and to recommend what steps should be taken to develop the Canadian confederation on the basis of an equal partnership between the two founding races.

(Royal Commission on Bilingualism and Biculturalism, 1967, p. 173)

The labelling of the Commission made apparent the manner in which the government viewed Canada as a nation, a view which was not accepted throughout Canada.

Westerners were not content with the idea of a bilingual and bicultural Canada. In the West the French were often seen as just one among many ethnic groups. Many Westerners resented what they viewed as an attempt by the Quebecers to gain special status throughout Canada. Ethnic minorities were speaking out for their own form of status; status as an integral part of Canadian society.

When the Royal Commission on Bilingualism and Biculturalism, submitted its report, it was Jaroslav Rudnycky, a Ukrainian from the West, who filed a minority report, calling for more lingual and cultural rights for "other" ethnic groups. Indeed the strong multicultural pressures from the West, resulted in publication of a fourth volume on the Cultural Contribution of the Other Ethnic Groups (1970), which originally had not been envisioned.

(Rasporich, 1984, pp.176-77)

While demands for recognition were being made by "other" ethnic groups, similar demands were being made by

Canada's Indian population. Upon returning from the war effort and re-encountering the conditions under which Indians were forced to live, Indians requested that the Canadian government examine the needs for their people. They were not alone in their call for recognition. There was and increased public concern for the apparent status of Indians as second class citizens (Tobias, 1985).

Veterans' organizations, churches, and citizen groups across the country called for a Royal Commission to investigate the administration of Indian Affairs and conditions prevailing on Indian reserves.

(Tobias, 1975, p.212)

The end result was the creation of a Joint Committee whose function was to report on the treatment of status Indians.

In 1951 major revisions were made to the Indian Act and a new Indian Act was passed based on the recommendations of the 1946 Joint Committee. One of the recommendations was to shift the responsibility for services to Indians from the federal level to the provinces. According to Tobias (1985), the suggested shift was intended to be an alternative means of assimilation, as well as a means by which the Canadian government could get rid of their responsibilities towards status Indians. But the Indians, like other minorities, were gaining increased recognition as a political force. The latter is evident in Friesen's description of Native identity in the West in the post-War decades.

Native identity in the prairie west was consolidated in the post-war decades. Campaigns for native rights and celebrations of native culture produced a clearer and more insistent articulation

of native identity than had occurred in the preceding half-century. Despite the assimilationist drive of the federal government, indeed, the natives forced the larger society to acknowledge a new political status ...

(1984, p. 457-458)

The Indians became increasingly vocal towards the end of the sixties and into the seventies. When the White Paper of Indian Affairs announced the intent of the government to "absolve itself from the responsibility for Indian Affairs and the special status of Indians and to repeal special legislation relating to Indians..." (Tobias, 1985, p.214) there was extensive protests from the Indian community. In 1973, approximately four years later, the federal government withdrew the intended policy. The Indian people intended to make the 1951 resolution a reality, the Indian Act (1951) gave them the option to run their own reserves, and today they are pursuing the goal of self-government.

While issues surrounding the rights of ethnic minorities were a focal point of the sixties, issues surrounding human rights were by no means restricted to ethnicity. The sixties was also a time of feminist revival. At the outset of the decade the Voice of Women (VOW) was established; a group whose objective was "to unite women in concern for the future of the world". (Macpherson and Sears, 1971, p.71). By 1961 VOW had attracted some 5,000 members. Unfortunately, political tensions caused a split in the group in 1963, when the Pearson government reversed its position on the stationing of Bomarc missiles in Canada.

"While VOW provided "a significant training ground" for future status of women activists, it also offered valuable lessons in political tensions which continued to confront independent women's organizations." (Bashevkin, 1986, p. 264). Despite the apparent split, VOW continued to exert pressure on the Canadian government on issues concerning human rights. Macpherson and Sears expands on these issues in the book Women in the Canadian Mosaic (1976).

The issue of biculturalism in Canada when a 400-member delegation...went to Ottawa on a special Peace Train.... VOW's efforts to establish and maintain a bilingual organization, and the uniting of French-and English-speaking women on important issues, contributed in some measure to the growing demand for attention to be paid to Quebec's needs.
(p.74)

VOW's protest began slowly in 1963 when it sought to verify reports of war conditions and brutality received from women in Vietnam.... By 1966 the cover of the VOW Newsletter carried a picture of Vietnam refugees, a mother and child. VOW attacked Canada's role in the Control Commission, and called for an end to export of Canadian military supplies to the United States for use in Vietnam.
(pp.79-80)

As far back as 1964 VOW's Annual Meeting had voted to support a private member's bill coming up in the House of Commons to repeal the Criminal Code which made it illegal to disseminate information about birth control.
(pp.81-82)

VOW was one of the national women's organizations whose members were active in calling for a Royal Commission on the Status of Women in Canada.

(p.81)

The call for an official inquiry into the status of women grew louder in the latter part of the sixties. In

April, 1966, the Committee for the Equality of Women in Canada was formed; their objective was to pressure the government for legislative reform and the establishment of a Council of Women. In 1967 the president of the Canadian Federation of University Women "was quoted on the front page of the Toronto Globe and Mail as threatening to march some two million women on Ottawa, unless the federal government agreed to establish the Royal Commission on the Status of Women." (Bashevkin, 1986, p.264). In February, 1967, the government announced that a commission would be established. Thus by the end of the sixties Canadian women made the issue of women's status an official concern of the Canadian government.

The sixties was a decade of reform, not only for Canadians but throughout the Western world. Most prominent among world reform was the Civil Rights movement in the United States. During the post-War period the impulse to end discrimination accelerated in all sectors of American society. By 1957 the Black Civil Rights movement had gained much momentum; black minorities were exerting increasing pressure for policy changes in employment, education, housing, and public services.

By 1962 the movement had created some advancements in the area of human rights, such as the 1954 Supreme Court ruling that laws requiring segregation in public education was unconstitutional and the 1957 legislation securing for Blacks their voting rights. A third stride was the 1962

Presidential order resulting in the refusal of the Federal Housing Administration to insure loans for houses and apartments at which accomodation was denied based on colour, creed or race.

Despite significant progress in the arena of human rights, much discrimination continued. The struggle to end discrimination peaked in 1963; the demands for ending discrimination increased two-fold. On August 28, 1963, approximately 200.00 Blacks and white persons marched on Washington to protest discrimination and support a new civil rights bill. There was much controversy surrounding the proposals included in the bill, those against it felt that state's rights were being infringed upon, while others felt the bill did not go far enough to entrench equal rights. Despite criticisms encountered the new Act was passed in July, 1964.

The Civil Rights Act of 1964 prohibited discrimination in the areas of public education, employment, voting, and public facilities. While America's Black minority would continue in the struggle to end discrimination well into the seventies and eighties, a significant victory had been achieved in the manifestation of the 1964 Civil Rights Act. Their contribution had been noted as Martin Luther King signed the Act; as a signatory he was identified as one of the leaders instrumental in the passage of the Act. During the same year King was awarded the Nobel peace prize, identifying him as "the first person in the Western world to

have shown us that a struggle can be waged without violence".

The sixties was in-fact a decade of human rights, in Canada and throughout the Western world. Among the various forms of discrimination, discrimination against ethnic minorities was the one most questioned. In Canada issues surrounding equality for ethnic minorities would continue into the seventies and eighties. With Canada's new immigration policy Canada's pluralistic nature was manifesting itself to even greater proportion. Towards the end of the decade large numbers of immigrants were accepted from the West Indies, then came immigrants from Uganda and South Asia.

From 1971 to 1982 at least 200,000 Asians came to Canada, making them one of the largest immigrant flows of the period. There were about 310,000 people of South Asian origin in Canada at the end of 1982, representing about 1.2 per cent of the Canadian population. Taken together, South Asians are now one of Canada's largest ethnocultural populations and they continue to be one of the fastest growing.

(Buchignani and Indra, 1985, pp.115-16)

Although fewer in numbers, 1973 brought with it an influx of persons from Chile, a migration resulting from the fall of the Allende government.

It was becoming increasingly difficult for even the strongest opponent of cultural pluralism to ignore the increasing ethnic diversity which characterized Canadian society. While the fifties laid the groundwork for human rights, the sixties is often viewed as an "ethnic event"

characterized by the examination of almost every ethnic issue imaginable, with a major emphasis on bilingualism. In 1967 the Royal Commission on Bilingualism and Biculturalism recommended that official bilingualism become government policy. The recommendation became a Canadian reality in September, 1969.

The concern that Canada's image as a bicultural nation reduced "other ethnic groups" to second class citizenship carried over to the seventies. On October 8, 1971, in an attempt to dissipate such concerns, Prime Minister Trudeau proposed the introduction of a Federal Multicultural policy. What follows is a partial reproduction of the proceedings of the House of Commons Debates regarding the intended policy.

Right Hon. P.E. Trudeau (Prime Minister):
Mr. Speaker, I am happy this morning to be able to reveal to the House that the government has accepted all those recommendations of the Royal Commission on Bilingualism and Biculturalism which are contained in Volume IV...Volume IV examined this whole question of cultural and ethnic pluralism in this country and the status of our various cultures and languages...It was the view of the Royal Commission, shared by the government and, I am sure, by all Canadians, that there cannot be one cultural policy for Canadians of British and French origin, another for the original peoples and yet a third for all others. For although there are two official languages, there is no official culture, nor does any ethnic group take precedence over any other. NO citizen or group of citizens is other than Canadian, and all should be treated fairly....

A policy of multiculturalism within a bilingual framework commends itself to the government as the most suitable means of assuring the cultural freedom of Canadians...

In implementing policy, the government will provide support in four ways.

First, resources permitting, the government will seek to assist all Canadian cultural groups that have demonstrated a desire and effort to continue to develop a capacity to grow and contribute to Canada, and a clear need for assistance, the small and weak no less than the strong and highly organized.

Second, the government will assist members of all cultural groups to overcome cultural barriers to full participation in Canadian society.

Third, the government will promote creative encounters and interchange among all Canadian cultural groups in the interest of national unity.

Fourth, the government will continue to assist immigrants to acquire at least one of Canada's official languages in order to become full participants in Canadian society.... In conclusion, I wish to emphasize the view of the government that a policy of multiculturalism within a bilingual framework is basically the conscious support of individual freedom of choice. But this cannot be left to chance. It must be fostered and pursued actively. If freedom of choice is in danger for some ethnic groups, it is a danger for all...

(October 8, 1971, pp.8545-8)

Thus came a major stride in the recognition that "other ethnic groups" had long awaited, the recognition of Canada not as a nation of two founding peoples, but a nation built of ethnic diversity. The government of Canada had essentially rejected the image of a bicultural Canada, and replaced it with the ideals of a multicultural Canada. But the new policy was more than just an idea, with it came public monies to support cultural maintenance, to generate intercultural activities, to allow immigrants the opportunity to learn one of the official languages, and to discourage discrimination.

Reactions to the new multicultural policy was mixed.

In their 1977 report entitled Multiculturalism and Ethnic Attitudes in Canada, Berry et al., illustrate the following.

Both the Anglo-celts and French Canadians thought English Canadians would be weaker as a result of multiculturalism, yet the other ethnic respondents did not share this pessimistic view.... Interestingly the French Canadians thought multiculturalism would also weaken their cause, but the other, including the Anglo-celts, did not share this view. On the other hand, other ethnics favoured third language broadcasting and teaching more than the charter groups, and the Anglophone other ethnics were least in support of teaching more French. It is data (such as that presented by Berry et al.,) which suggests that western Canadians support multiculturalism more, and agree less with the bilingualism and biculturalism which Ottawa is promoting. These are clearly ethnic factors which have aggravated relations along the multicultural-bicultural western-Ottawa axis.

(Rasporich, 1984, p.178)

It seems that a somewhat circular pattern of negativism had developed. The government's initial attempt to deal with the tension aroused by Quebec separatist had led to discontent among "other ethnic groups", in partial response to such discontent the new multicultural policy was created. The new multicultural policy was yet another source of controversy; the official recognition given to "other ethnic groups" led French Canadians to believe that their position as one of the charter groups was being undermined.

While the Pearson government put forward the image of a bilingual, bicultural Nation, a nation in which immigrants would assimilate into either the English or French community, the Trudeau government put forward a third

option. The third alternative was one of cultural maintenance with the option of intergration, as opposed to assimilation. In 1977 the Canadian Human Rights Act was established; an Act which would aid in securing the rights of ethnic minorities in Canada. Out of this Act grew the Charter of Rights and Freedoms, a document furthering the government's commitment to the protection of minority rights. The Charter serves to embed seven categories of rights and freedoms in the Canadian Constitution. Of the seven categories one pertains directly to minority groups, that is "minority language educational rights". Although section 23 pertains only to English and French minorities it is considered to be a significant victory in the area of human rights. Langfiord explains the ramifications of section 23, and why it is considered a triumph for human rights:

Because bilingualism has traditionally been an emotional issue, the fact that the minority language educational provisions are in the Constitution at all is regarded by many as a genuine triumph. For the first time Canadians who relocate in the country will have a good chance of being assured the choice of either French or English educational facilities. Although this choice already exists in some places, it exists at the pleasure of the government. From now on, where the guidelines in section 23 are met, the choice will be constitutionally guaranteed.

(Langford, 1982, p.55)

The Charter is by no means restricted to recognizing minority language rights. Century old struggles to end the barriers of discrimination have been recognized in the

Charter. Among them is the recognition and confirmation of aboriginal and treaty rights of Canada's aboriginal population, the recognition of Metis as belonging Canada's aboriginal population and the recognition of women's rights as rights to be enshrined in Canada's Constitution. But the struggle has not ended with the Charter, minorities of the eighties continue to face barriers of discrimination, despite Constitutional guarantees. What has changed, however, are the policies, or lack of them, which allowed discrimination to go unnoticed or without question.

There is today a liberal establishment ready to speak out in support of the rights of the rights of Asians in Vancouver or West Indians in Toronto or Moroccans in Montreal. There are human rights commissions at the federal level and in every province. These things give minorities the confidence to speak out, to protest the violation of their freedom, and to assert their claim to rights we have all been taught they should enjoy.

(Berger, 1981, p.123)

CHAPTER 3

THE CANADIAN HUMAN RIGHTS COMMISSION

THE COMMISSION AND ITS MANDATE

When the federal Parliament created the Canadian Human Rights Act in 1977, the Commission established to administer this Act was given a start-up mandate which charges the Commission to maintain a double function. The function was to provide recourse to victims of discrimination, and to eliminate discrimination through research, information and education. The expectation was that the Commission would develop proposals for a wider mandate, and return to Parliament after a few years of experience to present its proposals (Canadian Human Rights Commission, 1978). The Commission continued to operate under the original mandate until 1983, at which time substantive amendments were made to the Act based on recommendation made and presented by the Commission to Parliament during the 1977-1981 time period.

Previous to 1983, nine grounds of discrimination could form the basis of a complaint: race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon has been granted, and, in employment matters, physical handicap. In 1983 these grounds were extended to include "family status". Furthermore, amendments incorporated into the Act expanded the definition of sex discrimination and broadened the sphere of employer responsibility to include discrimination

by its employees. Amendments also extended protections to those with physical or mental disabilities.

Thus, in addition to to reducing discrimination through the processing complaints and educating the public, Commission members also shape human rights policy. This aspect of the Commission's work is elaborated upon in the 1985 Annual Report, under the title "THE COMMISSION AND ITS MANDATE".

Commission members shape human rights policy at the federal level by passing guidelines pursuant to various sections of the Canadian Human Rights Act; By recommending to Governor in Council that regulations be passed, and by approving policies that guide both the public and Commission staff on how to interpret the Act.

In addition, Commission members have a broader role, with a variety of employers, purveyors and agencies to improve public knowledge, attitudes and practices through the provision of information and education.

(Commission, p.8)

While the means to accomplish its objectives have experienced some extension of activities on the part of the Commission, the mandate of education and advocacy expressed in the 1978 Annual Report remains much the same in 1987. The Commission continues to process complaints by way of the procedure outlined in part three of the Act; the Commission continues to advocate the principles of human rights and encourages compliance with and understanding of the Act, through the duties outlined in part two, section 22(1) of the Act.

COMPOSITION OF THE COMMISSION

According to part two section 21 of the Act, the Commission is to consist of a Chief Commissioner, and a Deputy Chief Commissioner, both being full time members of the Commission, and may be appointed for a term not exceeding seven years. The Commission is also required to have a membership of not less than three, or more than six, other members, who may be appointed as either full-time or part-time members of the Commission. Both full and part-time members may be appointed for a term not exceeding three years. Section 21. (5) of the Act allows for any member of the Commission to be re-appointed in the same or another capacity. All members are to be appointed by the Governor-in-Council.

Since its establishment in 1977 the Commission has maintained the maximum membership. Three of the original members continued to hold positions with the Commission in 1986. Of the three remaining members, one held the position of Chief Commissioner (R.G.L. Fairweather) and one held the position of Deputy Chief Commissioner (Rita Cadieus). The third remaining member is Malcolm MacDonell.

The Commission also maintains regional offices to aid in carrying out its powers, duties and functions. Under section 28. (2) of the Act the Commission is limited to the establishment of regional offices, not exceeding twelve. The Commission began its work with regional offices by identifying five regional offices from which to maintain

contact with their client community. Thus, an office was set up in Vancouver, serving the Western region, in Winnipeg, serving the Prairie region, in Montreal, serving the Quebec region, in Toronto, serving the Ontario region, and in Halifax, serving the Atlantic Region. Since 1977, two additional offices have been established. In 1981 the Commission opened an office in Edmonton, providing service to the Alberta and Northwest Territories Region. The seventh regional office was opened in Ottawa, and serves the National Capital Region.

EDUCATIONAL ACTIVITIES OF THE COMMISSION

22. (1) ...the Commission is generally responsible for the administration of Parts 1, 11, and 111 and

(a) shall develop and conduct information programs to foster public understanding of this Act and of the role and activities of the Commission thereunder and to foster public recognition of the principles described in section 2;

(Canadian Human Rights Act, 1985, p.10)

Section two of the Act, as identified above, prohibits discriminatory practices based on: race, national or ethnic origin, family status, colour, religion, age, sex, marital status, disability, or conviction for an offence for which a pardon has been granted.

Thus, the question becomes: What direction did the Commission take with respect to fulfilling its educational function? An overview of the Commission's mandate since its inception in 1977 to 1986, reflects concern for the improvement of public attitudes as a means of combatting

discrimination.

Parliament has entrusted the Commission.... with a double mission: the restoring of rights to those who have been deprived of them by discrimination; and the improvement of social systems and public attitudes so as to reduce and eventually eliminate the incidence of discrimination.

(Commission, 1978, p.1.0)

Commission members have a broader role, with a variety of groups and agencies, of improving public attitudes and practices through the provision of information, education and co-operation.

(Commission, 1985, p.8)

In the Fall of 1978, the "Information, Education and Co-operation Branch" was established to deal, in part, with the educational function of the Commission. As identified in its name, the Branch dealt with three specific components. The activities of the Information, Education and Co-operation Branch, (later changed to "Public Programs Branch", to reflect a new approach) will be examined in the remainder of the discussion of the Federal Commission. It should be noted that much of the information regarding the stated activities, has been gathered from the Commission's Annual Reports (1978-1985).

The first component to be examined with respect to the Information, Education and Co-operation Branch, is that of information services. The foremost function of this service is to create an awareness of the mandate of the Commission among those working in the area of human rights. However, activities are not restricted to individuals in the area of human rights, there is also an attempt to make the general

public aware of their rights, and to promote changes in their attitudes.

When the Commission began holding its public sessions, the Information Services organized the press relations and invited the public to attend. The first issue of an information bulletin put out by the Commission was printed. It tells the public what guidelines have been issued by the Commission with respect to certain sections of the Canadian Human Rights Act, and explains how the Commission deals with complaints submitted to it.

(Commission, 1978, p.27)

The second component, education, functioned to develop educational materials for the general public, and for specific clientele, who could use the materials to become more familiar with the Act and its application to their area. The first priority of this sector was to formulate a list of approximately 8,000 groups, associations and organizations, that may find the services of the Commission of use, and/or provide the Commission with information pertinent to their needs in the area of human rights. Their second priority was to determine the extent to which Canadians are educated in the area of human rights. The latter was pursued through the distribution of questionnaires to various target populations: civil liberties associations, colleges and universities, Indian, Inuit and Metis groups, rehabilitation agencies, ethnic associations, and other similar target populations. While no mention was made of the results of this study, a questionnaire based on a similar objective was carried out

through the Research and Special Studies Branch of the Commission in 1979.

In general, the survey reveals a high level of support for legislation against discrimination (86 percent). Most people (73 percent) were aware that agencies exist to support human rights, and two-thirds of those who had heard of human rights commissions considered that they were effective. Discrimination is perceived as being most prevalent on the basis of race or colour, sex and physical handicap, in that order.

(Commission, 1979, p.50)

It is interesting to note that perceived grounds regarding the most prevalent forms of discrimination are relatively accurate. In a listing of the grounds cited in complaints accepted in 1979, of 455 citations, 129 were on the grounds of sex, 109 were due to race/colour, national or ethnic origin, and 93 were due to physical handicap.

Studies such as the questionnaire previously examined, helps to supplement the work of the Information, Education and Co-operation Branch.

The function of the Research and Special Studies Branch is to carry out research on social and economic phenomena having an impact on human rights, and to advise the Commission.

...monitoring the Commission's general impact on employment and the different sociological factors affecting minorities and groups suffering discrimination...

(Commission, 1978, p.29)

The third and final component to be examined with regards to the Information, Education and Co-operation Branch, is that of Co-operation. This service functions to encourage voluntary groups and specific clientele, to

participate in combatting discrimination. The major task undertaken through this service, during its first year in operation, was the organization of a national conference, in recognition of the thirtieth anniversary of the Universal Declaration of Human Rights, in Ottawa.

A summary of education related activities of the Commission during the 1978 appears in the Commission's 1978 Annual Report, under the title: "Information, press releases and speeches":

Information, press releases and speeches

During 1978, the Commission made available to the public: copies of the Canadian Human Rights Act; A summary of the Act; a leaflet explaining the purpose of the legislation; the report of the Task Force on Equal Pay for Work of Equal Value; the Recruitment and Interviewing Guide; equal wages guidelines; Draft Pension and Insurance Regulations; the Annual Report for 1977; press releases on a variety of issues; and the prepared texts used by the Chief Commissioner and the Deputy Chief Commissioner during public appearances. The Commission also underwrote a portion of the cost of a Labour Canada Publication, Human Rights in Canada, 1978, a review in human rights legislation at the provincial and federal levels.

(Commission, 1978, p.17)

Public response to the literature made available appears relatively positive. 1,524 groups and 752 individuals made requests for specific publications made available by the Commission. The total number of copies distributed of the various publications made available in 1978, was 89,630 (Commission, 1978).

While publications are a major means of educating the

public and specific clientele, representation by the Commission in a wide variety of speaking engagements are also intended to fulfill this objective. Two key individuals to be noted here are the Chief Commissioner and the Deputy Chief Commissioner. Since the establishment of the Commission in 1978 to present, these individuals have pursued the educational objective of the Commission by attending speaking engagements with numerous professional associations, volunteer organizations, student groups, and service clubs to create awareness of human rights issues, the Act, and the services offered by the Commission. Throughout the years other Commission members have become increasingly involved in such speaking engagements.

From Information, Education, and Co-operation, To Public Programs: A New Approach

From 1978 to 1982, inclusive, the Commission continued to direct its educational activities through the Information, Education, and Co-operation Branch. During this time period the Commission maintained its original structure, with few exceptions. Changes with respect to educational activities will be discussed here, as well as some of the consistencies.

In 1979, the Information sector had cataloged a listing of some 23,000 organizations as target populations, and had distributed a total of 302,071 copies of various publications. Of this total, 42,300 copies of "How to File

a Complaint" and 41,395 copies of "The Canadian Human Rights Act/A Summary", were distributed. These are the two most widely distributed single publications in 1979.

In 1980, the Information sector experienced a change in its original priority. Rather than creating awareness among those working in the area of human rights as the first priority, its major responsibility was now "communication with the public and the media, and evaluating of the impact of information programs on the Canadian public."

(Commission, 1980, p.74). Over the next two years the Information sector spent increasing amounts of time on media events.

Major projects included a Quebec media research study, a weekly internal media monitoring service, a media guide and local media lists for regional directors, and distribution of independent human rights tribunal rulings and summaries of Commission decisions to the media, Members of Parliament, Senators, human rights organizations and various target audiences.

The unit provided media relations services and publicity for the opening of the Alberta and Northwest Territories regional office in Edmonton in April. It also provided media relations and advertising support for public meetings and presentation of briefs in Hull, Vancouver and Quebec City.

(Commission, 1981, pp.49-50)

As the Information sector became more focused in its activities, so did the Co-operation sector. Recognizing that Unions played a significant role in promoting employment equity, its activities became increasingly geared toward this target group. "During 1981 the section has concentrated on developing special educational programs to

assist union and non-government organizations to promote equality". (Commission, 1981, p.50).

In 1982 the Co-operation sector directed the majority of its activities to unions. One such activity was the development of a course entitled "Human Rights and Trade Unions". In addition,

Several unions, with memberships ranging from 20,000 to 175,000 were given assistance with the development and delivery of human rights educational programs specific to their needs. For example:

- a major public sector union developed a special weekend human rights course for use across Canada;
- a private sector union was provided with specialized training seminars on equal pay for work of equal value;
- several unions in the transportation industry received training on human rights legislation, systemic discrimination, affirmative action and how to deal with harassment in the workplace.

(Commission, 1982, p.29)

While target groups and activities were becoming more focused in the sectors mentioned above, the education sector was becoming increasingly focused on assisting employers under federal jurisdiction. In 1981 the Education sector was replaced by the "Employer cooperation" sector.

The Employer cooperation sector was expected to emphasize an advisory and program development role, using training materials and resources for regional offices and employers (Commission, 1989). One of its concentrated efforts in its first year of operation was the publishing of the "Employer Guide". This document:

Describes the impact of the Canadian Human Rights Act on employment practices and includes chapters on preventive action, affirmative action programs, recruitment and interviewing, employer rights and obligations when a complaint is made, and equal pay for work of equal value.

(Commission, 1981, p.56)

In its second and final year of operation (1982), the Employer cooperation sector continued its emphasis on the training of managers and supervisors by way of educational programs, seminars and consultations. Some of the employers involved in such activities were: VIA Rail, Canada Post, Transport Canada, The Canadian Coast Guard, the Department of Veterans Affairs, and the CBC Ontario Region.

(Commission, 1982). In this same time period, increasing attention was given to the issue of sexual harassment, thus employers such as Consumer and Corporate Affairs, Transport Canada, Environment Canada and the Public Archives began drawing upon the resources of this sector to help combat sexual harassment in the workplace.

In 1983, we see a third reorganization of sectors as they relate to employers.

When the former Information, Education and Cooperation Branch was reorganized it merged two separate cooperation divisions, Employers and Unions and Groups, into the Program Delivery Division.

(Commission, 1983, p.36)

Program Delivery refers to one of three divisions created under the Public Programs Branch. During 1983 the Information, Education and Co-ordination Branch was renamed the Public Programs Branch. With this new title came a new

approach to the educational mandate of the Commission. It was hoped that this new approach would help combat perceptions of the Commission as an adversary rather than an aid. While this conflict is rarely mentioned in Commission Reports, it has existed from the first years of the Commission's operation.

The Commission has, naturally, encountered a number of situations where persons or agencies seeking to escape our unwelcome attentions have turned to these three areas of the Act (jurisdiction, proscribed grounds, discriminatory practices), searching for reasons why the law should not apply to their case.

(Commission, 1979, p.1.0)

This problem has continued to persist over the years.

Combating negative perceptions was only one of various reasons for the new approach. A second aspect of the new approach was the replacement of the Information, Education and Co-operation components by the Program Analysis and Development, Information and Production and Program Delivery components. It appears that an attempt was being made to have a more interactional process between the various components.

A coordinated approach will underlie the branch's work. Teams of specialists will provide employers and employee groups with a variety of technical services and information resources so that they can revise their internal policies and systems to prevent discrimination.

(Commission, 1983, p.36)

Finally, with the new approach came an emphasis on proactive educational activities. It was felt that proactive activities would aid in preventing discrimination

from occurring, as opposed to reactive activities, which responded to discrimination which already existed.

With the latter objectives in mind, the Public Programs Branch set out to fulfill the Commission's education mandate in the following manner:

Program Analysis and Development, which is responsible for the branch's long-term planning and the development of services and resources.

Information and Production, which takes detailed concepts to final products, and is responsible for overall co-ordination of the Commission's public affairs.

Program Delivery, which provides educational and training services and co-ordinates the external consultation process.

(Commission, 1984, p.37)

When the Public Programs Branch began its first year in operation (1983), there existed 32 Commission publications (Commission, 1981). Of these 32 publications,

- 2 were Public Opinion Surveys (1978 & 1981)
- 2 were aimed primarily at reporters: "Backgrounder" and "Fact Sheet"
- 3 were research reports: "Banks and Credit Policies", "Prehiring Psychological Testing..." and "Sexual Orientation"
- 5 were aimed primarily at the general public: "Think Rights" (posters), "Think Rights" (leaflets), "How to File a Complaint", "The Canadian Human Rights Act: A Summary" and "The Canadian Human Rights Act" (a leaflet)
- 5 were Commission Annual Reports
- 7 were regarding employment equity: "Equal Pay for Male and Female Employees", "Equal Wage Guidelines", "Methodology and Principles for Applying Section II", "Special Programs in Employment: Criteria for Compliance", "Physical Handicap and Employment", "Employer Guide" and "The Canadian Human Rights Act. Employee Associations and Unions".

- The remaining 8 publications are as follows:
 "Canadian Human Rights Commission Address Card"
 "Prohibited Grounds of Discrimination in Employment Card"
 "Recruitment and Interview Guide"
 "Age Guidelines"
 "What to Do when a Complaint is Filed Against You..."
 "Bibliography on Human Rights"
 "Canadian Human Rights Benefit Regulations"
 "Rights, Liberties and Freedoms" (glossary)
- This listing of publications is a categorization of the summary list provided in the Commissions 1981 Annual Report.

During 1983, the Program Deliver sector continued past work with unions, groups, and employers. Education and consultation work with employers shifted from basic information and publication to what the Commission felt represented more long-term activities, involving managers and decision-makers (Commission, 1983). One such activity was a nation-wide series of seminars on sexual harassment: "virtually all employers sent a range of representatives, from senior through middle managers, to human resource practitioners and counsellors." (Commission, 1983, p.37).

While there appear to be no major publications listed for 1983, the Information and Production sector prepared the following information for distribution: "six summaries of Commission decisions and 35 press releases, 12 of which summarized decisions of independent tribunals." (Commission, 1983, p.37). Overall the Commission distributed 285,086 publications and 3,500 kits (Commission, 1983).

1984 brought some major long-term changes to the educational activities of the Public Programs Branch: a

public programs officer was assigned to each regional office, and a master plan was developed and put into effect. The Program Analysis and Development sector identified the new marketing plan as their major accomplishment for 1984. According to Alwyn Child, Public Programs Officer for the Prairie region, the social marketing plan instituted in 1983 is the foundation upon which the majority of activities of the Public Programs Branch is based. He further states that the marketing strategy will continue in the latter capacity in 1987, and the years to follow. It is his opinion that this strategy is one of best frameworks on which the Branch can base its educational activities (Personal Interview, 1986).

Bloom Novellii (1981) present us with an interview of what is involved in social marketing. They begin by defining the term, using Kotler's definition: "the design, implementation, and control of programs seeking to increase the acceptability of a social idea or practice in a target group(s)" (p.79).

Bloom and Novelli go on to discuss the market analysis problems, market segmentation problems, product strategy problems, pricing strategy problems, channels strategy problems, communications strategy problems, organizational design and planning problems, and evaluation problems often encountered by social marketers. These problems are by no means specific to the Federal Commission, they are also pertinent to provincial Human Rights Commissions; perhaps to

a greater extent, since the latter Commissions have more limited resources at their disposal.

With the social marketing strategy as a framework for fulfilling the education mandate of the Commission, and with the issues of equal pay, affirmative action and sexual harassment in the fore of public attention in 1984, the Information and Production sector attempted to provide the public with a working knowledge of these issues through media releases and publications. Thirty media releases were prepared, 10 of which summarized decisions of independent tribunals (Commission, 1984).

Along with media releases, Information and Production published the following materials:

- a brochure on harassment
- "Sexual Harassment Casebook"
- an updated "Equal Pay Casebook"
- "A Guide to Screening and Selection in Employment"
- a newsletter that was to begin circulation in 1985, titled "Dossier"

At the same time Program Delivery developed four modules and seminar materials covering the previously stated issues. Modules are as follows:

- Introduction to Human Rights
- Equal Pay
- Affirmative Action
- Sexual Harassment

In addition to these modules, three additional modules were in production, one of which was entitled "Race and Cross Cultural Relations". This appears to be the first publication specific to the area of Cross Cultural Awareness.

During 1985, the social marketing strategy was being put to use more than ever before.

A three-year market research plan delineates the nature and objectives of each research study as well as the proposed time frames, methodologies and budget. Actual research is carried out with relevant constituent groups before training materials are produced...

Training material called "Human Rights Skills for Community Groups" was developed as the first "stand alone" independent learning resource...

The main evaluation activity of the year was an evaluation framework study. It provided the Branch with evaluation indicators and data gathering instruments required for eventual evaluation assessment studies.

(Commission, 1985, p.42)

In addition to the latter activities, a series of 30 seminars on harassment and other issues were conducted by program delivery officers, a review and revision of harassment and human rights policies for VIA rail was conducted, the "Dossier" was released to more than 4,000 subscribers, eight radio announcements regarding the Commission's work were tested in the Quebec market, and there continued to be follow up "on complaint settlements with policy advice, consultation and training materials, to ensure these settlements have a lasting impact and the widest possible benefit" (Commission, 1985, p.43).

By 1986 a distinct shift could be observed in the structure of the Commission's education program. In its early years the structure of the education program was such that three distinct units (information, education, co-

operation) were established, each responsible for a particular aspect of the Commission's activities. Over time (1982) the Commission recognized the need for a more intergrated structure. Thus, while the education program maintained separate units each charged with a specific task, more interaction was beginning to occur among the units, with each appraised of the needs of the other.

With the new emphasis on a more intergrated structure came an emphasis on more long-term, proactive education (Canadian Human Rights Commisison, 1984). This new approach to education peaked with the introduction of the social marketing strategy in 1983. This strategy continues to govern the structure of the Commission's education program as well as its goals and objectives in 1987.

In addition to the shift in the general structure of the Commission's education program came a shift in the general goals and objectives with respect to education. In 1980 the Commission shifted its priority from creating awareness among those working in the area of human rights to "communication with the public and the media, and evaluation of the impact of information programs on the Canadian public" (Commission, 1980, p.74).

In 1981 the Commission began to direct more education at employers and the business sector in general. The latter may have been a consequence of the results obtained from previous program evaluations, as well as results from the listing compiled of groups, organizations and associations

who could use the Commission's education services.

It seems that the Commission had passed through an initial stage whereby identification programs had been assessed. What seems to have resulted from stage one was a recognition that a more intergrated approach was required in order to provide effective human rights education. Furthermore, was the recognition for the need to combat perceptions of the Commission as an adversary rather than an aid. Although this need had existed since the Commission's first year in operation, it was not until 1983 that the Commission made a conscious decision to do something about it. It is possible that this shift in objectives stemmed from the social market framework.

The social market framework was to become the basis upon which the Commission would further develop its education program. Guided by the social marketing plan the Commission continued to pursue education directed at the business sector, this time with the intent to become an ally of the business community.

The social marketing approach continues to guide the Commission's educational activities in 1987. It seems that this will be the approach the Commission will continue to use in the years to come.

CHAPTER 4

THE EDUCATION MANDATE OF THE ALBERTA AND SASKATCHEWAN HUMAN RIGHTS COMMISSIONS

INTRODUCTION

All Canadian provinces, with the exception of British Columbia, have some form of human rights legislation through a human rights code or act. In addition, all provinces, with the exception of British Columbia, have established human rights commissions to administer human rights legislation.

The exact composition, powers, and jurisdiction of each of these commissions differs from one province to another but their mandates are similar; they are to investigate complaints of discrimination contrary to the antidiscrimination codes; to do research and to encourage research into human rights and their protection; to promote public awareness of fundamental freedoms; and to encourage tolerance.... The staff of each commission includes investigators and conciliators who handle the complaints of discrimination, and other employees who look after the broader, educational, aspect of their mandates.

(Leavy, 1979, p.64)

The following presentation will review the educational activities of human rights commissions in Alberta and Saskatchewan.

THE EDUCATION MANDATE OF THE ALBERTA HUMAN RIGHTS COMMISSION

Introduction

When Premier Peter Lougheed came to power in Alberta in 1972, the first bill which he placed before the legislature was the Alberta Bill of Rights. This bill is shaped very much along the lines of the Canadian Bill of Rights; The main thrust of the legislation appears to be in section 2, which provides that every Alberta law shall be "so construed and applied

as not to abrogate, abridge or infringe the rights or freedoms herein recognized and declared.
(Cheffins and Tucker, 1979, p.46)

Accompanying the Alberta Bill of Rights a companion bill: "Individual Rights Protection Act" was passed; the latter was the second piece of legislation to be passed (Alberta Commission, 1973). Both pieces of legislation were to exceed all existing legislation in the province. Thus, Alberta's Human Rights Act was repealed, and replaced with the New Act.

In 1973 the Alberta Human Rights Commission was established to administer the Individual's Rights Protection Act (IRPA), and to educate the public on its provisions.

The IRPA protects Albertans from acts of discrimination in three main areas-employment, tenancy and public services. It is a contravention of the Act to discriminate against anyone because of race, colour, sex, religious beliefs, physical characteristics, ancestry or place of origin in any of those three areas. Age and marital status are protected categories in employment only.

(Alberta Commission, 1983, p.3)

Although the Alberta Human Rights Commission was not established until 1973, educational activities promoting public understanding and acceptance of human rights legislation had existed in Alberta in the preceeding decade.

The Education Mandate of the Sixties

From 1967 to 1972, the function of public education with respect to human rights legislation was performed by the Human Rights Branch of the Department of Labour. In its first year of operation the branch stated its intent to pursue an education program "designed to eliminate

discriminatory practices related to race, religious beliefs, colour, ancestry, or place of origin". (Human Rights Branch, 1967, p.2). In attempting to fulfill this objective the Branch pursued five route: distribution of literature, media participation (radio, television), speaking engagements, human rights displays, and human rights programs. In 1969 an additional dimension was added to this list, that being workshops and sessions.

TABLE 1

Educational Activities: 1967-1972

Activity	1967	1968	1969	1970	1971	1972	Total
Speaking engagements	14	38	25	25	22	40	164
Audience	418	3643	2093	1292	1003	1986	10435
Programs	4	9	25	0	12	3	53
Participants	140	333	785	0	360	185	1803
Displays	1	5	0	0	0	3	9
Attendance	3000	2880	0	0	0	5200	11080
*New Publications	4	10	18	3	4	5	44
Copies distributed	55905	35319	11169	15373	109824	21171	248761
Media participation	-	-	-	-	-	9	9
Television	8	0	0	0	0	-	8
Radio	25	5	2	5	1	-	38
Workshops	-	-	5	1	12	19	37
Sessions	-	-	30	6	56	94	186
Participants	-	-	154	36	432	560	1182

- * New publications (copies distributed) reflects branches own publications as well as publications which have been reproduced for public distribution, example: "Universal Declaration of Human Rights".
- # of copies distributed reflect all previous and new publications.
- Statistics not given for these items.

A review of the Branch Annual Reports (1967-1972), suggest that of the six techniques used to disseminate knowledge on human rights issues, distribution of publications was accessible to the greatest number of people. It is difficult, however, to judge the effectiveness of this technique, due to various intervening variables. For example, whether information received through mailing lists or distribution at seminars, conferences, displays etc., are read.

The technique reaching the second largest number of people, is the use of displays. Again the effectiveness of this approach is difficult to judge. The question thus becomes, do displays simply provide a momentary awareness, or are there long term effects? It may be that programs and workshops, the two techniques reaching the least number of people, are the most effective techniques for disseminating information on human rights issues.

While it is not within the scope of this presentation to address such questions, the reader should be made aware of their ramifications.

During its first year of operation, the Branch began to develop an educational program to serve the general public, employers, management, and students at the high school and

graduate level. An additional initiative was the possibility of publishing some pamphlets in Cree as well as English.

In 1968 "The Alberta Human Rights Act and the Individual" was published in four languages: Cree, Chinese, Czechoslovakian and English. In 1969, the same pamphlet was also published in French.

Until the end of the sixties and into the early seventies the Branch continued to direct its activities to employers, the general public and students, with a special emphasis on students and citizen participation.

The second edition of Human Concern, spotlighting citizen involvement in the human rights field was sent out late in the year.

Another highlight of the year past was the development, in conjunction with the Citizenship Branch, Department of the Secretary of State, of program material for high school students dealing with problems of intergroup relations.

The Branch staff continued to play a supportive role in relation to the Alberta Human Rights Association - a key voluntary citizen's group active in this field.

Also during the past year, we supported the efforts of an ad hoc citizen's committee born of a concern over the issue of housing discrimination.

(Alberta Human Rights Commission, 1969, pp.1-3)

Towards the end of the sixties the Branch made public its intent to work more closely with Alberta's Native community. The concern was that little had been done in the area of employment of minority groups persons. Creating more awareness in this area was to be a major objective in

the seventies.

The Education Mandate of the Seventies

For the first three years of this decade the Branch continued to operate under the Minister of Labour. The educational activities of the branch between 1970 and 1972 took on a developmental approach building upon that which was previously initiated. This was especially the case with activities centered around various ethnic organizations.

Prior to 1970, activities in the area of race relations centered around Branch participation in conferences. In the early seventies, educational activities in this area began to establish more direct contacts with local ethnic organizations.

The educational program of the Branch continued to bring us into contact with the various ethnic organizations, such as the Canada Indian Society, the Napi Friendship Association, the Metis Association, the Metis Association of Alberta, the Alberta Native Women's Cultural Society and the Alberta Indian Association.

(Alberta, Department of Labour, 1970, p.1)

By 1972 such activities had extended to include a wider range of organizations: West Indian Society, Calgary Jewish Community Council, Alberta Association for the Advancement of Coloured People, Can-Carib Club, and Project India.

A review of complaint patterns between 1967 and 1971, makes apparent the need for establishing links between ethnic minority groups and the Branch.

Although complaints have been registered with the Branch by persons representing the entire ethnic spectrum, Native Canadians, or Indians and Metis, have furnished the largest number of grievances.

Blacks rank second despite the fact that there are only about 1,500 persons of Black background throughout the whole of Alberta's 225,285 square miles.

(Hinders, 1971, p.8)

Alongside its work with various cultural communities, the Branch continued to co-ordinate activities with public schools and institutions of higher education in Alberta.

Typical of some of the other projects in which the Branch becomes involved was the committee set up under the auspices of the Provincial Department of Education to remove from the school curriculum certain materials considered detrimental to Native persons.

(Henders, 1971, p.8)

Of the 32 organizations and agencies identified in the 1971 Branch report, as having participated in educational events, twelve were educational institutions. This link between the Branch and Alberta's educational institutions continued throughout the seventies and into the eighties.

While activities within the educational community appear to have achieved some degree of success, endeavours related to general public awareness yielded little response until 1971 (Department of Labour, 1971).

This year's general publicity campaign drew close to 7,000 requests for additional information about human rights in Alberta. Credit for this success has to be paid to Admanagement Ltd. of Calgary whose novel approach to newspaper advertising brought our agency more noticeably before the public than any similar venture in the past.

(Department of Labour, 1971, p.1)

On the other hand, the Branch experienced the beginning of complaint processing overload in 1971. With insufficient staff and an increased inflow of materials, the Branch

library remained in a state of reorganization (Department of Labour, 1971). The Branch library was intended to serve as a resource centre for individuals and organizations concerned with human rights issues. The project began with the compilation of literature and films in the Branch's first year of operation. Unfortunately, an incomplete cataloging system prevented the Branch from ever widely publicizing the existence of this service.

A final area worth mentioning with respect to educational activities is that of tourist related establishments: hotels, restaurants, motels and guest ranches. Prior to 1970, human rights awareness activities directed at managers of hotels, motels, and restaurants, existed in the form of a Branch publication entitled "The Alberta Human Rights Act and Managers of Hotels, Motels, Restaurants, Theatres and Other places of Entertainment". In the early seventies, a more intense project was initiated to acquaint management and patrons of human rights legislation in this area.

With the submission of their final report (1972), the Branch indicated that education was, in their opinion, an essential element of any human rights program.

Enforcement and education, then, provide the twin pillars on which this Province's human rights program is built.

(Department of Labour, 1972, p.1)

With the repeal of the Human Rights Act in 1973, functions previously performed by the Human Rights Branch

were transferred to the newly established Alberta Human Rights Commission. Its function, with respect to educational activities, was mandated in the IRPA: Section 14(1) of the latter Act states that it is a function of the Commission to:

...research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, sex, physical characteristics, age, ancestry or place of origin.

(Alberta Human Rights Commission, 1985, p.9)

In its first year of operation, the Commission found itself in a state of transition and reorganization. Thus, it appears that little was accomplished in the way of educational activity during this year. However, the Commission did put forward the principle of public input as a means of obtaining its objectives. "Although the Commission can act as a catalyst to bring about the vision of our Government, this vision can only be made a reality by the people of Alberta." (Alberta Human Rights Commission, 1973, p.9).

As is often the case with newly established human rights commissions, the majority of educational activities during the 1974-1975 period, were directed toward familiarizing the public with the work of the Commission, and familiarizing employers with the implications of the new Act. These objectives were pursued using the same six techniques used by the previous Human Rights Branch.

It appears that such techniques were not particularly

successful in creating awareness among Alberta's Native community.

The Alberta Human Rights Commission has not yet been able to make the native community sufficiently aware of the existence of the Commission, of the service that the Commission might render to its individual members, and to establish the mutual trust that must come into being before the first significant steps towards success can be taken.

(Alberta Human Rights Commission, 1975, p.11)

Recognizing the need for an educational strategy, an Education and Research Coordinator was appointed to the Commission in 1975. In addition, three education officers were appointed; these four individuals were aided by support personnel.

During the 1975-1976 period, the Commission's education sector focused its attention in three areas: institutional education, community relations and affirmative action (Alberta Human Rights Commission, 1976).

Fora on affirmative action were directed at issues of discriminatory practices against women (Alberta Human Rights Commission, 1976). Community relations were sought by establishing citizen human rights councils in Lethbridge and Fort MacMurry (Alberta Human Rights Commission, 1976). In the area of institutional education, a seminar series entitled "Dignity and Human Rights in Alberta", was co-sponsored by the Continuing Education Division of the Calgary Board of Education.

In addition to such activities, an attempt was made to resolve the Commission's concern with respect to Alberta's

Native community. This was pursued by way of providing workshops for "Native Outreach". However, workshops were unsuccessful in resolving this problem, and the Commission found itself reiterating the same concern in 1978.

The statistics for 1977-1978 support the conclusion that the Native population of Alberta is not making effective use of the services offered by the Commission.

(Alberta Human Rights Commission, 1978, pp.8-9)

While the Commission recognized the need to tap into the Native community, a review of the Commission's educational activities, to the end of the decade, shows no systematic attempt to resolve the stated concern. Activities specific to this group appear to be somewhat isolated events, without developmental aspects, or follow-up.

It appears that the groups given priority during the mid-seventies to the end of the decade, were groups which responded to Commission activities. During 1978 and 1979,

A top priority... was to increase services and materials that would help reduce the probability of employment discrimination occurring. This was based on the high incidence of employment discrimination, increased requests for information and advice from the business sector and the Commission's experience that employees are often not prepared to incur the possible risks associated with allegations of discrimination.

(Alberta Human Rights Commission, 1980, p.14)

If group response is in fact a measure of which groups educational activities are directed toward, it is not surprising that Alberta's Native community has received little by way of educational activities. At the same time

it becomes apparent as to the reason there was a steady emphasis on activities directed toward teachers, students and the education system.

Alberta's Native population were not the only group which the Commission found inaccessible. A second major concern encountered by the Commission, was the need to tap into populations outside the Edmonton/Calgary area. To combat this problem, a major project was initiated in 1977. The program entitled "Moving Right Along" consisted of:

1. visits to some of the smaller communities in Alberta;
2. a display set up in a public area of such a community;
3. school presentations;
4. the provision of information to a variety of local groups within that community;
5. radio and newspaper interviews, which are held where possible;
6. a public forum.

(Alberta Human Rights Commission, 1978, p.11)

A second major project of the same time period, was the completion of a previously initiated grade ten curriculum unit entitled "Human Rights: Respecting our Differences".

This unit has been well received, and the Commission believes that it will soon become part of the core curriculum of grade 10. By producing this material Alberta has taken the lead in Canada. Our success will likely encourage other provinces to use this, or a similar, unit in the core curricula of these other provinces.

(Alberta Human Rights Commission, 1978, p.11)

This apparent linking of Commission activities with formal educational institutions continued throughout the seventies.

A third major concern encountered by the Commission during this decade, was the resistance of industry against

Commission objectives, when these objectives came in conflict with business practices (Alberta Human Rights Commission, 1979). Such hostility is often extended to all forms of human rights legislation (Alberta Human Rights Commission, 1979). The following example is a public statement made by a leader of the business community.

If the public decides that the industry should achieve social goals, the public must be clearly made aware of the fact that it is going to lose the benefits associated with the competitive market.

(Alberta Human Rights Commission, 1979, p.4)

Such hostility is by no means limited to the business sector. With affirmative action programs visible minorities often become the victims of suspicion and hostility in the public arena. This is especially the case when unemployment is on the rise.

Resistance against human rights legislation is a continuing problem in all Canadian provinces. In all probability, it is a concern which will continue to plague those seeking "to promote an understanding of, acceptance of, and compliance with the Act" (Alberta Human Rights Commission, 1979, p.2).

By the end of this decade, research and education services undertook a major review of their program objectives and priorities. With this review at hand, employment was given first priority in the 1979-1980 period. While there was still a major thrust in maintaining links with educational institutions, such activities no longer

outweighed education activities in other areas.

In addition to work in the areas of employment and formal education, the Commission paid increasing attention to providing information and educational activities, for Alberta's professional and business communities (Alberta Human Rights Commission, 1980). A major outreach program directed at service clubs in Edmonton and Calgary was put into place, and public needs were addressed through a brochure outlining the procedure for filing a complaint. This brochure was printed in eight languages.

Research and Education services stated its intent to guide all present and future activities by the principle of prevention. While the Commission restated its concern over the apparent discrimination encountered by Alberta's Native population:

The Commission regards lack of native Indians and women to achieve equality of opportunity in employment as the most serious problem covered by the Commission's mandate. It is hoped that the analysis of employment practices under the systemic discrimination approach will tackle some of the underlying problems which prevent Native Indians and to a lesser extent, women, from rightfully enjoying the full potential of opportunities offered in this province.

(Alberta Human Rights Commission, 1980, p.18)

A surface overview of the intent of the Research and Education services, and the intent of the Commission at large, appear somewhat contradictory in nature. However, it was within this mode that the Commission proceeded to direct its activities in the eighties.

The Education Mandate of the Eighties

The priority given to employment towards the end of the seventies continued throughout the 1980-1985 period. In 1980 commissioners were invited to participate in "The Local Employment Priority Conference" in Edmonton. In 1981, the Commission published a handbook entitled "Equal Opportunities in Employment". This book was intended for use by employers, management personnel, and employment agencies. "Sixty thousand were distributed to employers in the province" (Alberta Human Rights Commission, 1981, p.21).

Employment became the focus of attention in many aspects of the Commission's work. At a regional meeting held in Grande Prairie in 1981, "media and public were told that the two most serious discrimination problems were against native people in jobs and society and the lack of equal opportunity in employment for women." (Alberta Human Rights Commission, 1982, p.9).

Such regional meetings, were part of the Commission's new policy to make more direct contact with areas outside the Edmonton and Calgary areas. This was to be done by holding at least two of their monthly meetings, outside the latter regions. Thus, a second meeting was held in Red Deer; this meeting was extended, to alert the public to some major issues in the area of employment.

-Commissioner Marlene Antonio... spoke about discrimination against women caused by barriers in employment,

- Commissioner Rollie Miles... gave examples of special action programs designed to prevent discrimination against women and minority groups.
- Commissioner Evelyn Norberg... told the meeting of the problems faced by native people in society and in trying to find jobs,
- Commissioner Stan Scudder... told the media and public that 10 percent of all Canadians fell into the physical characteristics category of the Act and that the majority of these Canadians were employable.

(Alberta Human Rights Commission, 1982, p.9)

A more generalized initiative of the early eighties, was the administration of in-house workshops. These workshops revolve around lectures and small group discussions; the intent is "to help employers understand and abide by the act when hiring, firing, or promoting employees." (Alberta Human Rights Commission, 1983, p.11).

The in-house workshops supplement ongoing seminars that are given to businesses employing large numbers of employees. The in-house workshops are designed for individuals and small companies and are conducted in the Commission's offices in Calgary and Edmonton. Registration at the workshops is limited to 20 persons at a time and were held as frequently as demand dictates.

(Alberta Human Rights Commission, 1983, p.11)

Such workshops continued to be available throughout the 1980-1985 period.

Two areas specific to employment: sexual harassment and race relations, received increased attention during this decade. In the case of race relations, it appears that increased activity was a result of increased participation of various ethnic groups and related organizations in Commission activities. Many of these groups came to the open portion of the Commission's monthly meetings to voice

their concerns. Of twelve such presentations identified in the Commission's 1981-1982 Annual Report five were concerned with issues of race:

- Council of South Asians: discussed harassment and the attempted burning of a Sikh temple...
- League for Human Rights of the Canadian B'nai B'rith: outlined the history of the organization and its aim to strengthen religious tolerance in the community...
- Native Disabled Society: talked about mutual problems...
- Committee Against Racism: explained how the group was formed to combat institutional racism...
- Native Outreach Program: explained how the program works and that more help was needed in finding jobs for natives...

(Alberta Human Rights Commission, 1982, p.8)

During the 1982-1983 fiscal year, at a regional meeting in Slave Lake, several people in the audience told the Commission that Native people found it difficult to obtain jobs in the Peace River area. One individual suggested that what was needed was a human rights education program in the northern area of the province (Alberta Human Rights Commission, 1983).

At a second regional meeting (1982-1983) in Cardston, Commissioners were told that the major discrimination problems of southern Alberta are regarding race and religion (AHRC, 1983).

The Commission suggested it could offer its services as mediator and educator to help resolve differences but that the initiative had to come from the community. As a result, an ad hoc committee known as the Cultural Exchange Committee was established. The committee

is made up of representatives from both the Blood Reserve and the community and includes Commissioner Ehli as a member.
(Alberta Human Rights Commission, 1983, p.10)

In 1984, a series of racial incidents, paired with presentations from various ethnic groups, brought about the largest education program ever initiated by the Commission (Alberta Human Rights Commission, 1984).

Under the theme "Alberta Is For All Of Us", a \$542,000 multi-media awareness campaign was launched in October, utilizing all television and radio stations, as well as all daily, weekly and ethnic newspapers in the province.

(Alberta Human Rights Commission, 1984, p.8)

A follow-up evaluation indicated that the majority of Albertans supported the campaign, and found it effective in promoting tolerance (Alberta Human Rights Commission, 1984).

A less formal evaluation took place within the educational sector of the Commission. In general, the Commission found increased participation in workshops and programs offered by the Commission. Numbers of participants in programs increased approximately 35 percent, during the 1983-1984 fiscal year. At the same time "Education officers conducted a total of 213 workshops during 1983-1984 compared to 158 the previous year, and the number of participants rose to 6,418 from 4,470." (Alberta Human Rights Commission, 1984, p.10).

In 1985 a second assessment of the Commission's education program occurred; the objective being not to re-define, but to proceed with a more comprehensive and consistent delivery of activities (Alberta Human Rights

Commission, 1985). Upon completing this assessment the following education action plan was formulated:

Particular emphasis will be placed on increasing educational activity in the secondary and post-secondary school systems. Curriculum unit development at the high school level and design and marketing of an education program for use in colleges and universities are the first priority of the plan. New marketing strategies will be developed for workshops, liaison with special interest groups will be actively pursued, and educational activities in rural areas will undergo expansion.

(Alberta Human Rights Commission, 1985)

It was with these objectives in mind that the Commission proceeded into the latter half of the eighties.

Upon examining the educational activities of the Alberta Commission from the latter part of the sixties into the eighties, several questions come to mind. Questions which are not within the scope of this study, but seems to be fertile ground for future research into the education mandate of human rights commissions in Canada.

- 1) From its first years in operation and well into the eighties the Commission expressed the concern that Alberta's Native population was not making effective use of the services offered by the Commission. The question thus becomes, how has the Commission attempted to resolve this problem, and why have they been unsuccessful in doing so?
- 2) Like many human rights commissions across Canada the Alberta Commission experienced resistance from the business sector towards Commission objectives. The question thus becomes, has the Commission attempted to resolve this problem, and if so how? Furthermore, has the business sector changed in its perceptions of the Commission's role as it relates to the business sector.
- 3) Annual Reports (1967-1972) suggest that of the six techniques used to disseminate information on human

rights issues, distribution of publications was accessible to the greatest number of people. The question thus becomes, how effective is this method of providing information on human rights.

THE EDUCATION MANDATE OF THE SASKATCHEWAN HUMAN RIGHTS COMMISSION

Introduction

In 1947 Saskatchewan became the first province in Canada to pass a Bill of Rights. This Bill provided for:

... freedom of conscience and religious association, freedom of expression, freedom of association, the right of membership in professional associations, freedom of the press, and the right to own and occupy property.

(Cheffins and Tucker, 1979, p.46)

On April 21, 1972, the Saskatchewan Human Rights Commission Act was given assent by the Lieutenant-Governor-in-Council. Through this Act administration of human rights legislation such as the Saskatchewan Bill of Rights came under the domain of a Human Rights Commission. In November, 1972, the Saskatchewan Human Rights Commission was established.

According to the Act, the Commission was to perform three basic functions: research, complaint processing, and educational activities.

The Education Mandate of the Seventies

During the seventies, educational activities were directed toward informing "residents of the Commission, of the existence of human rights legislation and the rights and responsibilities of all persons under that legislation." (Saskatchewan Commission, 1979, p.20). Generally speaking,

dissemination of information was pursued through Commission workshops, speaking engagements, publications and the use of media services.

A review of the Commission's educational activities between 1977 and 1979, makes apparent three main target groups which activities were directed at: management and supervisory personnel, public school teachers and College of Education students. One notes that during the stated time period, the most Commission publications directed at any single group, were publications directed at teachers.

In August, 1979, the Saskatchewan Human Rights Code replaced the Act. The mandate of the Commission with respect to education, remained much the same. Under section 25 of the Code the Commission is required to perform the following functions:

... develop and conduct educational programs designed to eliminate discriminatory practices related to the race, creed, religion, colour, sex, marital status, physical disability, age, nationality, ancestry or place of origin of any person or class of persons;.... disseminate information and promote understanding of the legal rights of residents of the province and conduct educational programs in that respect.

(Commission, 1983, p.12)

The Education Mandate of the Eighties

With the proclamation of the new Code, the Commission perceived the need to educate the public with respect to new provisions of the Code. In 1981 an interpretation of the Code was published and distributed. With this publication the decision was made to allow a ninety day comment period,

during which time employers, individuals, unions and other groups were invited to respond.

Providing information on new developments in human rights legislation has been and continues to be a consideration in fulfilling the educational mandate of the Commission. When the Commission adopted the "Accessibility Standard" (access standards for physically disabled persons) in 1980, the "Accessibility Standard Guide" was published. Response to the new legislation was such that,

The Commission ... received 23 sets of building plans for review during 1981. A large number are plans for new schools or additions and/or alterations to existing schools. The Department of Education has requested that all plans for schools be submitted to the Commission to ensure that they conform to the "Accessibility Standard". The Department of Government Services has also submitted a number of plans for review.
(Saskatchewan Commission, 1983, p.13)

The value of providing information on such legislation was more than an spurious achievement. In 1984 the Commission received 128 proposals for building plans; again a large portion of proposals were for school buildings.

While the Commission was quick to act on Accessibility Standard legislation, educative forces were somewhat slower in the area of affirmative action legislation.

In 1979 a new provision was introduced into The Saskatchewan Human Rights Code, allowing for affirmative action programs. These programs are designed to eliminate and counteract disadvantages experienced by persons of Indian ancestry, women and persons with physical disabilities.

(Saskatchewan Commission, 1983, p.1)

It was not until 1983 that the Commission began to direct educational activities towards this area. "The Commission's experience with affirmative action since 1979 demonstrates that the voluntary introduction of affirmative action programs does not result in a sufficient number of programs to have a significant impact" (Saskatchewan Commission, 1983, p.1).

In 1983 an Affirmative Action Division was incorporated into the structure of the Commission. However, this division was not responsible for educational activities regarding affirmative action, such activities were left to the education division. In March, 1983, the Commission, in cooperation with other organizations, sponsored a seminar on affirmative action. More emphasis was placed on educational activities regarding affirmative action in the years to follow (Saskatchewan Commission, 1984, 1985).

Of the three target groups identified for the 1977-1979 time period, those within educational institutions received the most attention. The latter is best supported by reviewing some of the educational activities which resulted in maintaining links between the Commission and educational institutions.

In 1976 the Commission began a teacher awareness project. The administration unit for project implementation was the Human Rights Advisory Committee; this committee consisted of representatives from the following areas: the Saskatchewan School Trustees' Association, the Saskatchewan

Teachers' Federation, Saskatchewan Department of Education and the Saskatchewan Human Rights Commission (Saskatchewan Commission, 1979). During 1977 and 1979

... the Human Rights Advisory Committee has conducted more than one hundred workshops for teachers and College of Education students in Sexism, Handicapism and Racial Prejudice. During the past two years more than one thousand teachers and prospective teachers have been involved in the project.

(Saskatchewan Commission, 1979, p.23)

One observes a generalization of this relationship to other areas of the Commission's work. For example, in 1981 three of the six affirmative action programs approved by the Commission, involved the following educational institutions: St. Andrew's College, Northern Teacher Education Program and Regina Plains Community College.

Along with taking part in affirmative action programs and teacher awareness programs, educational institutions have also joined forces with the Commission to address a need in the area of curriculum. In 1983 the Commission presented a brief to the Department of Education, Curriculum and Instruction Review Committee. this presentation stressed two major themes:

Incorporating human rights education into all aspects of the school curriculum is essential; and that the principles of human rights must be manifested in the education system so that education will be provided to all students in a bias-free environment and one which will eliminate the effects of past discrimination.

(Saskatchewan, 1983, p.13)

Interaction, such as the latter, went beyond the school system and into the arena of human rights legislation. In

1984 the Commission invited members of the Department of Education, the Saskatchewan Teacher's Federation, the Public Legal Education Association and the Saskatchewan School Trustees Association to provide "an education forum in which to discuss the impact of the Charter of Rights and Freedoms on the education system... and explore the best possible means of providing information on the Charter to teachers, school boards..." (Saskatchewan Commission, 1984, p.14).

Interaction, such as the latter, seem to reflect a two-way educational process. A process whereby commission members and members of the educational community reflect upon the needs of one another, and through cooperative efforts, provide guidance for concrete action.

Since its inception, the educational mandate of the Commission has been, and continues to be a priority. Unfortunately, 1985 brought with it the recognition of the Commission's declining human and financial resources (Saskatchewan Commission, 1985). With this came the restructuring of the Education division; the decision was made to merge the education division with the Affirmative Action division, thus, creating the Public and Special Programs Unit.

The emphasis of the division is shifting from education sessions with small groups, the traditional approach, to an examination of methods to more effectively reach large segments of the population.

(Saskatchewan Commission, 1985, p.15)

Upon examining the education activities of the

Saskatchewan Commission from the mid seventies into the eighties, several questions come to mind. Questions which are not within the scope of this study, but seems to be fertile ground for future research into the education mandate of human rights commission in Canada.

- 1) Like many human rights commissions across Canada, the Saskatchewan Commission began pursuing its education mandate by directing much of its attention toward the public school system; this thrust continued into the eighties. The question thus becomes, what factors influence commissions to direct much of their educational activities toward public schools?
- 2) How effective is education directed at teachers and students within the public schools system?
- 3) How do teachers within the public school system perceive their role with respect to educating students on human rights issues?

CHAPTER 5

THE MANITOBA HUMAN RIGHTS COMMISSION: AN ANALYSIS

INTRODUCTION

Throughout the history of the Manitoba Human Rights Commission there have been three variables which have affected the manner in which members of the Commission have conceived their educational role.

- 1) the adequacy of available resources
- 2) the different priorities afforded the Commission's enforcement role in relation to its educational role
- 3) attitudes concerning educating an adult population

These factors are important for two reasons. First, they have remained influential throughout the life of the Commission. Second, the manner in which Commission members conceive their educational role has some effect on the remaining research questions. The manner in which members perceive their role directly and indirectly affects the relative importance given to education, areas of discrimination emphasized in education, and which institutions, organizations, and groups the Commission's educational activities were directed at. For this reason, in this chapter the analysis of how Commission members conceived their role in fulfilling the education mandate is afforded considerable length relative to the remaining questions.

To understand the impact that the three factors

identified have had on the Commission's education program requires two strands of analysis:

- 1) A brief examination of the manner in which each variable
has influenced the Commission's education program.
- 2) The manner in which the Commission's education program has developed as a result of these factors.

LIMITED RESOURCES

The adequacy of available resources was found to be of significance with respect to all research questions addressed by this study. It seems that the way in which Commission members conceive their role in fulfilling the education mandate is greatly affected by a perceived underfunding of human rights in general. Since 1972 the Commission has had a heavy volume of complaints; in their 1972 Progress Report, the Commission stated that they carry a much heavier caseload than any other human rights agency in Canada. In the first Annual Report published by the Commission, they expressed disappointment in their ability to meet the educational needs of residents of Manitoba.

Of equal importance to case conciliation, in the Commission's view, is the mandate to develop and conduct educational programs designed to eliminate discriminatory practices and to inform residents of the province of their rights under the Human Rights Act.... The heavy volume of complaints has imposed restrictions on this aspect of the Commission's work.

(Commission, 1972, p.19)

In the Commission's 1985 Annual Report we see a reiteration of this same concern.

The Commission feels that the current situation is totally unacceptable. With the backlog and high caseloads, the average investigation will take more than a year to complete; one education officer does not permit the implementation of even a minimally acceptable education program...

(Commission, 1985, p.8)

The perceived shortage of resources, in general, and of human rights education in particular, has affected the kinds of educational goals the Commission could reasonably expect to fulfill. As one interviewee stated: "how could we be an agent of social change when we don't even have enough money to make all Manitobans aware of their rights." Availability of resources also affected the degree to which educational goals were proactive or reactive; several interviewees stressed that while Commission members wanted to take a more preventative approach to education, they did not feel that available resources made such an approach viable. In addition, the manner in which the Commission perceived its education function, as a resource body, an advisory body, or support service to enforcement, was also partly determined by available resources. Interviewees across the various time periods consistently stressed that lack of resources prevented the Commission from acting as a resource body. The latter will be developed upon in section two of this chapter.

The second factor having a significant affect on how Commission members conceived their role is the fact that enforcement takes precedence over education. All interviewees, with the exception of one, stated that in

theory the Commission perceived its role in education as equal to that of enforcement, yet equality has never been reflected through resource allocation. The major reason for the latter appears to be the fact that legislation gives precedence to enforcement over education. Thus the Commission members are required to deal with each complaint they receive, or they may be subject to legal consequences. As two interviewees explained:

We could be challenged in court by a mandamus if we are not doing our enforcement work, if we are not taking in complaints, if we don't investigate. It is not the same with education, as long as we do some activity in education, we are not subject to the same legal scrutiny.

(Interviewee, 1975-1978)

Given that the Act does not require us to discharge our education mandate, but does require us to discharge our enforcement mandate, if demands for enforcement increase to the extent that they erode the support base for education, as has been the case in the past, and unfortunately it appears to be a future trend, when the underfunding occurs its more or less a reactive disability if you will, in terms of what happens to education. Its not something that is intentional on the part of the Commission. We have taken the position that education should be equal.

(Interviewee, 1982-1986)

All interviewees, with the exception of one, expressed dissatisfaction with the lack of parity between education and enforcement. This being the case, Commission members have been largely unable to provide for long term educational goals, or any significant follow-up to educational activities. Commissioners and education staff are well aware that when caseloads become overwhelming, it is necessary to transfer, temporarily, education staff to

enforcement. The following interviewee explains the negative consequences of such transfers.

Education is second to enforcement, this is obvious when, for example, an education officer gets transferred to enforcement because they are short in that area. There has never been someone transferred from enforcement to education because they were short-handed in education. It happened in 1978, when the education officer position was terminated and the officer working in that position the next day walked into enforcement. As far as I know its still very possible today. What happens then is that the person who may have been involved in any community development activities or other activities may have made many first step beginnings and began developing an education activity, while the bubble breaks in their face and they are taken off education, for some months, the next time they return to the project the level of interest they worked to maintain is no longer there. The fact is that the Commission is so swamped with cases and see enforcement as their primary responsibility. So if education has to be sacrificed, or on the side temporarily to carry on their primary function, then so be it.

(Interviewee, 1982-1986)

A second interviewee expressing similar sentiments stated that it has been the case under the present Commission that an education officer was transferred to enforcement for several months.

It seems that what are perceived as limited resources available for human rights in general, paired with the fact that enforcement has taken precedence over education, has created a situation whereby the resources available for Commission activities have been directed primarily towards enforcement. While the Act may attempt to give equal status to education, it does not make education mandatory. Thus, in times of diminishing resources the Commission tends to do

what it is required to do; consequently enforcement takes precedence over education.

ATTITUDES CONCERNING EDUCATING AN ADULT POPULATION

An overview of responses to the interview question: What factors contributed to public schools having high priority? give some insight into how Commission members have perceived their educational role. It appears that Commission members never expected to change prejudicial attitudes held by an adult population. Rather, it has been and continues to be the view that the Commission is responsible to educate adults in two respects:

- 1) To inform adults of their rights and protections under the Act.
- 2) To inform adults of their responsibilities under the Act.

In this sense, the Commission does not view itself as educating adults on the intrinsic worth of human rights.

The Commission does not view its function as educating persons on the "rightness" or "wrongness" of holding certain beliefs or exhibiting certain behaviors as opposed to others. The Commission has concerned itself with an "information oriented" or "fact oriented", type of education program.

As expressed by one interviewee:

Everyone recognized the area we should get at was the kids. Saying, look we are all the same, try telling this to an older person. The older element can be damn hard to change, you need the enforcement, I still think we need the education element, but in this sense, you say look we are going to explain the Act to you, if you don't understand

it we are prepared to meet with your staff and explain it. But it's a different kind of education at that level. Here you are creating awareness of the Act itself, or reacting to a complaint. Not like when you're getting to the kids, that is, you are trying to get at the general development of the attitude change.

(Interviewee, 1975-1978)

Paired with the difficulty associated with educating adults is the issue of resources required if such education were in fact possible. Again one notes the link between available resources and how Commission members perceived their role in fulfilling the education mandate. This link is identified in the following response:

We really thought, and I still believe, that the key in terms of when you deal with a problem like educating people on human rights, is that there is the problem of a million people, a lot of them have vices, and a lot of adults, unless you have thousands of dollars to spend, you can't realistically change attitudes of these people. So we said look, the only way we can really have impact is to try to deal with the educational system.

(Interviewee, 1975-1978)

The latter sentiment was expressed consistently by interviewees from all four time periods. Thus, it can be reasonably judged that over all four time periods Commission members viewed activities developed for educational institutions as the proactive strand of their work. Further information of the intent to penetrate educational institutions will be developed later in this chapter.

Attitudes concerning the education of an adult population, along with enforcement taking precedence over education and the perception of insufficient resources, all contributed to the manner in which the Commission's

education program developed. At certain points in the analysis to follow, these variables will be examined in more detail; in these instances the ramifications discussed here should be recalled. The remaining portion of this chapter will consist of four sections; each section will address the findings and interpretations of one of the four research questions. Thus the format will be as follows.

- Section 1) How has the Commission conceived its role in fulfilling the education mandate.
- Section 2) What is the relative importance given to education in relation to other activities?
- Section 3) What areas of discrimination has the Commission emphasized in pursuing its education mandate?
- Section 4) To which institutions, organizations and groups has education been directed.

HOW HAS THE COMMISSION CONCEIVED ITS ROLE IN FULFILLING THE EDUCATION MANDATE

1971-1974: First Period

During its first year in operation Commission members appear to have had a vague conception at best, of what their role was intended to be with respect to providing human rights education. In an attempt to determine what the goals and priorities should be in pursuing the education mandate, Commission members explored two routes. First, they examined the mandates of existing human rights commissions in Canada and the United States. According to one interviewee this review was of little use to the Commission, as existing Commissions had much larger budgets than the Manitoba Commission, (Interviewee, 1971-1974). However, the

Commission did conclude that there was a need to develop educational programs in coordination with law enforcement.

After studying the experience of other human rights agencies in North America, one lesson which became clear to the Commission was that the low-key educational approach of earlier years was no longer effective. To do the job right would involve effective enforcement of the Manitoba Human Rights Act and large-scale public involvement in imaginative educational programs to change discriminatory patterns among individuals, groups and institutions.

(Manitoba Human Rights Commission, 1972, p.3)

The second route pursued was to solicit information on public concerns in the area of human rights, at the same time making Manitobans aware of the Act and its ramifications. Public hearings were held during September and October, 1971, and 151 meetings were held with minority groups and organizations, service organizations, employers, unions and proprietors between April 1971 - March 1972.

By December, 1972, Commission members had identified three general objectives they intended to pursue in fulfilling the education mandate.

...(1) to establish programs which generate awareness of the Act, such as minorities, employers and unions, and (2) to foster a critical examination, especially by the young, of prejudice and discrimination and (3) to challenge the stereotypes that have been built up by a succession of generations, each passing on its misconceptions to the next one.

(Manitoba Human Rights Commission, 1972, p.3)

The manner in which Commission members perceived their role in carrying out these objectives seems to have been one of: "to create an awareness and let them come to us" (Interviewee, 1971-74). A similar sentiment was expressed by second interviewee from this period.

Commission members soon found this strategy to be ineffective for two reasons. First, the Commission lacked the resources to create a general awareness; second, they generated awareness among groups holding certain characteristics, not necessarily groups most in need of human rights education.

We were able to provide some resources at first, but groups did not utilize us, except for very organized groups. For example women's groups. We just didn't have the resources and staff to reach those groups which were unorganized and needed this kind of education. We said here we are, use us, but the people who used us were for processing complaints, or those who already knew enough to benefit from us.

(Interviewee, 1971-1974)

At the beginning we tried to be both proactive and reactive, but as case load increased it became obvious that we could not adequately carry out the mandate for education, considering our available budget and staff. So we contacted already established organized groups Schools were identified as an area to be penetrated, as a preventive awareness. To implement programs in the schools was the main thrust.

(Interviewee, 1971-1974)

At this point, it is important to distinguish between how Commission members conceived their role, and the extent to which they could effectively fulfill this role. The Commission was viewed as a resource body for both complainant and respondent groups, members saw their role as a proactive as well as reactive one. The role they set out to pursue can be observed in the type of objectives they set for themselves. For example, during the latter part of 1972, the Commission adopted a policy for assisting

employers in developing training and hiring procedures, the objective being to increase the number of Native persons employed. A similar policy of providing technical assistance was also adopted, with the intent to increase the number of females in certain areas of employment (Human Rights Commission, 1972).

Although objectives such as the latter were initially identified as areas which needed to be addressed by the Commission, Commission members soon recognized that lack of resources and an increase in caseload prevented them from assuming such responsibilities.

The Commission has wide responsibilities under the Act in human rights education, and is striving to achieve a good balance between its heavy case load and its educational and research responsibilities. The time required for case work competes for time required to pursue the Commission's educational goals.

(Manitoba Human Rights Commission, 1972, p.9)

Since the Commission had began its term with a zero case load, they were unaware of the demands they would encounter in processing complaints. They soon found that they were processing more complaints than had any other newly established Commission in Canada (Human Rights Commission, 1972).

An increasing volume of complaints prevented Commission members from pursuing programs such as those intended to increase the numbers of Native persons actively employed. However, they continued to pursue their initial decision to make Manitoba public schools an area of emphasis in

fulfilling the education mandate.

Priority will be given by the Commission in the coming year to promoting equality of opportunity and treatment within the school system. We plan to work with school authorities to ensure that positive steps are taken to portray various groups and human rights issues objectively and fairly and that schools function in such a way as to offer full opportunities to all children in the province in every aspect of education.

(Manitoba Human Rights Commission, 1972, p.21)

It seems that the decision to maintain the emphasis on schools was partially a response to fulfill the proactive element of the education mandate in the most feasible manner possible.

Part of the mandate of the executive secretary, who remember was our main source of contact with the community, was to get in touch with the Department of Education and work closely with them to have contact within the school system. So you could say our main thrust was to implement programs in the schools.

(Interviewee, 1971-1974)

The Commission pursued this objective by hiring three University of Manitoba students, who "reviewed most Social Studies text books approved for use in Manitoba schools in order to assess in what ways, if any, the books reflected bias against minority groups and women." (Manitoba Human Rights Commission, 1972, p.22). In their 1972 annual report Commission members further stated their intent to continue to evaluate text books bias, and bias in other teaching materials, and to develop a human rights program to be incorporated in the curriculum at various grade levels. In summer 1972, Commission staff began working with members of the Manitoba Teachers Society, the provincial Department of

Education, and Dr. Morrison, of the University of Manitoba's Faculty of Education, to develop such a program.

While the Commission appears to have maintained its thrust in establishing links with educational institutions, education provided to complainant as well as a respondent groups became very reactive in nature.

I thought we should emphasize those areas that were traditionally discriminatory in nature, like race, colour, creed. Sex discrimination was in the Act and was something that came (to be) very much utilized by womens' groups. I had to fight to keep what I felt was an appropriate balance between sex discrimination, and race, colour and creed. What happened was that the Commission started to appear as if it was emphasizing sex. It became in my opinion unbalanced, because of the crisis response to complaints.... We tried to balance that with education, and that's where the education program came in.... What we tried to do first of all, we thought the schools were very important, we tried to make contact there.

(Interviewee, 1971-1974)

What appears to have occurred between 1972 and 1974 was a change in the initial perception of being a proactive force in curtailing discrimination, to the view that their role had to be determined more narrowly within the limitations of available time and resources. Speaking of the situation as it was toward the end of 1973 one interviewee states:

Because resources were limited, but education was important, the result was it became fragmented. The human rights officers that were hired, I think were overworked and frazzled with complaints. They were unable to assist the executive director who was mandated to do the education work.... He became totally swamped with sex discrimination cases. I thought the Commission would become less objective because it would lose its impact on the rest of the community, and therefore be less effective and less important to the other groups in the community.

(Interviewee, 1971-1974)

It seemed that as time progressed members of the Commission became more and more pessimistic in how they conceived their role in fulfilling the education mandate. The perception was that they did not have sufficient resources to effeciently deal with incoming complaints, and this greatly affected the amount of time and resources they could allocate to education. Initially they saw their role as two-fold. It was proactive in that they viewed themselves as responsible for initiating programs which would combat traditional areas of discrimination, for creating an awareness of the Act among respondent and complainant groups, and for fostering human rights education among students of Manitoba public schools. It was reactive in its attempt to act a resource for groups or individuals seeking aid. With the exception of activities initiated in Manitoba public schools, interviewees from this time period expressed great disappointment in their ability, given the available time and resources, to fulfill the educational role they set for themselves.

The general sentiment toward the end of 1974 seemed to be one of desperation and frustration.

Really, the legislation was designed to be a pie in the sky type of solution, to a problem which is age old and never has a solution probably by legislation. You cannot change the hearts and minds of people by law, you can only gradually, by a variety of mechanisms try and influence the way people perceive the rights of others.... The Commission didn't have the resources to provide this kind of education.

(Interviewee, 1971-1974)

By the end of 1974 members of the Commission came to conceive their education role as being a support service to enforcement. Basic to this role was responding to requests for information on human rights and the Act itself. In addition to being very reactive in nature, education of this kind is subject to the criticism of "preaching to the converted" (Interviewee, 1975-78). The Commission continued to do some work within the public school system, but even initiatives here were somewhat strained. Projects were short term in nature, with little by way of follow up or evaluation. Lack of resources remained a major hinderance to the Commission's education program.

In proportion to the availability of staff and other resources, the Commission conducts a human rights education program throughout the Province.
(Manitoba Human Rights Commission, 1975, p.29)

1975-1978: Second Period

During 1975 two major changes took place within the Commission: all commissioners with the exception of one were new appointments; there was an addition of seven staff members, one of whom was allotted to education, bringing the education staff to two.

The stated changes had some short term ramifications on how members of the Commission conceived their educational role. However, as was the case with the previous Commission, heavy case loads soon determined how effectively the Commission could fulfill the educational role they set for themselves.

The new Commissioners began their term with some dissatisfaction regarding what had been done in the area of education during the 1971-1974 time period. Reflecting on the educational activities of the previous Commission, one individual stated: "Really, I think there was so much chaos in there before, that not a lot was being done in educationTo be fair to them... they were just getting started". (Interviewee, 1975-1978). While the 1975-78 Commission recognized from the outset that there were defects in the Commission's education program, there seemed to be a lack of recognition of any limitations placed on the educational work of the Commission due to insufficient resources.

The general dissatisfaction regarding past educational activities, paired with an increase in staff, resulted in an attempt to make education a thrust unto itself.

Under Mel's chair we actually set up an education committee of the Commission. So structurally education then began to have more attention, from the top. This was important, because until then education was seen basically as a support service to enforcement. This was the beginning of education as a thrust unto itself.

(Interviewee, 1975-1978)

At the early stages we tried to be an initiating body as well as a resource. We wanted to look into situations and not wait for some particular group to come to us and say here is a problem. During the early years we wanted to go out and examine things and see if there was a problem.

(Interviewee, 1975-1978)

Unlike the 1971-72 time period when Commission members were unsure of what their educational role should be, members of the 1975 Commission began their term with a seemingly firm

conception of what its role was to be in fulfilling the education mandate. At the outset members perceived themselves as a proactive force in preventing discrimination, and held a somewhat negative attitude of the perception that education was simply a support service to enforcement. In the 1975 Annual Report the Commission states this categorically: "The fundamental goal and task of the Human Rights Commission is to change attitudes- admittedly, a long term goal. The presence of the force of law in the form of anti-discrimination legislation is but one important educational tool." (p.3).

While the 1975 Commission was similar to the previous Commission in its intent to take a proactive role in fulfilling the education mandate, as well as placing a major emphasis on education directed at Manitoba public schools, there is a major difference in the manner in which members intended to pursue these goals. What becomes apparent in the 1975-78 period is a transition from "teaching" about human rights and the Act to "collaborating" with groups, organizations and institutions on promoting human rights.

The shift from teaching to collaborating can be observed in statements of intent described in Commission Annual Reports.

Where necessary, and where possible, the Human Rights Commission seeks to develop working relationships with other Departments and Agencies of government.... With the Civil Service Commission, there has been an examination of the hiring and employment practices of the government itself. With agencies such as the Ombudsman, the Women's

Bureau, and Legal Aid there has been frequent consultation.

(Commission, 1975, p.11)

Since a considerable number of discriminatory acts occur because of ignorance of the law, the Commission has focused on preventative programs. Such programs stress the positive ways in which major sectors of the community can co-operate to achieve a greater measure of equality of opportunity for all Manitobans.

(Commission, 1975, p.15)

The intent to fulfill the education mandate through a coordinated approach with groups external to the Commission is also observed in the kinds of activities initiated by the Commission.

An attractive series of four posters was printed to publicize the major areas where discrimination is prohibited.... The posters have a dual function as an important source of information for minority group members and a sign of good faith by business sectors who wish to demonstrate that they are equal opportunity businesses.

(Commission, 1977, p.19)

The Commission recognizes that to withdraw books is not always a viable alternative since alternate non-biased material is not always available.... To assist educators in identifying and combatting bias in primary school teaching materials, the Commission cooperated with the Department of Education in producing a handbook entitled "Confronting the Stereotypes".

(Commission, p.24)

This new approach to education required the Commission to act as both a facilitator and a resource body. A role requiring not only creating an awareness and letting individuals come to them, but one of providing an initial thrust, and enough follow up to let the initial awareness filter through the system and carry itself. During its second year of operation members of the Commission began to

question their ability to effectively fulfill this role. The following sentiment was expressed by an interviewee reflecting upon his/her second year with the Commission.

After being on the job for some time we concluded that the most effective way to use the educational process was two-fold: one was to publically announce any settlement whether it be landlords, employers, for victims to know that the Commission is viable and doing things. I don't think we do that as much today, we made a point of that. We announce settlements without names. For example, certain landlord insulted person X, damages were paid for violation of dignity etc., and a letter of apology in addition to X dollars were paid. This was a direct attempt at education, in fact it acted as a deterrent for employers as to what standard of conduct he should comply with, what society expects of him.

(Interviewee, 1975-1978)

The view expressed in the latter quotation conflicts with the educational role Commission members initially set for themselves. The type of education described is reactive in nature, and thus in opposition to the proactive or preventive role they intended to pursue. The activity described seems to be very much a support service to enforcement; the initial intent was to guard against an education program which would serve only as a support service to enforcement. Finally, the cooperative approach described as being desirable in maintaining an effective education program runs counter to the type of activity described by the interviewee. Thus the question becomes, what factor(s) contributed to this seeming shift from proactive to reactive, from cooperative to threatening?

In response to the latter question all interviewees for

this time period, as well as two interviewees from the time period which followed, identified lack of resources as being the major cause for this shift.

We needed to use our resources to complete the enforcement, they were more pressing.

(Interviewee, 1975-1978)

At first we wanted education to be a very important part of our mandate, but eventually we didn't have enough time because we had to deal with a backlog of cases. The Commission also looked at the cases the staff were involved in, and some cases later became court cases, so a majority of our time was spent on case work. Education was always on our mind, we were always trying to make it a greater priority than it had become.

(Interviewee, 1975-1978)

We just didn't have any money. I remember we tried to deal with the Deputy Minister of Education. Saying, look, we have X numbers of dollars, we are prepared to shoot the bolt, give you all our money outside of staffing that we can use in that area to hire somebody to work, a skilled teacher to work, and that's all we had. If I had the money, if the Commission had the money, we would have hired a teacher and plugged that into the schools. So we just didn't have the money, couldn't get it. If they had enough staff and volunteers we could say, for this month we are finalizing that, and you could have the follow-up at this time. But it takes resources, money and people. It came down to one thing, money.

(Interviewee, 1979-1981)

This apparent lack of resources is also expressed in the 1976 Annual Report.

The Commission has declared basic educational goals from time to time, and enunciated certain priorities of educational work. But in reality the Commission has been repeatedly unsuccessful in securing adequate staff and budget to implement even a limited fulfillment of the educational program.

(Commission, 1976, p.12)

What is interesting to note is that the direction taken by Commission members in fulfilling the educational mandate, upon recognition of the apparent lack of resources, is similar to the direction taken by the previous Commission. The attempt to educate respondent groups basically took the form of education through complaint mediation. "The use of mediation procedures often proves more effective in promoting public awareness of, and compliance with, human rights legislation." (Commission, 1977). The speaker system remained intact providing opportunities for Commission members to speak to various groups upon requests, again a very reactive form of education and subject to criticism of "preaching to the converted". Finally, educational initiatives within Manitoba public schools came to be viewed as the proactive strand of the Commission's education program, and an attempt was made to maintain an emphasis in this area.

Of the three forms of education described above, education directed at public schools has been emphasized throughout all time periods. A possible explanation for the latter is the inability of the Commission to fulfill its mandate with respect to educating respondent groups. Upon formulating what their role should be in fulfilling the education mandate, Commission members generally perceived themselves as being proactive in educating respondent groups. However, as the case load increased and resources were perceived as becoming more inadequate, to attempt to

educate respondent groups in a proactive manner was no longer viable. There was little follow-up on initial interactions with respondent groups, thus the impact of these interactions was minimal. This being the case Commission members decided to direct the proactive element of their work to educational institutions.

While the manner in which the Commission pursued its education mandate shifted during this period, educational goals remained the same.

The education mandate was intended to do two things: since the Act was relatively new, we needed to educate groups on the meaning of the Act, also potential respondents of their responsibilities under the Act. And second, to have a major thrust in the schools.

(Interviewee, 1975-1978)

1979-1981: Third Period

During 1978 two major changes took place within the Commission: once again, all Commissioners with the exception of one were new appointments; Premier Lyon brought in measures of fiscal restraint resulting in a radical reduction in the Commission's budget. Thus, staff was reduced from nineteen to fifteen and both education positions were eliminated. These changes appear to have had short as well as long term effects on how Commission members conceived their role in fulfilling the education mandate.

Long term ramifications of budget cutbacks caused members to conceive their role in education as a "make do approach" (Interviewee, 1979-1981). This approach is further reflected in the 1978 Annual Report.

The Task Force report recommended that the Commission concentrate on complaints received under the enforcement program. This recommendation meant that the Commission's preventative programs largely had to be abandoned in 1978. It also meant that any new or innovative Commission initiatives would have to remain within budget.

The Task Force recommendation was implemented by an administrative directive from the Department of the Attorney General with instructions to reformulate the educational thrust of the work.... Also, when additional enforcement staff were denied through budget restraint, the two Program Officers in Winnipeg relinquished the bulk of their educational tasks to become enforcement officers.

In terms of operating budget, the budgetary reduction dictated that such cuts come in large part from the educational branch of the total program. In future, initiatives in community outreach, public information, liason with the public school system would have to remain within budget.

(Commission, p.20)

With no education staff and a desire to keep some form of education in tact, Commission members established standing committees in 1979. Five committees were established, one of which was the Education Committee. The Education Committee consisted of six Commissioners; Commissioners met five times during 1979 to discuss the Commission's education program and develop goals in this area. "The mandate of this committee was to study the educational functions of the Human Rights Commission and to make recommendations to the Commission." (Commission, 1979, p.17). Thus, even after seven years in operation, members were still uncertain of their educational role.

Several recommendations were made by this Committee

throughout the 1979-1981 time period; these recommendations if put into effect may have made the Commission's education function more viable. However, recommendations appeared somewhat idealistic considering the budget cutbacks incurred by the Commission. An interviewee from this time period reflects upon one such recommendation:

We wanted to set up a satellite office. The purpose was to get the Act more widely known in Manitoba. We thought to do this was to have more visible presence. So we had the office in the Pas at that time, which was fairly well hidden, it was in a government building. So our recommendation after looking and visiting the office, was that they move the office to a more store front type, so that its more visible and accesible to the people in the Pas. We also spent some time in Brandon, looking at setting up a Human Rights office there, which I believe the present Commission has done. So we made the recommendation to the Commission regarding the Pas, to be more visible, depending on how much available funding there was, and to set up one in Thompson and Brandon. The problem was the money, you need an officer, secretary, rent etc., So the government was not prepared to advance the money, but the Education Committee reported back to the Commission, this is what we think should happen, the Commission agreed and made a recommendation to the Attorney General.

(Interviewee, 1979-1981)

The Commission had no formal education program in place. Education during this period resulted from a series of recommendations, recommendations which were or were not put into practice, depending upon availability of resources.

When implementation of recommendations was feasible, the type of education which resulted was in the main reactive. It should be noted, however, that some proactive work was done through Manitoba public schools. The reactive thrust of educational activities can be observed in the

following statements.

Shortly after I started... all program staff were enforcement staff, and we didn't get anymore until about 1982.... So for almost five years there were no education officers, or designated education staff, but during that period we still did some education, mostly we responded to requests for speakers and distribution of literature. That sort of thing, a basic maintenance kind of level activity.

(Interviewee, 1979-1981)

Under the new Commission we effectively had no education mandate, or didn't exercise it.... So we suffered a serious setback in the education program, and it was also a setback because previous initiatives couldn't follow through. For example, school projects really needed follow through.... For education it was sad time, we attempted to keep the skeleton of an education program. We didn't treat it as dead and buried, we treated it as put on hold for a while.

(Interviewee, 1979-1981)

Education took a varied form, it should have been publicized better, it was hampered by funds. The public has to ask for speakers and workshops, that's why it should have been publicized more, films that are available, the public had to ask for it.

(Interviewee, 1979-1981)

Again the reactive nature of educational activities during this period was subject to the criticism of "preaching to the converted". According to one interviewee this was a basic flaw in the Commission's education program.

People became more aware of the Act, but if you asked me if the right people became aware, I would say no. Sometimes I think we are talking to the converted. Yes people were willing to listen but they are the ones who need it the least. The ones who need it the most don't step forward.

(Interviewee, 1979-1981)

Not everyone, however, agreed with this evaluation. Rather upon establishing the Education Committee it was the opinion of some Commission members, particularly those individuals

on the Education Committee, that members could effectively fulfill the education function of the Commission's work. This apparent confidence can be observed in the Education Committee's response to the Manitoba Association for Rights and Liberties (MARL) Task Force Report (1979).

In 1979 the Education Committee was asked to study the MARL report regarding the Manitoba Human Rights Act. The Committee's response to statements made on page four and sixty-four of the MARL Report are particularly noteworthy. Statements on page four and sixty-four of the Report are reproduced for the readers examination.

Moreover, we find that the Commission has been severely handicapped in its ability to carry out its mandate by what we believe to be unwarranted and unfortunate budgetary cutbacks.

(MARL, p.4)

It is, therefore, recommended that the annual budget of the Manitoba Human Rights Commission be substantially increased to a level which, in the opinion of the Commission, will permit it to perform adequately for all Manitobans the duties which it is called upon to perform by the Human Rights Act.

(MARL, p.64)

The Education Committee was not in agreement with these sections of the report, and responded as follows:

(page 4 and 64 of the Report) are not agreed with by the Committee who do not feel that an increase in budget automatically equals better service. Enforcement staff since 1978 have been assigned educational functions and duties with no detrimental effect in the compliance mandate. The Education Committee and Public Relations Sub-Committee have supplemented and attempted to expand the educational functions of the Commission.

The Committee agrees with the importance of the Educational mandate and sees the Commission

extending a greater thrust in this area, most particularly in providing services to schools - firms, materials, speakers, etc. - which are beginning to instruct in Human Rights as part of the revised Social Studies Programmes. We have, however, proposed an expansion of services to Northern Manitoba, most notably an office in Thompson, and as well we feel that a research/study co-ordinator would be of great benefit to the Commission.

(Education Committee, 1981, p.1)

The above response supports two previously identified characteristics of this time period. First the reactive nature of the Commission's educational activities. The statement "enforcement staff since 1978 have been assigned educational functions", basically refers to speaking engagements attended to by enforcement staff. Thus, when the Commission received a request to speak to a particular group, where staff was available the request was fulfilled. The Public Relations Sub-Committee established in 1980 was an extension of this type of reactive education.

The second characteristic to be noted is the thrust to maintain some contact with educational institutions thus providing some form of proactive education. The latter was expressed in both Annual Reports and by interviewees.

The Educational Committee researched the proposed purchase of rights to "The World of Button" a Human Rights Film which would be made available to the schools. The Commission accepted this proposal and included this purchase in its proposed budget for 1980.

(Commission, 1979, p.17)

We sent a letter to all the high-schools, junior-highs. Saying, we have public materials available which explain what discrimination is The response was good, quite a few speaking engagements, but always limited. You have to

remember these staff officers were also required to do enforcement, so they had other case loads.
(Interviewee, 1979-1981)

While the Committee's response to the MARL report supports the prevalence of certain characteristics during this time period, it also contains some divergence from the views expressed by interviewees. According to the Committee's response, the education component of the Commission's work was not hindered in any significant way due to budget cutbacks. The fact that interviewees from this time period expressed that a "make do" approach resulted from cutbacks, presents a contradiction between the Committee's response and interviewees responses.

An attempt to make sense of the apparent contradiction leads to a consideration of the following factors: the experiences of previous Commission members who found their work hindered by what they perceived as underfunding, even with the aid of two education officers; the fact that the number complaints processed during this time period increased; and the responsibilities of the Education Committee was not confined to education. With respect to the latter consideration, one interviewee stated:

Sometimes the Commission itself would say, will the Education Committee take on this responsibility or that. For example, we had a teacher living with a girl in a Mennonite community in rural Manitoba. They fired him, everyone knew why, he complained to the Commission. Just because the guy's a teacher for no other reason, they said to the Education Committee, will you take this job on, do a study on it, do a report, and report back to the Commission on your findings.... The Education Committee was asked to study the MARL report and

recommend back to the Commission, and the Attorney General what should be their approach on this. So we did that, and we made a big report back.
(Interviewee, 1979-1981)

Consideration of the latter quotation lends support to the idea that Commission members conceived their educational role in terms of the "make do" approach expressed by several interviewees. It was only in the case of one interviewee where there was an insistence that budget cutbacks did not significantly affect education. However, this same individual later responded to the question "Do you feel education should be part of the Commission's responsibility?" by saying "Well as long as its in the Act it has to be, perhaps we all, everybody paid a lot of lip service to it." (Interviewee, 1979-1981).

1982-1986: Fourth Period

1982 brought with it two major changes to the Commission: all Commissioners were new appointments, and there was an addition of two staff members, one of whom was allocated to deal with the educational needs of the Commission. These changes were seen to have a definite impact on the manner in which Commission members conceived their role in fulfilling the education mandate. As was the case during the 1975-1977 time period education regained its former status of having a thrust in and of itself.

There was a clear shift in my view under Dale, it was a dynamic period, the Commission became more high profile, and this had a spin-off on education. The Commission said clearly "let's take education and go with it."
(Interviewee, 1982-1986)

Emphasis on Education and Training

Another educational initiative was the creation of an Education and Outreach Committee... the formulation of long-range objectives for the education and outreach programs and initial planning for community volunteer programs which will allow the Commission to accomplish more with the existing limited educational resources.
(Commission, 1982, p.9)

A Higher Public Profile

The Commission resolved, early in the year, to display a higher public profile than in past years by making available to the news more information about its activities. Special attention was given to educational statements about public matters that are beyond the Commission's enforcement jurisdiction, but fall within the "spirit of the Act"
(Commission, 1982, p.8)

Two views become apparent from these statements, first, is the perception that the Commission had limited resources which could be used for educational purposes; second is the recognition that there was a need to make Manitoba residents more aware of human rights issues than had been the case in the past. It is interesting to note that educational goals remained similar to those noted during the 1971-1974 period. One interviewee reflecting upon the 1982-83 time period states:

Goals were to promote an awareness of the Commission among those people who are most likely to be discriminated against and those people who are most likely to discriminate.

(Interviewee, 1982-1986)

This apparent similarity in goals, paired with the stated intent to pursue a "Higher Public Profile", seems to indicate that to this point (1983) the Commission was

dissatisfied with the level of awareness among Manitoba residents regarding the Act and the role of the Commission in administering the Act. While there was a stated intent to develop some long term strategies for implementing the stated goals, there was no conscious decision as to whether strategies were to be reactive or proactive. Annual Reports for this time period tend to indicate that educational activities with the exception of activities directed at educational institutions, were reactive in nature.

The preparation of materials for a speaker's program; and a committee to plan educational projects to respond to the needs of the Native community.

(Commission, 1983, p.11)

When a Winnipeg member of Parliament became involved in a controversy over remarks he made concerning South Africa's racial policies, the Commission issued a public comment about his use of what was regarded as unacceptable stereotypes.... When a member of the Manitoba Court of Appeal made comments from the bench which reflected poorly on Native Indians, the Commission again took the opportunity to point out the insidious dangers of group stereotypes.

(Commission, 1982, p.8)

Unfortunately, before any long term strategies could be implemented, lack of resources began to indicate the manner in which the Commission would conceive its educational role.

... With no likelihood of additions to the education staff and the possibility that we will be unable to continue with the Volunteer Program, our ability to take the initiative in preventative activities and projects, more effective human rights education, and the promotion of affirmative action and other special programs will continue to be severely constrained. The Commission will, nonetheless, strive to carry out all aspects of its mandate as effectively and effeciently as possible.

(Commission, 1984, p.12)

Again one notes a retreat from "education as a thrust unto

itself" to a "make do" situation. With the exception of education directed at educational institutions, education continued to be reactive in nature. Commission members recognized their inability to act as a resource body, and began to perceive their educational role as that of a facilitator. At this point there appears to be a return to the 1975-1978 approach of working in cooperation with other groups, an approach which has continued into 1987.

What we tried to do, and still do now, is to work through other people. For example, educators, professional associations or chambers of commerce to facilitate distribution systems that may be there. For example we encourage teachers to teach students, we can't go to a hundred schools. We don't have the staff. We can do far more working through the system than on our own. So realistically we work through others. With the resources we have to reach the numbers of people, really its the only way.... Our ability to function as a resource is very limited, in fact our library... its become a shambles, and we certainly don't have any budget for providing educational activities.

(Interviewee, 1982-1986)

The poster contest, "identified as the Commission's major educational initiative in 1983" (Commission, 1983, p.9), is an example of an educational activity chosen for its ability to reach large numbers of students at a relatively low cost and in cooperation with other groups.

The poster contest was able to draw the attention of thousands of students that there was a thing called a Human Rights Commission. That people have things called human rights, that there is a United Nations somewhere to promote human rights throughout the world. It may be the only time kids ever heard of such concepts, and close to one thousand posters were submitted.

(Interviewee, 1982-1986)

The Commission at that time very much had the view that getting through to children, we were more likely to have a meaningful impact on attitudes. So the contest fit into that, and it was the kind of project that didn't need a lot of resources which were scarce.

(Interviewee, 1982-1986)

Again one notes the emphasis on schools, an emphasis which seems to become more pronounced with the increased recognition of limited resources. The degree to which the perceived lack of resources affected the manner in which Commission members pursued the education mandate is also reflected in the 1983 Annual Report.

The Commission's major educational initiative in 1983—a public school poster competition—provides an excellent example of "doing more with less"

(Commission, 1983, p.9)

Thus, not only was the Commission restricted in pursuing preventive programs, but the reactive element of its educational work was also significantly hindered. The inability of the Commission to provide adequate education for all Manitobans becomes quite apparent when the Commission is unable to provide publications upon request. Commission members continued to pursue the education mandate under these circumstances until 1985, at which time there was a shift in their goals, as well as an addition of a halftime education staff.

With a staff of one-and-a-half working on the education component of the Commission's work, members appear to have reappraised the educational goals for the coming years. It seems that there was an increased recognition that the

education provided to the business community throughout the life of the Commission was basically reactive. Such education simply allowed the Commission to respond to the requests of the business community. Thus Commission members saw fit to provide a more proactive educational approach in dealing with this group.

A second factor contributing to a shift in priorities was the dissatisfaction among members regarding the image Manitobans linked with the Commission. They wanted to change their image of being concerned only with the rights of complainant groups; they wanted to be viewed as representing the needs of all Manitobans. This would mean proactive education for respondent groups. The following interviewee develops upon these concerns.

Later education became important, because in fact we represented the whole community, and our education mandate was important in terms of not just trying to get people to have more tolerance, but it was also important as part of our goal to educate the business community, so they know what is expected of them under the legislation. Whether we change their attitudes or not is one question, but they are entitled to enough information to be able to design their hiring practices for example in a way that it complies with the Act.... The legislation has to be fair, and its not fair if people don't know that they have a right to remedies.... In the past it has been a fair observation, and appropriately so, the human rights legislation in Manitoba is not that old, that the Commission is more inclined to educate the complainant groups. When you first pass a piece of legislation that provides protection and remedies to certain groups, I think your first mandate has to be to ensure that those individuals know. That has to be your first responsibility. So thats the way it was then, and it has fed into this perception. The victim comes to us with a complaint that initiates the enforcement activity.... If we

get on a board of adjudication or the courts, at that time we are on the side of the complainant. So our most public activity is one in which our role is quite clearly as an advocate for that particular individual.... So that perception, I think is founded a little bit in truth, (the interviewee is speaking of the perception that the Commission is more inclined to educate the complainant. That was the way it was historically in truth, and now because the public gets a somewhat distorted view of what we do, I think that is one of the things we have to counteract. We have to try to have a more public profile in terms of our role in educating the business community. So that we can be seen, on the educational side of it particularly, as being representative of and serving the whole of Manitoba. Not just one group or another.

(Interviewee, 1982-1986)

This shift in objectives is supported by a second interviewee's response to the question "Have these goals shifted in any way from the goals from the previous Commission?"

To try to promote that awareness of protections for many groups, not just the complainant group. In the past two years we have attempted to make a special effort to educate complainant parties: landlords, employers, people who provide services, informing them of their responsibilities, and the rights of others, and to avoid from falling into stereotyping people.

(Interviewee, 1982-1986)

While one notes a definite shift in the prioritization of the Commission's goals, this should not be mistaken to mean that prior to this time there was no attempt to educate respondent groups. Rather, it seems that there was a perception that the type and amount of education provided for these groups was ineffective. This point is brought to the fore when one reviews the statements of interviewees from the 1974-1977 time period. In speaking about the goals

of the Commission one interviewee states:

One goal was to familiarize the business community with their obligations under the legislation in order to prevent complaints from occurring, the Act was still relatively new, and often when complaints were filed the respondents wouldn't even know there was legislation existing, and they would say we thought that only applied to race not sex.... But there were periods where it wasn't enough, and the business community would be the first one to tell you that. The perception has always been, and I am not sure always accurate, but that we give more attention to complainant target groups. I am not sure it's always true, but there are some basis for the perception. So although we tried to maintain that aspect of the education mandate, I think at times we hadn't fully achieved it either.

(Interviewee, 1975-1978)

This increased emphasis on educating Manitoba's respondent community was exemplified in 1985 by the assignment of an education officer to deal specifically with the educational needs of the business sector. The remaining part-time officer was assigned to an area of long standing commitment, education directed at Manitoba's educational institutions.

The decision to allocate a half-time education officer to deal specifically with educational institutions was paired with a new approach to providing education. Interviewees across the various time periods expressed dissatisfaction with their inability to follow up on educational activities initiated through educational institutions. The 1982-1986 Commission members recognized this problem as being detrimental to the education program, and is attempting to counter it by formulating a long term strategy to institute human rights education in Manitoba schools. With respect to the latter, one interviewee

stated:

In 1985 the Commission decided we have to take a look at schools, but we can't do this project kind of approach of the past, we have to take a long term approach to it.... Our goal at present is to sensitize people to the needs, to integrate human rights education into the present curriculum, as opposed to a separate curriculum. It has to be balanced with teacher training background, for teaching values etcetera.... Again, I see a greater emphasis on proactive education and long term planning.... It's a three year plan, hopefully leading to a model school.

(Interviewee, 1982-1986)

For approximately two years the Commission has been in the process of formulating and putting into effect the initial stages of the long term approach identified above. While the Commission has initiated proactive activities in this area, such activities can easily fall victim to the same difficulties encountered by previous Commissions. The initial thrust is often intense in the case of new educational initiatives, but it has often been the case that limited resources prevent the high level of activity maintenance and follow-up required for long-term proactive programs. The possibility of incurring such difficulties is apparent to those involved in pursuing the education mandate.

It's difficult for long term planning because we basically have no budget, so we can't count on any money for future projects.... If things were really tight we might perhaps have just a half time education officer.

(Interviewee, 1982-1986)

One notes that if education staff were reduced to a half-time officer, or even a single officer, the long term plans

presently in progress would most likely come to a standstill.

**WHAT IS THE RELATIVE IMPORTANCE GIVEN TO EDUCATION IN
RELATION TO OTHER COMMISSION ACTIVITIES**

Throughout its existence the Commission has been required to fulfill two basic functions: enforcement and education.

The Manitoba Human Rights Commission is the agency chiefly responsible for carrying out the provisions of the Human Rights Act. The Commission is authorized by the Act to further the principle of equality of opportunity in two distinct ways: by processing individual complaints of conduct alleged to discriminate in violation of the Act, and by education.

(Commission, 1983, p.6)

During 1984 a third function was added to the responsibilities held by the Commission.

The Commission is authorized by the Act to administer the enforcement provisions, to carry out educational activities, and to consider and approve applications for approval of special programs in employment, housing, and services.

(Commission, 1984, p.6)

This third function was treated as part of the enforcement mandate until recently (1986) when Commission members were given a legal opinion indicating that they misinterpreted this section of the Act. They interpreted the legislation to mean that a special program could not be put into effect without their approval. The legal opinion given was that the legislation didn't require prior approval, but required that the Commission process any complaints indicating that

such a program was discriminatory in nature. With this new knowledge Commission members had to decide upon the manner in which special programs would be handled.

While one interviewee expressed the intent to shift the responsibilities associated with special programs to the education component of the Commission's work, this shift has only begun to take effect in 1987. A second interviewee expressed the view that the officer assigned to the area of special programs carries out her duties in a manner consistent with enforcement objectives not education objectives. These two positions are contrasted below.

Affirmative action is now more connected to public programs. It has shifted out of enforcement. So I think its a natural part of education now, public programs.... Affirmative action, particularly in Manitoba, we don't have a mandatory Affirmative action legislation in our provisions, in our legislation. Businesses who want to set up affirmative action do so voluntarily. Education clearly has to be connected with that. If we are going to promote the idea of affirmative action without legislative requirement, we have to use education to implement, convince, inform, assist etcetera. So I see those two areas as being very intertwined.... In the past it has been that Company X comes to us and says we want to do such and such, we think it's A.A., or fits under special programs, and an officer would look at that and take it to the Commission. The Commission would say yes that fits, it's approved.

(Interviewee, 1982-1986)

If you count the affirmative action officer as a part of our education staff, then we would have two and a half education staff. But the affirmative action officer has never spoken to a group. She simply processes applications.

(Interviewee, 1982-1986)

The latter individual went on to discuss the procedure for processing applications in the same manner as did the former

interviewee.

While the 1985 annual report links special programs with the Commission's education mandate, a second interviewee linked special programs with the Commission's enforcement mandate. Within the limitations of the research question addressed here, it is not essential that one determine whether special programs are more intertwined with the education mandate or the enforcement mandate. Since special programs appear not to be viewed as a function in and of itself, but rather linked with either enforcement or education, one cannot weigh the importance of special programs relative to enforcement or education. It should be noted however that during the 1982-1986 period there has been an attempt to shift what has been previously considered an enforcement issue to an educational item. Since this shift is fairly recent (1985), the outcome waits to be seen.

For the purposes of examining this research question, Commission activities have been identified as enforcement and education.

The single most important variable identified by interviewees as influencing the importance of education relative to other Commission activities, was that of resource availability. If one were to use resource allocation as a viable measurement for determining the degree of importance attributed to the education mandate, such a measurement would lead to the following conclusion. Education was of minimum importance and of the lowest

priority in relation to enforcement. This conclusion would hold true for all four time periods.

A review of staff resources allocated to education during the Commission's lifetime reveals the following:

- there has never been more than 1.5 staff assigned to education at any point in time; there have been up to fifteen staff members assigned to enforcement at certain points in the Commission's lifetime.
- For a period of at least four years there was no staff assigned to education.

A review of financial resources allocated to education as provided by interviewees, revealed information which supports the perception that education was given minimal priority. It would appear that no financial resources were specifically set aside for the development or implementation of educational activities. While there was a budget allocated for Commission publications, the latter included such publications as the Commission Annual Report, which the Commission was required to publish yearly. This budget was not monies to be used specifically for educational activities. The expectation was that the Commission could tap into resources external to its own budget, for example STEP grants, for use in implementing and developing educational activities. A second alternative would be to develop and implement programs in coordination with other groups, whereby the group concerned would provide the necessary funding and/or staff.

This apparent lack of monies to pursue effectively the education mandate is reflected in the responses of

interviewees throughout all four periods.

For education we relied very much on the executive secretary, who was a full time staff member once he was hired.... We didn't do badly, considering money. The budget was miniscule to begin with With our budget we were able to allot our funds wherever we saw fit. We divided the duties so that the executive director was doing the education.... He also ran the office and was the liason with the community. Individuals who did all the education were basically two, and they were not assigned specifically only to education, they had other duties as well, enforcement, running the office.

(Interviewee, 1971-1974)

We had one staff member for education.... We spent a lot of time on education, but it was not a high priority money wise, there it wasn't a big item, which was a critical way of determining priority. We didn't have any money to spend on it because we had to deal with the complaints. Politically you just can't ignore the complaints.

(Interviewee, 1975-1978)

The major financial expense for the Commission was staff and officer salaries. There were not education staff back then. If we wanted money for some education project like Buttons we would go to the recommending stage and see what happened.

(Interviewee, 1979-1981)

We have no budget for education, as far as I know at least not since eighty-two. There is not separate budget for educational activities. We have to go cap in hand to the Attorney General's Department, or in the case of specific projects we undertake, try to get the money from some other government programs, such as STEP, student employment in the summer, or from the private sector, like in the poster contest the Commission did. Enforcement is where the bulk of our resources go, after all enforcement, then comes education, education is secondary importance. For example, we have been trying to get a book published dealing with Native Historical figures in Manitoba. For about two years since the project started we obtained two grants, step grants, two summers in a row. The first allowed us to research, identify which people to write about.... Now that that is completed we approached the Manitoba Histocial Society, and they have agreed on funds, that is

to secure funds to have the book published so it won't directly cost anything really.... Resources allocated to education are the left-overs.

(Interviewee, 1982-1986)

It seems that throughout the life of the Commission enforcement has taken precedence over education. Through all four periods, Commission members have found it necessary to allocate the bulk of their financial resources to enforcement. While staff resources were allocated to education, the numbers were meagre relative to the numbers assigned to enforcement. The extent of this imbalance can be observed by examining the 1978 to 1981 time period.

During this period in which no staff was allocated to education, enforcement staff ranged from eight to ten. In 1978 there were eight enforcement officer, in 1979 this number was increased by two; 1980 saw a decrease in enforcement staff from ten to nine, in 1981 this number was increased to ten. One notes that while it was not possible to allocate even a half time officer to education, resources were available to increase enforcement staff from eight to ten.

This apparent imbalance can also be observed throughout the remaining time periods. During 1974, of a staff of nine, six were assigned to enforcement and one to education. During 1977, of a staff of nineteen only two were assigned to education while ten were assigned to enforcement. During 1985, of a staff of twenty-six, one-and-a-half officers were assigned to education.

What one notes then is a decline in education staff from the second time period to the fourth period. According to interviewees, this decline was due to an increase in enforcement demands. This imbalance continues to exist in 1987. In response to the question "How stable are resources allocated to education?", interviewees responded in the following manner.

They can't cut us back any more than we are cut back.... Strictly speaking there is no money allocated to education.... With staff resources, my feeling is, if enforcement was really tight, we might perhaps have a half time education officer.
(Interviewee, 1982-1986)

The instability is a result of the legislative requirement for enforcement. To the extent that if demands for enforcement increase, to the extent that if they erode the support base for education, as has been the case in the past and unfortunately appears to be a future trend.
(Interviewee, 1982-1986)

This seeming relationship between enforcement demands and the number of staff allocated to education is supported by two factors. First, on various occasions it has been the case that education staff were transferred to enforcement duties. In one case the transfer was temporary, while in the second case it was permanent. Secondly, interviewees from all four time periods stated that resources allocated to education were stable only to the extent that enforcement demands were stable. Thus, if enforcement demands are consistently high, staff and resources allocated to education will be consistently low. It has been the case that enforcement demands continued to

increase during all four time periods. With the increasing case load, enforcement cases were forwarded to the new fiscal year during all four time periods. The latter was due to the Commission's inability to efficiently dispose of the heavy case load incurred each year.

As previously discussed, the fact that enforcement takes priority over education is a major determinant in the importance given to education. In responding to the question "If availability of resources necessitated that some activities be reduced, where would education stand?" Interviewee's responded in one of three ways. According to interviewees, education would be, "dramatically reduced" (Interviewee, 1975-1978), "entirely cut" (Interviewee, 1979-1981), or "put on hold for a time" (Interviewee, 1982-1986). In discussing why the latter would be the case, all interviewees identified enforcement as taking precedence over education. Several interviewees expressed a similar sentiment to that which follows.

I have no idea what the dynamics were, but it seemed as though there was a decision, there was going to be some cutting back of unessential service, and education went. The statutory obligations were seen as a priority and that meant, at the time, that where resources are vast and available we'll have education, but as soon as you start having to cut back, it's education that's going to go first.

(Interviewee, 1982-1986)

While resources allocated to education has always been minimal, this should not be mistaken to mean that members of the Commission have perceived education to be unimportant or

unnecessary. At this point it becomes important to distinguish between resources allocated to education, and the philosophy espoused by Commission members regarding the importance of education. As previously stated resources allocated to education were minimal, however, theoretically education was perceived to be as important as enforcement. This sentiment has been expressed by interviewees from three of the four time periods (1974-1986), and most adamantly asserted by interviewees from the 1982-1986 period.

I think people are willing to get into the philosophy of education, but in practice, and with the day to day operations of the Commission it becomes a sideline thing due to resources.... But in theory it is a priority, in practice there are constraints.

(Interviewee, 1982-1986)

The Commission wants education, but we are unable to transform the policy statements that the Commission has made about their objectives and wishes for education into reality.... In my opinion it's a shame, because if we had the funds and the budget for staff to have a well organized education program, we could more vigorously take preventive measures to education, various interest areas in the public, the business community and so on. Probably prevent a lot of discrimination that occurs out of ignorance.

(Interviewee, 1982-1986)

All of us are very dissatisfied with what we are doing in education, and what we are able to do, because of funding. You see the part of this that is so short-sighted on the part of many individuals who are not prepared to provide the support we feel should be forth coming, is that if you could do the kind of effective education that is required, you would not have the level of complaints that would drive the enforcement cost up.

(Interviewee, 1982-1986)

It appears that the importance attributed to education was based on the perception that education had the potential

for decreasing incoming complaints. At the same time, a decrease in complaint intake would allow for the possibility of allocating more resources to education. It was the feeling of all interviewees, with the exception of one, that resources allocated to education were never adequate.

I thought that education was the most important aspect of the work, the irony was we didn't have the budget, and we didn't have the staff to spend time with it.

(Interviewee, 1975-1978)

Education was always central for us, but as I said before, the formal education was always strapped for resources, and enforcement took priority.

(Interviewee, 1975-1978)

We all felt education was very important, and certainly everyone would agree, that if the educational aspect was there you would end up with less enforcement cases.... I would like to think that at a certain point education would serve to decline complaints.

(Interviewee, 1975-1978)

It seems clear that during all four time periods the Commission maintained the philosophy that education was an important part of it's work. During the 1982-1986 and the 1975-1978 time period there was an attempt to stress the idea of equal importance between education and enforcement. This attempt at equity can be observed in the 1975 Annual Report:

The fundamental goal and task of the Human Rights Commission is to change attitudes-admittedly, a long term goal. The presence of the force of law in the form of anti-discrimination legislation is but one important educational tool...

(Commission, p.3)

However, one notes a shift in the message provided in the

1977 Report.

The elimination of discriminatory behaviour through enforcement of the law is generally considered the most important aspect of the Commission's work. However, no less emphasis can be laid on changing prejudicial attitudes which are the foundations of such behaviour.

(Commission, 1977, p.18)

During the 1982-1986 time period the Commission re-emphasized the intent to establish equality among the Commission's two functions. The latter can be observed in statements made by interviewees from this period.

The Commission has always said that these areas are equal, the legislation says enforcement takes precedence. In our proposed code we have requested that the government legislate that they have parity. How far that will go, whether or not it will be enacted, we have no idea.

(Interviewee, 1982-1986)

With the exception of the recent Commission, I am going on the basis of a new policy deeming areas equal... it is inevitable that enforcement has been made a priority.

(Interviewee, 1982-1986)

Ever since 1972 Commission members perceived a need for additional resources if they were to effectively pursue their education mandate. During the subsequent time periods (1975-1986) members requested an additional budget for the education component of their work. Such requests were usually denied.

Under Enns the Commission tried hard to get budgeting resources for education. So in credit to all the chairs I don't think anybody really buried the mandate.

(Interviewee, 1975-1978)

We couldn't get the expansion we wanted, we wanted to get the money for education, but we never did. What the government did was look

at the staff we had and said, you're not expanding. Well we did.

(Interviewee, 1975-1978)

What appears to be consistent throughout all four periods is the Commission's recognition that in order to place realistically the education mandate as equal to the enforcement mandate, an additional budget was required specifically for educational purposes. While Commission members was able to formulate their own goals and objectives with respect to pursuing the education mandate, these objectives could not be effectively carried out without the appropriate funding. Thus, a perceived lack of funding, in addition to legislation which deemed that the Commission be accountable for the processing of complaints, resulted in enforcement taking priority over education.

WHAT AREAS OF DISCRIMINATION HAS THE COMMISSION EMPHASIZED IN PURSUING ITS EDUCATION MANDATE?

According to the majority of interviewees, Commission members did not emphasize any particular area of discrimination when pursuing its education mandate. The latter appears to be due to two factors. First, members did not have the resources required to identify areas of need, and direct educational activities at these areas. Second, a large portion of educational activities were directed at Manitoba schools, and such activities were intended to cover various areas of discrimination rather than any one area.

When interviewees did attempt to identify areas of emphasis, they often responded by recalling the areas in

which the most complaints were received, or stated that they really did not recall but if they were to choose from the list presented it would be race and sex. It may be that interviewees who identified areas of emphasis felt they were required to prioritize the listing presented to them, despite the fact that they could not recall any attempt to emphasize specific areas of discrimination.

This seeming lack of emphasis is supported by the circumstances surrounding two of the four time periods; these periods are 1971-1974 and 1979-1981.

Since the Commission was at an embryonic stage in its development during the first time period, it was not until 1972 that Commission members began to consider the manner in which to pursue the education mandate. Upon considering the latter, the decision was made to identify the needs which existed with respect to providing education, rather than providing education in a specific area of discrimination.

Many meetings were initiated with ethnic organizations during this period, but the intent of such meetings was to identify the needs and concerns of these organizations and their membership, make them aware of the function of the Commission and the manner in which the new Act provided for their protections, and to inform them of the procedure used for filing complaints.

The 1971-1972 Annual Report states that the Commission and its staff were involved in 151 meetings with minority groups and service organizations. The report goes on to

state that the purpose of such meetings was to "make and maintain contact with groups with which the Commission wishes to work". According to interviewees from this time period, contacts with groups was simply a means of making them aware of the Act and the Commission's role in administering the Act.

While a reading of the Annual Report may suggest that emphasis was placed on the area of racial discrimination, interviewees from this time period state that there was no follow through on Native issues, nor was there any conscious attempt to place emphasis on racial discrimination. It appears that the intent of the Commission during this time period was to "establish programs which generate awareness of the Act" (Commission, 1972, p.3). Thus "there was no one area that got priority over another in education." (Interviewee, 1971-1974).

Circumstances surrounding Commission activities for the 1979-1981 time period supports the view that there was little conscious emphasis on any particular area(s) of discrimination. As previously noted, the Commission encountered major budget cutbacks during this period; the consequence being that all education staff were eliminated. With no education staff and a decrease in the already taxed enforcement staff, it appears that the Commission had neither the time or resources to make decisions about areas requiring emphasis. The latter is supported by one interviewee, who states:

We didn't have access to the data necessary to make conscious decisions in terms of this year we need to give more emphasis on this area or that area. The Commission didn't make decisions like that we just responded to requests. Really activities didn't reflect any kind of setting of priorities.

(Interviewee, 1979-1981)

A second interviewee from this time period could not recall any specific area of priority, but recalled issues of gender and race as being prominent among complaints received. It seems that interviewees had a tendency to associate areas of priority with complaint intake. For example, in response to the question "... which two areas tended to have the highest priority in educational endeavors?", one interviewee replied:

I don't know, I don't have the number of case breakdown that we got, but there were far more in employment than in anything else. I suppose if I choose it would be race relations and age.

(Interviewee, 1979-1981)

Since educational activities for this period was severely limited, fulfilling the education mandate took on a "make do" approach, there appears to have been no conscious attempt to specify areas of emphasis for educational activities.

The tendency to associate areas of emphasis with incoming complaints was again apparent for the remaining time periods (1975-1978, 1982-1986). For both time periods there was an equal split among those who stated that no area(s) were given emphasis, and those identifying areas of race and sex as receiving emphasis. For example, after

identifying sex and race as the main areas of emphasis one interviewee went on to determine the degree of emphasis given to other areas in the following manner.

Age was just emerging so it was on the upswing, a small number of cases, but medium priority, source of income was something more out of our commitment, rather than getting complaints, so low priority here.

(Interviewee, 1975-1978)

A second interviewee from the same period recalled a somewhat different view with respect to areas of emphasis.

Most of the educational activities had not been focused directly at any of the specific areas. We tried to have programs that would affect all of the groups that we provide protection for. Occassionally there were brief projects focusing on one or another, but usually because we knew we couldn't do everything, we tried to choose activities that we knew with a broad stroke would cover all the groups we protected.

The majority of interviewees from the 1982-1986 period also expressed the sentiment of non directiveness in terms of areas emphasized in pursuing the education mandate. The following interviewees gives us some insight into the reasons why areas of emphasis are not considered by the Commission.

I don't think there is a conscious decision that is clear. I think the result can be interpreted that way, but I think that would be erroneous as well. It is essentially a situation where we have very little funding, we have an enormous job to do, we have a clear understanding of what that requires, and we will forward and try to do something in that area which is very enormous.

(Interviewee, 1982-1986)

I don't think there has been any prioritization in any formal sense in the past. Except there has been one period under Dale Gibson, at that

point there seemed to be a clear indication that we had a very negative image with the Native community. So it was a conscious effort to try and promote a little more positive relationship with that particular segment of the community. But that was reactive. Other than that we haven't designated certain priorities. For example we have done a sexual harassment brochure geared to employers and employess, and we did a brochure on the responsibilities of taxi drivers in providing services to the disabled. These were not decisions to give priority to these areas, it was just that particular kind of brochure appeared to be needed and it was possible to produce it. So these kinds of decisions don't reflect any kind of setting of priority, but that we could do it in one brochure, and it seemed to be needed right now.

(Interviewee, 1982-1986)

What both interviewees seem to be saying that educational activities have not generally been initiated with a great deal of forethought, so as to emphasize one area(s) over others. It may be that while members of the Commission may perceive one area(s) to be in need of more attention, resources required to do something effective in that area have generally not been available. This being the case members have often been forced to choose short term immediate activities as opposed to any long term or prioritized activities. It seems that this has been the case throughout the life of the Commission with the exception of a brief period between 1982 and 1983, when there was some emphasis on race (Interviewees, 1975-1978, 1982-1986).

It should be noted that the majority of interviewees who expressed the opinion that no area(s) of discrimination

were emphasized over others, were individuals who were directly involved in fulfilling the education mandate. This factor paired with the fact that Commission publications do not indicate an emphasis in any particular area, gives support to the idea that no specific area was given emphasis in fulfilling the education mandate.

TO WHICH INSTITUTIONS, ORGANIZATIONS AND GROUPS HAS
EDUCATION BEEN DIRECTED AT

Interestingly, while interviewees were unable to identify areas of discrimination at which education was directed, they were easily able to identify groups, organizations, and institutions at which education was directed. Of further interest is the fact that with the exception of the first period, the groups, organizations and institutions identified remained the same. That is, during the first time period Manitoba public schools and ethnic groups were identified as having the highest priority; during the remaining periods public schools and the employment sector were identified as having the highest priority.

As noted in part one of this analysis, there has always been a high priority placed on directing education toward Manitoba public schools. The question thus becomes, why were educational institutions given high priority?

Three factors have contributed to educational institutions having high priority: two of which were previously identified.

- 1) attitudes concerning educating an adult population
- 2) resources required to educate an adult population

The third factor to be considered here is the practicality of penetrating an already established and organized institution.

It seems that given available resources, the most practical route for the Commission to pursue was to penetrate already established and organized institutions. Thus, from the outset Manitoba schools were given high priority as an institution at which the Commission would direct human rights education. This is reflected in the comments of one interviewee from the 1971-1974 period. "Because of the difficulty to establish contacts, it was thought that the way to contact people was through already organized institutions, so there were the schools."

Responses from the remaining time periods, although not directly stated, also indicate an attempt to seek out already established and organized institutions.

Unless you have thousands of dollars to spend, you can't realistically change attitudes of these people, so we say look, the only way we can really have impact is to try to deal with the education system.

(Interviewee, 1975-1978)

The 1982-1986 time period is most representative of the priority placed on directing education to educational institutions. In 1985 the Commission employed a part-time officer to deal specifically with the promotion of human rights education in Manitoba schools. In cooperative efforts with Manitoba Education, the education officer

designed a three year plan to intergrate Human Rights Education into the present curriculum.

What is interesting to note is the reiteration of education objectives mandated by members of the 1972 Commission in the 1982-1986 time period. In the 1971-1972 Annual Report members stated their intent to develop a human rights program; the program was to be incorporated into the curriculum at various grade levels in Manitoba public schools. In the summer of 1972 Commission members began working with members of the Manitoba Teachers' Society, Manitoba Education, and Dr. Morrison, of the University of Manitoba's Faculty of Education, to develop such a program. The 1985 Annual Report states the following with respect to human rights education in Manitoba schools.

In the latter months of the year, the Commission launched a major project intended to promote the teaching of human rights in Manitoba schools. The objective is to increase the awareness of and sensitivity to human rights principles in the hope that tomorrow's citizens might help to create a social climate in which the incidence of discriminatory action is significantly reduced.

(Commission, p.13)

The reiteration of similar objectives are further reflected in interviewee responses.

Our goal is to develop this three year plan.... We are looking at the curriculum, but our goal at the present time is to sensitize people to the need to intergrate human rights perspectives within the present curriculum, as opposed to a separate one. It has to be balanced with teacher training, because if teachers don't have the background for teaching values etc., it gets quite complicated.... We have started meetings with faculty members from Education at the University.

(Interviewee, 1982-1986)

To date (1986) Commission members have been unsuccessful in integrating human rights education into the curriculum in any formal way. Still, members have persevered in their attempt to direct educational activities at Manitoba schools.

A second area in which educational activities appear to have been directed is the employment sector. With the exception of two individuals, there was agreement among interviewees from the 1975-1986 periods that the employment sector was one of the two areas at which educational activities were most directed. Reasons contributing to this emphasis are seemingly two-fold. First, Commission members perceived the need to provide the type of education which would prevent discrimination before it got to the complaint stage. This was especially the case in the employment sector since this was where a majority of complaints originated. Thus, education directed at the employment sector took on a proactive dimension in the Commission's education program.

This element of proactive education can be observed in interviewee responses.

The business community, either vocally or indirectly was saying well we don't know what we have to do or what the legislation means, explain it to us. What are my obligations. Also we knew that by getting to the business community we could prevent complaints, because a large part of discrimination that occurs is not intentional, it is because there are systems and practices in place historically, that employers don't ever think about.

(Interviewee, 1975-1978)

Before it was the feeling of the Commission that a lot of discrimination occurred because people didn't know they had rights to protect them. So we wanted to make sure potential complainants knew about the Commission. Then we shifted toward an interest in trying to educate people who discriminate, as to why they should not discriminate. Now we are spending more time with employment officers and management than potential complainants. There are two things to consider, by telling people what their rights are, they can use those rights to protect themselves, usually after the fact. Whereas here, by teaching people how to respect the rights of others you can hopefully prevent discrimination before it occurs.

(Interviewee, 1982-1986)

In addition to reflecting upon the proactive element of the education program, the latter response indicates a recognition that complainant groups are generally aware of their protections under the Act, and what is now necessary is to direct education to respondent groups.

The second factor contributing to an emphasis on the employment sector is the number of complaints received in this area. Since the majority of complaints processed by the Commission come from the employment sector, it was assumed that more education needs to be directed in this area. When asked the question "What factors do you feel contributed to the employment sector having high priority" at least one interviewee from each of the three periods indicated that it was complaint driven.

Areas of highest complaint were employment and accommodation. After employment and housing everything else would follow from that.

(Interviewee, 1975-1978)

Obviously to employers because most discrimination

is in employment. The Commission took its lead off the types of cases being brought to it.

(Interviewee, 1979-1981)

The employment sector because most of our complaints are employment.

(Interviewee, 1982-1986)

What one notes then is a proactive as well as reactive element in education directed at the employment sector.

With each successive period between 1975 and 1986 there appears to have been an increasing concern with directing education at the employment sector. In 1985 this concern culminated with the Commission's assignment of a full time education officer to deal with the educational needs of the business sector. In the 1985 Annual Report one notes a statement of intent with respect to educating the business sector.

Over the coming years, the Commission hopes to increase the delivery of education programs to the business community in the form of seminars, literature, and consultation on issues related to the prevention and correction of discriminatory or potentially discriminatory business practices, the implementation and delivery of affirmative action and other Special Programs, and other human rights matters of interest to business.

(Commission, 1985, pp.13-14)

While it is the Commission's goal to provide the business community the type of education described above, according to one interviewee, lack of resources has greatly hindered the realization of this goal. He/she goes on to describe why such education has not significantly affected the business community.

When you are dealing with a large number of

businesses, and they are scattered over a wide economic and social area. You don't use television ads, you don't use mail out literature, then you really have to concentrate on having seminars or workshops. And that's where we are at right now, is providing workshops and seminars for business people. Small groups of 20-40 people at a time. And we'll never do it with one education officer essentially working in the field doing that, and 40,000 businesses in the province. You can see where it would take virtually a lifetime to cover them all. You have got to do more than that. We're just picking away at it now.

(Interviewee, 1982-1986)

What one notes then is a recognition of areas in which education needs to be directed, paired with objectives to pursue such education, but lacking in resources to effectively fulfill the objectives.

While there seemed to be no apparent trends regarding education directed at the general public and ethnic organizations, institutions and groups, there were some noteworthy responses regarding why these groups were not ranked as being among the two groups given the most priority. Regarding the general public, two interviewees felt that the Commission did not have adequate resources to effectively educate a group as diverse as the general public. The following individual explains why inadequate resources have affected the amount of education directed at the generally public.

The general public gets low priority because its far too expensive an undertaking for the Commission to consider. We try to utilize the media to publicize things and that sort of thing, but we tended to feel that the education directed toward specific problem areas would be more productive

in resolving discrimination. There are fertile areas where discrimination occurs, rather than spray water over the whole community, you hit the house on fire. So we try to identify those areas where discrimination is most frequent, and direct our educational activities in those areas.

(Interviewee, 1982-1986)

One notes that availability of resources is a seemingly prominent factor in determining which areas are given high priority (public schools), and which areas are low priority (general public).

With respect to the emphasis placed on ethnic organizations and groups between 1971 and 1974, it was during this period that education was being directed at complainant groups, thus ethnic groups were given high priority. During the second period there continued to be efforts directed toward educating Manitoba's ethnic communities, but according to two interviewees, one from the 1975-1978 period and the other from the 1979-1981 period, there was not enough consistency in the kind of representation needed to organize effective education, nor was there consistency in the interest level exhibited by these groups. One interviewee goes on to hypothesize on the reason for such inconsistency:

The low priority placed on ethnic groups was not from want of trying. Lots of ethnic groups don't feel comfortable talking about these things, or opening up. You have to feel comfortable and be strong with your own identity and proud of what you are to be able to stand up and say something, but if you keep hitting someone over the head all the time, or they feel they are being hit over the head, they are reticent to open up. For example the Native community. They have been abused for

hundreds of years, so when you come to them, with all the talk and action they get from government and agencies, everytime they make a move the whole group is condemned.

(Interviewee, 1975-1978)

It seems that members of the 1982-1986 Commission felt that ethnic groups and organizations are generally aware of their rights, and it was time to shift the focus of education from the complainant groups to the respondent groups. One interviewee develops upon this perspective in the following manner.

I think it was the feeling of the Commission that a lot of discrimination occurred in silence because people didn't know they had rights to protect them. So we wanted to make sure potential complainants knew about the Commission and their rights. That was now shifted towards an interest in trying to educate people who discriminate as to why they should not. Now we are spending time with employment officers and management more than potential complainants.

(Interviewee, 1982-1986)

While statements regarding education directed at ethnic groups and the general public are by no means representative of the views expressed by a majority of the interviewees, they present us with a possible basis from which we might hypothesize as to why education directed at these areas were not identified as high priority. What can be viewed as a definite trend is the emphasis on directing education towards public schools throughout all periods, and the increasing emphasis on directing education toward the business sector.

CONCLUSION

After examining the four research questions put forward in this study, what emerges is an overview of three general phases; each phase repeating itself throughout all time periods, with the exception of one (1979-1981).

Commission members from three of the four time periods began their term with the intent to make education a major part of their function. At the outset members expressed the desire to take a proactive role in education. Such a role was most often observed in educational initiatives directed at Manitoba public schools. This can be described as phase one.

Unfortunately, initial attempts to make education a major part of the Commission's function soon dissipated as Commission members began questioning the feasibility of their educational goals. The latter was often the result of an increasing caseload. Recognizing their inability to pursue the educational goals they aspired towards they turned to external agencies. This attempt to collaborate with external agencies made little difference; enforcement caseload continued to increase, and initial initiatives often had little or no follow-up. This can be described as phase two.

With phase three came a sense of frustration. Commission members had gone from high expectation with respect to fulfilling the education mandate (phase one) to the perception that they could not provide even adequate

human rights education for Manitoba residents. This sense of failure resulted in a "make-do" approach with respect to fulfilling the education mandate.

Thus, perceptions surrounding each of the time periods with respect to how Commission members conceived their role in fulfilling the education mandate (research question 1.) had a significant influence on:

- the relative importance given to education in relation to other activities (research question 2.)
- areas of discrimination emphasized in pursuing the education mandate (research question 3.)
- which institutions, organizations and groups education was directed at (research question 4.)

CHAPTER 6

CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

After examining the education mandate of the Manitoba Human Rights Commission from its date of inception to 1986, the following question emerges. To what extent is the Commission's education mandate a viable one?

It appears that throughout the life of the Commission the education mandate has never been realized. Furthermore, despite continued efforts to make education a priority, Commission members consistently find that their efforts are hindered by two factors.

- 1) legislation locks them into enforcement
- 2) they have insufficient resources to effectively carry out the education mandate

INSUFFICIENT RESOURCES/ENFORCEMENT TAKES PRECEDENCE OVER EDUCATION

The underfunding of human rights in general and of human rights education in particular, has affected the kinds of educational goals the Commission could reasonably expect to fulfill. It seems that lack of resources is a prominent factor in determining how the Commission perceives its role in fulfilling the education mandate, as well as which areas are given high priority (educational institutions) and which become a low priority (general public).

Lack of resources has also hindered the Commission in its attempt to provide long term and preventative education

programs, as well as effective follow-up to educational initiatives. In addition, underfunding of human rights programs in general is partially responsible for the low priority given to education relative to other Commission activities.

The Commission's enforcement caseload has consistently demanded the major part of its already limited resources. This fact paired with the fact that legislation makes the Commission accountable for fulfilling the enforcement mandate but not the education mandate, relegates education to a low priority activity.

It seems reasonable to expect that if the education mandate of the Commission is to be fulfilled, it should not be dependent upon its ability to deal with incoming complaints. Nor should lack of resources be a prominent factor in determining how the Commission perceives its role in fulfilling the education mandate, how much priority it should give to educational activities, or to which areas educational activities should be directed.

The latter being the case a number of possibilities exist: First, the educational role of the Commission could be eliminated leaving the Commission with only its enforcement mandate. For example, the business sector (the Manitoba Chamber of Commerce) could be asked to educate its members on their responsibilities with respect to the Act. So too, Manitoba Education could be responsible for educating teachers as well as students on human rights, and

possibly intergrating human rights into the curriculum.

The second possibility would be to strengthen the importance of the education mandate by instituting the following policy changes:

- 1) Staff allocated to education duties be increased.
- 2) Education staff not be transferable to any duties other than those directly related to the developing and implementing education programs.
- 3) The Commission set aside a separate budget to be used specifically for the development and implementation of educational programs and publications.

This budget would not be used for the publication of Commission Annual Reports. While these reports are considered to be of educational value by some, they are written for the purpose of reporting the Commission's activities to the Legislative Assembly on an annual basis, not as an instrument for providing Manitoba residents with human rights education.

The objective of putting recommendations 1, 2, and 3 into practice would be to allow for the development of more long term educational goals as well as to provide resources for follow up to educational initiatives, and to allow for the development of more proactive educational programs.

Additionally, a budget specific to education would be most conducive in providing education staff with some stability, in terms of the financial resources with which to gather the type of data necessary to make conscious decisions regarding which areas or grounds require more

emphasis; resources with which to identify specific areas of need and determine the type of education most suitable for addressing such needs, thus reducing the incidence of short term reactive activities.

Accountability

What appears to be consistent throughout all four periods is the Commission's recognition that in order to realistically place the education mandate alongside the enforcement mandate, an additional budget was required specifically for educational purposes. While the Commission was able to formulate its own goals and objectives, objectives could not be effectively carried out without appropriate funding. Thus, a perceived lack of funding, in addition to legislation which deemed that the Commission be accountable for the processing of complaints, resulted in enforcement taking priority over education.

While legislation requires accountability with respect to fulfilling the enforcement mandate, such is not the case with education. The latter results in a lack of parity between education and enforcement, with the majority of available resources being channeled to enforcement activities. Various attempts have been made to create equality between education and enforcement, but such spurts always came to a standstill as enforcement demands continued to increase.

What follows then are recommendations requiring accountability.

- 5) The Commission be required to identify specific sectors of the population in need of human rights education, as well as identify projects, programs etcetera, which could be funded by external agencies within each sector.
- 6) The Commission be required to report findings and developments(with respect to 5.) to the Legislative Assembly on an annual basis.
- 7) Identification of Manitoba residents in need of human rights education take the form of tabulating characteristics of persons whom complaints are filed against. For example:

Person X
Occupation: Police Officer
Grounds for Discrimination: sexual discrimination

The latter recommendations (5-7) are intended to do four things:

- 1) Provide legislation requiring accountability with respect to fulfilling the education mandate.
- 2) Provide guidelines for the education mandate to be carried out in a more consistent manner than has been the case in the past.
- 3) Guard against the criticism of preaching to the converted.
- 4) Share the responsibility for human rights education by making external agencies aware of the existing need for such education within their domain.

CONCLUSION

At the outset of this study it appeared that an acceptable level of education, as defined by the Commission, would be determined by how Commission members perceived societal needs at a particular point in time. The latter

was also thought to be the case with respect to target populations at which education is to be directed, and how Commission members conceived their role with respect to fulfilling the education mandate. On concluding the study it became apparent that the latter was neither accurate nor feasible.

Throughout the life of the Commission, members have generally defined education in one of three ways, or a combination of the three.

- 1) A narrow definition whereby education is intended to "promote an understanding of, acceptance of and compliance with (the) Act".
- 2) A broader definition whereby education is intended to "disseminate knowledge and promote understanding of the civil and legal rights of residents of the province and to conduct educational programs in that respect".
- 3) An all encompassing definition whereby education is intended to include the development and conducting of educational programs "designed to eliminate discriminatory practices related to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political beliefs, family status or source of income".

(Manitoba Human Rights Act, 1985, p.11)

The Commission does not restrict itself to the narrow version of education implied in 1, but the mandate also makes greater demands.

In translating ideals such as 2, into practice, any human rights commission is faced with a number of crucial issues. Issues surrounding strategy, target populations, and resources are but a few examples. For the Manitoba

Commission there appears to have been a constant struggle to define what human rights education means in terms of a political reality of very limited resources. The latter has restricted the Commission's ability to define its role with respect to fulfilling the education mandate. The result has been an attempt to work in each of the three modes (resource body, facilitating body, consulting body) in a relatively haphazard fashion.

The Commission's ability to define its educational role is also restricted by the fact that legislation gives precedence to the enforcement mandate. This suggests the need for some mechanism to separate or protect education resources. If not, then we must acknowledge that education is intended to be a sideline to enforcement.

It seems that there is a strong need for careful consideration of what the role of the Commission is to be with respect to fulfilling the education mandate.

The ideal of a just society requires human rights education if it is to become a reality. Such a task is clearly beyond the scope of any single government agency, however well resourced. Nor can it be expected to be viewed as the responsibility of any single agency; yet the mandate of the Commission makes it a crucial actor in this endeavour.

NOTES

1. With respect to items a) and b), it was the intent of the researcher to categorize each activity according to the following scheme.

- a) name of activity
- b) area(s) of discrimination addressed by the activity
- c) institution, organization or group to which the activity was directed

Unfortunately the Annual Reports were not consistent in the amount and/or type of information provided for each activity. It was not possible, therefore, to use this categorization scheme as a valid means by which data could be organized.

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APPENDIX A
INTERVIEW SCHEDULE

INTRODUCTION

The researcher will begin the interview by introducing oneself to the interviewee. In doing this the following will be covered.

- a) past work in the area of human rights
- b) stage at which the researcher is at in the Masters program

The researcher will proceed to state the purpose of the study, and the nature of the interview:

"The purpose of this study is to review the educational activities of the Commission in fulfilling its education mandate from 1971 to present. This interview is a means of gathering data to gain insight into the Commission's education mandate. The interview is divided into four main sections, section one deals with how the Commission conceived its role in fulfilling the education mandate. Section two deals with the relative importance given to education in relation to other Commission activities. Section three relates to the various areas of discrimination emphasized in pursuing the education mandate. And the last section deals with trying to identify the various institutions, organizations and groups education was directed at. Do you have any questions about anything so far?"

If not, the researcher will ask the subject's permission to tape the interview, and proceed to begin the interview.

Part 1.

- 1) How many years were you with the Commission?
 - 1.1) Can you identify the years for me?
 - 1.2) What position or positions did you hold during this time?
- 2) What would you say were the Commission's education goals while you were education officer?
 - 2.1) Are these goals different in any way from the goals held under the Commission Chair preceeding the Chair you worked under?

- 3) During your term as education officer, did these goals change, or shift in terms of priority?
- 3.1) As education officer, did your own objectives change from time to time with respect to educational activities?
If so:
- 3.2) What factors contributed to this change?
- 3.3) Was it simply a shift from one objective to another, or did objectives become clearer?
- 3.4) Did everyone in the Commission share these objectives?
- 4) Where did the initiative for educational activities come from?
- 4.1) Can you give me some concrete examples, and talk me through how the procedure would work in practice?
- 4.2) Am I correct then in my assumption that initiatives were primarily external/internal to the Commission?
- 5) Some of the literature regarding human rights commissions talk about trends in proactive versus reactive education. Which of these trends if any, do you feel the Commission took during your term as education officer?
- 6) Was this any different from the trend under the previous Commission?

The researcher will inform the interviewee that she has completed part one of the interview, and ask whether there are any points that have not been covered, that s/he feels are important in understanding how the Commission conceived its role in fulfilling its education mandate. If not, the researcher will tell the interviewee that you will now move to section 2.

Section 2

The researcher will remind the interviewee that this section deals with the relative importance given to education in relation to other activities.

- 1) How important do you think education was as a function of the Commission?

- 2) What degree of priority tended to be given to educational issues?
 - 2.1) Did this priority shift in degree from time to time, if so, what factors contributed to this shift?
- 3) What resources were allocated to the education component of the Commission's work?
 - 3.1) To what degree were these resources stable?
 - 3.2) How stable were they relative to resources allocated to other activities?
 - 3.3) Do you feel that the resources allocated to education were sufficient. If not, why not?
- 4) Was your job exclusively education?
- 5) Do you think education should be part of the Commission's responsibility?
- 6) If availability of resources necessitated that some activities be reduced, where do you feel education would stand?

The researcher will inform the interviewee that s/he has completed part two, and ask whether there are any points that have not been covered, that s/he feels are important in understanding the relative importance given to education in relations to other activities. If not, the researcher will inform the interviewee that she is proceeding to section three.

Section 3

The researcher will remind the interviewee that this section deals with the various areas of discrimination emphasized in pursuing the education mandate.

- 1) I would like you to review a listing of the various areas of discrimination, as identified by the Human Rights Act(1986), (areas of discrimination listed will

vary dependent on the time period within which the interviewee served with the Commission).

- sex, this includes family status and marital status
- race relations, this includes nationality, religion, colour and race
- age
- political beliefs
- physical or mental handicap
- source of income

Of this listing, which two areas tended to have the highest priority in educational endeavors, during your term as education officer?

- 1.1) What factors do you feel contributed to these areas having the highest priority?
- 1.2) Can you review the remaining areas on the list and tell me how much priority was given to each area: high priority, low priority, no priority.
- 1.3) What factors do you feel contributed to areas having low or no priority?
- 2) If the researcher notes any discrepancy between responses given by interviewee and what is described in the Annual Reports, the researcher will identify such discrepancies to the interviewee using concrete examples where possible and try to discover the reason for the inconsistency.

The researcher will inform the interviewee that s/he has completed part three, and ask whether there are any points that have not been covered, that s/he feels are important in understanding why certain areas were emphasized in pursuing the education mandate. If not, the researcher will inform the interviewee that s/he will now move on to section four.

Section 4

The researcher will remind the interviewee that this section deals with identifying various institutions, organizations and groups education was directed at.

- 1) I would like you to review a listing of various institutions, organizations and groups, at which Commission activities have been directed in the past?

- educational institutions, this includes public schools, community colleges, and universities, as well as associated groups and organizations.
- employment sector, this includes unions, personnel officers, management and employees.
- ethnic organizations and groups, and associated groups and organizations.
- general public, this refers to activities intended for the public at large.

Of this listing, which two group(s), organization(s), institution(s) were given the highest priority by way of education directed at its members?

1.1) What factors do you feel contributed to these group(s), institutions(s), organization(s) having high priority?

2) How much priority was given to the remaining institution(s), organizations(s), group(s): high priority, medium priority, low priority, no priority?

2.1) What factors do you feel contributed to these group(s), organization(s), institution(s), being given less priority than others?

3) If the researcher notes any discrepancy between the responses given by the interviewee and what is described in Annual Reports, she will identify such discrepancies for the interviewee, using concrete examples where possible, and try to discover the reason for the inconsistency.

The researcher will inform the interviewee that s/he has completed section 4 of the interview. Ask him/her if there are any points not discussed which are important in understanding why certain institution(s), organization(s), groups(s), were given priority as opposed to others. If not, the researcher will ask the interviewee if there is anything, which was not discussed that is important in understanding the direction the Commission took in fulfilling its education mandate, during the time period s/he was with the Commission? If not, the researcher will thank the interviewee for his/her time, and ask if it is ok for her to contact him/her at a later date should she require further information or clarification.



MANITOBA

THE HUMAN RIGHTS ACT

being

CHAPTER H175

of the

CONTINUING CONSOLIDATION OF
THE STATUTES OF MANITOBA

OFFICE CONSOLIDATION

NOTICE

All persons making use of this consolidation are reminded that it has no legislative sanction; that the amendments have been embodied only for convenience of reference; and that the original Act should be consulted for all purposes of interpreting and applying the law.

Printed by the Queen's Printer for the Province of Manitoba
JANUARY, 1984

CHAPTER H175

THE HUMAN RIGHTS ACT.

(Assented to June 14, 1974)

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Definitions.

1

In this Act

- (a) "blind person" means a person who
 - (i) is registered as a blind person with The Canadian National Institute for the Blind, a corporation incorporated under the Canada Corporations Act and continued under the Canada Business Corporations Act, or
 - (ii) is in receipt of an allowance on account of blindness under The Blind Persons Allowances Act or the Blind Persons Act (Canada), or
 - (iii) having been in receipt of an allowance on account of blindness under the Acts mentioned in sub-clause (ii), is in receipt of a pension under the Old Age Security Act (Canada) and is still blind within the meaning of the Acts mentioned in sub-clause (ii) and regulations made thereunder;
En. S.M. 1982, c. 23, s. 1.
- (a.1) "commercial unit" means any building, or other structure or part thereof that is used or occupied or is intended, arranged or designed to be used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office or meeting room in any building or other structure or in a part thereof;
En. S.M. 1982, c. 23, s. 1.
- (b) "Commission" means the Manitoba Human Rights Commission;
- (b.1) "dog guide" means a dog which serves as a dog guide or leader for a blind person and has been especially trained for the purpose;
En. S.M. 1982, c. 23, s. 2.
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "employment agency" includes a person who undertakes with or without compensation to procure employees and a person who undertakes with or without compensation to procure employment for persons;

- (d.1) “family status” for the purpose of this Act includes the status of an unmarried person or parent, a widow or widower or that of a person who is divorced or separated or the status of the children, dependants, or members of the family of a person;
En. S.M. 1976, c. 48, s. 1.
- (e) “housing accommodation” means any place of dwelling, except a place of dwelling that is part of a building in which the owner or his family or both, reside where the occupants of the place of dwelling are required to share
 - (i) a bathroom or kitchen facility, or
 - (ii) a common entrance, except in a duplex, apartment building or condominium,
 with the owner of the dwelling or his family or both;
En. S.M. 1978, c. 43, s. 1.
- (f) “minister” means the member of the Executive Council charged by the Lieutenant Governor in Council with the administration of this Act;
- (g) “national origin” includes the national origin of an ancestor;
- (h) “occupational association” means any organization, other than a trade union or employers’ organization, in which membership is a prerequisite or from which licensing or certification is necessary, to carrying on a trade, occupation or profession;
- (i) “person” in addition to the extended meaning given it by The Interpretation Act, includes an employment agency, and employers’ organization, a trade union, an occupational association, and a class of persons;
- (i.1) “physical or mental handicap” means a disability, infirmity, malformation or disfigurement whether of a physical or mental nature that is caused by injury, birth defect or illness and includes but is not limited to epilepsy, any degree of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a dog guide, wheelchair or other remedial appliance or device;
En. S.M. 1982, c. 23, s. 3.
- (j) “trade union” means an organization of employees formed for purposes that include the regulation of relations between employees and employers;
- (k) “wages” includes pay, salary, remuneration, lost benefits, out-of-pocket expenses and interest thereon;
- (l) “white cane” means a cane or walking stick all of which or the major portion of which is white.
En. S.M. 1982, c. 23, s. 4.
S.M. 1974, c. 65, s. 1; Am. S.M. 1976, c. 48, s. 1; S.M. 1977, c. 46, s. 1; S.M. 1978, c. 43, s. 1; S.M. 1982, c. 23, ss. 1-4

HUMAN RIGHTS

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PART I

PROHIBITED DISCRIMINATORY PRACTICES

Discrimination prohibited in notices, signs, etc.**2(1)** No person shall

- (a) publish, display, transmit or broadcast, or cause to be published, displayed, transmitted or broadcast; or
- (b) permit to be published, displayed, broadcast or transmitted to the public, on lands or premises, in a newspaper, through television or radio or telephone, or by means of any other medium which he owns or controls; any notice, sign, symbol, emblem or other representation

- (c) indicating discrimination or intention to discriminate against a person; or

- (d) exposing or tending to expose a person to hatred; because of the race, nationality, religion, colour, sex, marital status, physical or mental handicap, age, source of income, family status, ethnic or national origin of that person.

Am. S.M. 1976, c. 48, s. 2; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 5.

Exception as to matters of opinion.**2(2)** Nothing in subsection (1) shall be deemed to interfere with the free expression of opinion upon any subject.**Exception.****2(3)** Subsection (1) does not apply to the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one sex.

S.M. 1974, c. 65, s. 2; Am. S.M. 1976, c. 48, s. 2; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 5.

Discrimination prohibited in accommodation, service, etc.**3(1)** No person shall

- (a) deny to any person or class of persons any accommodation, service, facility, goods, right, licence or privilege available to the public or to a section of the public; or

- (b) discriminate against any person or class of persons with respect to any accommodation, service, facility, goods, right, licence or privilege available to the public or to a section of the public;

unless reasonable cause exists for the denial or discrimination.

En. S.M. 1982, c. 23, s. 6; Am. S.M. 1982-83-84, c. 93, s. 15.

Things that do not constitute reasonable cause.

3(2) For the purposes of subsection (1), the race, nationality, religion, colour, sex, age, marital status, family status, physical or mental handicap, or ethnic or national origin of a person does not constitute reasonable cause unless the Commission is satisfied after considering the facts of the particular situation that a denial or discrimination on such grounds is justified in that particular situation.

En. S.M. 1982, c. 23, s. 6.

Definition.

3(3) For the purposes of subsection (1), the expression "accommodation, service, facility, goods, right, licence or privilege available to the public or to a section of the public" includes, without restricting the generality of that expression, any benefit provided and any activity or undertaking carried out, by Her Majesty in the right of Manitoba, the Government of Manitoba, any municipal corporation or educational institution in Manitoba, any board or commission created by or subject in this regard to the laws of Manitoba, or by any of their agents or servants.

En. S.M. 1982, c. 23, s. 6.

Exception for person under the age of majority.

3(4) Nothing in subsection (1) prevents the denial or refusal of any accommodation, service, facility, goods, right, licence or privilege to a person who has not attained the age of majority if the denial or refusal is in accordance with any law or regulation in force in Manitoba.

En. S.M. 1982, c. 23, s. 6.

Am. S.M. 1982-83-84, c. 93, s. 15.

Discrimination prohibited in occupancy of commercial unit or housing accommodation.

4(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

- (a) deny to any person or any member of his family, the right to occupancy of any commercial unit or any housing accommodation; or
- (b) discriminate against any person or any member of his family with respect to any term or condition of occupancy of any commercial unit or housing accommodation,

unless reasonable cause exists for the denial or discrimination.

En. S.M. 1976, c. 48, s. 4.

Things that do not constitute reasonable cause.

4(2) For the purposes of subsection (1), the race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, family status, ethnic or national origin, or the source of income of a person does not constitute reasonable cause.

En. S.M. 1976, c. 48, s. 4; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 7.

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Accommodation may be restricted on basis of sex.

4(3) Notwithstanding subsections (1) and (2), occupancy of all the housing accommodation in a building, except that of the owner or his family, may be restricted to individuals of the same sex.

En. S.M. 1976, c. 48, s. 4.

Preference for elderly persons.

4(4) Nothing in subsection (1) prevents a person from giving preference to elderly persons of housing accommodation in any building that is designed or used primarily for elderly persons.

En. S.M. 1976, c. 48, s. 4.

En. S.M. 1976, c. 48, s. 4; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 7.

Discrimination prohibited in the purchase of property.

5 No person shall

- (a) deny to any person the opportunity to purchase any commercial unit or housing accommodation that is advertised or in any way represented as being available for sale; or
- (b) deny to any person the opportunity to purchase or otherwise acquire land or an interest in land that is advertised or in any way represented as being available for sale; or
- (c) discriminate against any person with respect to any term or condition of the purchase or other acquisition of any commercial unit, housing accommodation, land or interest in land that is advertised or in any way represented as being available for sale;

because of the race, nationality, religion, colour, sex, age, marital status, family status, physical or mental handicap, ethnic or national origin of that person.

S.M. 1974, c. 65, s. 5; Am. S.M. 1976, c. 48, s. 5; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 8.

Discrimination prohibited in employment.

6(1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment or in respect of training for employment or in respect of an intended occupation, employment, advancement or promotion, and in respect of his membership or intended membership in a trade union, employers' organization or occupational association; and, without limiting the generality of the foregoing

- (a) no employer or person acting on behalf of an employer, shall refuse to employ, or to continue to employ or to train the person for employment or to advance or promote that person, or discriminate against that person in respect of employment or any term or condition of employment;
- (b) no employment agency shall refuse to refer a person for employment, or for training for employment, and
- (c) no trade union, employers' organization or occupational association shall refuse membership to, expel, suspend or otherwise discriminate against that person; or negotiate, on behalf of that person, an agreement that would discriminate against him;

because of race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, or political beliefs or family status of that person.

Am. S.M. 1976, c. 48, s. 6; Am. S.M. 1977, c. 46, ss. 2 & 3; S.M. 1982, c. 23, s. 9.

Discrimination prohibited in advertising.

6(2) No employer shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast, any words, symbol or other representation that indicate directly or indirectly that race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, or political belief or family status is or may be a limitation, specification or preference for a position of employment.

Am. S.M. 1976, c. 48, s. 7; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 10.

Discrimination prohibited in advertising on behalf of an employer.

6(3) No person shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any advertisement for a position of employment for or on behalf of an employer

(a) that contains any words, symbol, or other representation; or

(b) that is under a classification or heading;

indicating directly or indirectly that race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, or political belief or family status is or may be a limitation, specification or preference for the position of employment.

Am. S.M. 1976, c. 48, s. 8; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 11.

Pre-employment inquiries.

6(4) No person shall use or circulate any form of application for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, or political belief or family status of any person or that requires an applicant for employment to furnish any information concerning those particulars.

Am. S.M. 1976, c. 48, s. 9; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 12.

Employment agencies.

6(5) No employment agency shall discriminate against any person because of race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, or political belief or family status in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant for employment to an employer or anyone acting on behalf of the employer.

Am. S.M. 1976, c. 48, s. 10; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 13.

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Exception.

6(6) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex, age, marital status, family status, physical or mental handicap, or political belief, do not apply, where

- (a) sex, age, marital status, family status, or political belief, is a reasonable occupational qualification; or
- (b) physical or mental handicap is a reasonable disqualification.

En. S.M. 1982, c. 23, s. 14.

Exception.

6(7) The provisions of this section relating to a limitation or preference in employment do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit and is operated primarily to foster the welfare of a group or class of persons characterized by a common race, nationality, religion, colour, sex, age, marital status, family status, physical or mental handicap, ethnic or national origin, where, in any such case, one or more of the above enumerated criteria is a bona fide occupational qualification and requirement.

Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 15.

6(8) Repealed. S.M. 1982, c. 23, s. 16.

Exception for persons under the age of majority.

6(9) Nothing in this section prevents a person from limiting the employment of a person under the age of majority or from classifying or referring to a person under the age of majority for employment in accordance with the provisions of any provincial law regulating the employment of persons under the age of majority.

Exception for physical or mental handicap.

6(10) The provisions of this section prohibiting the discrimination against a person for a position or employment by reason of the physical or mental handicap of the person do not apply where the nature and extent of the handicap reasonably precludes or renders the person incapable of satisfactorily discharging the duties of that position.

En. S.M. 1977, c. 46, s. 4; Am. S.M. 1982, c. 23, s. 17.

Handicapped persons with training and experience.

6(11) Notwithstanding subsection (10), no person shall refuse to employ a person who is physically or mentally handicapped, if the person has adequate training and experience and is qualified and capable to carry out the duties and functions of the position.

En. S.M. 1977, c. 46, s. 4; Am. S.M. 1982, c. 23, s. 18.

S.M. 1974, c. 65, s. 6; Am. S.M. 1976, c. 48, ss. 6-10; Am. S.M. 1977, c. 46, ss. 2-4; S.M. 1982, c. 23, ss. 9-18.

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Discrimination prohibited in contracts.

7(1) No person shall, in making available to any person, a contract that is offered to the public generally,

- (a) discriminate against any person; or
- (b) include terms or conditions in any such contract that discriminate against a person;

on the basis of race, nationality, religion, colour, sex, age, marital status, family status, physical or mental handicap, ethnic or national origin of that person.

Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 19.

Exception.

7(2) No provision of section 6 or subsection (1) shall prohibit a distinction on the basis of age, sex, family status, physical or mental handicap or marital status

- (a) of any employee benefit plan or in any contract which provides an employee benefit plan, if the Commission is satisfied on the basis of the guidelines set out in the regulations that the distinction is not discriminatory or that the employee benefit can be provided only if the distinction is permitted; or
- (b) in any contract which provides life insurance, accident and sickness insurance or a life annuity to a specified person where the contract is not part of an employee benefit plan, if the Commission is satisfied on the basis of guidelines set out in the regulations that the distinction is not discriminatory or that the insurance or annuity can be provided only if the distinction is permitted.

En. S.M. 1976, c. 48, s. 11; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 20.

Automobile insurance contracts not affected.

7(3) Nothing in this Act prohibits a distinction on the basis of sex, age or marital status in any contract of automobile insurance offered or made available to the public under The Manitoba Public Insurance Corporation Act or The Insurance Act.

En. S.M. 1978, c. 43, s. 2.

S.M. 1974, c. 65, s. 7; Am. S.M. 1976, c. 48, s. 11; S.M. 1977, c. 46, s. 2; S.M. 1978, c. 43, s. 2; S.M. 1982, c. 23, ss. 19 & 20.

Restriction on use of white cane.

7.1(1) No person other than a blind person shall carry or use a white cane on any highway or public thoroughfare, or in any public conveyance or other public place.

En. S.M. 1982, c. 23, s. 21.

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Dog guides to accompany blind persons.

7.1(2) Notwithstanding any enactment, regulation, or by-law, a dog guide

- (a) while accompanying a blind person; and
 - (b) while in the custody and under the control of a blind person;
- may, without charge, enter and remain with the blind person in any place where the public is admitted, or facility, or conveyance, where the public is accommodated.

En. S.M. 1982, c. 23, s. 21

Discrimination, etc., prohibited for taking part in proceeding under Act.

8 No person shall

- (a) refuse to employ or continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any way any person in regard to his employment or any term or condition thereof;
- (c) discriminate against any person in regard to his employment or any term or condition thereof; or
- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person;

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

S.M. 1974, c. 65, s. 8; Am. S.M. 1975, c. 42, s. 26.

Special programs.

9 Notwithstanding the provisions of this Part, the Commission may, upon such conditions or limitations and subject to revocation or suspension, approve in writing a special plan or program by the Crown, any agency thereof, or any person designed to promote the socio-economic welfare and equality in status of a disadvantaged class of persons defined by race, nationality, religion, colour, sex, marital status, physical or mental handicap, family status, age, source of income or ethnic or national origin of the members of that class of persons.

En. S.M. 1978, c. 43, s. 3; Am. S.M. 1982, c. 23, s. 22.

PART II
ADMINISTRATION

Manitoba Human Rights Commission established.

10(1) There is hereby established a commission to be called: "The Manitoba Human Rights Commission".

Composition.

10(2) The Commission shall be composed of such numbers of persons as may be determined from time to time by the Lieutenant Governor in Council.

Members.

10(3) The members of the Commission shall be appointed by the Lieutenant Governor in Council.

Chairperson.

10(4) The Lieutenant Governor in Council shall designate one of the members as chairperson and one member as vice-chairperson.

Vacancies.

10(5) The Lieutenant Governor in Council may fill any vacancy however created, in the membership of the Commission.

Remuneration and term of office.

10(6) The Lieutenant Governor in Council may determine the term of office and the remuneration of the members of the Commission.

S.M. 1974, c. 65, s. 10.

Responsibility.

11 The Commission is responsible to the minister for the administration of this Act.

S.M. 1974, c. 65, s. 11.

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Members of Commission continued in office.

12 Those persons, who on the coming into force of this Act are members of the Commission, shall continue to hold office until their successors are appointed.

S.M. 1974, c. 65, s. 12.

Function.

13 The Commission has power to administer this Act and without limiting the generality of the foregoing, it is the function of the Commission,

- (a) to forward the principle that every person is free and equal in dignity and rights without regard to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political beliefs, family status or source of income;
- (b) to promote an understanding of, acceptance of and compliance with this Act;
- (c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political beliefs, family status or source of income;
- (d) to disseminate knowledge and promote understanding of the civil and legal rights of residents of the province and to conduct educational programs in that respect;
- (e) to further the principle of equality of opportunities and equality in the exercise of civil and legal rights regardless of status.

S.M. 1974, c. 65, s. 13; Am. S.M. 1977, c. 46, s. 2; S.M. 1982, c. 23, s. 23.

Employment of personnel.

14 An executive director and such other officers and employees as may be required for the purpose of the administration of this Act, may be employed under The Civil Service Act.

S.M. 1974, c. 65, s. 14.

Responsibility of the executive director.

15 The executive director of the Commission, in addition to such other duties, that he may be required to perform by law, shall

- (a) be responsible to the Commission for its day-to-day activities and operations; and
- (b) act as registrar of complaints received by the Commission to assure that they are dealt with according to the Act.

S.M. 1974, c. 65, s. 15.

Confidentiality of information.

16 Except for the purposes of a prosecution under this Act, or proceedings before a board of adjudication, or in any court proceedings, or for the purpose of the administration and enforcement of this Act, no person shall, except with the consent of the commission

- (a) knowingly communicate, or allow to be communicated, to any person any information obtained by or on behalf of the commission or the Executive Director under this Act; or
- (b) knowingly allow any person to inspect, or to have access to, any copy of any book, record, document, file, correspondence or other record obtained by, or on behalf of, the commission or the Executive Director under this Act.

En. S.M. 1976, c. 48, s. 12.

Costs of administration.

17 The costs of administering this Act shall be paid from and out of the Consolidated Fund with moneys authorized by an Act of the Legislature to be so paid and applied.

S.M. 1974, c. 65, s. 17.

Annual report.

18(1) The Commission shall prepare annually and submit to the minister, a report of the activities of the Commission and boards of adjudication during the preceding year.

Am. S.M. 1976, c. 48, s. 13.

Annual report.

18(2) The minister shall lay forthwith the report before the Legislative Assembly if it is in session and if not, with 15 days of the commencement of the next ensuing session.

S.M. 1974, c. 65, s. 18; Am. S.M. 1976, c. 48, s. 13.

PART III

ENFORCEMENT OF ACT

Complaints.

19(1) Any person who has reasonable grounds for believing that any person has contravened a provision of this Act, may file with the Commission a complaint in the form prescribed by the Commission, such complaint to be filed with the Commission not later than 6 months after the date of the alleged contravention or, where a continuing contravention is alleged, after the date of the last alleged contravention of this Act.

Consent of offended person.

19(2) Where a complaint is made by a person other than the person whom it is alleged was dealt with contrary to the provisions of this Act, the Commission may refuse to file the complaint unless the person alleged to be offended against consents thereto.

Complaints initiated by Commission.

19(3) Where the Commission has reason for believing that any person has contravened a provision of this Act in respect of a person or group of persons, the Commission may initiate a complaint.

S.M. 1974, c. 65, s. 19.

Commission may dismiss complaint.

19(4) Where the Commission is satisfied that a complaint is without merit, it may dismiss the complaint at any stage of the proceeding.

En. S.M. 1978, c. 43, s. 4.

S.M. 1974, c. 65, s. 19; Am. S.M. 1978, c. 43, s. 4.

Investigation of complaint.

20 The Commission shall, as soon as is reasonably possible, investigate any complaint of an alleged contravention of the Act.

S.M. 1974, c. 65, s. 20; Am. S.M. 1976, c. 48, s. 14.

Powers of commission after investigation.

21(1) The commission, after investigating the complaint, may

- (a) endeavour to effect a settlement of the complaint of an alleged contravention of the Act, and failing settlement of the complaint, the commission may request the minister to appoint a board of adjudication to hear and decide the complaint; or

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- (b) request the minister to appoint a board of adjudication to hear and decide the complaint; or
- (c) recommend that the minister commence a prosecution for an offence under this Act.

En. S.M. 1976, c. 48, s. 15.

Appointment of board.

21(2) The minister shall, within a reasonable time after the receipt of a request under clause (1)(a) or (b) appoint a board of adjudication consisting of one or more persons to hear and decide the complaint.

En. S.M. 1976, c. 48, s. 15.

Prohibition.

21(3) No person appointed to a board of adjudication shall have taken part in any investigation or consideration of the complaint prior to the inquiry by a board of adjudication.

En. S.M. 1976, c. 48, s. 15.

Powers of Commission and board of adjudication.

22 The Commission and any board of adjudication appointed under this Act may determine their procedure and each member of a board of adjudication has all the powers of a commissioner under Part V of The Manitoba Evidence Act, and Part V excepting section 88 of that Act, applies to any investigation being made by the Commission or any inquiry being made by a board of adjudication but no notice of the authorization or of the purpose or scope of the investigation or inquiry, as the case may be, is to be made by the Commission or board of adjudication and no notice of the time and place of the investigation or inquiry need be published as required under section 88 of that Act.

S.M. 1974, c. 65, s. 22.

Access to premises and documents.

23(1) For the purpose of investigating a specific complaint under this Act, the executive director, any person with the written authorization of the executive director, or the board of adjudication,

- (a) shall have access during normal business hours to any land, residence or business premises of any person with respect to whom there is reasonable and probable grounds to believe that such access will assist the investigation of the complaint; and
- (b) may inspect such specific documents, correspondence and records relevant to the complaint and may make copies thereof or take extracts therefrom.

En. S.M. 1976, c. 48, s. 16.

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Court order for access.

23(2) Where a person refuses to grant access or to produce documents, correspondence or records as required under subsection (1), the executive director or a board of adjudication may on an ex parte application to a judge of the County Court or Provincial Judges Court, apply for an order granting him access to the land, residence, business premises, documents, correspondence or records, as the case may be; and the judge, if he is satisfied that the authority for access is reasonable and necessary, may grant the order.

En. S.M. 1976, c. 48, s. 16.

Information confidential.

23(3) Except for the purposes of a prosecution under this Act, or any court proceeding or for the purpose of the administration and enforcement of this Act, no person shall

- (a) knowingly communicate, or allow to be communicated to any person any information obtained under this section; or
- (b) knowingly allow any person to inspect, or to have access to, any copy of any document, correspondence or record, obtained under this section.

En. S.M. 1976, c. 48, s. 16.

Exception.

23(4) Subsection (3) does not prohibit

- (a) the communication of any information by the executive director or a board of adjudication or by a person acting under the authority of the executive director, to persons charged with the administration of any statutes of Canada or any other province that relate to the subject matter of this Act; or
- (b) the communication of any information with the consent of the person to whom the information relates; or
- (c) the release or publication by the executive director or the board of adjudication, with the consent of the owner, of any document, correspondence or record or any copy thereof.

En. S.M. 1976, c. 48, s. 16.

Obstruction.

24 No person shall hinder, obstruct, or interfere with or attempt to hinder, obstruct, molest or interfere with, the Commission or a person acting under the authority of the Commission or a board of adjudication in the exercise of their powers and duties under this Act.

S.M. 1974, c. 65, s. 24.

Hearing.

25(1) Upon the appointment of a board of adjudication the board shall without undue delay hold a public hearing for the purpose of inquiry into and deciding the complaint.

Evidence before board.

25(2) The board of adjudication may receive and accept, on oath, affidavit, or otherwise, such evidence or information as it, in its discretion, considers necessary and appropriate, whether or not such evidence or information would be admissible in a court of law.

Administration of oath.

25(3) Any member of the board of adjudication may administer an oath or affirmation to any witness who is called to give evidence before the board.

Notice to parties.

25(4) Before proceeding to hold a hearing, the board of adjudication shall give at least 10 days written notice of the date, time and place of the hearing to all the parties thereto, and a copy of the complaint shall be annexed to the notice.

Full opportunity to be heard.

25(5) The board of adjudication shall give to all parties to a hearing being conducted by it full opportunity to be represented by counsel, to present evidence and make submissions.

Exclusive jurisdiction of board to decide law and fact.

25(6) Subject to appeal under subsection 30(1), the board of adjudication has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any party has contravened this Act or for the making of any order pursuant to such decision.

En. S.M. 1976, c. 48, s. 17.
S.M. 1974, c. 65, s. 25; Am. S.M. 1976, c. 48, s. 17.

Parties to a hearing.

26 The parties to a hearing before a board of adjudication with respect to a complaint that is being inquired into by the board are,

- (a) the Commission, which shall have the carriage of the complaint;
- (b) the person named in the complaint as the complainant;
- (c) any person named in the complaint and alleged to have been dealt with contrary to the provisions of this Act;
- (d) the accused or any person named in the complaint as alleged to have contravened this Act; and
- (e) any other person as may be determined by the board.

S.M. 1974, c. 65, s. 26.

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Recording of oral evidence.

27 The oral evidence taken before a board of adjudication shall be recorded.

S.M. 1974, c. 65, s. 27.

Powers of the board.

28(1) Where the board of adjudication decides that there has been no contravention of the Act by any party, it shall dismiss the complaint.

En. S.M. 1976, c. 48, s. 18.

Powers of board.

28(2) Where the board of adjudication decides that a party has contravened any provision of the Act, it may do one or more of the following things:

- (a) Make an order requiring the party who contravened the Act to do or refrain from doing anything in order to secure compliance with the Act.
- (b) Make an order requiring the party who contravened the Act to compensate the person discriminated against for all, or such part as a board may determine, of any wages or salary lost or expenses incurred by reason of the contravention of this Act.
- (c) Order the person who contravened the Act to pay to the person discriminated against, a penalty or exemplary damages in such amount as the board may determine, if the board is of the opinion that the person discriminated against suffered damages in respect of his feelings, or selfrespect.

En. S.M. 1976, c. 48, s. 18.

Board of adjudication to advise Attorney-General if delay.

28(3) Where a board of adjudication has not rendered a decision within 90 days after being appointed, the board shall forthwith, in writing, advise the Attorney-General of the reasons for the delay and indicate when a decision will be rendered.

En. S.M. 1982, c. 23, s. 24.

Action by Attorney-General.

28(4) At any time after 90 days have elapsed from the date of appointment of a board of adjudication, the Attorney-General may do any one or more of the following things:

- (a) Fix a time within which the board shall render its decision or finding.
- (b) Revoke the appointment of the board of adjudication and appoint a new board of adjudication, in which case the provisions of sections 21 to 31 apply, mutatis mutandis.
- (c) If the board has completed a hearing of the evidence, order the board to file with the Court of Queen's Bench the record of the proceedings together with all the evidence in the board's possession which forms part of the record.

En. S.M. 1982, c. 23, s. 24.

Disposition by Court of Queen's Bench.

28(5) Upon receipt of the record and evidence under clause (4)(c), the Court of Queen's Bench shall consider and dispose of the matter based on the record and evidence, *mutatis mutandis*, as it would dispose of an appeal under section 30.

En. S.M. 1982, c. 23, s. 24.
S.M. 1976, c. 48, s. 18; Am. S.M. 1982, c. 23, s. 24.

Order becoming judgment of court.

29(1) Subject to subsection (2), where a board of adjudication makes an order under clause 28(2)(b) or (c) or both, it may file a certified copy thereof in the Court of Queen's Bench and upon the filing of the order, it becomes a judgment of the Court of Queen's Bench and may be enforced as a judgment of that court.

En. S.M. 1976, c. 48, s. 19.

When order may be filed.

29(2) An order referred to in subsection (1) shall not be filed,
(a) until the time for appeal therefrom has expired and no appeal is filed; or
(b) where an appeal is filed against the order, after the appeal is dismissed.

S.M. 1974, c. 65, s. 29; Am. S.M. 1976, c. 48, s. 19.

Appeal.

30(1) Any party to a hearing before a board of adjudication may appeal from a decision or order of the board, within 30 days from the making of the decision or order, to the Court of Queen's Bench.

Service of notice of appeal.

30(2) A copy of the notice of appeal shall, within 7 days of the filing thereof be served personally or by registered mail to the appellant on all other persons who were parties to the hearing and on the board.

Record to be filed on appeal.

30(3) Forthwith upon the receipt of a notice of appeal under this section, the board of adjudication shall file with the Court of Queen's Bench, the record of the proceedings before it in which the decision or order appealed from was made which, together with a transcript of the oral evidence taken before the board, if it is not part of the record of the board, shall constitute the record in the appeal.

S.M. 1974, c. 65, s. 30.

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Powers of court.

31 An appeal under section 30 may be made on questions of law or fact, or both, and the court after hearing the appeal may,

- (a) affirm or reverse the decision or order of the board of adjudication; or
- (b) direct the board to make any other decision or order that the board is authorized to make under the Act; or
- (c) substitute its decision or order for that of the board.

S.M. 1974, c. 65, s. 31; Am. S.M. 1976, c. 48, s. 20.

Application to court for order for compliance.

32 Where a board of adjudication makes an order under clause 28(a) and the person against whom the order is made refuses, fails or neglects to comply with the order or any part thereof, the minister may apply by way of Originating Notice of Motion to the Court of Queen's Bench for an order requiring the person to comply with the order of the board of adjudication or any part thereof.

S.M. 1974, c. 65, s. 32; Am. S.M. 1976, c. 48, s. 21.

Offences and penalties.

33(1) Every person who,

- (a) deprives, abridges or restricts or attempts to deprive, abridge or restrict any person or class of persons in the enjoyment of a right under this Act;
- (b) contravenes any provision of this Act; or
- (c) fails, refuses or neglects to comply with an order of a board of adjudication, in whole or in part, other than an order or part of an order directing for the payment of wages;

is guilty of an offence and liable on summary conviction,

- (d) if an individual to a fine of not less than \$100.00 and not more than \$1,000.00; or
- (e) if a corporation, trade union, employers' organization, employment agency or occupational association, to a fine of not less than \$500.00 and not more than \$5,000.00.

Laying of information.

33(2) A prosecution for an offence under this Act may be commenced on the information of the Commission or any person alleging on behalf of himself or of any class of persons that an offence has been committed under this Act.

Prosecution of employers' organization, trade union or occupational association.

33(3) A prosecution for an offence under this Act may be brought against an employers' organization, trade union, or occupational association in the name of the organization, union or association; and for the purpose of such a prosecution the organization, union or association shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of such an organization, union, or association, shall be deemed to be an act or thing done or omitted by the employers' organization, trade union or occupational association.

Limitation of time for prosecution.

33(4) No information may be laid or prosecution commenced,

- (a) with respect to an alleged offence under this Act after the expiration of one year from the date of the alleged offence; or
- (b) with respect to the failure, refusal, or neglect to comply with an order or part of an order of a board of adjudication, after the expiration of one year from the date of the making of the order, or where an appeal was taken from the order and was dismissed, after the expiration of one year from the date of the dismissal of the appeal; or
- (c) with respect to the failure, refusal or neglect to comply with an order or part of an order of a board of adjudication where the board has allowed time for compliance therewith, after the expiration of one year from the date of expiration of the time allowed by the board to comply with the order.

Consent to prosecution.

33(5) No prosecution for an offence under this Act shall be instituted without the consent in writing of the minister.

Technical defects.

33(6) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

S.M. 1974, c. 65, s. 33.

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PART IV

MISCELLANEOUS

Injunction.

34 In addition to what may be permitted by this Act, a person who deprives, abridges or otherwise restricts or attempts to deprive, abridge or otherwise restrict a person or class of persons in the enjoyment of a right under this Act because of the race, nationality, religion, colour, sex, age, marital status, physical or mental handicap, ethnic or national origin, political belief, family status, or source of income of the person; may be restrained by an injunction issued in an action in the Court of Queen's Bench brought by any person against the person responsible for the deprivation, abridgement or other restriction or any attempt thereat.

S.M. 1974, c. 65, s. 34; Am. S.M. 1976, c. 48, s. 22; Am. S.M. 1977, c. 46, s. 2;
S.M. 1982, c. 23, s. 25.

Regulations.

34.1 The Lieutenant Governor in Council may, for the purposes of section 7, make regulations prescribing guidelines which may be followed by, but are not necessarily binding upon, the commission or a board adjudication.

En. S.M. 1976, c. 48, s. 23.

Crown bound.

35 The Crown, and every servant and agent of the Crown, is bound by this Act.

S.M. 1974, c. 65, s. 35.

Transitional provision.

36 Where prior to the coming into force of the amendments set out in this Act, any matter, application, proceeding, investigation or hearing was commenced, that matter, application, proceeding, investigation or hearing shall be continued and completed in accordance with the provisions of The Human Rights Act, being chapter H175 of the Revised Statutes, as it stood prior to the coming into force of this Act.

En. S.M. 1976, c. 48, s. 24.

Repeal.

37 The Human Rights Act, being chapter 104 of the Statutes of Manitoba, 1970 (chapter H175 of the Continuing Consolidation of the Statutes of Manitoba) is repealed.

S.M. 1974, c. 65, s. 37.

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Reference in continuing consolidation.

38 This Act may be referred to as chapter H175 in the continuing consolidation of the Statutes of Manitoba.

S.M. 1974, c. 35, s. 38.

Commencement of Act.

39 This Act comes into force on a day fixed by proclamation.

S.M. 1974, c. 65, s. 39.

Note: This Act was proclaimed in force on October 25, 1974. See Manitoba Gazette, October 19, 1974, page 1185.