

THE MANITOBA  
HUMAN RIGHTS  
COMMISSION



LA COMMISSION DES  
DROITS DE LA PERSONNE  
DU MANITOBA

**Manitoba Human Rights Commission**  
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## **Changes Benefit Persons with Disabilities**

The Manitoba Human Rights Commission is pleased that a complaint against the Registrar of Motor Vehicles and the Medical Review Committee, established under The Highway Traffic Act, which was to have gone to a human rights hearing late in January, has been resolved through mediation. The settled complaint has changed the process used to assess drivers with certain disabilities, particularly vision and hearing impairments.

The complainant, who lost some peripheral vision after a brain hemorrhage and surgery, had his driver's license cancelled by the Registrar. He subsequently appealed to the MRC and was provided with a restricted Class 5 license, which limited him to driving within a 30 kilometer radius of his home. He appealed this decision several times without success. He filed a complaint with the Manitoba Human Rights Commission.

Initial mediation efforts were not successful and the case was scheduled to go to adjudication. The Registrar of Motor Vehicles and the Medical Review Committee explained that originally, the complainant's license was restricted because of a standard, which requires drivers to have at least 120 degrees peripheral vision.

The Commission maintained that the strict application of the 120 degree standard failed to comply with recent human rights decisions by the Supreme Court of Canada, which state that such standards must be as inclusive as possible, so as not to unreasonably discriminate against persons with disabilities. The Commission contended that the decisions should be based on more comprehensive testing, including assessments by occupational therapists and physicians, which individually assess a person's functional ability to drive safely. The parties agreed to return to the mediation process before the scheduled hearing was to take place.

According to Dianna Scarth, the Executive Director of the Manitoba Human Rights Commission, "the changes in process, which have been agreed upon in this case, reflect a balance between the need to ensure that a driver is capable of operating a vehicle safely and the duty of the Registrar and Medical review Committee to reasonably accommodate people with disabilities. "

As a result of this successful mediation, individuals with certain functional limitations, particularly persons with vision and hearing impairments, will be entitled to comprehensive, functional assessments to ascertain whether or not driver's licenses will be issued.

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