

SASKATCHEWAN



June 1, 2005

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Dear Mr. Taylor:

Enclosed please find a copy of my letter dated April 18, 2005 to the Minister of Health and Minister of Government Relations, as requested in your email dated May 7, 2005.

You will note in my letter I have suggested a number of potential accommodations that might be undertaken by government. Reasonable accommodation must be assessed in the circumstances of each case. It would be inappropriate for me to express a conclusive opinion with respect to what I would consider as reasonable accommodation, when I might be required to make a determination on such matters in future complaints.

Sincerely

Donna Scott, Q.C.
Chief Commissioner



April 18, 2005

Honourable John Nilson
Minister of Health
Room 361
Legislative Buildings
Regina, SK S4S 0B3

Dear Minister Nilson:

8th Floor, Sturdy Stone Bldg.
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**Re: West Nile Virus Spraying Program
Our File RG-03-084**

I am writing as a follow-up to my letter of February 2, 2004 with regard to the above matter. As you know, my office has been approached by individuals who feel they are vulnerable to spraying for West Nile Virus because of their particular sensitivities to chemicals.

The Commission recognizes the importance of halting the spread of West Nile Virus. However, the Commission is concerned that the use of chemical agents to control mosquitoes may have an adverse impact on pregnant women, parents of young children and to persons with disabilities.

As you are aware, *The Saskatchewan Human Rights Code* prohibits discrimination in the provision of services on the basis of a number of protected characteristics, such as disability, age and, sex including pregnancy. Discrimination includes a failure to reasonably accommodate special needs, which are based on a protected characteristic.

Municipalities considering the use of chemical agents to control mosquitoes are obligated to consider the impact of any plan to use chemical agents for the control of mosquitoes on persons protected by the *Code*. Issues raised by chemical spraying include:

1. Is the plan for the use of chemicals or "fogging agents" to control mosquitoes rationally connected to halting West Nile Virus?
2. Is it reasonably necessary to take the approach under consideration, or are there alternative approaches, which might accomplish the objective in a way that has less of a discriminatory impact on the protected group?

3. If there are not such alternative approaches, how can the municipality reasonably accommodate special needs that are based on protected characteristics?

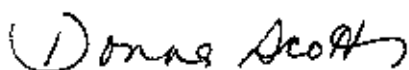
While reasonable accommodation must be assessed on the facts of each case, potential accommodations might include:

1. Providing the general public with information on spraying, including how to protect oneself from spraying;
2. Maintaining a voluntary registry of persons with health concerns to facilitate notification of spraying;
3. Providing at least 48 hours' notice to the general public, so that alternative arrangements can be made;
4. Establishing an inquiry/information hotline for those who request more information;
5. Assisting with temporary relocation for those who reasonably request it and have no alternatives.

The Commission suggests that the Government of Saskatchewan establish province-wide guidelines relating to chemical spraying of mosquitoes, to be in place for the summer 2005. In developing mosquito control plans, it is important that government and municipalities become aware of their human rights obligations and consider the effect of their plans on persons protected by the *Code*.

If you have any questions or wish to discuss this matter further, please do not hesitate to contact me or my office.

Sincerely



Donna Scott, Q.C.
Chief Commissioner

cc. Honourable L. Taylor
Minister of Government Relations