

**MANITOBA METIS FEDERATION INC.**  
300 - 150 Henry Avenue, Winnipeg, Manitoba R3B 0J7  
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David Chartrand, LL.D. (hon), O.M.  
*President*

September 11, 2020

**The Manitoba Human Rights Commission  
700 – 175 Hargrave Avenue  
Winnipeg, MB R3C 3R8**

**“Via Email & Mail”**

**Attention: Karen Sharma, Executive Director**

**Dear Ms. Sharma:**

**Re: Complaint against The Government of Manitoba, The Honourable Cameron Friesen, Minister of Health, Seniors and Active Living and Doctor Brent Roussin**

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The Manitoba Métis Federation is the democratically elected, self-government representative of the Manitoba Métis. The Manitoba Métis are part of the Métis Nation, an aboriginal people as referenced in Section 35 in the *Constitution Act*, 1982. The Manitoba Métis have aboriginal rights including the right of self-government and self-determination.

As the self-government of the Manitoba Métis, the MMF has been concerned since the start of the COVID-19 pandemic, that the Government of Manitoba and those leading the Province's response to COVID-19, obtain verifiable Métis specific data and coordinate the COVID-19 response with the MMF to achieve optimum health care results for Métis citizens and indeed all Manitobans.

In that regard, MMF Minister of Health and Wellness, Frances Chartrand wrote to the Honourable Cameron Friesen, Minister of Health, Seniors and Active Living on April 14, 2020 seeking to establish an appropriate level of coordination and collaboration. A copy of her letter is enclosed. No response was received from Minister Friesen.

Sometime in late March or early April, Manitoba negotiated a data sharing agreement as it relates to First Nations citizens, with the Assembly of Manitoba Chiefs. Starting on April 3, 2020 Manitoba started to request that patients testing positive for COVID-19 voluntarily self-identify as First Nations, Métis or Inuit.



I enclose a copy of a CBC article posted on May 7, 2020. As you will see, Dr. Roussin referred to the information sharing agreement with the Assembly of Manitoba Chiefs. On page 2 you will note he is quoted as stating "We're working on a similar agreement with Inuit communities. We remain interested in connecting with representatives from the Métis community to work on a similar agreement".

While the MMF found Dr. Roussin's comments to be encouraging, that quickly changed when we became aware of the fact that no agreement between Manitoba and the MMF would happen.

As such, MMF instructed our legal counsel to write to Minister Friesen and confirm, MMF's willingness to work with Manitoba on a Métis data collection and sharing agreement.

I enclose a copy of our counsel's letter of June 2, 2020 to Minister Friesen. Please note, that the letter was copied to Dr. Roussin. The June 2, 2020 letter generated a two line email from Minister Friesen's office on June 4, 2020 to our counsel confirming receipt of the letter and advising "Please be assured it will be brought to the Minister's attention".

No further response was received from Minister Friesen or Dr. Roussin.

As a result, MMF instructed legal counsel to write again to the Minister. I enclose a copy of our legal counsel's letter dated August 7, 2020. Please note that a copy was sent as well to Dr. Roussin.

There has been no communication from Manitoba, Minister Friesen or Dr. Roussin in response to MMF's repeated outreach to develop a meaningful data collection and sharing agreement.

On August 31, 2020 Manitoba announced that it was re-introducing travel restrictions to Northern Manitoba.

I enclose a copy of a CBC article dated August 31, 2020. You will note on page 2 that Dr. Roussin is reported as having indicated that he was in communication with First Nations leaders regarding a Northern travel ban.

While it is commendable that Dr. Roussin and Manitoba are communicating and coordinating with First Nations throughout Manitoba, the fact is that they have and continue to ignore the Métis. We have sizable Métis communities not only in Winnipeg, Brandon, Dauphin, Selkirk, Swan River and The Pas but in other parts of the Province including Northern Manitoba.

The MMF, the Manitoba Centre for Health Policy (MCHP) and Manitoba Health collaborated on the production of the "first of the kind" Métis Atlas that maps out the health status of the Manitoba Métis citizens compared with all other Manitobans. Study results show that there is much higher premature mortality rate amongst Métis. In fact, Métis are 21% more likely to die before the age 75 compared to the rest of Manitobans. Not only

do Métis die earlier, we carry a higher burden of chronic disease. In six out of seven commonly reported chronic disease, Métis have significantly higher rates of chronic disease.

COVID-19 is a matter of life and death for a vulnerable, at risk Manitoba Métis Community.

The fact is that Manitoba, the Minister of Health and Chief Provincial Public Health Officer Dr. Roussin, will not communicate with nor work with the MMF on the COVID-19 pandemic response. They are all acting in bad faith by refusing to deal with the MMF.

Given their willingness to work with First Nations and Inuit, the other two aboriginal peoples of Canada, I have concluded, that the sole reason they will not communicate with the MMF is because our citizens are Métis.

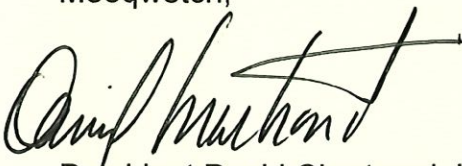
As such, I believe this is discrimination within the meaning of Section 9(1) of the *Human Rights Code*. It is discrimination based on ancestry and the fact that the citizens involved are represented by and members of the MMF. I note specifically Section 9(2)(a) and (k) of the *Human Rights Code*.

Finally, I believe that Section 9(3) which deals with systemic discrimination also applies.

The MMF wishes to file a formal complaint on behalf of all Manitoba Métis. I understand that there is an intake process and, I ask that you have your office contact my Chief of Staff, Allan Benoit at (204) 299-0534 or [abenoit@mmf.mb.ca](mailto:abenoit@mmf.mb.ca) in order to complete the filing of the actual complaint.

We look forward to hearing from you in the near future.

Meeqwetch,

A handwritten signature in black ink, appearing to read "David Chartrand". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

President David Chartrand, LL.D. (hons), O.M.



# **Murray N. Trachtenberg**

**Barrister Solicitor & Notary Public**

212-428 Portage Avenue  
Winnipeg, Manitoba, R3C 0E2  
Canada

*\* Services provided by MN Trachtenberg Law Corporation*

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August 7, 2020

File No.: 2000-1

**The Honourable Cameron Friesen  
Minister of Health, Seniors and Active Living  
302 – 450 Broadway Avenue  
Winnipeg, MB R3C 0V8**

**“Via Email & Mail”**

**Dear Minister Friesen:**

**Re: COVID-19: Government of Manitoba Unwillingness to Work  
with Manitoba Metis Federation**

I write to you further to my letter of June 2, 2020, a copy of which I enclose for your reference.

Despite my client's request that you work with the MMF on a Métis Data Collection and Sharing Agreement, there has been no response from you or your officials. As I stated on June 2, 2020, the MMF remains willing to work with Manitoba and appropriate officials including Dr. Roussin and Chief Nursing Officer Laura Siragusa to ensure the best possible health outcomes for not only Manitoba Métis but indeed all Manitobans.

Whatever disputes MMF has with the Government related to other matters, do not justify Manitoba's refusal to engage in a meaningful way with the MMF to deal with the impact of COVID-19 on the Manitoba Métis.

The *Path to Reconciliation Act* affirms that the Government of Manitoba is committed to reconciliation. Section 2 of the *Act* requires the Government to have regard for several principles including the principle of engagement “with Indigenous Nations and Indigenous Peoples”. As a member of the Executive Council, you are required by Section 3(2) of the *Act* “to promote measures to advance reconciliation through the work of the member’s department...”. Your refusal to engage with the MMF as previously requested, is inconsistent with Manitoba’s commitment to reconciliation and your obligation as a member of the Executive Council.

I urge you to reconsider your position and direct your officials to engage with the MMF in a meaningful way in the immediate future.

Yours truly,



**MURRAY N. TRACHTENBERG**

MNT/cm

Encl.

**Cc:**           **MMF President**  
                  **David Chartrand (via email)**

**MMF Minister of Health**  
                  **Frances Chartrand (via email)**

**Deputy Minister of Health, Seniors and Active Living**  
                  **Karen Herd (via email)**

**Chief Provincial Public Health Officer**  
                  **Dr. Brent Roussin (via email)**

**Chief Nursing Officer, Shared Health Manitoba**  
                  **Lanette Siragusa (via email)**



# **Murray N. Trachtenberg**

**Barrister Solicitor & Notary Public**

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*\* Services provided by MN Trachtenberg Law Corporation*

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June 2, 2020

File No.: 2000-1

**The Honourable Cameron Friesen  
Minister of Health, Seniors and Active Living  
302 – 450 Broadway Avenue  
Winnipeg, MB R3C 0V8**

**“Via Email & Mail”**

**Dear Minister Friesen:**

**Re: COVID-19: Government of Manitoba Unwillingness to Work  
with Manitoba Metis Federation**

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I am legal counsel to the Manitoba Metis Federation, the democratically elected self-government of the Manitoba Métis. I write to you further to the letter of MMF Health Minister Frances Chartrand dated April 14, 2020, a copy of which I enclose. It is my understanding that there has been no response to Minister Chartrand's letter by your office, including the normal customary acknowledgment of receipt. This lack of response, is in keeping with the Manitoba Government's overall and ongoing treatment of the MMF which is characterized by a lack of respect for the self-government of the Manitoba Métis, Canada's partner in Confederation and the people responsible for the creation of the Province of Manitoba.

That this should be Manitoba's attitude and treatment of the Manitoba Métis during this, the 150<sup>th</sup> Anniversary of the creation of Manitoba, is shameful.

COVID-19 has created a public health emergency and represents a serious threat to the wellbeing of all Manitobans. Having said that, it is well known and indeed has been acknowledged by Manitoba Health Officials, that the Metis Nation Health Study showed a very concerning and disturbing finding that Metis People have some of the highest chronic illnesses susceptible to greater impacts from COVID-19 than the general population.

It was reported in the news media, including a May 6, 2020, article in the Winnipeg Free Press titled "*COVID-19 data pact excludes some indigenous groups*" that:

"Manitoba public health nurses on April 3, 2020 began asking all who tested positive for the virus if they identify as First Nations, Métis or Inuit [while on] April 28, 2020 the province signed an agreement to share that information with the Manitoba First Nations' pandemic response co-ordination team[...]."

Furthermore, Dr. Roussin stated Manitoba was working on a similar agreement or may have already signed one with "Inuit Communities". The MMF is not aware of any Inuit Communities in Manitoba.

This information raises two major concerns for my client.

First, the data being unilaterally collected by Manitoba will result in distorted and inaccurate Métis statistics, as there is opportunity for individuals to wrongfully self-declare as Métis. Who is Métis is a matter that can only be determined by the Manitoba Métis acting through their self-government, the MMF. The data concerning Métis individuals, as collected by your department, will be questionable.

In her letter, Minister Chartrand had requested Manitoba share any and all data that may be useful in determining how to approach a MMF action plan. As a last resort, information



including that from self-identified Métis Individuals although not subject to robust analysis, might have been useful depending on the scope and nature of the data collected.

Second, while the MMF continues participating in conference calls with Regional Health Authorities across the province regarding a partnership to provide programs and services to the Manitoba Métis Community, the MMF has still not been approached by Manitoba with a willingness to enter into a data gathering and sharing agreement. Such an agreement would not only have provided a framework for moving forward in a government-to-government relationship, but have acted as a basis for determining a process towards ensuring accurate data is obtained that would have been useful to both governments.

Let me state clearly that the MMF remains willing to work with Manitoba and appropriate officials including Dr. Roussin and Chief Nursing Officer Laura Siragusa to ensure the best possible health outcomes for not only Manitoba Métis but indeed all Manitobans.

The MMF commends the Government's efforts on working with First Nations and Inuit in concluding a data-sharing agreement. The MMF asks that you show the Manitoba Métis, the same respect and work with the MMF on a Métis data collection and sharing agreement.

Minister Frances Chartrand may be contacted via email at [fchartrand@mmf.mb.ca](mailto:fchartrand@mmf.mb.ca) or via cellphone at [REDACTED]

I also wish to advise you, that in the event Manitoba continues its present position of ignoring the MMF, refusing to share vital data and collaborate with the MMF in collecting verifiable data regarding COVID-19's impact on the Manitoba Métis, the MMF will hold Manitoba, you and other officials responsible for any COVID-19 related negative impacts on the Manitoba Métis and will take all possible legal actions on behalf of its citizens.



Minister Friesen, it has been stated by Premier Pallister and health officials that “We are all in this together”. Now is your opportunity to prove that includes the Manitoba Métis.

Yours truly,



**MURRAY N. TRACHTENBERG**

MNT/cm

Encl.

**Cc:**           **MMF President**  
                  **David Chartrand (via email)**

**MMF Minister**  
                  **Frances Chartrand (via email)**

**Deputy Minister of Health, Seniors and Active Living**  
                  **Karen Herd (via email)**

**Chief Provincial Public Health Officer**  
                  **Dr. Brent Roussin (via email)**

**Chief Nursing Officer, Shared Health Manitoba**  
                  **Lanette Siragusa (via email)**



**MINISTER  
OF HEALTH, SENIORS AND ACTIVE LIVING**

Room 302  
Legislative Building  
Winnipeg, Manitoba CANADA  
R3C 0V8

SEP 10 2020

Murray Trachtenberg  
Barrister Solicitor and Notary Public  
Email: [mntlaw@shaw.ca](mailto:mntlaw@shaw.ca)

Dear Murray Trachtenberg:

Thank you for your letter advising that Manitoba Health, Seniors and Active Living (MHSAL) has not yet responded to the Manitoba Métis Federation (MMF) regarding a Métis collection and data agreement.

I believe that you are referring to the data collection identifier work that was proposed in March 2020. The department reached out to respective Indigenous leadership organizations in Manitoba to discuss this; specifically, MHSAL reached out in order to develop specific Indigenous identifiers (First Nation, Métis, and Inuit) and agreements for the purposes of sharing confidential information to help mitigate the spread of COVID-19 in the province.

On June 18, 2020, I responded to Frances Chartrand, MMF Minister of Health and Wellness, that MHSAL approached the MMF to work on developing Indigenous identifiers (First Nation, Métis, and Inuit) to support COVID-19 reporting in the province. However, as also noted in that letter, my understating was that the MMF declined to participate in this work.

I also would like to reiterate that the department recognizes the MMF's desire to support its community members and to help mitigate the spread of COVID-19 in the province. To that end, I would like to suggest to the MMF that we work together to help mitigate the spread of COVID-19 in Manitoba and enter into a data sharing agreement to govern the department's use of Métis identifiers to support COVID-19 reporting to the MMF.

Please feel free to contact Avis Gray, MHSAL Assistant Deputy Minister, at 204-788-6663, to set up meetings to discuss this in the near future.

Sincerely,

Cameron Friesen

c Avis Gray





**MINISTER  
OF HEALTH, SENIORS AND ACTIVE LIVING**

Room 302  
Legislative Building  
Winnipeg, Manitoba CANADA  
R3C 0V8

Frances Chartrand  
Minister of Health and Wellness  
Manitoba Metis Federation Inc. (MMF)  
Email: [fchartrand@mmf.mb.ca](mailto:fchartrand@mmf.mb.ca)

JUN 18 2020

Dear Minister Chartrand:

Thank you for your letter regarding the Manitoba government's tracking and maintaining of COVID-19 data in the province. Please accept my apology for the delay in replying.

As you know, Manitoba Health, Seniors and Active Living (MHSAL) is responsible for this work as part of providing the health and safety measures necessary against the fight of COVID-19 in our province.

I can appreciate the MMF's desire to contact Metis citizens as part of the MMF's effort to support community members and assist in mitigating the spread of COVID-19. Communicable disease information (in this case, individuals testing positive for COVID), is reported to MHSAL under The Public Health Act. However, this information must be held confidential under The Personal Health Information Act. Please be advised that all positive cases of COVID-19 and their contacts are connected with by regional or federal public health staff as part of the public health contact and tracing process aimed to reduce the spread of infection.

In March of this year, the province reached out to key Indigenous organizations in Manitoba to work on developing First Nations, Metis and Inuit identifiers to support COVID-19 reporting in the province. I understand that the MMF was contacted to participate in this work through a number of avenues but declined to be involved at that point.

I also understand from MHSAL officials that MMF staff have been regular and active participants of weekly meetings at the provincial Indigenous COVID-19 Collaboration table where officials from key provincial and federal departments meet with Indigenous leadership (Assembly of Manitoba Chiefs, MMF, Manitoba Inuit Association and Manitoba-based Nunavut Health organizations, and the Northern Association of Community Councils) to address and collaborate on Indigenous specific COVID-19 concerns.

Should you wish to follow up on your issues further, please contact Avis Gray, Assistant Deputy Minister of Population Health at [Avis.Gray@gov.mb.ca](mailto:Avis.Gray@gov.mb.ca) or at [204-788-6663](tel:204-788-6663).

Thank you for writing and sharing your views as we work collaboratively to maintain and ensure the health and safety of Manitobans during these unprecedented times.

Sincerely,



Cameron Friesen