



Alberta
Human Rights Commission

Annual Report 2018-19

Place of Origin
Inclusion
 Race
 Gender Expression
 Age
Diversity
 Family Status
 Sexual Orientation
Human Rights
 Religious Beliefs
 Social Justice
 Gender Identity
 Mental Disability
 Peace
 Gender
 Physical Disability
 Source of Income
Respect
 Multiculturalism
 Ancestry
 Freedom
 Colour
 Marital Status
 Equality

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Please note: In 2018-19, the budget for the Alberta Human Rights Commission was integrated into the budget for the Ministry of Justice and Solicitor General. The financial statements for the ministry are included in the *2018-19 Annual Report of the Ministry of Justice and Solicitor General*, which is available on the ministry's website.

Upon request, the Commission will make this publication available in accessible formats for people with disabilities who do not read conventional print.

Introduction

The Alberta Human Rights Commission is an independent commission of the Government of Alberta, which is established under the *Alberta Human Rights Act* (the *Act*). The Chief of the Commission and Tribunals of the Alberta Human Rights Commission (the Commission) is responsible for keeping the Minister of Justice and Solicitor General, who has responsibility for the *Act*, informed about human rights issues and the activities of the Commission; providing the Members of the Commission with guidance regarding their tribunal hearings and other functions; providing guidance to the Director of the Commission and the Director of Communication, Education and Engagement regarding the overall goals and direction of the Commission; and rendering appeal decisions pursuant to section 26 of the *Act*.

Under section 19 of the *Alberta Human Rights Act*, the Alberta Human Rights Commission is required to submit a report of its activities at the

end of each fiscal year, including a summary of the disposition of complaints under the *Act* and any other information that the Minister may require. This annual report provides a summary of activities that took place during the period April 1, 2018 to March 31, 2019.

In August 2018, the Government of Alberta appointed Mr. Michael Gottheil as Chief of the Commission and Tribunals of the Alberta Human Rights Commission. Mr. Gottheil is a graduate of Osgoode Hall Law School, and brings to the Commission an extensive legal background and leadership experience, which includes close to 20 years in the practice of labour, employment and human rights law.

Mr. William D. McFetridge, Q.C., a Member of the Commission since September 2010, served as Acting Chief of the Commission and Tribunals from April to August 2018 of the 2018-2019 fiscal reporting year.

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Message from the Chief of the Commission and Tribunals

I am pleased to present the 2018-19 Alberta Human Rights Commission Annual Report. This is the first report since I assumed the role of Chief of the Commission and Tribunals in August 2018. It has been an honour to work with the committed, dedicated, and professional individuals who work at the Commission and Tribunals.

I have seen significant change in my first eight months in this role. We have said goodbye to a number of dedicated Commission staff who retired or moved on to other exciting career opportunities. With the government-wide staffing restrictions, we were unable to fill a number of vacancies, but hope to move forward with filling vacancies in the new fiscal year. This will allow us to re-evaluate our operations and develop a strategic human capital plan to fulfill our mandate.

In February, we welcomed Nancy Henderson as the new Director of the Commission. Nancy comes with many years of experience in legal practice, community work, and human rights, having previously served in senior roles in legal and non-profit organizations, including the Social Planning and Research Council of B.C., Osgoode Hall Law School's teaching clinic, Parkdale Community Legal Services, and the Landlord and Tenant Board in Ontario.

One of the most exciting projects in 2018-19 was the launch of the Case Inventory Resolution Project. Due to a number of factors, we developed a significant case inventory, which meant complainants and respondents were waiting too long to have their matters resolved. To increase efficiency and decrease resolution times, we developed a more streamlined

process, set up a team of staff dedicated to older cases, and launched a project to resolve the approximately 1800 cases within 18 months from implementation. While the process for the Case Inventory Resolution Project is more streamlined, we are committed to ensuring fairness, and are confident that the public will see the benefits, not only in having the older cases resolved, but in informing overall efficiency and effectiveness in addressing human rights issues going forward.

In 2018-2019, we continued our active community engagement activities. A new initiative launched over the past year was the Coalitions Creating Equity (CCE) initiative, a partnership with individuals, groups and municipal councils across Alberta. This initiative was developed with a view to build support to create an Alberta that celebrates diversity and inclusion, using local tools and capacity to prevent and respond to incidents of discrimination and hate. In March, the Commission held an event in conjunction with the Association of Urban Municipalities of Alberta, which drew approximately 175 community leaders, municipal staff, mayors and councilors who shared their experiences and strategies for developing inclusive practices at the elected and administrative levels, engaging all citizens to have a voice in local decision-making, and measuring progress. This was followed by the screening of "Not in Our Town," a film about a community in Montana that came together after the tragic racially-motivated murder of a young citizen. After the film, participants engaged in a workshop about how to mobilize the strong anti-hate, pro-inclusion sentiments of the film, within their respective communities. In partnership with the



Commission, the local Coalitions Creating Equity coalition in Wood Buffalo also screened the film and hosted a community discussion.

I feel so fortunate to have the opportunity to connect with the community, and always come away invigorated when I attend our community partnership events.

Whether it is working with Indigenous communities and groups, or organizations that advance the interests of persons with disabilities, the Commission is committed to continuing to build an Alberta where everyone can thrive, participate, share, and take pride in the great heritage we are fortunate to have.

I welcome all who share our mission and mandate to work with us, and encourage people to reach out as we do the same.

[Original signed by]

Michael Gottheil
Chief of the Commission and Tribunals

Communication, Education and Engagement

The Commission's mandate is to foster equality and reduce discrimination. In support of this mandate, the Commission's Communication, Education and Engagement area focuses on upstream, preventative work that builds capacity and works collectively to address human rights issues. In 2018-19, the Education and Engagement area changed its name to Communication, Education and Engagement. The name change reflects the area's commitment to using a variety of strategies, including communication, to further efforts to create a human rights culture where all Albertans can fully participate in and contribute to the cultural, social, economic, and political life of the province, without discrimination.

In accordance with the *Alberta Human Rights Act* (the *Act*), the Commission is mandated to research, develop, and conduct educational programs designed to eliminate discriminatory practices related to the protected areas and grounds. In addition, the Commission is responsible for promoting an understanding of, acceptance of, and compliance with the *Act*, and to encourage and coordinate both public and private human rights programs and activities.

Throughout 2018-19, the Commission continued to implement educational programs and initiatives aimed at furthering the principle that all Albertans are equal in dignity, rights and responsibilities.

Making information accessible to the public

To fulfill its mandate, the Commission's online newsletter, Alberta Human Rights Information Service, continued to communicate to readers about new tribunal and court decisions, educational initiatives, and other news related to human rights and diversity. In 2018-19, five regular issues and three special issues were published, as well as six emails highlighting upcoming workshops and forums were sent to subscribers. As of March 31, 2019, the newsletter had over 3,800 subscribers.

In 2018-19, the Commission released messages from the Chief of the Commission and Tribunals to inform Albertans about dates significant to human rights and diversity, as well as messages to encourage Albertans to live the values set out in the *Act*. The Chief of the Commission and Tribunals also provided a written message for the Wood Buffalo Human Rights Day event.

Engaging with Albertans

In 2018-19, the Chief of the Commission and Tribunals had the opportunity to speak at 20 community stakeholder events and conferences throughout the province and country. He encouraged attendees at each event to live the ideals set out in the *Act* by embracing inclusion, mutual respect, and diversity. Keynote addresses, offered at Alliance Jeunesse-Famille de l'Alberta Society's Dialogue for Taking Action against Racism and at the Alberta Network of Immigrant Women's Standing Together Conference, acknowledged challenges faced by attendees and stressed the collective responsibility that Albertans have to address racism and discrimination.

To further its efforts to engage with and educate Albertans, the Commission attended a number of community events with an exhibit of resources, providing information about human rights and the Commission's programs and services. This included attending the Chartered Professionals in Human Resources of Alberta annual conference, Law Day in Edmonton and Calgary, the RESET Society of Calgary's Sexual Exploitation Training and Awareness Conference, and the Workplace Inclusion Forum.

The Commission endeavours to be responsive to the current human rights issues facing Albertans and Alberta communities. The Commission received 34 media inquiries in 2018-19. While many of the inquiries requested case-specific information that the Commission keeps confidential, there were also calls related to the Commission and Tribunals and their processes, as well as questions related to grounds and areas under Alberta's human rights legislation.

Supporting Alberta businesses, organizations and service providers

Another priority for the Commission is supporting businesses and organizations that wish to learn about and foster the values of the *Act*. In January 2018, the *Act* was amended to include age as a protected ground in the areas of services and tenancy. The *Act* was also amended to protect ameliorative policies, programs, and activities.

In response to these amendments, the Commission continued to update its educational resources, including the website and an information sheet, and created new educational resources. The Commission also worked with the Centre for Public Legal Education Alberta to develop two new information sheets to help business owners, landlords, and tenants

understand these amendments: *Human rights in tenancy*, outlines how the *Act* protects Albertans from discrimination in residential and commercial tenancy; and *Human rights in condominiums*, outlines how the *Act* protects Albertans from discrimination in the occupancy of a condominium unit.

To further support organizations, the Commission produced a new webcast on preventing sexual harassment in the workplace. Two additional customized webinars were developed in partnership with non-profit organizations. They were presented to management and non-management staff on topics including an overview of the *Act*, human rights and gender identity and gender expression.

In 2018-19, the Commission delivered 62 customized and remedy workshops, which provided in-depth human rights information for a range of businesses and organizations, including educational, non-profit and private organizations, as well as organizations providing healthcare. The topic of preventing harassment and bullying in the workplace was addressed at 25 of the workshops, and 12 of the workshops focused on the topic of duty to accommodate in the workplace. In addition, presentations were given on gender identity, gender expression, and cannabis-related issues. The Commission also offered seven public workshops in Edmonton, Calgary, and Red Deer that provided basic human rights information.

The Commission hosted four forums across Alberta to inform employers of their rights and responsibilities under the *Act*. Of these forums, two provided an increased understanding of how to prevent harassment in the workplace, and two provided an increased understanding of how to address racial discrimination in the workplace.

With a grant from the Commission, the Town of Banff and the Regional Municipality of Wood

Buffalo collaborated and researched best practices to address diversity, inclusion, and equity for their local workforces. From their research, they developed training curriculum for employers and employees to support improved employee retention, productivity, financial returns, and customer satisfaction. In addition, they developed ongoing recognition programs for the businesses that participate in inclusivity training and make positive change to create respectful workplaces.

Tools for change

The Commission administers the Human Rights Education and Multiculturalism Fund (the Fund). The Fund provides support for educational programs and services that promote an environment where all Albertans can participate in and contribute to the cultural, social, economic, and political life of the province. A key function of the Fund is to provide grants to non-profit organizations, public institutions, and communities for outcome-based projects that address human rights and issues such as social exclusion, inequality of opportunity, discrimination, racism, or other barriers that limit Albertans' ability to be full and contributing citizens.

In 2018-19, the Fund provided \$1,131,126 in grants to non-profit organizations, post-secondary institutions, and municipalities. Of that funding, \$744,570 was allocated for new projects that respond to human rights issues, including addressing systemic racism and discrimination. In 2018, CommunityWise Resource Centre received the Award of Excellence from the Canadian Race Relations Foundation for its funded project, Anti-Racist Organizational Change, where an anti-racism approach is used to strengthen organizations' commitments to diversity, inclusion, and equity.

Another notable project completed in 2018-19 was an award-winning documentary that increased awareness of black history and discrimination in Alberta. A grant, provided to the Shiloh Centre for Multicultural Roots, funded the research and community engagement behind the documentary, *We are the Roots: Black settlers and their experiences of discrimination on the Canadian prairies*. This documentary won six prestigious awards including the 2018 Governor General's History Award for Excellence in Community Programming.

Outreach and engagement

An ongoing priority for the Commission is to collaborate with stakeholders and engage with communities, as it increases the effectiveness and scope of human rights efforts.

Coalitions Creating Equity initiative

In the previous fiscal year, 2017-18, the Commission hosted five community conversations across Alberta in recognition of the 45th anniversary of the *Individual's Rights Protection Act* and the *Alberta Bill of Rights* and prepared a summary report. In response to what was heard, the Commission established the Coalitions Creating Equity (CCE) initiative. This initiative is both a local and province-wide approach to address equity, racism, and human rights through community engagement, leadership support, and capacity building.

Early in 2018-19, regional coordinators were hired in each of the five communities and they began forming regional coalitions based on the specific needs and context of each region. As the coalitions came together, each region developed action plans, outlining the activities they would undertake to address the human rights issues in their communities. Coordinators also collaborated across regions to develop a joint plan. One collaborative project initiated between the regions was the development a

response model and protocol on how to respond to hate and bias incidents. For example, one community organized a restorative justice circle with the transgender community and staff from a local hotel in response to a discriminatory event that occurred during a drag show at the hotel. This led to developing a set of recommendations to ensure their hotel is an LGBTQ-inclusive and respectful space. Regional coordinators also organized provincial and regional training events, and they developed various communication tools, including key messages and a public website. These strategies will help communities better share knowledge and resources, communicate with their community members, and effectively respond to hate and bias incidents in their communities.

The Ministry of Justice and Solicitor General awarded a 2018 Team Merit Award to the team who coordinated the community conversations in recognition of their work on this initiative.

Creating welcoming and inclusive communities

The Commission continued to sustain and advance support in building welcoming and inclusive communities through training and mentoring communities and municipalities. For example, the Commission partnered with the Alberta Urban Municipalities Association to host the Municipal Inclusion Symposium in Calgary. This event brought together municipal administrators to network, share, and learn about initiatives that municipalities are implementing to create more inclusive organizations and communities.

The Commission worked with Action Dignity in Calgary and the Regional Municipality of Wood Buffalo in Fort McMurray to host the Not in Our Town film showings, panel discussions, and workshops. These provided community

leaders an opportunity to learn and discuss how they can collectively address racism and discrimination-based incidents.

The Commission supported municipal inclusion efforts by facilitating a variety of workshops throughout Alberta, including at the Come Together Conference in Edmonton, the Bow Valley Inclusion Symposium in Banff, and an RCMP-hosted training session in Brooks.

Engaging and collaborating with Indigenous Albertans

As an important part of the Commission's efforts to address racism, discrimination, inequality of opportunity, and barriers to full participation in society, the Commission continued to engage and collaborate with Indigenous Albertans and organizations to strengthen relationships and better support their human rights work.

In 2018-19, the Commission partnered with the Calgary Police Service to host a Community Round Dance. The Chief of the Commission and Tribunals attended the Round Dance, which included participating in a Pipe Ceremony. This provided an opportunity to celebrate relationships and support the Truth and Reconciliation Commission of Canada's Calls to Action.

The Chief of the Commission and Tribunals presented at the Innovative Collaboration for Diabetes Management and Prevention Conference. Hosted by the Tribal Chiefs Ventures Inc., the Chief of the Commission and Tribunals discussed the duty to accommodate disabilities in the workplace and outlined related and relevant case law.

The Commission was represented at several Indigenous gatherings, and also co-chaired the Network of Aboriginal Funders meetings and the Calgary Indigenous Human Rights Circle. In addition, the Commission facilitated human rights and anti-racism grant writing workshops to Indigenous groups and the immigrant sector to enhance their project outcomes and improve their success in the application process.

The Commission continues to examine ways in which it can respond to the Truth and Reconciliation Commission of Canada's Calls to Action. In response to the call to governments to provide education to public servants on the history of Indigenous Peoples, the Commission has ensured that staff members have participated in workshops on Indigenous Peoples' history, culture, and contemporary issues, including training offered by the Government of Alberta. In addition, a Commission staff member attended a Traditional Native Teachings course hosted by St. Mary's University in Calgary, as well as a four-day Vision Quest held at Writing-on-Stone Provincial Park, which included learning about traditional Indigenous spiritual practices.

In 2018-19, Marisha Roman was invited to speak to Commission staff about the Indigenous Insights Initiative that she developed for the Social Justice Tribunals Ontario (SJTO). She discussed how, based on the initiative, the SJTO adapted their approaches and challenged participants to consider how the Commission could adapt their approaches to better serve Indigenous Albertans.

Policy, research, and legislation impacting human rights

The Commission provides ongoing support and input into provincial and federal legislative and policy changes impacting the Commission and human rights in Alberta.

Anti-racism strategy in the Government of Alberta

In 2018, the Government of Alberta established the Anti-Racism Advisory Council and the Anti-Racism Community Grant (ARCG) program. Commission staff supported this initiative by assisting with designing the ARCG program in order to help reduce duplication between the ARCG program and the Commission's Human Rights and Multiculturalism Grants program. The Commission also provided support by delivering workshops to the community, participating in the ARCG grant review process, and providing consultation to the Alberta Anti-Racism Secretariat, including partnering with them on a roundtable to discuss strategies to effectively advance anti-racism initiatives within government.

Consulting on provincial programs, policies and legislation

Throughout 2018-19, the Commission received requests from various Government of Alberta ministries to provide input into new and amended policies and legislation. For example, Alberta Justice and Solicitor General consulted the Commission on legal advice for victims of workplace sexual harassment. The Commission supported other orders of government with consultation services on policies and programs,

including working with the Calgary Police Service on carding and street check policies; consulting with a post-secondary education institution regarding accommodating students with disabilities; and consulting with Alberta Labour regarding ameliorative programs.

International human rights

Canada is a signatory to various international human rights treaties and conventions and is responsible for reporting on Canada's progress related to these instruments. In 2018-19, the Commission contributed input into reports related to the United Nations human rights treaties and conventions. These included: the Working Group on Business and Human Rights, the Canada-Columbia Free Trade Agreement, the Convention Against Torture, the Convention on the Elimination of all Forms of Discrimination Against Women, the Convention for the Rights of the Child, the Optional Protocol to the Convention on the Rights of Persons with Disabilities, the Committee on Rights of Persons with Disabilities, and Canada's third Universal Periodic Review.

Supporting studies in human rights

With support from Alberta Student Aid, the Commission selected award winners for the 2018 Alberta Award for the Study of Canadian Human Rights and Multiculturalism. This scholarship program supports two graduate students in furthering research that will help reduce discrimination and support the full participation of all Albertans.

The doctoral research will examine the community experiences of people with intellectual impairments from their perspectives, ensuring they have a say in the issues and solutions that affect their lives. The Pardeep Singh Gundara Memorial Scholarship for master's research will examine patient-centred care for people living with dementia and will identify structural supports to enable patient-centred care practices.

Inquiry and Complaint Resolution Services

Developments in the Director's Office

Nancy Henderson was appointed as the new Director of the Alberta Human Rights Commission on February 13, 2019. Ms. Henderson brings to the Commission many years of leadership experience, having previously served as the Executive Director for the Social Planning and Research Council in British Columbia and Clinic Director at Parkdale Community Legal Services. Most recently, she served as one of six Vice-Chairs on the Landlord and Tenant Board in Ontario. As an adjudicator, she resolved disputes under the *Residential Tenancies Act*. Ms. Henderson obtained a Bachelor of Arts and a Bachelor of Laws, both from the University of British Columbia.

Addressing caseload

Shortly before the end of the fiscal year 2018-2019, the Commission designed and launched the Case Inventory Resolution Project (the project) to deal with the case inventory more efficiently through streamlined processes. Some complaint files had been waiting a significant time in the queue, and the project addresses the issue of wait time to resolve complaint files in a timely manner.

Overview of services provided

In 2018-19, as in previous years, discrimination in employment on the grounds of physical disability, mental disability, and gender continued to be the most cited in complaints opened at the Commission.

The average number of days to close a complaint in 2018-19 was 793 days, up from 771 days in 2017-18 and 671 days in 2016-17. Staff vacancies contributed to an increased delay in time to close a complaint.

Inquiries made to regional offices

Regional office staff answered 12,519 inquiries over the past year, a decrease of 1,200 (9 per cent) from the previous year. Inquiries were received from individuals who believed they may have a complaint, as well as from employers, service providers, and others interested in learning more about their rights and responsibilities under the *Alberta Human Rights Act* (the *Act*). In response to these inquiries, staff provided verbal and print information about human rights issues and the human rights complaint process. Individuals most often sought information on how to meet the requirements under the *Act*, guidance on how to complete a human rights complaint form, and helpful referrals to other sources of information, including to the Commission website and a variety of nearly 60 other agencies that might be of assistance.

Complaints received and accepted

Persons who believe they may have grounds for a complaint complete a standardized form, which regional office staff review to determine if the complaint can be accepted under the *Act*. Complaints must fall within jurisdiction of the *Act*, include reasonable grounds, be made within one year of the alleged contravention of the *Act*, and meet requirements described in the Commission’s Bylaws.

In 2018-19, 1,211 complaint forms were submitted to the Commission, down 15 per cent

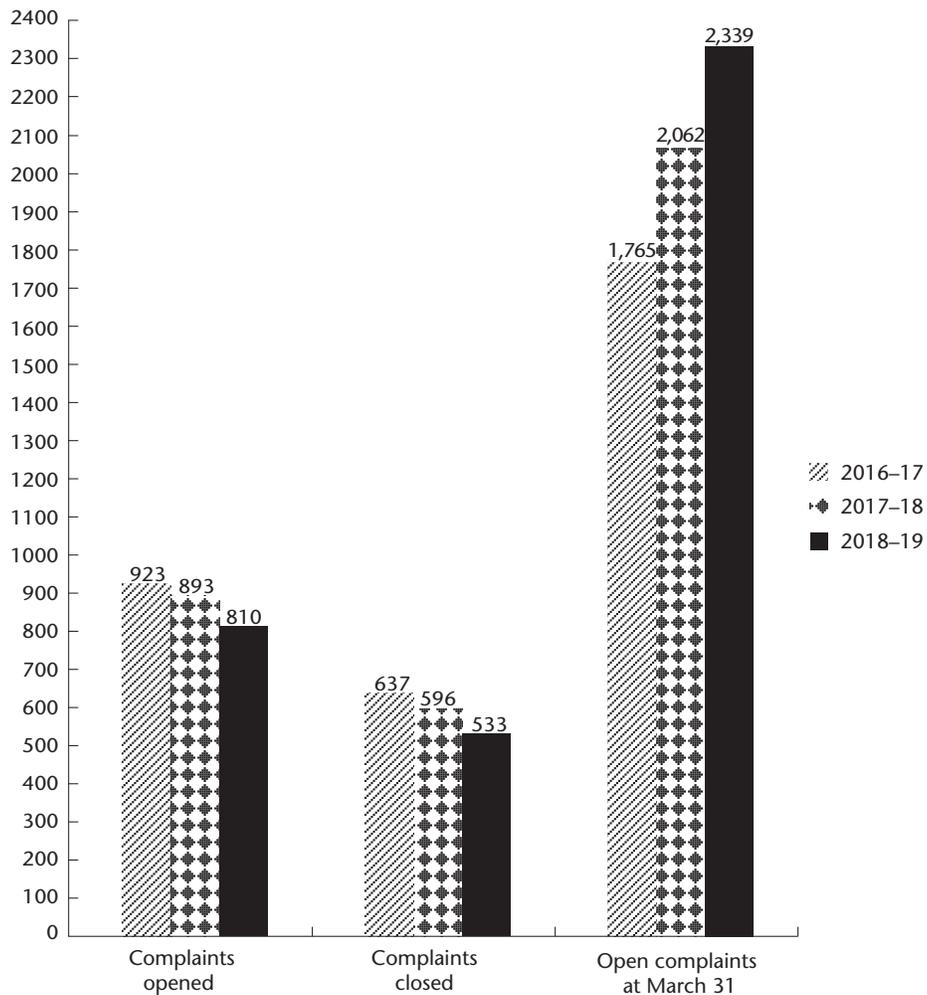
from the 1,420 complaints submitted in 2017-18. Of the 1,211 complaints submitted in 2018-19, 810 complaints met the acceptance criteria and were accepted.

The most common reasons that submitted complaints were not accepted by the Commission were: the subject matter of the complaint was not covered by the *Act*, the complaint was not within the jurisdiction of the Commission, or the complaint fell outside of the one-year limitation period.

Complaints opened and closed

In 2018-19, the Commission opened 810 new complaints, and 533 complaints were closed.

Complaints opened and closed and year-end count



Grounds of discrimination and independent areas cited in complaints opened

An individual complaint may cite more than one protected ground and more than one protected area of the *Act*. A total of 2,454 grounds were cited in the 810 complaints opened in 2018-19. The breakdown of protected grounds is relatively consistent with previous years.

Sections 6 and 10 of the *Act* allow for complaints that do not depend on the involvement of a protected ground. These sections are referred to as independent areas. Equal pay complaints

under section 6 only concern differences in pay between both sexes when the same or similar work is being performed. Retaliation complaints and malicious intent complaints under section 10 only concern complaints where the complaint process is being abused under the *Act*.

In previous Commission annual reports, complaints about equal pay, retaliation, or complaints made with malicious intent were captured together under the category “Other.”

Complaints by ground and independent areas (2018-19)

Protected ground	Times cited*	Per cent of total
Physical disability	709	29%
Mental disability	498	20%
Gender	410	17%
Race/Colour	203	8%
Ancestry/Origin	181	7%
Family status	139	6%
Age	116	5%
Religious beliefs	46	2%
Marital status	45	2%
Sexual orientation	37	2%
Retaliation	19	<1%
Gender expression	16	<1%
Gender identity	14	<1%
Source of income	13	<1%
Equal pay	6	<1%
Malicious intent	2	<1%
Totals	2,454	100%**

* Figures represent grounds cited in 810 complaints from April 1, 2018 to March 31, 2019.

**Percentages have been rounded.

Complaint grounds cited by section of the Alberta Human Rights Act (2018-19)

Employment practices (Section 7)	80%
Goods, services, accommodation or facilities (Section 4)	15%
Tenancy (Section 5)	2%
Applications and advertisements re: employment (Section 8)	2%
Retaliation (Section 10.1)	<1%
Membership in a trade union, etc. (Section 9)	<1%
Equal pay (Section 6)	<1%
Frivolous or vexatious complaints with malicious intent (Section 10.2)	<1%
Publications, notices (Section 3)	<1%
Total	100%*

*Percentages have been rounded.

Disposition of closed complaints

The Commission closed 533 complaints in 2018-19, a decrease of 63 complaints (11 per cent) compared with 2017-18. The vast majority of complaints (490 complaints or 92 per cent) were dealt with through the Commission's complaint resolution processes. This means they were resolved by the parties through conciliation or investigation, dismissed or discontinued by the Director, or abandoned or withdrawn by the complainant. The remaining 43 complaints (8 per cent) were referred to a hearing before a tribunal.

As noted above, only the Director may dismiss, discontinue, or refer a complaint to tribunal.

Conciliated complaints

Conciliation is a voluntary, non-adversarial method of resolving disputes. The conciliator is an impartial person who works with the complainant and respondent to generate possible solutions to resolve the complaint. In 2018-19, 200 of 533 closed complaints (38 per cent) were closed with the help of a conciliator provided by the Commission.

Investigated complaints

Through investigation, regional offices may gather information related to the complaint, share collected information with the parties, and seek comments from the parties as necessary in order to assess whether there is a reasonable basis to proceed with the complaint. If there is a reasonable basis to proceed, regional staff or the Regional Director will offer help to the parties to reach a resolution. There were 51 complaints resolved following investigation in 2018-19. Of those 51 complaints, 37 were settled in the regional offices before being referred to the Director, and 14 were settled after referral to the Director.

Dismissed complaints

The Director may dismiss a complaint if the Director believes there is no reasonable basis for the complaint to proceed. Complainants may request a review of the Director's decision by the Chief of the Commission and Tribunals if they disagree with the Director's decision to dismiss a complaint. Most often, the Director dismisses complaints after an investigation has taken place, and the investigator has recommended that there is no reasonable basis to proceed.

Regional offices may also expedite a complaint to the attention of the Director, normally after receiving the respondent's response. For complaints that include sufficient information from the parties to recommend if there is a reasonable basis to proceed or not, the complaint may be expedited to the Director for a decision under section 22 of the *Act*.

In 2018-2019, of the 533 closed complaints, 150 were closed by dismissal. In 124 of the 150 dismissed complaints, the complainants did not request a review and the complaint was closed at the conclusion of the 30-day time period to request a review. In 26 complaints, the complainants requested a review by the Chief of the Commission and Tribunals, who upheld the dismissals, and the complaints were closed.

In 29 complaints where the complainant requested a review, the Chief of the Commission and Tribunals overturned the dismissal.

Discontinued complaints

The Director may discontinue a complaint if a complainant refuses to accept a resolution offered by the respondent that the Director believes is fair and reasonable. Complainants may request a review by the Chief of the Commission and Tribunals if they disagree with the Director's decision to discontinue.

In 2018-19, two complaints were discontinued by the Director. The complainant requested a review of one of the files and the Chief of the Commission and Tribunals upheld the discontinuance, and the file was closed.

Abandoned or withdrawn complaints

In 2018-19, 87 of 533 complaints (16 per cent) were closed because complainants abandoned or withdrew their complaints. Complaints are abandoned or withdrawn for a variety of reasons, including when a complainant fails to maintain contact with the Commission, agrees there is no merit to their complaint, or resolves the dispute in another forum (such as a grievance or arbitration procedure), or where withdrawal of a human rights complaint is part of a settlement agreement between the parties.

Disposition of closed complaints in the Regional Offices and Director's Office

	2016-17	2017-18	2018-19
Resolved through conciliation	271 (43%)	267 (45%)	200 (38%)
Resolved through investigation	56 (9%)	64 (11%)	51 (10%)
Dismissed	186 (29%)	146 (24%)	150 (28%)
Discontinued	0 (0%)	1 (<1%)	2 (<1%)
Abandoned or withdrawn	77 (12%)	64 (11%)	87 (16%)
Totals*	590 (93%)	542 (91%)	490 (92%)

*Percentages have been rounded.

Complaints Referred to the Human Rights Tribunal

The remaining 43 closed complaints were not resolved through the complaint process at the regional or Director's level and were referred by the Director to the Commission's tribunal process.

Office of the Chief of the Commission and Tribunals

Requests for Review decided by the Chief of the Commission and Tribunals

In 2018-19, 56 complaint files were decided by the Chief of the Commission and Tribunals under section 26 of the *Alberta Human Rights Act* (the *Act*). Of those 56 complaint files,

27 (48 per cent) of the Director's dismissals or discontinuances were upheld and the files were closed, and 29 (52 per cent) of the dismissals or discontinuances were overturned.

Requests for Review decided by the Chief of the Commission and Tribunals in 2018-19

Type of review	Number of decisions upheld	Number of decisions overturned	Total number of reviews
Dismissal	26	29	55
Discontinuance	1		1
Total	27	29	56

Tribunal process

The tribunal process is independent from the work of Commission staff in receiving and resolving complaints. Human rights tribunals are composed of part-time Members of the Commission appointed by the Lieutenant Governor in Council. Members are assigned to cases by the Chief of the Commission and Tribunals. Pursuant to the Alberta Human Rights Commission Bylaws, the Members of the Commission are required to have law degrees and expertise in administrative or human rights law. The Members also have training and experience in conducting mediations and negotiations. Their biographies can be found in Appendix B.

Complaints proceed to the tribunal stage in one of two ways. The Director may at any time report to the Chief of the Commission and Tribunals that the parties are unable to settle a

complaint and ask the Chief of the Commission and Tribunals to refer the complaint directly to the tribunal. In these cases, the Director of the Commission has "carriage" of the complaint. In other cases, when the Director has dismissed or discontinued a complaint, the complainant may submit a Request for Review to the Chief of the Commission and Tribunals pursuant to section 26 of the *Act*. The Chief of the Commission and Tribunals reviews the record of the Director's decision and any further submissions by the parties. (The Chief of the Commission and Tribunals may delegate the functions, powers, and duties set out in Section 26(3) of the *Act* to another Member of the Commission.)

If the Chief of the Commission and Tribunals does not find a reasonable basis in the evidence to proceed to a tribunal hearing, the Director's dismissal or discontinuance will be upheld

and the complaint will be closed. If there is a reasonable basis in the evidence to proceed to a tribunal hearing, the Chief of the Commission and Tribunals will overturn the Director's dismissal or discontinuance, and the complaint will proceed to the tribunal stage, subject to the complainant accepting carriage of the complaint before a tribunal.

At the tribunal stage, all parties are first offered mediation by a Member of the Commission through Tribunal Dispute Resolution (TDR). If the parties are unable to settle, the matter proceeds to the hearing stage for adjudication by a Member of the Commission.

Areas and grounds cited in complaints that closed at the tribunal stage

There were 43 complaints closed at the tribunal stage in 2018-19. These complaints were resolved through TDR, settled privately by the parties, or decided after a hearing.

In these cases, the most frequently cited area of discrimination was employment practices (section 7). The grounds most often cited were physical disability and mental disability.

Complaint areas cited by section of the Alberta Human Rights Act in files closed at the tribunal stage (2018-19)

Area	Times Cited*
Employment practices (Section 7)	34
Goods, services, accommodation or facilities (Section 4)	3
Retaliation (Section 10)	3
Membership in a trade union, etc. (Section 9)	3
Applications and advertisements re: employment (Section 8)	1

*Some complaints cite more than one area.

Areas are not counted when the tribunal is considering the validity of a severance agreement.

Complaint grounds cited in files closed at the tribunal stage (2018-19)

Ground	Times Cited*
Physical disability	27
Mental disability	18
Gender	10
Family status	7
Ancestry/Origin	3
Race/Colour	3
Source of income	3

*Some complaints cite more than one ground.

Grounds are not counted when the tribunal is considering the validity of a severance agreement.

Complaints closed through the human rights tribunal process

Of the 43 complaint files that closed at the tribunal stage in 2018-19, 21 files (49 per cent) settled through the TDR process; 11 files (26 per cent) closed as a result of a tribunal hearing; six complaints (13 per cent) were withdrawn; and five files (12 per cent) settled through private settlement.

Tribunal Dispute Resolution (TDR)

The TDR process allows parties to settle a complaint through mediation instead of going to a tribunal hearing, thereby avoiding the significant time and costs of a hearing. The tribunal office aims to proceed with the TDR within four weeks of the file arriving at the tribunal stage.

Mediation through TDR is confidential and voluntary. The TDR program allows the parties to a complaint to meet with a Member of the Commission (TDR Commissioner) who acts as a neutral mediator and tries to help the parties settle the complaint before it goes to a tribunal hearing.

An additional benefit of TDR is that a Member of the Commission may also, when requested, provide a non-binding evaluation of the complaint. A non-binding evaluation is an informal assessment as to what an outcome might be if the matter went to a tribunal hearing. More information on TDR can be found on the Commission's website.

In 2018-19, there were 27 files that completed the TDR process. Of those 27 files, 21 settled at TDR, which represented a 78 per cent settlement rate for files that proceeded through TDR. Note that not all 27 files closed in 2018-19, as six files proceeded to a hearing.

Tribunal hearings

If a matter proceeds to adjudication at a hearing by a Member or Members of the Commission (three-person tribunals in some cases) a pre-hearing teleconference is scheduled as soon as possible to address any preliminary issues. Hearing dates are usually set within approximately three months of the pre-hearing teleconference. Although every attempt is made to have the complaint adjudicated as soon as possible, the time it takes for a matter to be heard depends on many factors, including availability of parties and their counsel, availability of witnesses, any preliminary issues, proceedings in other forums that may be addressing similar issues, settlement discussions, and the complexity of the case.

There were 21 tribunal decisions issued in 2018-19. Not all of the decisions resulted in a file closing as some decisions addressed preliminary matters. Of the 11 files that closed through the hearing process, the tribunal found merit in two complaints and ordered appropriate remedies. The tribunal found no merit in five complaints and dismissed the complaints. Four other files were closed for other reasons: in two cases the severance agreements were found to be valid and enforceable through a preliminary hearing and in the other two cases the complaints were withdrawn.

Complaints closed through the human rights tribunal process

	2016-17	2017-18	2018-19
Settled prior to tribunal hearing	32	37	32
Merit	5	7	2
No merit	8	4	5
Other	2	6	4
Totals	47	54	43

Appendix A: Legislative Framework for the Alberta Human Rights Commission

In Alberta, the *Alberta Human Rights Act* protects Albertans from discrimination in certain areas based on specified grounds. The purpose of the *Act* is to ensure that all Albertans are offered an equal opportunity to earn a living, find a place to live, and obtain services customarily available to the public without discrimination.

The *Act* establishes the Alberta Human Rights Commission as an independent commission of the Government of Alberta that is responsible for administering the *Act*.

The Commission has a two-fold mandate: to foster equality and to reduce discrimination. It fulfills this mandate through public education and community engagement initiatives, and the resolution of complaints through settlement and adjudication.

The Chief of the Commission and Tribunals and Members of the Commission are appointed by the Government of Alberta through Order in Council. As head of the Commission, the Chief of the Commission and Tribunals is responsible for the overall management of the Commission and provides direction and guidance to the three distinct areas of activity undertaken by the Commission: communication, education and engagement; inquiry and complaint resolution services; and Tribunal adjudication. The Chief of the Commission and Tribunals is also responsible for keeping the Minister of Justice and Solicitor General informed about human rights issues, appointing Members of the Commission to serve on human rights tribunals and reviewing decisions made by the Director to dismiss or discontinue complaints under section 26 of the *Alberta Human Rights Act*. The Chief of the Commission and Tribunals also undertakes activities related to community engagement. The Minister of Justice and Solicitor General may appoint a Member of the Commission who serves as Acting Chief in the absence of the Chief of the Commission and Tribunals.

The Director of the Commission, who is appointed by the Government of Alberta through an Order in Council, and employees handle the administrative responsibilities related to the resolution and settlement of complaints made under the *Alberta Human Rights Act*. This work is separate and distinct from the work of the Chief of the Commission and Tribunals in reviewing the Director's decision to dismiss or discontinue a complaint and the work of the Members of the Commission in adjudicating human rights complaints.

The Director of Communication, Education and Engagement leads the Commission's work to eliminate discrimination and barriers to full participation in society through education and community engagement. The Human Rights Education and Multiculturalism Fund (the Fund), which is administered by the Commission on behalf of the Minister of Justice and Solicitor General, provides financial support for the Commission's education and community initiatives. Through its grant program, the Fund also provides financial support to community organizations for projects that foster equality and reduce discrimination.

Protection from discrimination under the Alberta Human Rights Act

The *Alberta Human Rights Act* protects Albertans from discrimination in the following areas: publications and notices; goods, services, accommodation or facilities; tenancy; employment practices; applications and advertisements regarding employment; and membership in trade unions, employers' organizations or occupational associations.

Within the areas listed above, it is a contravention of the *Act* to discriminate against any person on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status, sexual orientation and age. As of January 1, 2018, age discrimination is protected in the area of goods, services, accommodation or facilities; and in area of tenancy, with exceptions.

In addition to protecting Albertans in the areas and grounds discussed above, the *Act* specifically protects Albertans in the area of equal pay. This provision requires that employees who perform the same or substantially similar work for an employer must be paid at the same rate, regardless of gender.

The *Act* also prohibits a person from retaliating against any person who has made a complaint, given evidence about a complaint or assisted anyone else in making a complaint. In addition, the *Act* does not allow a person to make a frivolous or vexatious complaint with malicious intent.

Appendix B: Biographies of the Members of the Commission

These are summaries of the biographies of the individuals who served as Members of the Commission in 2018-19. The complete biographies of the Members of the Commission are available on the Commission website at: albertahumanrights.ab.ca.

Chief of the Commission and Tribunals

Michael Gottheil

Michael Gottheil was appointed Chief of the Commission and Tribunals of the Alberta Human Rights Commission and began his term in August 2018. Mr. Gottheil earned his Law Degree from the Osgoode Hall Law School.

Mr. Gottheil brings many years of leadership experience in the Administrative Justice sector, having previously served as Chair of the Human Rights Tribunal of Ontario, and Executive Chair of both the Environment and Land Tribunals Ontario and the Social Justice Tribunals Ontario, which is comprised of eight tribunals.

Previously, Mr. Gottheil practiced labour, employment and human rights law for close to 20 years. He is a frequent presenter at conferences and seminars, and has written widely on administrative law, institutional design and alternative models of dispute resolution. Throughout his career, he has worked on initiatives that seek to make justice more accessible, efficient, effective and responsive to the needs of the public. He is particularly interested in how organizational capacity and community partnerships can help build an effective and equitable justice system.

Members of the Commission

Darryl A. Aarbo, Q.C.

Darryl Aarbo was appointed for a term beginning January 22, 2019. He received a Bachelor of Arts degree from the University of Alberta and a Law degree from Queen's University. Mr. Aarbo was called to the Alberta Bar in 1997 after first being called in Ontario.

Mr. Aarbo practiced at a labour and employment law firm in Ontario before moving back to his home province of Alberta in 1997. Since then, he has maintained a practice in employment and human rights law as well as a general litigation practice. Early in his legal career, he conducted investigations and mediations for the Alberta Human Rights Commission. Mr. Aarbo was appointed Queen's Counsel in 2016.

Rita Aggarwala

Dr. Rita Aggarwala was appointed for a term beginning January 22, 2019. She received a Ph.D. in Mathematics, specializing in statistics, from McMaster University and a Law degree from the University of Calgary. She was called to the Alberta Bar in 2007.

After articling at the Court of Queen's Bench in Calgary, Dr. Aggarwala began her legal career at a small litigation firm where she practiced in several areas of law, including employment law, administrative law, environmental law and constitutional law. Following her time as a litigator, she started her own business as a legal researcher, legal locum and statistical expert to lawyers. She has been involved in a broad range of legal activities, including working as in-house counsel; appearing as a statistical expert in cases of national importance; assisting with complex legal matters involving Aboriginal consultation; and assisting in matters involving Indigenous rights to oil and gas royalties.

Joanne Archibald

Joanne Archibald was appointed for a term beginning July 25, 2013 and was reappointed for a second term beginning January 18, 2017. She received a Bachelor of Arts degree and a Bachelor of Laws degree, both from the University of Calgary. Ms. Archibald also holds the designation of Registered Practitioner in Dispute Resolution from The Canadian International Institute of Applied Negotiation.

Early in her law career, Ms. Archibald practiced at a private law firm, after which she conducted investigations for the Canadian Human Rights Commission. She served as an Appeal Board Chairperson for the Public Service Commission of Canada, which led to her position as Governor in Council to the Public Service Staffing Tribunal. As a mediator, Ms. Archibald regularly intervenes in contentious matters to assist the parties in addressing and resolving contextual issues in an informal and meaningful way without resorting to formal process.

Roxanne Davis

Roxanne Davis was appointed for a term beginning January 22, 2019. She obtained a Bachelor of Arts (Honours) from the University of Western Ontario and both a Law degree and Master of Public Administration from Dalhousie University.

Ms. Davis practiced law in New Brunswick, then Ontario, before settling in Calgary and joining Carbert Waite LLP, where she is now a partner. She practices litigation with a focus on employment law, including human rights, privacy, and occupational health and safety matters.

Ms. Davis has conducted workplace investigations as an independent investigator and supervised workplace investigations conducted both internally and by external parties. She regularly presents on topics related to employment law, privacy and human rights at various seminars and conferences.

Cherie Langlois-Klassen

Cherie Langlois-Klassen was appointed for a term beginning January 18, 2017. She received a Bachelor of Science (Pharmacology) degree, a Master of Science (Pharmacology) and Law degree, all from the University of Alberta. Ms. Langlois-Klassen was called to the Alberta Bar in 2007.

Early in her law career, Ms. Langlois-Klassen practiced at Blair Chahley Severyn Lawyers. She also served as Political Action Coordinator for Alberta Federation of Labour. After nearly a decade representing the members of the United Nurses of Alberta, she moved to a position where she represented the Alberta Union of Provincial Employees and its members in labour disputes and arbitrations. Ms. Langlois-Klassen has a special interest in mental health issues. She is a frequent speaker at various forums and conferences on topics of health and labour law and has published several academic publications and conference papers.

Sharon V. Lindgren

Sharon Lindgren was appointed for a first term beginning December 15, 2011 and was reappointed for a second term beginning August 21, 2015. She received her Bachelor of Commerce and Bachelor of Laws (Juris Doctor) degrees, both from the University of Saskatchewan.

Ms. Lindgren is an experienced labour and employment lawyer and mediator. Ms. Lindgren worked on a pilot project with the Alberta Provincial Court where she mediated hundreds of disputes and assisted in numerous mediation training programs. Ms. Lindgren combined a return to private practice in Calgary with an executive position on the Alternative Dispute Resolution Subsection and an active membership in the Labour and Employment Law Subsection, both of the Alberta Branch of the Canadian Bar Association.

Duncan Marsden

Duncan Marsden was appointed for a term beginning August 21, 2015. Mr. Marsden received his Law degree (with French) from Leicester University. He was called to the England and Wales (Solicitor) Bar in 2000 and called to the Alberta Bar in 2009.

Mr. Marsden has years of experience in all areas of labour and employment law. He speaks frequently at conferences on employment law issues. Mr. Marsden has written numerous articles for a variety of legal publications and has provided training to Civil Court Provincial Judges on employment law updates.

William D. McFetridge, Q.C.

William D. McFetridge was appointed as a Member of the Commission beginning September 30, 2010. Mr. McFetridge brings to the Commission an extensive legal background including over 35 years of experience in the industrial relations field.

Mr. McFetridge received his Bachelor of Arts from the University of Alberta and his Law degree from the University of Calgary. He is a Chartered Arbitrator and since 1983 has chaired arbitration boards dealing with grievances and collective bargaining disputes in the public and private sectors. He also adjudicates unjust dismissal complaints under Part III of the *Canada Labour Code*. He was appointed Queen's Counsel in 2012.

He has been a guest lecturer/arbitrator in both the Faculties of Law and Business at the University of Calgary, and for a number of years was a team leader in the Trial Advocacy Program in the Faculty of Law. He taught in the Alberta Arbitration and Mediation Society arbitrator training program and has been a frequent speaker on employment law, labour and human rights issues.

Laura L. Mensch

Laura Mensch was appointed for a term beginning January 22, 2019. She received a Bachelor of Arts degree (With Great Distinction) from the University of Lethbridge, a Master of Public Administration from Queen's University, and a Bachelor of Laws from the University of Calgary. Ms. Mensch was called to the Alberta Bar in 1999.

Ms. Mensch has extensive experience in employment and labour law and related fields, including human rights, occupational health and safety, workers' compensation, and privacy law. Prior to joining Miller Thomson LLP as a partner, she practised with Gowling WLG (Canada) LLP. Ms. Mensch provides labour and employment law advice to a broad spectrum of clients including public bodies, private companies in a variety of industries, Indigenous peoples, and non-profit agencies.

Ms. Mensch is frequently invited to speak on labour and employment topics for clients and professional organizations and has authored numerous articles on these topics.

D. Jean Munn, Q.C.

Jean Munn was appointed for a term beginning August 21, 2015. She received a Bachelor of Arts degree and a Bachelor of Laws degree, both from the University of Calgary. Ms. Munn also holds a certificate in Arbitration from Alberta Arbitration and Mediation Society.

Ms. Munn brings with her years of extensive experience in all facets of immigration and employment law. Her academic appointments include sessional lecturer at the Faculty of Law, University of Calgary and Immigration Practitioner Instructor at Bow Valley College.

Kathryn Oviatt

Kathryn Oviatt was appointed for a term beginning August 21, 2015. She received a Bachelor of Arts degree (Distinction) and a Bachelor of Laws degree (Distinction), both from the University of Alberta.

Ms. Oviatt focusses her practice on legal research and writing with a particular interest in administrative law, constitutional law, labour and employment law, and human rights law. She has written numerous articles on a variety of legal issues.

Karen Scott

Karen Scott was appointed for a term beginning August 21, 2015. She received a Bachelor of Laws degree (Distinction) from the University of Alberta. She also holds certificates in Interest Based Negotiation and Interpersonal Conflict Resolution from the Alberta Arbitration and Mediation Society.

Ms. Scott practises almost exclusively in the field of labour and employment advising and representing employees, employers and unions on human rights and accommodation issues. She is a frequent speaker on labour and employment issues at conferences.

Sharon Sproule

Sharon Sproule was appointed for a term beginning January 22, 2019. She holds a Bachelor of Arts degree from the University of Lethbridge and a Bachelor of Laws degree from the University of Calgary. She was called to the Alberta Bar in 1997.

Ms. Sproule brings over 20 years of legal experience encompassing client advocacy, mediation, dispute resolution and trial representation. She has extensive knowledge of employment, privacy, and administrative law and has worked as both external and in-house legal advisor for private industry and public sector clients. Ms. Sproule is currently Senior Legal Counsel with Alger Zadeiks Shapiro LLP in Lethbridge.

Nazrina H. Umarji

Nazrina H. Umarji was appointed for a term starting January 22, 2019. She received a Bachelor of Education (Distinction) degree and a Juris Doctor degree, both from the University of Alberta. Ms. Umarji was called to the Alberta Bar in 2006. Prior to being called to the Alberta Bar, Ms. Umarji was a teacher with Edmonton Public Schools from 2001 to 2005.

Ms. Umarji has practiced in various facets of the law. She began her career in private practice, then joined the City of Edmonton Law Branch, practicing in the areas of expropriation and municipal law. Ms. Umarji practiced administrative law and civil litigation with the Workers' Compensation Board of Alberta for nine years. Currently, Ms. Umarji is a Board Officer with the Alberta Surface Rights Board.

Please note: After their appointments expire, Members of the Commission remain empowered to conclude matters that were assigned to them before the expiration of their appointment. This is pursuant to section 20(7) of the *Interpretation Act*.

Appendix C: Legislative Framework for the Human Rights Education and Multiculturalism Fund

The Human Rights Education and Multiculturalism Fund is established under the *Alberta Human Rights Act* and administered by the Commission on behalf of the Minister of Justice and Solicitor General. This fund was established to provide support for educational programs and services that promote an environment where all Albertans can participate in and contribute to the cultural, social, economic and political life of the province.

The Human Rights Education and Multiculturalism Fund financially supports the education and engagement activities of the Alberta Human Rights Commission. In addition, a key function of the fund is to provide grants to community organizations for projects that foster equality and reduce discrimination.

The goal of the Human Rights Education and Multiculturalism Fund is full civic participation of all Albertans. Achieving this goal means that all Albertans have the opportunity to be involved in and benefit from all aspects of society without discrimination. This fund is used to support nonprofit organizations and public institutions to develop and deliver effective initiatives that build communities and organizations that are more inclusive and free from discrimination, promote human rights and the benefits of diversity and inclusion, and encourage the elimination of barriers that limit Albertans from participating as equal partners in Alberta society. Alberta municipalities may also receive support for their efforts to create welcoming and inclusive communities.

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