



**Alberta
Human Rights Commission**

Human Rights Complaint Guide

June 2020

Important note to complainants:

You can ask for this Guide in an accessible format if you do not read conventional print.

Contact the Alberta Human Rights Commission

Website albertahumanrights.ab.ca

Email address ahrc.registrar@gov.ab.ca

Confidential inquiry line 780-427-7661

Fax 780-427-6013

To call toll-free within Alberta, dial 310-0000 and then enter the area code and phone number.

TTY service for persons who are deaf or hard of hearing: to call toll-free within Alberta, dial 1-800-232-7215.

Alberta Human Rights Commission

Southern Regional Office

200 John J. Bowlen Building
620 - 7 Avenue SW
Calgary, Alberta T2P 0Y8

Alberta Human Rights Commission

Northern Regional Office

800 - 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7

The Alberta Human Rights Commission is an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs and help resolve human rights complaints in Alberta.

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How do you make a human rights complaint?

The first step in the complaint process is to visit our website to complete the self-assessment. The self-assessment will tell you if your complaint would be likely to fall within the *Alberta Human Rights Act* (we call it the “*Act*” in the rest of this document). Our website offers a range of information to assist you in understanding the requirements to make a complaint and the complaint process.

To submit your complaint, you will complete a Human Rights Complaint Form. Refer to this Guide as you complete the Complaint Form. If you have questions about completing the form, contact the Alberta Human Rights Commission’s (the Commission, we, us) Confidential Inquiry Line.

Can someone represent you during the process?

The Commission can give you guidance about our requirements and how to complete our forms, but we do not give legal advice. In certain circumstances, you may need or want someone to represent you during the complaint process. You must fill in an **additional form** if someone *other* than a lawyer is representing you. If one of these fits your situation, request the form or get it from albertahumanrights.ab.ca/forms. You may be represented by an:

- Authorized representative—you can authorize a person who is not a lawyer to communicate with us. An authorized representative could be a relative, friend, or advisor.
- Lawyer—you may choose to use a lawyer to file a human rights complaint. If you do get legal help, you pay the costs of the lawyer yourself.
- Litigation representative—this is a person who represents a minor under 18 or a person who lacks legal capacity to participate in the complaint process.

What is a human rights complaint under Alberta law?

The *Alberta Human Rights Act* defines what a human rights violation is under Alberta law. The Commission can only accept complaints that include specific elements required by the *Act*. The sections of the Complaint Form ask for the information the *Act* requires. The *Act* and Commission Bylaws are also available on our website.

What is important in specific sections of the Complaint Form?

Section C When and where did the possible discrimination happen?

The possible discrimination must have happened within the last year

Make sure you make a written complaint within one year of the most recent event of discrimination. The *Act* specifies this one-year limit and does not allow exceptions.

If the possible discrimination happened over a period of time, the complaint should list the time period and date of the most recent event. You may explain something that happened outside of this one-year period if it is relevant, but these events may not be included as part of the complaint.

We can only respond to issues connected to Alberta

The Commission is responsible for human rights issues in Alberta, so we can only respond to complaints originating in Alberta or based on actions of an Alberta organization.

Section D Is your complaint a human rights issue under Alberta law?

Section D, Part 1 The possible discrimination must have happened in a protected area

Human rights law in Alberta only covers the areas of life or work below called **protected areas**. The possible discrimination must have happened in at least one of these protected areas:

- *Employment practices, applications, and advertisements*. This includes discrimination of an employee by, for example, firing, refusing to hire, or failing to reasonably accommodate them based on a protected ground. It also includes discrimination in job applications, advertisements, and interviews.
- *Equal pay based on gender*. This may apply to an employee who does not receive equal pay for equal or similar work because of their gender.
- *Goods, services, accommodation, or facilities*. This includes discrimination in goods, services, accommodation, or facilities available to the public. For example in businesses and organizations, such as restaurants, retail stores, hotels, hospitals, and schools, as well as municipal or provincial services. Accommodation also includes condominiums, co-op housing units, and mobile homes.
- *Membership in a trade union, employers' organization, or occupational association*. This includes discrimination against a member by, for example, excluding, expelling, or suspending someone from being a member because of a protected ground.
- *Tenancy*. This means discrimination while renting or applying to rent available residential or commercial space.
- *Statements, publications, notices*. This may apply when a public communication shows intent to discriminate or expose people to hatred or contempt. This includes signs, symbols, emblems, or other representations. This section should not be understood as interfering with free expression of opinions.

Section D, Part 2 The possible discrimination must be based on a protected ground

If you have been treated unfairly, it is only considered a human rights issue in Alberta if you were treated that way because one of the **protected grounds** below applies to you. The possible discrimination in one of the areas above in Part 1 must have been based on at least one of these protected grounds, as defined in the *Act*:

- *Age* means 18 years or older.
- *Ancestry* means belonging to a group of people related by a common heritage.
- *Colour* means the colour of a person's skin.
- *Family status* means being related to another person by blood, marriage, or adoption.
- *Gender* also includes sexual harassment and discrimination based on pregnancy.
- *Gender expression* means the way in which a person expresses gender, which can include dress, demeanour, social behaviour, and other factors.
- *Gender identity* means someone's internal, individual experience of gender, which may not be the same as the sex assigned to them at birth.
- *Marital status* includes being married, single, widowed, divorced, separated, or living with a person in a common-law relationship.
- *Mental disability* means any mental, developmental or learning disorder, regardless of its cause or how long it lasts.
- *Physical disability* means any degree of physical disability, infirmity, malformation, or disfigurement caused by injury, birth defect, or illness.
- *Place of origin* includes a place of birth and usually refers to a country or province.
- *Race* means belonging to a group of people, usually of a common descent.
- *Religious beliefs* includes Indigenous spirituality.
- *Sexual orientation* includes being gay, lesbian, heterosexual, pansexual, bisexual, or asexual.
- *Source of income* includes legal sources of income that attract negative perceptions.

Not all negative treatment is discrimination under the *Act*. If your concern matches at least one **protected area** and one **protected ground**, the Commission will review your complaint for acceptance. You can find more information about protected areas and grounds on our website.

Use a separate form for particular types of complaints under Section 10 of the Act

There are two other important categories of human rights issues that fall under Section 10 of the *Act* and require a different form called **Complaint Form for Section 10**. Section 10 does not allow:

- *Retaliating* against someone for being involved in a human rights complaint or attempting to make a human rights complaint. This means you can make a complaint if you believe someone is punishing you or you are receiving negative treatment because of your part in a complaint or issue.
- *Frivolous or vexatious* means a person brought a human rights complaint against you with malicious intent, intending to harm you.

These kinds of complaints are not common and must meet certain legal requirements. Please visit albertahumanrights.ab.ca/forms for more information about Section 10 complaints and to get the Complaint Form for Section 10 if it applies.

Section E What happened?

Your complaint must include enough detail about the possible discrimination

You must give detailed, relevant information about the possible discrimination and fill in all sections of the Complaint Form that apply to you. In Section E, Part 1 of the Complaint Form you must explain:

- Who was involved. Include the name of the person or organization you believe discriminated against you. We call this person or organization the “respondent” in our process.
- What they said or did.
- When they did it.

Do not include documents with the form. In Section E, Part 2, list a timeline and supporting documents or records that relate to the complaint. If needed, you will have an opportunity to provide documents later in the complaint process.

Section F How do you think the issue could be reasonably resolved?

Suggest possible ways to resolve a complaint

You and the respondent will be asked to seriously consider reasonable offers to settle or remedy the complaint. A remedy is a way to address the issue between the parties. The respondent may agree to a financial remedy, for example, compensating the complainant for lost wages or general damages, or making a charitable donation. A remedy can also be non-financial, such as an apology, a change in policy, or human rights education. A remedy can combine different things.

The goal of a remedy is not to punish the respondent. It is to try to put the complainant in the position they would have been if the discrimination had not happened.

When you propose to settle a complaint, consider whether you actually lost money or paid expenses as a result of the discrimination. Also consider what changes might prevent similar discrimination from happening again. Put these in Section F.

For more information about remedies, please see the Remedy information sheet on our website.

Sections G and H

You can find guidance about Section G (Have you taken other actions related to this complaint?) and Section H (Your signature and checklist) in the Complaint Form itself.

What happens after the Commission receives your complaint form?

When the Commission receives a complaint, we assess it based on requirements in the *Act* and Bylaws, which determine whether or not we can accept it.

If we do not accept your complaint

If the Commission does not accept your complaint, we will write to you explaining why. If we need more information, you must provide it in a timely manner or we may not continue processing your complaint. If we do not accept your complaint and you disagree with that decision, we will explain how you can request a reconsideration.

If we accept your complaint, the respondent will receive a copy of it

If the Commission accepts your complaint, we send a copy to the people or organization you made the complaint against. We do not share your contact information. We ask the respondent to respond in writing and explain their point of view about the possible discrimination. We will give you a copy of their written response.

We may ask for more information

The Commission may ask for more information from you or the respondent (together called the “parties”).

The parties may agree to resolve the complaint themselves

You may discuss and resolve the complaint yourselves.

You can also withdraw your complaint at any time and for any reason by notifying the Commission.

Where can you get more information about the complaint process?

Completing a Complaint Form is only one step in the process. For details about our overall complaint resolution process, visit our website.

If you have questions about completing the Complaint Form, you can contact the Commission. See the start of this Guide for contact information for the Commission.