

Alberta Human Rights Commission Mandate and Roles Document

This Mandate and Roles Document for the Alberta Human Rights Commission has been developed collaboratively between the Minister of Justice and Solicitor General and the Chief of the Commission and Tribunals, Alberta Human Rights Commission, with a view to reflect a common understanding of respective roles and responsibilities. The Commission is an independent body created by the *Alberta Human Rights Act* to carry out the functions set out in the Act.

Nothing in this Mandate and Roles Document is intended to or shall interfere with the Alberta Human Rights Commission's proper exercise of any statutory powers of decision. Although the Alberta Human Rights Commission reports through the Ministry of Justice and Solicitor General for administrative purposes. It is an independent body that must make, and must be seen by the public as making, impartial and independent decisions.

1. Definitions

In this Mandate and Roles Document:

- "Act" means the *Alberta Human Rights Act*;
- "Chief Commissioner" means the Chief of the Commission and Tribunals, Alberta Human Rights Commission, appointed under section 15 of the Act;
- "Commission" means the Alberta Human Rights Commission;
- "Complaint" means a human rights complaint made under the Act;
- "Executive Search" means Public Service Commission;
- "Deputy Minister" means the Deputy Minister of Justice and Solicitor General;
- "Director of the Commission" means the Director of the Alberta Human Rights Commission appointed under section 18 of the Act;
- "Director of Communication, Education and Engagement" means the person employed as Director of Communications, Education and Engagement which provides services pursuant to section 16 of the Act;
- "Government" means the Government of the Province of Alberta;
- "Legislature" means the Legislative Assembly of Alberta;

- "Members of the Commission" means Members of the Alberta Human Rights Commission appointed under section 15 of the Act;
- "Minister" means the Minister of Justice and Solicitor General;
- "Ministry" means the Ministry of Justice and Solicitor General; and
- "Tribunal" means a human rights tribunal appointed under section 27 of the Act.

2. Commission Mandate

The Commission is an independent body created by the Act to carry out the functions set out in the Act. The Commission is made up of three areas:

Communication, Education and Engagement

Under the Director of Communication, Education and Engagement, this area of the Commission focuses on providing communication strategies, and educational services and initiatives aimed at furthering the principles that all Albertans are equal in dignity, rights and responsibilities. Using a variety of creative strategies involving all sectors of society, Communication, Education and Engagement provides information and education to Albertans and to Alberta organizations to increase awareness and understanding of human rights and the programs and services offered by the Commission.

The Office of the Director

The Office of the Director provides inquiry and complaint resolution services. This includes the receipt, processing and, in some cases, advocacy on behalf of complainants. Responding to a large volume of inquiries from individuals, employers and service providers, the Office of the Director provides clarification, advice and direction regarding alleged violations of the Act and, in some cases, provides referrals to a variety of agencies that may be of assistance.

The Tribunal

Members of the Commission and the Chief of the Commission and Tribunals encourage settlement through the tribunal dispute resolution process and adjudicate unresolved complaints by conducting formal hearings and rendering decisions on those complaints.

Applicable Alberta Statutes and Regulations

The Commission has responsibilities under, and is subject to, a number of statutes and regulations including the following:

- *Alberta Human Rights Act;*
- *Alberta Human Rights Commission Bylaws;*
- *Alberta Public Agencies Governance Act;*
- *Conflicts of Interest Act;*
- *Financial Administration Act;*
- *Fiscal Management Act;*
- *Freedom of Information and Protection of Privacy Act;*
- *Interpretation Act;*
- *Lobbyists Act;*
- *Public Inquiries Act;*
- *Public Sector Compensation Transparency Act;*
- *Public Service Act;* and
- *Reform of Agencies, Boards and Commissions Compensation Act.*

3. Roles and Responsibilities

The government is responsible for the legislative, regulatory and policy framework in which the Commission operates, while respecting the Commission's independence.

The Ministry of Justice and Solicitor General

The Minister

The Minister reports to the Legislature on the affairs of the Commission and answers questions about the Commission. The Minister is accountable to the Legislature for the Commission.

The Minister's duties and responsibilities, while respecting the Commission's independence, are to:

- Be informed of the operations and performance of the Commission to ensure that it is fulfilling its mandate and performing its functions in compliance with the Act and government policies, including strategic direction and targets;
- Inform the Chief Commissioner of government policies affecting the work of the Commission;

- Ensure that the Commission receives appropriate resources, including financial resources through budgetary designation, human resources and other supports as necessary, to fulfil its mandate and perform its functions;
- Work with other ministers of the government to ensure government legislation and activities comply with the provisions of the Act;
- Recommend the appointment through Order in Council of the Chief Commissioner based on the Minister's assessment that the appointee has the required values and competencies to assist the Commission in fulfilling its mandate and performing its functions; and
- In consultation with the Chief Commissioner, recommend the appointment through Order in Council of Members of the Commission and the Director of the Commission.

The Deputy Minister

The Deputy Minister supports and acts under the general direction of the Minister. The Deputy Minister reports to and is accountable to the Minister.

The Deputy Minister's duties and responsibilities, while respecting the Commission's independence, are to:

- Liaise with the Chief Commissioner on behalf of the Minister, especially with respect to informing the Chief Commissioner of government policies affecting the work of the Commission; and
- Ensure that the Commission's administrative functions are properly and appropriately supported by the Ministry through the provision of services related to financial planning and reporting, human resources, information management, information technology, communications and other services provided by the central administrative support branches of the Ministry.

The Alberta Human Rights Commission

The Chief Commissioner

The Chief Commissioner sets the overall goals and policy direction of the Commission, renders decisions related to human rights complaints, and provides guidance and oversight to the three areas of the Commission: 1) the Tribunal, 2) the Office of the Director and 3) Communications, Education and Engagement. The Chief Commissioner reports to the Minister in accordance with the Act.

The Chief Commissioner's duties and responsibilities are to:

- Ensure the Commission is fulfilling its mandate and performing its functions in accordance with the Act including strategic directions and targets;
- Provide for the day to day oversight, management and administration of the Commission including financial, human resource planning and development, business planning, business reporting, strategic planning, enterprise risk management and overall administrative functions of the Commission;
- Adjudicate and render decisions and perform other statutorily mandated duties in accordance with the Act;
- Advise the Minister on human rights issues and matters related to the Act, including advice on amendments to the Act;
- Ensure the Code of Conduct is adhered to by Members of the Commission and employees;
- Participate in the recruitment process for new Members of the Commission and the Director of the Commission;
- Evaluate the performance of Members of the Commission and the Director of the Commission, and the Director of Communication, Education and Engagement while respecting their need for independence in decision making;
- Provide Members of the Commission with guidance and oversight regarding the Commission's Tribunal hearing process and any related Tribunal level processes, such as alternative dispute resolution services, without jeopardizing their ability to make independent adjudicative decisions;
- Assign Members of the Commission to act as chair of a Tribunal panel;
- Provide the Director of the Commission with guidance and oversight regarding the development and implementation of policies and procedures with regard to the effective processing with respect to human rights complaints, while respecting the Director's need for independence in decision making related to complaint files;
- Provide the Director of Communication, Education and Engagement with guidance and oversight in providing programs and services, as set out in section 16 of the Act, to prevent discrimination and promote and advance human rights, equality, and appreciation and respect for diversity and inclusion in Alberta;

- Oversee the development of and implementation of policies and procedures, in consultation with the Director of the Commission, and the Director of Communication, Education and Engagement, for the evaluation of the Commission, including appropriate Codes of Conduct; and
- Represent the Commission and its interests in dealings with the Minister and their delegates, the Ministry, stakeholders and the public.

The Members of the Commission {Tribunal}

Members of the Commission may serve on a full-time or a part-time basis. Members of the Commission report to and are accountable to the Chief Commissioner.

Members of the Commission's duties and responsibilities are to:

- Adhere to the Commission's Code of Conduct;
- Adjudicate and render decisions with respect to human rights complaints;
- Conduct other related Tribunal level processes, such as alternative dispute resolution services, when appointed to do so by the Chief Commissioner;
- Attend public events on behalf of the Commission when requested to do so by the Chief Commissioner; and
- Participate in orientation and ongoing education programs.

The Acting Chief

One member of the Commission may be appointed as Acting Chief Commissioner by Ministerial Order pursuant to section 15 of the Act. The Chief Commissioner may direct the Acting Chief as to the specific duties and responsibilities to be performed in their absence. If no specific direction is provided, or in the absence of the Chief Commissioner due to incapacity, the Acting Chief has the duties and responsibilities of the Chief Commissioner.

The Acting Chief may be a full-time or part-time member.

The Director of the Commission

The Director of the Commission oversees the provision of complaint resolution services. The Director of the Commission reports to and is accountable to the Chief Commissioner.

The Director of the Commission's duties and responsibilities are to:

- Support the Chief Commissioner to ensure the Commission is fulfilling its mandate and performing its functions;
- Oversee the resolution of individual complaints through the conciliation and investigation processes and through advocacy at the Tribunal and the Courts;
- Provide policy and issues management advice to the Chief Commissioner without creating bias or jeopardizing the independence of the Chief Commissioner or the Director of the Commission; and
- Oversee administrative services, in a timely and appropriate manner, assigned to the Director of the Commission's Office by the Chief Commissioner (e.g., budget and forecast submissions, support for the complaints tracking system).

Director of Communication, Education and Engagement

The Director of Communication, Education and Engagement oversees the provision of educational services as part of the Commission's mandate pursuant to section 16 of the Act. The Director of Communication, Education and Engagement reports to and is accountable to the Chief Commissioner.

The Director of Communication, Education and Engagement's duties and responsibilities are to:

- Provide education, communications and issues management;
- Support the Chief Commissioner to ensure the Commission is fulfilling its mandate and performing its functions;
- Oversee the delivery of education and engagement programs, services and initiatives;
- Support the communication, public relations and media relations of the Commission;
- Provide policy and issues management advice to the Chief Commissioner without creating bias or jeopardizing the independence of the Chief Commissioner or the Director of the Commission, and
- Under the direction of the Chief Commissioner, provide any communication, education, engagement or administrative services that are required by the Chief Commissioner, Members of the Commission, or the Director of the Commission, in a timely and appropriate manner.

4. Recruitment and Appointment of the Chief Commissioner, Members of the Commission and the Director of the Commission

Individuals are recruited to the Commission according to the Government of Alberta's current policy on public agency recruitments. The Chief Commissioner, Members of the Commission and the Director of the Commission are all appointed by the Lieutenant Governor in Council through Orders in Council.

The Commission and the Ministry have developed the appended competency matrix for the Commission as a whole. The competency matrix outlines the values, skills, experience and knowledge members require as a collective. When vacancies arise, the matrix will be used to assess candidates. Any existing gaps or special requirements will be identified prior to initiating recruitment.

In consultation with the Chief Commissioner, a range of options for each term expiry or vacancy will be considered, including reappointment, direct appointment or open competition. The chosen recruitment method will be selected by the Minister. If an open competition is selected, positions will be publicly advertised on the Alberta.ca website and other relevant websites. Members are screened for conflict of interest prior to appointment.

The Minister will select the candidates to be appointed and will bring them forward to Cabinet for approval. Appointments will be posted on the Alberta.ca website.

Term and Remuneration

Appointment of the Chief Commissioner, Members of the Commission and the Director of the Commission will be for a specified term, to a maximum of 12 years of continuous service.

Part-time Members of the Commission will be remunerated by honorarium in accordance with Committee Remuneration Order (Order in Council 466/2007) Appendix 1, Schedule 1, Part A. The Chief Commissioner, and any full-time Members of the Commission, will be paid remuneration in accordance with the Reform of Agencies, Boards and Commissions Compensation Regulation (Order in Council 068/2017).

In addition, the Chief Commissioner and all Members of the Commission will receive reimbursement for travelling and other expenses incurred in the course of their duties in accordance with the Government of Alberta's Travel, Meal and Hospitality Expenses Policy.

5. Interaction between the Commission, the Minister and the Ministry

The Minister and the Chief Commissioner will meet periodically to discuss matters related to the work of the Commission.

The Minister designates the Deputy Minister as the primary Ministry contact with the Chief Commissioner. The Deputy Minister and the Chief Commissioner will meet periodically to discuss matters related to the work of the Commission including issues related to roles and responsibilities.

The Policy and Planning Services Branch interacts with the Commission for the purposes of governance matters and the recruitment and appointment of Members of the Commission.

The Policy and Planning Services branch also interacts with the Public Agency Secretariat (PAS). The PAS provides governance resources and support to departments and government agencies.

The PAS may also be utilized as a source of information, tools, advice and training on sound governance practices.

6. Administration of this Document

Review and Amendment

This Mandate and Roles Document does not override any existing legislation and regulations.

This document will be reviewed and affirmed by the Minister and the Chief Commissioner in accordance with the *Alberta Public Agencies Governance Act*.

Transparency

Copies of this Mandate and Roles document are filed with the Minister, the Commission and the Public Agency Secretariat. In support of the principle of transparency this Mandate and Roles Document is available to the public on the Commission's website at www.albertahumanrights.ab.ca as well as on the Alberta.ca website.

Periodic Agency Review

A review of the Commission's mandate and purpose will be carried out by the Ministry in accordance with the review process developed in consultation with the Public Agency Secretariat.

This document reflects the mutual understandings of the Minister and Chief Commissioner but is not intended to, and does not, create any binding legal obligations enforceable in a court of law.

Affirmed,

Affirmed,

[Original Signed By]

[Original Signed By]

Michael Gottheil
Chief of the Commission and Tribunals
Alberta Human Rights Commission

Honourable Kaycee Madu, QC
Minister
Justice and Solicitor General

March 23, 2021
Date

June 30, 2021
Date

**COMPETENCY MATRIX -MEMBERS OF THE COMMISSION
(ALBERTA HUMAN RIGHTS TRIBUNAL)**

Date: _____

	Member 1	Member 2	Member 3
Term Expiry			
EXPERIENCE AND EXPERTISE			
Previous Tribunal or Court Experience either as decision maker, board solicitor or practice before board or court (Required) <ul style="list-style-type: none"> ● Type of Board or Commission ● Number of years ● Number of hearings conducted or appearances before the Board or Commission 			
Demonstrated knowledge of human rights and administrative law (Required) <ul style="list-style-type: none"> ● Experience in academia, courts or tribunals 			
Must have a Bachelor of Laws (LLB) or Juris Doctor (JD) <ul style="list-style-type: none"> ● Additional Relevant Education 			
Strong Writing skills: <ul style="list-style-type: none"> ● Demonstrated ability in decision or writing or legal writing ● Examples of timely decision writing 			
Mediation skills: <ul style="list-style-type: none"> ● Education in this area ● Examples of practice in this area 			
Ability to conduct hearings in an administrative law context <ul style="list-style-type: none"> ● Knowledge of rules of evidence and procedural rules. ● Litigation and/or hearing management experience 			
Knowledge and understanding of issues affecting diverse communities			

	Member 1	Member 2	Member 3
PERSONAL TRAITS			
Principled, thoughtful and confident (work or life experience)			
Strong listening and communication skills - (work or life experience)			
Integrity and accountability (work or life experience)			
Creativity and innovation (ability to think outside of the box)			
Objectivity (work or life experience)			
Strong ethical principles (work or life experience)			
Collegiality (work or life experience)			
Adaptability (work or life experience)			