



Alberta
Human Rights Commission

ANNUAL REPORT

2020-21



Contents

- 1 Introduction
- 2 Mandate, Vision, Mission
- 3 Message from the Chief of the Commission and Tribunals
- 5 Communication, Education and Engagement
- 12 Inquiry and Complaint Resolution Services
- 17 Office of the Chief of the Commission and Tribunals

Appendices

- 20 APPENDIX A: Legislative Framework for the Alberta Human Rights Commission
- 22 APPENDIX B: Legislative Framework for the Human Rights Education and Multiculturalism Fund
- 23 APPENDIX C: Grounds of Discrimination and Areas Cited in Complaints Opened, and Disposition of Complaints
- 25 APPENDIX D: Grounds of Discrimination and Areas Cited in Complaints Closed at the Tribunal Stage
- 26 APPENDIX E: Biographies of the Members of the Commission

Please note: In 2020-21, 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 *2020-21 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 individuals who are blind, partially-sighted, or have other disability-related needs.

Introduction

The Alberta Human Rights Commission (the Commission) is an independent commission of the Government of Alberta, which is established under the *Alberta Human Rights Act* (the *Act*). The Commission's Chief of the Commission and Tribunals is responsible for keeping the Minister of Justice and Solicitor General, who has responsibility for the *Act*, informed about human rights issues and the Commission's activities; 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 *Act*, the 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, 2020 to March 31, 2021.

Mandate, Vision, Mission

Our Mandate

To foster equality and reduce discrimination.

Our Vision

A vibrant and inclusive Alberta where the rich diversity of people is celebrated and respected, and where everyone has the opportunity to fully participate in society, free from discrimination.

Our Mission

To serve the public interest by ensuring access to justice, advancing equity and inclusion, and upholding human rights principles in Alberta.

Message from the Chief of the Commission and Tribunals

I am pleased to present the 2020-21 Alberta Human Rights Commission Annual Report. It was impossible to predict that we would spend the entire fiscal year in the grips of an ongoing pandemic, nor what the impacts of that pandemic would be on Albertans. While the global health crisis brought people together and highlighted the strength and power of community generosity, it also brought into sharp contrast the disparity between various sectors in our province. The devastation COVID-19 has wrought on people who face disadvantages and marginalization has forced us to think deeply about how we care for others. Persons with disabilities who must already navigate barriers on a daily basis have had to contend with additional challenges and increased isolation during the pandemic. Persistent racial and ethnic tensions and acts of anti-Muslim, anti-Asian, anti-Black, and anti-Indigenous racism in this province continually remind us that there is still so much work to be done to eradicate discrimination.

In an effort to amplify the critical need to confront the increase in hate and racism towards racialized communities, I released [four public statements](#) condemning racism. Over the course of the year, the Commission supported organizations in their efforts to address racism. We met with members from the Black community to provide support for workshops that address anti racism. The Commission provided funding and educational support to the Act2end racism initiative, addressing racism towards Canadians of Asian descent. I was fortunate to have participated on a panel discussion organized by Act2endracism. We supported community

initiatives like the Coalitions Creating Equity and the Alberta Hate Crimes Committee in their efforts to address hate in Alberta communities.

To address the discrimination and racism that Indigenous people in Alberta face, the Commission continued collaborating with the Indigenous community through initiatives like the Calgary Indigenous Human Rights Circle. In 2020-21, the Commission drafted an Indigenous Human Rights Strategy that aims to enhance access to our services for Indigenous communities. Commissions across Canada have long recognized that Indigenous individuals and communities do not engage the human rights system to address the discrimination they face. We believe it is both timely and important to address these barriers, and to work with Indigenous communities to build avenues and capacity to make the Commission a viable and effective route to redress discrimination for Indigenous individuals. This Strategy includes proposed actions for addressing the systemic issues impacting Indigenous Albertans and will help guide the Commission's practices.

On the disability front, the Commission worked with the disability sector through the Alberta Ability Network (AAN) to move forward on adopting accessibility legislation in Alberta. Together, we hosted the Alberta-bility webinar to explore and propose options for Alberta to have accessibility legislation, similar to what is in place federally and in other provinces. This webinar engaged key stakeholders and helped raise awareness and garner support for accessibility legislation in Alberta.

The Commission increased its presence in public policy engagement, providing detailed input and human rights considerations to the Government of Alberta's *Police Act* review in early 2021. We also joined human rights commissions across Canada in calling on the Government of Canada to develop and implement a nationwide strategy for collecting disaggregated health data focused on race and Indigeneity.

In the midst of the pandemic that saw most of our staff working from home, we strove not only to uphold the level of service to Albertans previously offered before the pandemic, but also to enhance those services. The Commission received an increase in calls from individuals, employers, and service providers related to COVID-19. We provided information on COVID-19 and human rights on our website, which received over 145,000 visits from the public, and we answered over 8,000 calls to the confidential inquiry line.

The conclusion of the Complaint Inventory Resolution Project on March 31, 2021, established to deal with complaints that had been waiting in the queue for a significant period of time, saw 843 backlogged complaints resolved. Resolution of an additional 491 complaints brought the Commission's total resolution count for 2020-21 to a record-breaking 1,334 complaints.

New Bylaws were approved on December 1, 2020. These Bylaws address complaint processes and procedures at various stages, including at the Director and tribunal stages. The Tribunal Office also developed a number of new and updated Practice Directions that govern how certain issues or proceedings before the tribunal should be addressed or conducted.

These are important and timely initiatives. As we forge ahead, I am optimistic that the work we have started in 2020-21 will be a strong foundation for increased action, advocacy, and human rights advancement.

None of the work we undertook this year could have been accomplished without the dedication and commitment of the staff and Members of the Commission. I continue to be proud of their work and their tenacity as we faced significant challenges and seized opportunities to advance human rights in Alberta.

My thanks and admiration goes out to all.



Michael Gottheil
Chief of the Commission and Tribunals

Communication, Education and Engagement

In 2020-21, the Commission delivered impactful programs and initiatives to inform and educate Albertans about their rights and responsibilities under the *Alberta Human Rights Act* (the *Act*), the Commission's programs and services, and other human rights principles. These initiatives equipped Albertans to address discrimination in organizations, communities, and in their personal lives, and are helping to reduce the barriers that prevent many Albertans from participating fully in society.

The Commission continued to partner in collaborative initiatives to address racism and discrimination impacting various groups in informed and meaningful ways. With increased reports of racism toward Canadians of Asian descent in the context of COVID-19, racially-motivated attacks on Indigenous people and Muslim women, and events in the United States that brought to light the systemic racism impacting Black people in North America, the Commission engaged with key stakeholders to better understand the needs of impacted communities, and supported related initiatives.

Increased Albertans' understanding of their rights and responsibilities under the Act through information and educational initiatives

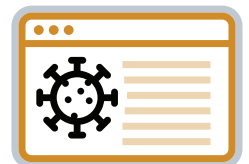
The [Commission's website](#) is its core education tool to keep Albertans informed about their rights and responsibilities related to the *Act*, and about the programs and services available to them. Soon after the public health emergency was declared in Alberta, the Commission created a section on the website dedicated

to informing the public about [COVID-19 and human rights](#). In 2020-21, the website was a key resource for sharing information with individuals, businesses and organizations, service providers, and landlords about their human rights and responsibilities related to the pandemic.

156,592
UNIQUE VISITORS to the Commission's [website](#) in 2020-21, up from 78,000 in 2019-2020



29,524
PAGE VIEWS of the COVID-19 and Human Rights section



The Commission also offered educational resources to inform Albertans about human rights law and related principles, diversity and inclusion, and programs and services.

3,526 SUBSCRIBERS to the Commission's quarterly electronic newsletter, the Alberta Human Rights Information Service (AHRIS). AHRIS informs the public about recent tribunal decisions, Commission news and events, significant dates to human rights, and related human rights information



6,424 VIEWS
of Commission
webinars and videos
on various human
rights topics such as
the duty to
accommodate, gender
discrimination, and
harassment



As well, the Commission revised three human rights guides to reflect the 2015 and 2018 amendments to the *Act*, current case law, and Commission policies and guidelines:

- [Duty to accommodate](#)
- [Duty to accommodate students with disabilities in post-secondary educational institutions](#)
- [Defences to human rights complaints](#) (previously titled, When is discrimination not a contravention of the law?)

[Human rights guides](#) are in-depth educational resources that offer a comprehensive discussion of important human rights topics. They cite case law, provide descriptions of legal principles drawn from the case law, and offer practical information. The guides help individuals, employers, service providers, and policy makers understand their rights and responsibilities under Alberta's human rights law, and set standards for behaviour that comply with human rights law.

Due to pandemic-related restrictions, the Commission used online platforms to participate in events related to human rights. The Commission delivered presentations at online events for organizations, lawyers, post-secondary institutions, and stakeholders representing the disability, Francophone, and immigrant communities.

The Commission delivered
remarks at **18**
VIRTUAL EVENTS



The Chief of the Commission and Tribunals spoke at events for members of the legal community and post-secondary students, events recognizing days significant to human rights, and events addressing Indigenous issues, including Missing and Murdered Indigenous Women and Girls.

The Commission continued to support businesses and organizations in their efforts to create workplaces that are respectful and inclusive of all. Public workshops are targeted to employers and employees, and provide basic human rights information about the *Act*, concepts such as the duty to accommodate, and strategies to prevent and deal with harassment. In response to pandemic-related restrictions, the Commission piloted an [online public workshop](#) in 2020-21. The successful pilot, which had broad geographic attendance, led to the Commission offering public workshops virtually on a permanent basis.

Fourteen organizations from across the province, representing organizations with approximately 6000 employees in total, participated in the online workshop.

94% of workshop participants said they would use the information in their workplace



Advanced efforts to protect human rights through legislative change

The Commission provided input into legislative and policy review requests through a human rights lens.

In 2020-21, the Commission engaged with a number of stakeholders and the public to inform a comprehensive [written submission](#) to the Government of Alberta's Ministry of Justice and Solicitor General on the review of Alberta's *Police Act*.

The feedback from 41 diverse stakeholder groups across the province, representing perspectives from Indigenous, ethno-cultural, faith, disability, 2SLGBTQ+, academic, and legal communities, helped inform the Commission's recommendations toward improving the *Alberta Police Act* and *Police Service Regulation*.

The Commission made recommendations related to the following areas:

- Representation of community diversity in commissions, committees, and boards
- Recruitment of police officers and civilian employees
- Human rights-related training for police services, commissions, committees, and boards
- Transparency and accountability in complaints processes
- Ethical and collaborative collection of disaggregated data
- Addressing systemic discrimination

This year, the Alberta Human Rights Commission joined human rights commissions across Canada in a call to the federal government to develop and implement a [national strategy for the collection of disaggregated health data](#) focused on race and Indigeneity.

The Commission also provided input into the legislative review of the *Workers' Compensation Act 2020*, and made recommendations for aligning legal obligations under the *Workers' Compensation Act* with those under the *Alberta Human Rights Act*.

In addition, in 2020-21, the Commission continued to work with key stakeholders in the disability sector to champion accessibility legislation in Alberta, as established federally and in several other provinces.

- The [Alberta Ability Network](#) (of which the Commission is a member) hosted a virtual panel discussion on what accessibility legislation in Alberta would mean for Albertans. The [Alberta-bility](#) webinar discussed how the *Accessible Canada Act*

impacts Alberta, the current protections that Albertans with disabilities have, and whether or not Alberta should pursue provincial accessibility legislation. The Chief of the Commission and Tribunals served as a webinar panelist.

Advanced the work to address the ongoing racism and discrimination faced by Indigenous people in Alberta

The Commission remains committed to building respectful and trusting relationships with Indigenous people and organizations in Alberta to advance collective efforts that address the racism and discrimination they disproportionately experience.

In addition to the above initiatives to address racism and discrimination, the Commission continued to engage and partner with Indigenous people and organizations in Alberta to support collaborative, Indigenous-led initiatives. For example, the Commission continued to co-chair the [Calgary Indigenous Human Rights Circle](#), which further advanced its Re-Conciliation Project. This year, the project developed resources for employers and service providers, and hosted an online workshop and a virtual conference for workplaces and communities on identifying racism and adding Indigenous perspectives.

In 2020-21, the Commission developed an [Indigenous Human Rights Strategy](#) to help guide the Commission's practices and initiatives with the goal of reducing barriers that Indigenous individuals and communities face. The strategy,

which also aims to enhance the Commission's interaction with Indigenous people and communities in Alberta, will be supported by an Indigenous Advisory Circle.

Collaborated to advance the work to address hate, racism, and inequity in the province

The Commission continued to partner on and support several major initiatives that are strategically addressing discrimination, racism, and hate in the province. Given pandemic-related restrictions, the Commission used online platforms to assist organizations with their projects and initiatives, including:

- The [Coalitions Creating Equity](#) (CCE) initiative, created in partnership with community organizations and supported by the Human Rights Education and Multiculturalism Fund (the Fund), was launched in 2017 to help advance human rights and address local human rights issues and priorities. This year, CCE expanded its community of practice to include 10 more municipalities and regions and completed its core initiative, the launch of the [CCE Response Model to Hate in Alberta toolkit](#). Five municipalities of the CCE (Wood Buffalo, Edmonton, Red Deer, Calgary, and Lethbridge) and their surrounding areas worked together to develop a mechanism to offer service providers tools and guidelines to effectively respond to hate incidents in Alberta. CCE generated a [final report](#) summarizing activities and positive outcomes of its collective action approach.

REACH Edmonton has been awarded a grant through the Government of Canada's Anti-Racism Action Program to continue the work initiated by the CCE and to address hatred directed at Indigenous people.

- The **12 Community Safety Initiative (12CSI)** is a local crime prevention collaborative that engages community to eliminate hate crimes and build inclusion. This year, the Commission supported 12CSI to develop online anti-racism workshops.
- The City of Calgary's **Anti-Racism Capacity-Building Fund**, developed and implemented with the Commission's support, provides grants to non-profit organizations for one-time initiatives to strengthen their organizational effectiveness, increase their programs' impact, and address emerging issues and trends impacting Calgarians.

The Commission participated as a panelist in a community dialogue on human rights and systemic change hosted by Action Chinese Canadians Together Foundation, in partnership with Act2endracism. This virtual session explored the role of human rights commissions and tribunals, as well as the inherent rights people have beyond human rights laws, treaties, conventions, and charters. In addition to the above efforts to address racism and discrimination, the Commission directly responded to the increase in racism toward

Albertans of Asian descent since the start of the pandemic, and to the anti-Black racism and systemic discrimination brought to light following George Floyd's death in the United States. The Chief of the Commission and Tribunals released messages on [countering racism during COVID-19](#) and [raising our voices against anti-Black racism](#). The Commission also met with Black community members and supported organizations with workshops to address racism. As well, the Commission provided funding to the Act2endracism initiative, addressing racism toward Canadians of Asian descent.

“*Now is the time to listen. Learn. Understand. And to raise your voice. Black rights are human rights. Together, let's use our voices and take action to create change and build a society that is truly equal for all.*”

Michael Gottheil,
Chief of the Commission and Tribunals

The Alberta Award for the Study of Canadian Human Rights and Multiculturalism supports graduate studies in Canadian human rights or multiculturalism. The award program—including the Master’s level award (the Pardeep Singh Gundara Memorial Scholarship) and the Doctoral level award—is funded through the Alberta Heritage Scholarship Fund and is administered jointly by the Commission and Alberta Advanced Education.

With support from Alberta Student Aid, the Commission selected winners for the 2020 awards. The Doctoral research will explore children’s experiences at playgrounds designed for inclusion. The Master’s research will investigate the race-based experiences of visible minority law enforcement officers with members of the public.

Helped resolve and advance matters related to human rights through consultation and advice

The Commission continued to provide specialized consultative and advisory services to assist organizations, institutions, and governments on human rights matters. For example, in 2020-21, the Commission provided advice to the:

- City of Calgary with its Anti-Racism strategy and grant program

- Rotary District 5360 (Southern Alberta) with the development and planning of its Indigenous strategy
- United Way of Calgary with advice and training to institute a human rights and anti-racism lens to the organization and their work

Supported organizations to complete projects funded by the former Human Rights Education and Multiculturalism Fund

The Commission provided ongoing support to municipalities and organizations to complete their projects funded through the Human Rights Education and Multiculturalism Fund (the Fund). As per the Government of Alberta’s Budget 2019, released on October 24, 2019, the Alberta Lottery Fund was transferred to Alberta Treasury Board and Finance on behalf of the General Revenue Fund and, subsequently, the Fund was dissolved. Therefore, the Commission no longer offers funding through the Human Rights and Multiculturalism Grants program.

In wrapping up the grant program, the Commission assisted organizations to complete 17 grant projects in progress at the start of 2020-21. Projects addressed topics from organizational systemic discrimination to preventative change, with many projects having a provincial impact and, in some cases, a national impact.

Three of the many notable projects completed in 2020-21 include:

- The Immigrant Education Society (TIES) collaborated with Indigenous Friendship Centres, Elders, and Knowledge Keepers to produce a comprehensive guide, [Indigenous Voices in the Classroom](#), for readers with basic comprehension of the English language (rated Canadian Language Benchmark (CLB) 4). The project received national attention resulting in Immigration, Refugees, and Citizenship Canada (IRCC) planning to incorporate the project's Indigenous content into their national online English curriculum for permanent residents and refugees. TIES also received additional funding to expand this guide for the IRCC to meet CLB levels 1 and 2 standards.
- The College and Association of Registered Nurses of Alberta (CARNA) received funding for its project to address systemic and individual discrimination against Indigenous people within Alberta's health system. With the assistance of an Indigenous Cultural Advisor and members of the community (including Indigenous Elders and nurses throughout Alberta), CARNA developed and implemented a learning program for their staff called [Stronger Together: Learning Through Indigenous Perspectives](#). They describe the extensive online course as a way to "increase knowledge of Indigenous Peoples and promote nursing care that is compassionate and trauma-informed toward Indigenous Peoples in

Alberta." Their goal is for all regulated nurses in Alberta to utilize these new understandings and knowledge in ways that ultimately improve nursing care broadly. The course is open to 38,000 CARNA members, and the CARNA council has recently discussed a potential move toward mandating the course when members renew.

- The Autism Calgary Association's Newcomer Inclusion and Support project addressed the inequality of opportunities, social exclusion, and discrimination faced by newcomer families living with Autism Spectrum Disorder (ASD). These barriers often result in delays in ASD diagnosis and support. Through a literature review and feedback from an advisory committee of newcomers and service agencies, Autism Calgary identified the gaps and barriers in ASD services specific to Alberta, and prepared a guide for service providers, [How to Assist Newcomers Living with Autism Spectrum Disorder: Reorienting your Approach to Transcend Cultural Boundaries](#).

Inquiry and Complaint Resolution Services

The Commission's inquiry and complaint resolution service is a central part of the Commission's work. The Commission receives thousands of inquiries a year from Albertans and provides information on a confidential basis, free of charge to anyone who: wants to know more about rights and responsibilities under the *Alberta Human Rights Act* (the *Act*); wants to find ways to foster equality and reduce discrimination; believes they may have experienced discrimination; or is responding to a human rights issue.

In 2020-21, the Commission continued to implement initiatives to help resolve complaints of discrimination more efficiently and in a timelier manner, while maintaining fairness. The various initiatives have yielded significant results, including a reduction in the time the Director and staff take to either resolve the complaint or make a decision on whether to refer the complaint to the Chief of the Commission and Tribunals.

Responded to public inquiries related to human rights

The Commission received inquiries 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 *Act*. Through its inquiry service, the Commission offered Albertans comprehensive information about the *Act* and the human rights complaint process, human rights concepts, and how to

apply human rights principles to proactively resolve issues. The Commission also referred Albertans to other resources and supports.

Commission staff answered
8,014
PUBLIC INQUIRIES
in 2020-21



The pandemic raised many questions and issues for Albertans related to human rights. From the onset of the pandemic, the Commission received a number of COVID-related inquiries from individuals, employers, and service providers. Many Albertans were upset and confused, particularly regarding the new and evolving health restrictions. While many inquiries did not fall under the protected areas or grounds of the *Act*, the Commission worked hard to address all inquiries with patience and respect. Later in the fiscal, there was an increase in COVID-related complaints made to the Commission, largely due to masking rules.

739 COVID-RELATED inquiries were made to the Commission in 2020-21. Of these, **397** RELATED TO MASK-WEARING

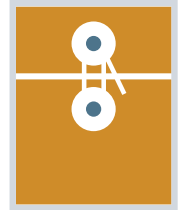


Resolved complaints of discrimination effectively and efficiently

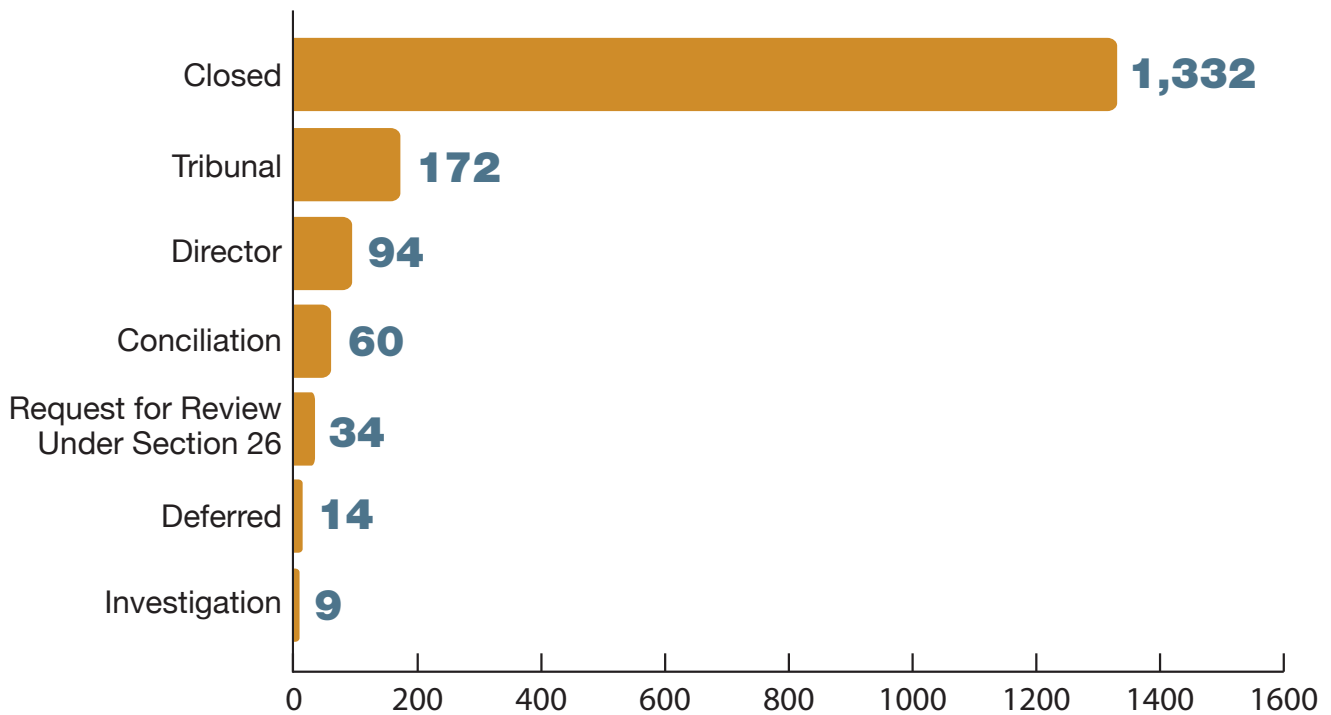
In 2020-21, the Commission completed the Case Inventory Resolution Project (CIRP). The two-year project, introduced in 2019 to deal with the large inventory of complaints before January 1, 2019, received positive feedback for timely and effective services.

Over the two-year CIRP project span, the Commission worked on 1,715 complaints by the end of March 31, 2021, and **CLOSED A RECORD**

78% OF ALL COMPLAINTS



CIRP Status
as of March 31, 2021



All File Closures in 2020-21

With the substantial changes made to the human rights complaint process, coupled with CIRP, the Commission closed a record number of complaints in 2020-21. Eight hundred and forty three backlogged files were resolved through CIRP and 491 complaints resolved through the revised complaint process, resulting in a total of 1,334 complaints resolved.



In 2020-21, as it did in 2019-20, the Commission **CLOSED MORE THAN DOUBLE THE NUMBER OF COMPLAINTS** than in 2018-2019, before new processes were introduced

In 2020-21, there was a **41% DROP IN THE NUMBER OF COMPLAINTS WAITING IN THE QUEUE** (for conciliation or investigation services, or for a decision by the Director)



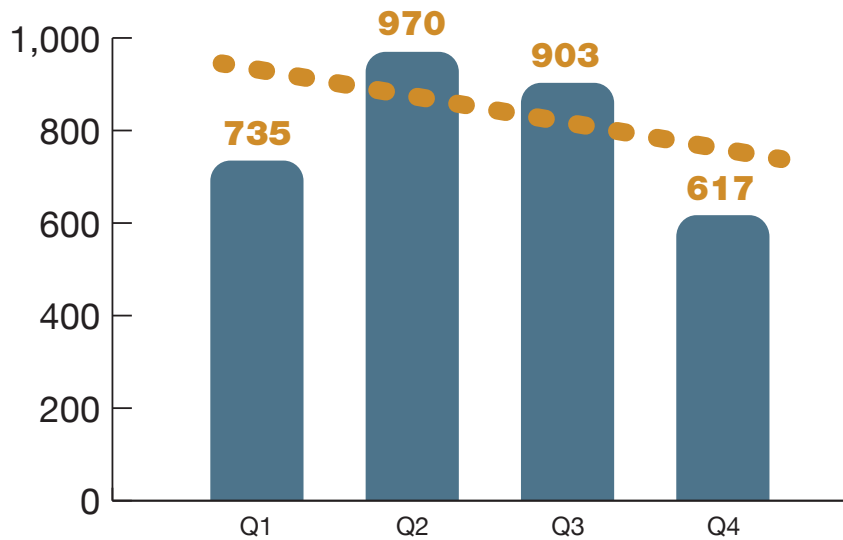
In conciliation, using scheduled face-to-face meetings, both in-person and virtually, improved the Commission's ability to provide meaningful resolutions for both complainants and respondents, with a higher resolution rate. In response to pandemic restrictions, human rights offices switched from in-person to virtual conciliation meetings, maintaining the same high rate of resolutions as meeting with parties in person.

68% of parties who participated in conciliation **RESOLVED THEIR COMPLAINT**



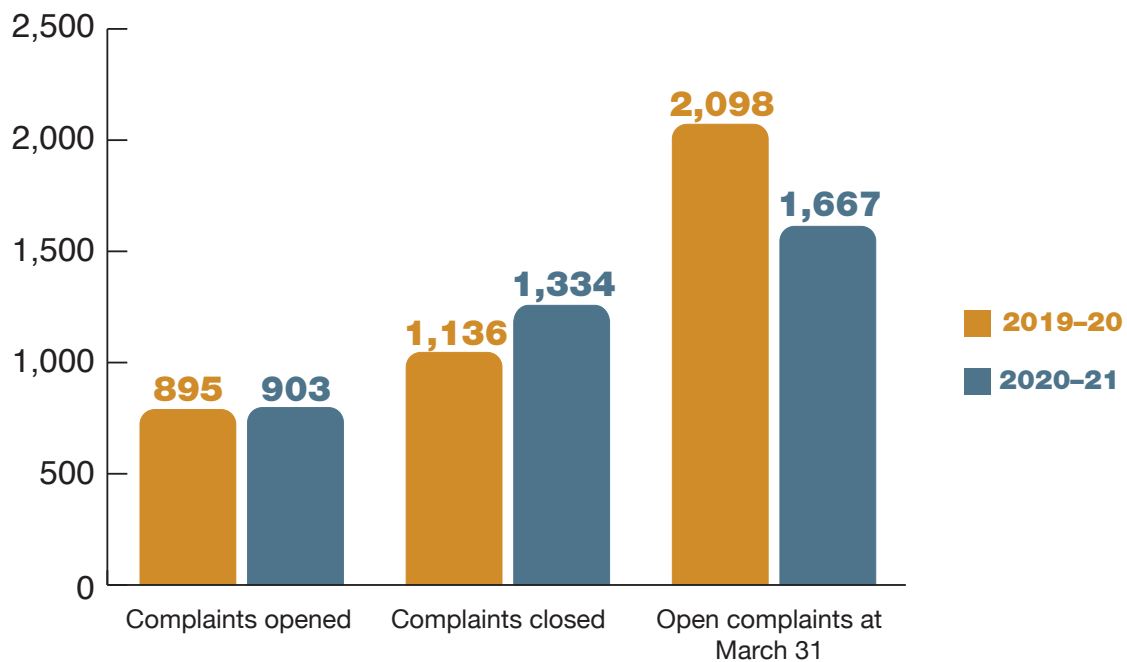
For investigations, strict timelines apply to all parties in each step of the process. Quicker turnaround times for submissions have increased the speed with which complaints can be processed.

Time with Director and staff in 2020-21 (days)



As the Director and staff process the older inventory of complaints through CIRP, and as revisions to the complaint resolution process are implemented, including early resolution attempts, the time spent to either resolve or make a decision on whether to dismiss or refer complaint to the Chief of the Commission and Tribunals continues to trend downward.

Complaints opened and closed and year-end balance



A total of 1,334 complaints were closed in 2020-21. For a second straight year, the number of complaints closed exceeded the number of complaints accepted. The number of open complaints is also dropping.

As part of the Commission's complaint resolution process renewal, in 2020-21, the Commission released an [updated guide, revised complaint and response forms](#), as well as new forms for authorized representatives and litigation representatives. These documents utilize a plain language lens, making it easier for Albertans to complete the forms and provide the necessary information.

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.

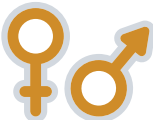
27%
of complaints cited
physical disability



23%
cited mental
disability



14%
cited gender



73% of
complaints cited
employment
practices



See [Appendix C](#) for a breakdown of the areas and grounds cited in complaints made to the Commission in 2020-21.

New Bylaws

Following extensive consultation with stakeholders, in 2020-21, the Commission established [new Bylaws](#) that address the complaint process at various stages, including a complaint with the Director or with the tribunal. The Bylaws are divided into three parts:

- **Part 1** includes common bylaws dealing with procedures at the Director or tribunal stage
- **Part 2** applies to complaints dealt with by the Director
- **Part 3** applies to complaints before the tribunal

Office of the Chief of the Commission and Tribunals

The tribunal process is independent from the work of the Director of the Commission and her 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 (see Appendix E for Members of the Commission biographies).

Complaints proceed to the tribunal stage in two ways:

1. Request for Review: If the Director dismisses or discontinues a complaint, the complainant may submit a Request for Review of the Director's decision to the Chief of the Commission and Tribunals (the Chief) pursuant to section 26 of the *Alberta Human Rights Act* (the *Act*). There are two possible outcomes for a Request for Review:
 - i. The Chief may agree with the Director's decision and dismiss or discontinue the complaint by finding that there is no reasonable basis to proceed with the complaint; or
 - ii. The Chief may overturn the Director's decision by finding that there is a reasonable basis to proceed with the complaint. The complaint will proceed to the tribunal for a hearing, subject to the complainant accepting "carriage" of the complaint.
2. Report/Referral from the Director: The Director may at any time report to the Chief that the parties are unable to settle the complaint and ask the Chief to refer the complaint to the tribunal for a hearing. In this case, the Director has "carriage" of the complaint.

Requests for Review decided by the Chief of the Commission and Tribunals under section 26 of the Alberta Human Rights Act in 2020-21

| Type of Review | Decisions Upheld | Decisions Overturned | Total |
|----------------|------------------|----------------------|-------|
| Dismissal | 93 (77%) | 28 (23%) | 121 |
| Discontinuance | 0 | 0 | 0 |

Areas and grounds cited in complaints closed at the tribunal stage in 2020-21

A total of 177 complaints were closed at the tribunal stage in 2020-21.

PHYSICAL DISABILITY (32%), MENTAL DISABILITY (19%) AND GENDER (19%) were the most commonly cited grounds in complaints closed at the tribunal stage.



Most **COMPLAINTS (81%)** closed at the tribunal stage cited the area of **EMPLOYMENT PRACTICES**

See [Appendix D](#) for details of grounds and areas cited in the complaints closed at the tribunal stage.

Tribunal Dispute Resolution (TDR)

At the tribunal stage, the first step is a confidential and voluntary [TDR process](#) that allows parties to settle a complaint through mediation. The parties meet with a Member of the Commission who acts as a neutral mediator and tries to help the parties settle the complaint

before it goes to a tribunal hearing. The TDR process allows the parties to avoid the time and costs associated with a hearing.

Tribunal hearings

A complaint proceeds to a hearing if the parties choose not to participate in TDR or are unable to settle at TDR. The hearing is adjudicated by a Member or Members of the Commission (in some cases, three-person tribunals may adjudicate the matter). The tribunal may decide that the complaint has merit or that it has no merit. If the complaint has merit, the tribunal may issue a number of remedies, including monetary compensation, reinstatement, etc. The complaint is dismissed if it has no merit.

Complaints closed through the human rights tribunal process

Of the 177 complaints closed in 2020-21:

- 102 (58%) were closed through the Tribunal Dispute Resolution (TDR) process
- 42 (23%) were closed through private settlement by the parties
- 14 (8%) were closed as a result of a tribunal hearing
- 10 (6%) were withdrawn
- nine (5%) were closed for other reasons (e.g., dismissal for abandonment)

Outcome of complaints closed through the human rights tribunal process

| Outcome | 2018-19 | 2019-20 | 2020-21 |
|------------------------------|-----------|-----------|------------|
| Settled prior to a hearing* | 32 | 45 | 144 |
| Tribunal decision – merit | 2 | 5 | 5 |
| Tribunal decision – no merit | 5 | 2 | 9 |
| Other** | 4 | 7 | 19 |
| Total | 43 | 59 | 177 |

*Includes complaints closed through TDR and through private settlement

**Includes complaints withdrawn and closed for other reasons

Practice Directions

In 2020-21, the Commission developed a number of new and updated [Practice Directions](#) that govern how certain issues or proceedings before the tribunal should be addressed or conducted.

APPENDIX A: Legislative Framework for the Alberta Human Rights Commission

In Alberta, the *Alberta Human Rights Act* (the *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 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, where requested, providing advice on the

appointment of 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 *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 and employees handle the administrative responsibilities related to resolving and settling complaints made under the *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 proactive work to eliminate discrimination and barriers to full participation in society. This includes efforts to increase awareness and understanding of rights and responsibilities under the *Act* among targeted audiences; support Albertans in their work to promote human rights and prevent discrimination; and encourage and contribute to meaningful collaborative efforts to reduce discrimination, eliminate barriers, and advance human rights.

The Human Rights Education and Multiculturalism Fund (the Fund), which was administered by the Commission on behalf of the Minister of Justice and Solicitor General, provided financial support for the Commission's education and community initiatives. Through its grant program, the Fund also provided financial support to community organizations for projects that fostered equality and reduced discrimination. The Commission will oversee the closure of final projects, ensuring adherence to funding requirements.

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. Prior to January 1, 2018, age discrimination was not protected in the area of goods, services, accommodation or facilities, nor in the area of tenancy.

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: Legislative Framework for the Human Rights Education and Multiculturalism Fund

The Human Rights Education and Multiculturalism Fund (the Fund) is established under the *Alberta Human Rights Act* and administered by the Alberta Human Rights 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 Fund financially supported the Commission's education and engagement activities. In addition, a key function of the Fund was to provide grants to community organizations for projects that foster equality and reduce discrimination. As per the Government of Alberta's Budget 2019, released on October 24, 2019, the Alberta Lottery Fund was transferred to the Alberta Treasury Board and Finance on behalf of the General Revenue Fund, and the Human Rights Education and Multiculturalism Fund was dissolved. The Commission will oversee the completion of final projects, ensuring adherence to funding requirements.

APPENDIX C: Grounds of Discrimination and Areas Cited in Complaints Opened, and Disposition of Complaints

Complaints by ground and independent areas* (2020-21)**

| Protected Ground | Times cited | Per cent of total |
|---------------------|-------------|-------------------|
| Physical disability | 688 | 27% |
| Mental disability | 580 | 23% |
| Gender | 360 | 14% |
| Race/Colour | 244 | 10% |
| Ancestry/Origin | 156 | 6% |
| Family status | 155 | 6% |
| Age | 133 | 5% |
| Religious beliefs | 52 | 2% |
| Sexual orientation | 36 | 1% |
| Marital status | 35 | 1% |
| Gender identity | 27 | 1% |
| Gender expression | 25 | 1% |
| Retaliation* | 17 | <1% |
| Source of income | 13 | <1% |
| Equal pay* | 7 | <1% |
| Total | 2528 | |

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

**Table provides information on the number of grounds and areas cited in the 903 new complaints opened. Each complaint may cite more than one ground and area. Percentages have been rounded.

Complaint grounds cited by area of the Alberta Human Rights Act (2020-21)*

| Section of Act | Per cent of total |
|------------------------------------------------------------------------|-------------------|
| Employment practices (Section 7) | 73% |
| Goods, services, accommodation, or facilities (Section 4) | 22% |
| Tenancy (Section 5) | 3% |
| Applications and advertisements re: employment (Section 8) | 2% |
| Retaliation (Section 10.1) | <1% |
| Membership in trade union, etc. (Section 9) | <1% |
| Publications, notices (Section 3) | <1% |
| Equal pay (Section 6) | <1% |
| Frivolous or vexatious complaints with malicious intent (Section 10.2) | <1% |

*Note: Table provides information on the number of grounds and areas cited in the 903 new complaints opened. Each complaint may cite more than one ground and area. Percentages have been rounded.

Disposition of complaints closed by complaint resolution services (2020-21)

| Disposition | Number closed | Per cent of total |
|--------------------------------|---------------|-------------------|
| Resolved through conciliation | 526 | 39% |
| Resolved through investigation | 21 | 2% |
| Dismissed | 374 | 28% |
| Discontinued | 0 | 0% |
| Abandoned or withdrawn | 229 | 17% |
| Total | 1,150 | 86%* |

*Note: Percentages are of the total 1334 complaints closed.

APPENDIX D: Grounds of Discrimination and Areas Cited in Complaints Closed at the Tribunal Stage

Complaint grounds cited in complaints closed at the tribunal stage (2020-21)

| Protected Ground | Times Cited* |
|---------------------|--------------|
| Physical disability | 90 |
| Mental disability | 52 |
| Gender | 52 |
| Race/Colour | 23 |
| Ancestry/Origin | 18 |
| Family status | 18 |
| Religious beliefs | 10 |
| Age | 7 |
| Marital status | 3 |
| Sexual orientation | 3 |
| Source of income | 2 |
| Total | 278 |

*Some complaints cite more than one ground. Grounds are not counted when the tribunal is considering the validity of a severance agreement.

Complaint grounds cited by area of the Alberta Human Rights Act in complaints closed at the tribunal stage (2020-21)

| Areas | Times Cited* |
|------------------------------------------------------------|--------------|
| Employment practices (section 7) | 166 |
| Goods, services, accommodation or facilities (section 4) | 13 |
| Retaliation (section 10) | 10 |
| Applications and advertisements re: employment (section 8) | 6 |
| Membership in a trade union, etc. (section 9) | 4 |
| Equal pay (section 6) | 3 |
| Tenancy (section 5) | 2 |
| Total | 204 |

*Some complaints cite more than one area. Areas are not counted when the tribunal is considering the validity of a severance agreement.

APPENDIX E: Biographies of the Members of the Commission

The following are summaries of the biographies of Members of the Commission. The complete biographies of active members are available on the [Commission's website](#).

Pursuant to the Alberta Human Rights Commission Bylaws, Members of the Commission are required to have law degrees and expertise in human rights or administrative law. The members also have training and experience in conducting mediations and negotiations.

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 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. A graduate of Osgoode Hall Law School, he also practiced labour, employment, and human rights law for close to 20 years.

Members of the Commission

Doris Bonora, Q.C.

Doris Bonora was appointed for a term ending August 14, 2022. Ms. Bonora is a partner at Dentons Canada LLP. She is the Canadian group leader for Dentons' Trust, Estates, Tax, and Wealth Preservation. She has a particular interest in equal rights of Indigenous Canadians, the elderly, and women. She has a Bachelor of Laws from the University of Alberta.

Cynthia Dickins

Cynthia Dickins has been appointed for a term ending October 8, 2022. She attended the University of Alberta for her undergraduate Bachelor of Arts degree and her Bachelor of Laws degree. Ms. Dickins is General Counsel at the Department of Justice Canada where she leads teams in a broad range of litigation areas, including Constitutional, Aboriginal, and Administrative Law matters. She has extensive experience appearing before several Tribunals. Ms. Dickins is a past co-chair of the Canadian Bar Association Aboriginal Law subsection and has completed arbitration, negotiations, and other alternative dispute resolution training.

David Findlay, Q.C.

David Findlay was appointed for a term ending September 24, 2022. Mr. Findlay is a Partner at Findlay McQuaid Law Firm and is an active community member. He has extensive experience in family law, child protection, wills and estates, as well as in Aboriginal and Elder law. Mr. Findlay has a Bachelor of Science from the University of Alberta and a Bachelor of Laws from the University of Calgary. He also has a Certificate in Human Resource Management.

Teresa Haykowsky

Teresa Haykowsky was appointed for a term ending August 14, 2022. Ms. Haykowsky is a Partner at McLennan Ross LLP. Ms. Haykowsky specializes in education law, labour and employment, human rights, and constitutional law. She has appeared at all court levels, including the Supreme Court of Canada. Ms. Haykowsky has a Bachelor degree from the University of Alberta and a Bachelor of Law from the Université Laval. She is a member of the Québec, Alberta, and Nunavut law societies.

Sharon V. Lindgren

Sharon Lindgren was appointed for a term ending August 20, 2021. Ms. Lindgren's professional career includes previous roles as a practicing lawyer, staff lawyer to the British Columbia Labour Relations Board, legal counsel to unions, mediator, in-house counsel to Talisman Energy, and Director of Faculty and Employee Relations at the University of Calgary. She has extensive conflict mediation experience, as well as broad experience appearing before a variety of administrative tribunals.

Duncan Marsden

Duncan Marsden was appointed for a term ending August 20, 2021. Mr. Marsden has over 20 years of experience in the human rights field. He was a solicitor and senior associate in employment law in the United Kingdom. Mr. Marsden is currently a partner with Borden Ladner Gervais LLP. He has a Bachelor of Laws (Law with French) from Leicester University and a legal practice course from the College of Law.

Collin May

Collin May was appointed for a term ending August 14, 2022. Mr. May is a private wealth and corporate services lawyer. He has a Bachelor of Arts degree from the University of Alberta, a Bachelor of Laws from Dalhousie Law School, and a Master's degree in Theological Studies from Harvard.

D. Jean Munn, Q.C.

Jean Munn was appointed for a term ending August 20, 2021. She has over 30 years of experience as a practicing lawyer, specializing in employment and immigration law. She has significant experience dealing with administrative law and human rights issues. Ms. Munn has a Bachelor of Arts and a Bachelor of Laws. She was a sessional instructor at the University of Calgary Faculty of Law for seven years and has served on a number of community and professional boards.

Kathryn Oviatt

Kathryn Oviatt was appointed for a term ending August 20, 2021. She is a partner at Oviatt Law where she focuses on labour arbitration, employment law, and legal research and writing. Ms. Oviatt has been a lawyer since 2006 and an independent adjudicator since 2014. She holds the professional designation of Qualified Arbitrator from the ADR Institute of Canada. Prior to joining Oviatt Law, Ms. Oviatt served as legal counsel for the Court of Queen’s Bench and was an associate at a large regional law firm.

Erika Ringseis

Dr. Erika Ringseis was appointed for a term ending August 14, 2022. She is located in Calgary and is senior legal counsel, specializing in labour and employment law at InHaus Legal. Dr. Ringseis has a Juris Doctorate degree in addition to her undergraduate degree from the University of Calgary, and a Master’s of Science degree and a Ph.D. in Industrial-Organizational Psychology, both from the Pennsylvania State University.

Karen Scott

Karen Scott was appointed for a term ending August 20, 2021. She is a partner with Seveny Scott Lawyers, practicing in the field of labour and employment law, as well as human rights law. She has a Bachelor of Arts and a Bachelor of Laws (with distinction) from the University of Alberta and holds certificates from the Alberta Arbitration and Mediation Society. She is also a sessional lecturer at the University of Alberta Law School.

Patrizia C. Valle

Patrizia Valle was appointed for a term ending September 24, 2022. She is Principal of Patrizia C. Valle Professional Corporation, where she acts as external general counsel to corporations, government entities, and charities on a variety of matters. Ms. Valle has extensive corporate governance experience and has volunteered on several boards. She is trilingual, has completed continuing education training, and has received numerous honours, as well as various scholarships and awards. She received her Bachelor of Arts degree and Juris Doctor from the University of Alberta.

Nathalie Whyte

Nathalie Whyte has been appointed for a term ending October 6, 2022. Ms. Whyte has a Bachelor of Social Work (Honours) from Carleton University and a Juris Doctorate degree from the College of Law, University of Saskatchewan. Prior to her career in law, Ms. Whyte worked as a social worker in a variety of settings, including Child and Family Services. Ms. Whyte has practiced for over 10 years at a boutique law firm in the area of Aboriginal and treaty rights litigation. Ms. Whyte practices in the area of family law and has appeared before various administrative tribunals and all levels of Court, including the Supreme Court of Canada.

Moin Yahya

Dr. Moin Yahya was appointed for a term ending August 14, 2022. He is a Professor in the Faculty of Law at the University of Alberta. Dr. Yahya has a Bachelor and Master of Arts in economics from the University of Alberta, a Ph.D. in economics from the University of Toronto, and a Juris Doctorate degree from Antonin Scalia Law School (George Mason University).

Annual Report
2020-21

