

Settlement Agreements

Agreements to settle complaints may occur at any stage of the complaint process. This Practice Direction applies to settlement agreements that occur after a complaint has been referred to the Tribunal. At the Tribunal stage, agreements to settle often occur during a Tribunal Dispute Resolution (TDR). Sometimes the matter is not settled in a TDR, but is settled through legal counsel or directly between the parties with the same result. If the parties agree to resolve the complaint, the parties will sign a written settlement agreement and release, notify the Tribunal Registrar that the matter has settled and provide a completed copy of the [Notice of Withdrawal Form](#), and the Commission will close the complaint.

Occasionally, one of the parties does not comply with the contractual terms of such settlement agreements (this means the party contravened the settlement agreement). Under section 35.1 of the *Alberta Human Rights Act* (the Act):

- a party may make an application to the Tribunal if they believe the terms of the settlement agreement have been contravened;
- the application must be made within 6 months of the contravention;
- the Tribunal, in response, may make any order it considers appropriate to remedy the contravention.

Making an application

Where a party alleges that a settlement agreement has been contravened:

- The party making the allegation will email the Tribunal Registrar and the other parties:
 - the settlement agreement;
 - argument on how the agreement has not been fulfilled;
 - details of what measures have been taken to date to obtain compliance with the settlement agreement;
 - any supporting documents; and
 - a proposal of what action, if any, the Tribunal should take.
- The responding party will respond to these arguments, within 14 days, and email the Tribunal Registrar and the other parties:
 - argument on whether the agreement was fulfilled;
 - an explanation of why a promised measure has not been completed, if applicable;

- any supporting documents; and
- a proposal of what action, if any, the Tribunal should take.

The Tribunal may make any order or direction it considers appropriate to remedy a contravention of a settlement agreement. Where there is binding settlement agreement to resolve a complaint, the Tribunal may make enforcement orders of the settlement agreement, which order may be entered in the Court of King's Bench of Alberta under section 36 of the *Act*.

Matters that are before the Director of the Commission

Section 35.1 of the *Act* is only applicable to matters that are before the Tribunal. Complaints that are in conciliation, or that have reached a settlement prior to a referral to the Tribunal and are at the Director's office, must be addressed by the Director.

Contact the Tribunal Office

Website albertahumanrights.ab.ca/tribunal

Email address AHRCTribunal@gov.ab.ca

Phone 780-638-4635

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.