



Filing a Human Rights Complaint

Alberta Human Rights

In Alberta, the **Human Rights, Citizenship and Multiculturalism Act** protects people from discrimination. In Alberta, **discrimination is against the law in the following areas:**



- **Accessing public services** (for example, health care, dentists, social services, restaurants etc.)
- **Housing** (when applying for housing or once you have moved in)
- **Employment practices** (when applying for a job or during employment)
- **Job advertisements and applications**
- **Public statements**, publications, signs
- **Membership** in trade unions and other occupational organizations

In Alberta, **discrimination is against the law**

- | | |
|---------------------------|----------------------------|
| • Physical Disability | • Ancestry |
| • Mental Disability | • Place of Origin |
| • Sexual Orientation | • Family Status |
| • Gender/ Gender Identity | • Marital Status |
| • Source of Income | • Religious Beliefs |
| • Race | • Age (not always covered) |
| • Colour | |

based on the following grounds:

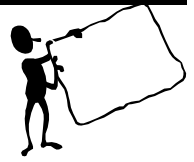
In practice, if you are discriminated against at work, by your landlord or while trying to access services like health care or dental care, that would be a violation of Alberta Human Rights law. If this happens, you can file a complaint with the Alberta Human Rights and Citizenship Commission.

HIV/AIDS and Alberta Human Rights

HIV/AIDS is considered a **physical disability** according to the law. The Alberta *Human Rights, Citizenship and Multiculturalism Act* says employers, landlords and service providers cannot discriminate against people on the basis of physical disability. This means that it is **against the law for them to discriminate against you on the basis of your HIV status**. For more information on human rights law, see Fact Sheet #3.

The information on this sheet is **not legal advice**. If you have specific legal questions you should talk to a lawyer.

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What should you do if you think you are being discriminated against and you have been unsuccessful in trying to work out the problem informally (e.g. by talking to the discriminator, writing a letter of complaint, using a complaints process)?

1) Protected Area? Ask yourself, am I being discriminated against in one of the protected areas (accessing services, housing, employment etc.)?

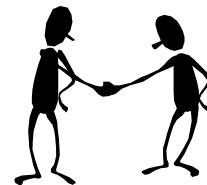
2) Protected Ground? Ask yourself, am I being discriminated against based on one of the protected grounds of discrimination (e.g. disability, race etc.)?

3) Keep Records: If the answers to steps #1 and #2 are yes, start keeping records. Write down all of the events, conversations or situations that make you think you have been, or are being, discriminated against. Make sure you include who was involved, what happened, and when each event happened (date and time). Gather anything that will support your story— documents, memos, bills, names of witnesses, events, performance reviews, e-mails etc.

4) File a Human Rights Complaint: Filing a complaint is **free**. You have **twelve months** to file a complaint after an incident. Resolving a complaint may take anywhere between **one month and more than a year**, depending on how long it takes to go through the process. When filing a human rights complaint you can ask for many different solutions to the problem or **“remedies.”** For example, you can ask for an apology, a change in company policy, mandatory education on HIV for the people involved or cash settlements for damages suffered.

Note that even if the human rights commission finds that only **10%** of your mistreatment was due to discrimination, that **still amounts to discrimination**. People often worry that it will be **their word against the word of the other person**. It is important to collect any proof of discrimination that you can, but the investigators at the commission will consider what you and the other person have to say and **if your version of events is more credible, they may find in your favour despite the lack of concrete evidence**.

The Human Rights Complaints Process



The complaints process involves the following steps:

1) **Filing the Complaint:** You must fill out a Human Rights Complaint Form and send it to the Commission. Complaints forms are available by request from the Alberta Human Rights Commission, from your local AIDS service organization or on the website www.albertahumanrights.ab.ca

Tips for filling out your form:

- When you fill in the box called “On what grounds did the discrimination happen?” make sure you check off every box you think might be relevant. For example, if you think someone is discriminating against you because of your HIV status, but you think it *might* also be because of your race, be sure to check off the box for disability and the box for race. This is important because once you file the complaint, they can only investigate the grounds you have checked off on your complaints form.
- Remember that you are protected from discrimination based on belonging to a protected group or being *perceived* to belong to a protected group. For example, if someone believes that you are HIV positive, and discriminates against you, even if you are not actually HIV positive, they have still broken the law.
- On your complaints form, you can check off boxes for protected grounds, even if you don’t actually belong to that protected group.
- When you write your complaint, only include the names of the people you are complaining about. Do not include a list of witnesses or the names of other people involved. You will have a chance to give these names to the investigator if your complaint goes to the investigation stage.

Community Resources:

Alberta Human Rights and Citizenship Commission

Suite 310, 525 – 11 Avenue SW
Calgary, Alberta T2R 0C9

Confidential Inquiry Line (403) 297-6571

Toll-free 310-0000 then (403) 297-6571

TTY service Calgary (403) 297-5639

TTY Toll-free within Alberta 1-800-232-7215

AIDS Calgary

Suite 200, 1509 Centre Street South
Calgary AB T2G 2E6

(403) 508-2500

www.aidscalgary.org

2) **Sending the Complaint to the “Respondent”** The Commission will send a copy of your complaint to the person, business or organization you are complaining about. The Commission will ask them to respond by telling their side of the story.

3) **Sharing the Response with You:** The Commission will send you a copy of the response made by the person you are complaining about.

4) **Conciliation:** A person from the Commission will try to help you and your employer come to some kind of a solution (this is called “conciliation”) The person who works with the Commission is supposed to be neutral and not to take sides. They are just there to help you talk, to identify the issues and to help you come up with possible solutions. If you and the person you are complaining about cannot decide on a solution that you are both willing to accept, then you will have to go on to the next step. The information discussed during the conciliation is confidential, and will not be used in the next step.

5) **Investigation:** A different person from the Commission will start a new investigation into your complaint. They will collect information from you and anyone else they should talk to. They will look at any evidence you have. Based on the information they gather, they will decide if discrimination has occurred and, if it has, they will recommend possible solutions. If they do not think discrimination has occurred, they will dismiss your complaint. If for some reason you or the person you file your complaint against refuse to accept the solutions the investigator suggests, your case will either be stopped (if you refuse a reasonable solution) or you may have to go before a human rights panel.

6) **Human Rights Panel:** The panel hearing is like a court case and the decision made by the panel is just as powerful as a court decision. It is very rare for a case to go to a panel hearing.

Further Reading:

This fact sheet was adapted in part from the following sources:

Project Funded in part by:

Human Rights Information Sheets. Alberta Human Rights and Citizenship Commission
www.albertahumanrights.ab.ca



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