

Protected areas and grounds under the Alberta Human Rights Act

INFORMATION SHEET

The purpose of the *Alberta Human Rights Act* (the *Act*) is to provide Albertans with protection of their human rights. The Alberta Human Rights Commission administers the *Act*. The *Act* allows people to make a complaint to the Commission if they feel that they have experienced harassment or have been discriminated against in the specific areas and under the specific grounds protected under the *Act*. The aim of the Commission's complaint resolution process is to return the complainant to the position he or she would have been in if the discrimination or harassment had not occurred.

Protected areas

The *Act* prohibits discrimination in the following areas:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

Prohibitions regarding complaints

The *Alberta Human Rights Act* prohibits a person from retaliating against any person who has made a complaint, or given evidence about a complaint, or assisted another person in making a complaint under the *Act*. If a person believes someone has taken retaliatory action against them for any of these reasons, the person may make a complaint under the prohibitions section of the *Act*.

The *Act* does not allow a person to make a frivolous or vexatious complaint with malicious intent. Anyone who has reason to believe that such a complaint has been made against them may make a complaint under the prohibitions section of the *Act*.

Protected grounds

The *Act* provides protection from discrimination in the above areas under the following grounds. The descriptions below are not legal definitions. For more information about protected grounds, contact the Commission.

Race

Belonging to a group of people related by common heritage.

Religious beliefs

System of beliefs, worship and conduct (includes native spirituality).

Colour

Colour of a person's skin. This includes, but is not limited to, racial slurs, jokes, stereotyping, and verbal and physical harassment.

Gender

Being male, female or transgender.¹ Also protected under gender are pregnancy and sexual harassment.

Physical disability

Any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, wheelchair or other remedial appliance or device.

Mental disability

Any mental disorder, developmental disorder or learning disorder regardless of the cause or duration of the disorder.

Ancestry

Belonging to a group of people related by a common heritage.

¹ The words "transgender" and "transgendered" are used to refer to people who identify as either transgender or transsexual. The Ontario Human Rights Commission offers a helpful definition of gender identity on its website: "Gender identity is linked to a person's sense of self, and particularly the sense of being male or female. A person's gender identity is different from their sexual orientation, which is also protected under the [Ontario *Human Rights*] Code. People's gender identity may be different from their birth-assigned sex, and may include:

Transgender: People whose life experience includes existing in more than one gender. This may include people who identify as transsexual, and people who describe themselves as being on a gender spectrum or as living outside the gender categories of 'man' or 'woman.'

Transsexual: People who were identified at birth as one sex, but who identify themselves differently. They may seek or undergo one or more medical treatments to align their bodies with their internally felt identity, such as hormone therapy, sex-reassignment surgery or other procedures."

Age

Age is defined in the *Act* as "18 years or older." Persons who are 18 years or older can make complaints on the ground of age in all of these areas:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

It is important to know that age is *not* a protected ground in the following areas:

- tenancy: For example, a landlord advertises that an apartment building is for adults only and specifies that all tenants must be over 21 years old. Because age is not protected in the area of tenancy, a 19-year-old could not make a complaint of discrimination based on age in this case.
- goods, services, accommodation or facilities that are customarily available to the public: For example, a movie theatre offers lower ticket prices to seniors (people over 65 years of age) only. Because age is not protected in the area of services, a 55-year-old could not make a complaint of discrimination based on age in this case.

Persons *under* the age of 18 can make complaints on all grounds *except the ground of age*. For example, a 16-year-old can make a complaint of discrimination in the areas of employment, tenancy, employment practices, etc. based on the grounds of physical disability, race, gender, etc. but not on the ground of age.

Place of origin

Place of birth.

Marital status

The state of being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage.

Source of income


Source of income is defined in the *Act* as lawful source of income. The protected ground of source of income includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma would not be included in this ground.

Family status

Being related to another person by blood, marriage or adoption.

Sexual orientation

This ground includes protection from differential treatment based on a person's actual or presumed sexual orientation, whether homosexual, heterosexual or bisexual.

In addition to the areas and grounds discussed above, the *Act* protects Albertans in the area of **equal pay**. When employees of any gender (female, male or transgender) perform the same or substantially similar work, they must be paid at the same rate. 

Contact us

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 Albertans resolve human rights complaints.

Northern Regional Office

800 Standard Life Centre
10405 Jasper Avenue
Edmonton, Alberta T5J 4R7

780-427-7661 Confidential Inquiry Line

780-427-6013 Fax

Southern Regional Office

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

403-297-6571 Confidential Inquiry Line

403-297-6567 Fax

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

For province-wide free access from a cellular phone, enter *310 (for Rogers Wireless) or #310 (for Telus and Bell), followed by the area code and phone number. Public and government callers can phone without paying long distance or airtime charges.

TTY service for persons who are deaf or hard of hearing

780-427-1597 Edmonton

403-297-5639 Calgary

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

E-mail humanrights@gov.ab.ca

Website www.albertahumanrights.ab.ca

Please note: A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

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