



**Alberta
Human Rights Commission**

Human Rights Complaint Form and Guide

Upon request, the Commission will make the complaint form and guide available in accessible multiple formats. Multiple formats provide access for people with disabilities who do not read conventional print.

Contact the Alberta Human Rights Commission

Northern Regional Office

800 – 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7

Confidential Inquiry Line 780-427-7661

Fax 780-427-6013

Southern Regional Office

200 J.J. Bowlen Building
620 – 7 Avenue SW
Calgary, Alberta T2P 0Y8

Confidential Inquiry Line 403-297-6571

Fax 403-297-6567

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).

TTY service for persons who are deaf or hard of hearing

Edmonton 780-427-1597

Calgary 403-297-5639

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

E-mail humanrights@gov.ab.ca

Website www.albertahumanrights.ab.ca

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.

The Human Rights Education and Multiculturalism Fund has provided funding for this publication.

What you will find in this booklet

This booklet includes a guide and two forms, as noted below.

Guide:

Contact the Alberta Human Rights Commission.	Guide — Page 1
General information about making a human rights complaint.	Guide — Page 3
Protected areas of discrimination	Guide — Page 5
Protected grounds of discrimination	Guide — Page 6
The complaint process.	Guide — Page 7
How to fill out Complainant Contact Information form and the Human Rights Complaint Form	Guide — Page 10

Forms:

Complainant Contact Information	Contact Information Form — Page 1
Human Rights Complaint Form	Complaint Form — Pages 1 to 6

Please remove the *Complainant Contact Information* form and the *Human Rights Complaint Form* from this booklet before you begin making your complaint. Refer to *How to fill out the Complainant Contact Information form and the Human Rights Complaint Form* on pages 10 and 11 of this guide to help you write your complaint.

**Contact the Commission if you have questions.
See page 1 of this guide for contact information.**

General information about making a human rights complaint

The *Alberta Human Rights Act* (the *Act*) protects people from discrimination in Alberta under specific protected areas and grounds. Pages 5 and 6 of this guide briefly describe these protected areas and grounds. For more information about the *Act* and the protected areas and grounds, please contact the Alberta Human Rights Commission. See page 1 of this guide for contact information.

If you feel your safety or the safety of anyone you name during the complaint process is at risk, please call your local police service first, then let the Commission know.

Who can make a human rights complaint

You can make a complaint if:

1. you have reasonable grounds for believing that the *Act* has been contravened (including if you believe that someone has discriminated against you);
2. another person agrees that you can make a complaint on their behalf;
3. someone has retaliated against you because you have participated in a human rights complaint or because you might participate in a complaint; or
4. someone has made a frivolous or vexatious human rights complaint against you under the *Act* and their intent was malicious.

See page 11 (Section C) of this guide for more information about retaliation and frivolous and vexatious complaints.

Note that the Commission can only accept a complaint if:

1. the alleged contravention of the *Act* occurred in Alberta;
2. the complaint is not within the jurisdiction of the Canadian Human Rights Commission; and
3. the complaint is made within one year of the alleged contravention of the *Act*.

Neither the Director of the Commission nor the Chief of the Commission and Tribunals has the discretion to extend the one-year limit defined in the *Act*.

How to make a human rights complaint

To make a human rights complaint, you can:

1. use the guide and the attached complaint form or
2. make your complaint in writing without using the attached form. See pages 10 and 11 of this guide to help you write your complaint in a letter to the Commission.

The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the *Act*. The one-year period starts the day after the date on which the alleged contravention of the *Act* occurred. For help calculating the one-year period, contact the Commission. See page 1 of this guide for contact information. Neither the Director of the Commission nor the Chief of the Commission and Tribunals has the discretion to extend the one-year limit defined in the *Act*.

There is no fee to make a complaint. You do not need to hire a lawyer to make a human rights complaint. However, if you choose to have someone give you legal advice or represent you, you are responsible for any legal costs. The Commission does not pay legal costs for either the complainant or the respondent.

The Commission will provide information about the human rights complaint process, but staff members of the Commission do not provide any legal advice to either complainants or respondents. Information provided in this guide is not meant to be a legal opinion on the *Alberta Human Rights Act* or your rights.

After the Commission receives your complaint form or letter

The Commission assesses all the information to decide if it can accept your complaint. For a complaint to be accepted, it must meet requirements set out in section 20 of the *Act*, and it must also meet the definition of a complaint, as defined in Commission bylaws.

If the Commission refuses to accept your complaint, we will notify you in writing and provide our reason(s) why the Commission cannot accept your complaint.

If the Commission can accept your complaint, we will send a copy of your complaint to the party or parties that you have made a complaint against. The Commission will ask the party or parties that you have made a complaint against to provide a written response to the complaint and explain their point of view about the alleged contravention(s) of the *Act*. A copy of the written response will be provided to you.

More information about the complaint process

To get more information about the complaint process, you can:

1. read pages 7 to 9 of this guide;
2. contact a Commission office (see page 1 of this guide for contact information);
3. read *The Human Rights Complaint Process: A guide for complainants*;
4. read *The Human Rights Complaint Process: A guide for respondents*; and
5. visit our website at **albertahumanrights.ab.ca**.

Protected areas of discrimination

For more information about protected areas, see the Commission information sheet *Protected areas and grounds under the Alberta Human Rights Act* at albertahumanrights.ab.ca or contact the Commission. See page 1 of this guide for contact information.

The Alberta Human Rights Act protects people from discrimination in Alberta in the protected areas described below. Most complaints will take place in only one protected area, while many complaints will be based on more than one protected ground (see page 6 of this guide). Please note that the descriptions below are not legal definitions. They are guidelines to help you make your complaint.

Employment applications or advertisements applies to the use or circulation of any job application form or job advertisement that expresses any limitation, specification or preference based on a protected ground under the *Act*. It also applies to the written or oral questions asked of any applicants for employment.

Employment practices applies to refusals to employ or to continue to employ any person due to a protected ground under the *Act*. It also applies to discrimination related to any term or condition of employment.

Equal pay applies to situations where an individual receives a lower rate of pay than employees of a different gender even though they do similar or the same work for the same employer.

Goods, services, accommodation or facilities applies to goods, services, accommodation or facilities customarily available to the public, such as those provided by restaurants, hotels, hospitals, schools, municipalities and many other businesses.

Membership in trade unions, employers' organizations or occupational associations applies to situations where a person is excluded from becoming a member, is expelled or suspended from membership, or is discriminated against as a member.

Statements, publications, notices, signs, symbols, emblems or other representations applies to the publication, issue or display before the public of any statement, publication, notice, sign, symbol, emblem or other representation that is discriminatory, shows an intent to discriminate, or is likely to expose anyone to hatred or contempt. Section 3 of the *Act* shall not be deemed to interfere with the free expression of opinion on any subject.

Tenancy applies to being denied occupancy of a self-contained residential dwelling unit or a commercial unit that is advertised or otherwise in any way represented as being available for occupancy by a tenant. It also applies to being discriminated against in any term or condition of the tenancy.

Protected grounds of discrimination

For more information about protected grounds, see the Commission information sheet *Protected areas and grounds under the Alberta Human Rights Act* at albertahumanrights.ab.ca or contact the Commission. See page 1 of this guide for contact information.

The *Alberta Human Rights Act* protects people from discrimination in Alberta based on the protected grounds listed below, whether the protected grounds are real or perceived. A complaint must be based on at least one of these protected grounds. Except where noted, the descriptions below are not legal definitions. They are guidelines to help you make your complaint.

Age — as defined in the *Act*, means 18 years of age or older. Age is not protected in the area of tenancy or in the area of goods, services, accommodation or facilities. Age is protected in all other protected areas.

Ancestry — includes belonging to a group of people related by a common heritage.

Colour — includes the colour of a person's skin.

Family status — as defined in the *Act*, means the state of being related to another person by blood, marriage or adoption.

Gender — includes the state of being female, male, transgender or two-spirited. The ground of gender also includes pregnancy and sexual harassment.

Marital status — as defined in the *Act*, means the state of being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage.

Mental disability — as defined in the *Act*, means any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

Physical disability — as defined in the *Act*, means any degree of physical disability, infirmity, malformation or disfigurement that is caused by injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a guide dog, service dog, wheelchair or other remedial appliance or device.

Place of origin — includes place of birth and usually refers to a country or province.

Race — includes belonging to a group(s) of people, usually of a common descent, who may share common physical characteristics, such as skin colour.

Religious beliefs — as defined in the *Act*, includes native spirituality.

Sexual orientation — includes the state of being homosexual, heterosexual or bisexual.

Source of income — as defined in the *Act*, means lawful source of income. This ground includes any income that attracts stigma to its recipients.

The complaint process

Once a complaint is accepted, the Commission keeps all parties to a complaint informed and welcomes questions at any time. The **complainant** is the person who makes the complaint. The **respondent** is the person, organization or association against whom the complaint is made. Together they are called the “parties” to the complaint. A brief outline of the human rights complaint process is provided below. For more detailed information, please contact the Commission. See page 1 of this guide for contact information.

At any time during the complaint process, you may withdraw your complaint by informing the Commission in writing.

At any time during the complaint process, the complaint may be referred to the Director of the Commission for review. Under section 22 of the *Act*, the Director may, at any time, dismiss or discontinue a complaint or continue the complaint, including referring a complaint to tribunal.

Notifying the respondent

After the Commission accepts your complaint, the Commission sends a copy of the complaint (excluding your contact information) to the respondent. The respondent has 30 days from the date when they receive the copy of the complaint to respond in writing to the Commission.

Sharing the written response with the complainant

The Commission sends a copy of the written response to the complainant. The Commission may request additional information from the parties. Additional information gathered from one party may be shared with the other party.

Conciliation

Conciliation is a voluntary way of resolving differences. The Commission assigns a conciliator to try to help the parties resolve their differences. In most complaints, this is the first step after the complainant receives a copy of the written response. If the parties resolve their differences, the complaint is closed. If the parties cannot resolve their differences, or if one or both of the parties decline conciliation, the complaint may go to the investigation step of the complaint process.

All offers of resolution made by the parties during conciliation are made on a “without prejudice” basis. The investigator will not know what was discussed during conciliation.

“Without prejudice” is a legal term that means any offer or admission made during conciliation is only for use during conciliation and cannot be used anywhere else.

Investigation

The Commission advises the parties that it is collecting information and often assigns an investigator. The purpose of the investigation is to gather information related to the complaint, share collected information with the parties, seek their comments and assess whether there is a reasonable basis to proceed with the complaint. An investigation report is normally provided to the parties, unless the complaint is expedited to the Director or the complaint has been resolved.

The Commission may expedite a complaint to the attention of the Director, normally after receiving the respondent's response. This expedited process may be used for complaints that include sufficient information from the parties to allow the Director to dismiss or discontinue the complaint or continue with the complaint, including referring the complaint to a tribunal. The Commission will notify both parties if a complaint is expedited to the Director for a decision under section 22 of the *Act*.

Settlement (commonly referred to as resolution)

If the information provided by the parties during any stage of the complaint process shows that there is a reasonable basis to proceed to the next step, the Commission may ask the parties to attempt resolution.

Dismissal

If the information provided by the parties during any stage of the complaint process does not show that there is a reasonable basis to proceed to the next step, the Director of the Commission may dismiss the complaint.

Discontinuance

The Director of the Commission may discontinue a complaint at any stage of the complaint process if the Director believes that the complainant has refused to accept a resolution offer that is fair and reasonable.

Review by the Chief of the Commission and Tribunals

If a complainant does not agree with a dismissal or discontinuance, the complainant can make a written request to ask the Chief of the Commission and Tribunals to review the Director's decision. The complainant must make the request within 30 days of receiving the *Notice of Dismissal* or *Notice of Discontinuance*. This 30-day deadline cannot be extended by either the Director or the Chief of the Commission and Tribunals. For more information about the process for requesting a review (commonly referred to as an appeal), see the Commission's information sheet *Complaint Process*.

Referral to a human rights tribunal

In the event that there is a reasonable basis for the complaint to proceed, but the parties are unable to resolve the complaint, the Director may refer the complaint to the Chief of the Commission and Tribunals, who appoints a human rights tribunal to hear the complaint. For more information about the human rights tribunal process, visit the *Tribunal process* section of the Commission's website or contact the Commission. See page 1 of this guide for contact information.

How to fill out the Complainant Contact Information form and the Human Rights Complaint Form

- ☐ Remove the *Complainant Contact Information* form and the *Human Rights Complaint Form (Complaint Form)* from this booklet.
- ☐ Please use a pen and print neatly. **Do not use pencil.**
- ☐ Complete the *Complainant Contact Information* form.
- ☐ Complete the *Complaint Form*. Follow the instructions to sign and date the form and any pages that you attach to the form. Also, number any pages that you attach to the form.
- ☐ Submit the original *Complaint Form*, including the *Complainant Contact Information* form, to the Commission. Ensure that you leave enough time for the Commission to receive your complaint form before the one-year time limit under the *Act*.
- ☐ You may fax your *Complaint Form* and *Complainant Contact Information* form to the Commission. You should still send the original forms to the Commission. Due to confidentiality concerns, the Commission cannot reply to complaints of discrimination by email. Please contact the Commission by phone or regular mail if you have a specific complaint.
- ☐ Be sure to let the Commission know if your mailing address, phone number or other contact information changes. If you do not maintain current contact information with the Commission, your complaint may be closed or dismissed.
- ☐ Use the following instructions and the information provided throughout the guide to help you complete each section on the *Complaint Form*. Each lettered section below refers to the corresponding lettered section on the *Complaint Form*.

The Commission must receive your human rights complaint within one year after the alleged contravention of the Act occurs.

- A** Print your name in section *A*. If you are making a complaint on behalf of someone else, print their name in the box below your name. Whether you are complaining for yourself or for someone else, you are the complainant. Please note that you can have someone help or represent you, including being the contact person for your complaint, however, you would still be the complainant.
- B** Print the respondent's name in section *B*. If there is more than one respondent, please add an extra page to your form with the name, address and phone number of each additional respondent.

It is important to properly identify the name of the business or organization. To locate this information, you can refer to items like records of employment, pay stubs, business cards, letterhead and telephone books.

If your complaint is in the protected area of employment, you must name your employer. Typically, you will have only one employer, but if you have questions regarding who your employer is or whether you have more than one employer

to name in the complaint, contact the Commission for clarification. See page 1 of this guide for contact information.

If your complaint involves a protected area other than employment, you should name the business, organization or individual that you are complaining about.

- C** Complete section *C* only if your complaint falls into one of these categories:
1. **Retaliation:** It is unlawful for anyone to retaliate against you because you have participated in a human rights complaint or because you might participate in a complaint. Participation could include trying to make a complaint by contacting the Commission, making a complaint, giving information about a complaint or helping someone make a complaint. If you believe someone has retaliated against you because you participated in a human rights complaint, complete section *C*.
 2. **Frivolous or vexatious complaint with malicious intent:** It is unlawful for a person to make such a complaint. This would happen if a person makes a human rights complaint to the Commission with malicious intent. If the complaint is made with malicious intent, it must also be frivolous (having no merit whatsoever) or vexatious (made with the sole purpose of harassing another person). If you believe someone has made such a complaint against you, complete section *C*.
- D** Discrimination may take place in more than one protected area. To complete this section, see page 5 of this guide or contact the Commission for more information about protected areas and grounds. See page 1 of this guide for contact information. Check (✓) the protected areas in which you believe a contravention of the *Act* took place.
- E** Discrimination may be based on one or more protected grounds. To complete this section, see page 6 of this guide or contact the Commission for more information about protected areas and grounds. See page 1 of this guide for contact information. Check (✓) the protected grounds on which you believe a contravention of the *Act* took place.
- F** The statement that you give in section *F* supports your complaint under the *Act* and helps the Commission decide if it can accept your complaint. It is important that you clearly describe each alleged contravention of the *Act* (each alleged incident of discrimination) you are claiming. Describe how each allegation relates to the protected areas and grounds you checked in sections *D* and *E*. If you add extra pages, please sign, date and number each of the extra pages.
- G** Have you taken any other action related to your complaint, such as grievance proceedings or court action? If so, and if these proceedings or actions cover the same or substantially the same issues as your human rights complaint, please provide details in this section and include supporting documentation.

Please remember to complete the *Complainant Contact Information* form and submit it to the Commission with your *Human Rights Complaint Form*.



Alberta
Human Rights Commission

Complainant Contact Information

This is our record of your address and phone number. If any of your personal contact information changes during the complaint process, it is your responsibility to inform the Commission. **If you do not maintain current contact information with the Commission, your complaint may be closed or dismissed.**

First name of complainant		Last name of complainant	
Mailing address			
Town or city		Province	Postal code
Home phone number (include area code)	Work phone number (include area code)	May we contact you at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Daytime phone number (include area code)
Cell phone number (include area code)			

If you are making a complaint on behalf of another person, you must provide their contact information below.

First name of person		Last name of person	
Mailing address			
Town or city		Province	Postal code
Home phone number (include area code)	Work phone number (include area code)	May we contact this person at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Daytime phone number (include area code)
Cell phone number (include area code)			

The personal information collected on this form is for the purpose of contacting you during the proceedings of your human rights complaint only. Your personal contact information will not be given to any person or organization outside the Commission, except as authorized by the *Freedom of Information and Protection of Privacy Act*. **The Commission will not give your personal contact information to the respondent named in your complaint.**

The *Alberta Human Rights Act* authorizes collection of this information. If you have any questions or concerns about the collection of this information, contact the Commission.



Alberta
Human Rights Commission

Human Rights Complaint Form

For office use only

Date received

Please see pages 10 and 11 of the guide for instructions on how to complete this form. Please use a pen. Do not use pencil. Be sure to complete all sections of the form that apply to you. **Completing this form does not mean that your complaint has been accepted.**

The Commission must receive your complaint within one year after the alleged contravention of the *Alberta Human Rights Act*. The alleged contravention must have occurred in Alberta.

Contact the Commission if you need help to complete this form. See page 1 of the guide for contact information.

If you feel your safety or the safety of anyone you name during the complaint process is at risk, please call your local police service first, then let the Commission know.

A Your name (You are the complainant.)

See Guide — Page 10 item A before completing this section.

First name	Last name
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Complete this box if you are making a complaint on behalf of someone else.

Name of that person First name	Last name
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The person on whose behalf you are making a complaint should sign on the line below to show that they agree that you can make the complaint.

Signature _____

B Who are you complaining about? (This is the respondent.)

See Guide — Page 10 item B before completing this section.

Name of business, organization, association or person			
Street or mailing address			
Town or city	Province	Postal code	Telephone number (include area code)
If there is more than one respondent, check this box <input type="checkbox"/> .			
Be sure to add the name and contact information of additional respondents on an attached page.			

For office use only

Complaint deemed to meet the Commission requirements for acceptance based on information received as of _____

Section number(s)	Accepted date	Protected ground(s)
File number	Human Rights Officer	

Protected area(s)

C Complete section C only if you are making a complaint because you believe:

- someone retaliated against you because you participated in a human rights complaint, or
- someone made a frivolous or vexatious human rights complaint about you to the Commission with malicious intent.

See Guide — Page 11 item C before completing this section.

Do not complete this section until you have read the information about retaliation and frivolous and vexatious complaints on page 11 of the guide.

Please check (✓) only the item that applies to this complaint.

☐ retaliation

☐ a frivolous or vexatious complaint made with malicious intent

Write a statement to explain what happened. Answer the questions that apply:

1. What has made you believe someone is retaliating against you because you participated in a human rights complaint? What incidents have occurred to make you believe this? When did these incidents occur?
2. What has made you believe that someone made a frivolous or vexatious human rights complaint about you to the Commission with malicious intent? What incidents have occurred to make you believe the complaint was frivolous or vexatious? When did these incidents occur? What makes you think there was malicious intent?

If you need more space, please add additional pages, and remember to sign, date and number each page. Call the Commission if you have questions.

Please tear out this page

continue on next page

D Identify the protected area(s) in which the alleged contravention of the Act took place.

See Guide — Page 11 item D before completing this section.

Please check (✓) only those protected areas that apply to this complaint.

- ☐ Employment applications, advertisements or interviews
- ☐ Employment practices
- ☐ Equal pay
- ☐ Goods, services, accommodation or facilities
- ☐ Membership in a trade union, employers' organization or occupational association
- ☐ Statements, publications, notices, signs, symbols, emblems or other representations
- ☐ Tenancy

E Identify the protected ground(s) of discrimination.

See Guide — Page 11 item E before completing this section.

Please check (✓) only those protected grounds that apply to this complaint.

- | | |
|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Marital status |
| <input type="checkbox"/> Ancestry | <input type="checkbox"/> Mental disability |
| <input type="checkbox"/> Colour | <input type="checkbox"/> Physical disability |
| <input type="checkbox"/> Family status | <input type="checkbox"/> Place of origin |
| <input type="checkbox"/> Gender: | <input type="checkbox"/> Race |
| <input type="checkbox"/> Female, male, transgender | <input type="checkbox"/> Religious beliefs |
| <input type="checkbox"/> Pregnancy | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Sexual harassment | <input type="checkbox"/> Source of income |

F Write a statement to support your complaint.

See Guide — Page 11 item F before completing this section.

Please include all of the following information:

1. Where in Alberta did the alleged contravention of the *Act* take place? For example, in what city or town or elsewhere in Alberta?

2. When did the alleged contravention of the *Act* take place? What incidents happened in the last year? Provide dates (day, month and year) and details.

3. Is the alleged contravention of the *Act* still occurring?

4. Tell us what happened and how it relates to a protected ground. How were you treated differently from the way others were treated? What incidents have occurred to make you believe that this treatment was linked to a protected ground that you checked in Section E? Please provide details for each protected ground you have checked in Section E, and call us if you have any questions.

Please tear out this page

continue on next page

Please tear out this page

If you need more space, please add additional pages, and remember to sign, date and number each page.

G Have you taken any other action related to your complaint, such as grievance proceedings or court action?

If so, and if these proceedings or actions cover the same or substantially the same issues as your human rights complaint, please provide details in this section and include supporting documentation.

See Guide — Page 11 item G before completing this section.

If you need more space, please add additional pages, and remember to sign, date and number each page.

Complainant's signature

Date

The Alberta Human Rights Commission cannot accept your complaint if information is missing or if you do not sign this form. **Please remember to sign, date and number each page you add to the form.**

Please tear out this page



**Alberta
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