

Human Rights in Alberta



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Human Rights Approach

- Protects the rights of the individuals or groups
- Prevent and address discrimination
- Responsibilities of:
 - Employers
 - Managers
 - Employee colleagues

Three Approaches to Human Rights

Moral – Belief that each person has self-evident rights derived from the fact of being human

Legal – Rights spelled out in laws, constitutions, rules and regulations; decisions made by courts

Bureaucratic – rights supported by rules found in policy and procedure manuals

Adapted from **Bates and Este**

Creating Workplace Environments That Reflect Human Rights Values

Overview of Human Rights Law (1)

Law or Legislation	Who does it apply to?	Who does the law protect?
International Human Rights Laws, Conventions, Treaties and Customary International Law	Federal and Provincial governments	Canadian citizens or individuals living in Canada
Canadian Charter of Rights and Freedoms	Federal and Provincial governments	Canadian citizens or individuals living in Canada

Overview of Human Rights Law (2)

Law or Legislation	Who does it apply to?	Who does the law protect?
Canadian Human Rights Act	Federal government and private businesses under federal jurisdiction	People dealing with the federal government or businesses under federal jurisdiction
Criminal Code of Canada	Individuals in Canada	Individuals in Canada
Provincial Human Rights Legislation	Provincial government, private businesses under provincial jurisdiction	Individuals in province
City By-laws	Individuals in that city	Individuals in that city

Provincial Context

The Alberta Human Rights Act (The Act):

- Safeguards equality rights of Albertans
- 80-90% of Alberta businesses covered by this Act
- 79% of human rights cases filed in Alberta are employment related

The Alberta Human Rights Act

- Establishes the Alberta Human Rights Commission as an independent Commission of the Government of Alberta
- Is **primacy** legislation - takes precedence over other provincial laws
- Recognition that all persons in Alberta are equal in dignity, rights and responsibilities

Protected Grounds

Race	Religious beliefs	Colour	Gender
Gender identity	Gender expression	Physical disability	Mental disability
Ancestry	Age	Place of origin	Marital status
Source of income	Family status	Sexual orientation	

Protected Areas

Statements, publications, notices, signs, symbols, emblems and other representation

Goods, services, accommodation or facilities

Tenancy

Employment practices

Employment applications & advertisements

Membership in trade unions, employers' organizations or occupational associations

Prohibitions

It is contrary to the Act to:

- retaliate against individuals who made or are attempting to make complaints or have assisted in any way
- make a complaint with malicious intent that is frivolous or vexatious

The Alberta Human Rights Commission

- Has offices in Calgary and Edmonton
- Receives complaints of discrimination
- Offers a complaint resolution process
- Offers human rights education and raises awareness of human rights issues
- Provides advice on the development of human rights, diversity and workplace policies

Complaint Statistics

5% - Human rights tribunal process

93% - Resolution and early settlement

54% - Conciliation

4% - Investigation

20% - Dismissed

17% - Withdrawn by complainant

79% of complaints were in the area of employment

Grounds of Complaints

Physical Disability	764	(30%)
Mental Disability	560	(22%)
Gender	360	(14%)
Race/Colour	212	(8%)
Ancestry/Origin	174	(7%)
Family Status	137	(5%)
Age	106	(4%)
Religious beliefs	83	(3%)

Grounds of Complaints (2)

Marital Status	41	(2%)
Sexual Orientation	35	(1%)
Other	36	(1%)
Gender Identity	16	(1%)
Gender Expression	10	(1%)
Source of Income	6	(<1%)
Pay Equity	4	(<1%)

Before Making A Complaint

- The alleged contravention must have occurred in Alberta
- The complaint must be within the authority of the Alberta Human Rights Commission
- The incidents must have occurred on the protected area and ground(s) in the *Act*
- The complaint must be made within one year of the alleged contravention of the *Act*.

Making A Complaint

- Contact the Commission's confidential inquiry line
- Commission can provide information that will help complete the complaint form
- No fees for Commission's services
- A lawyer is not required

Other Provincial Employment Legislation

- Employment Standards Code
- Occupational Health and Safety Act
- Labour Relations Act
- Workers' Compensation Act
- Freedom of Information & Protection of Privacy Act
- Protection for Person's in Care Act
- Blind Person's Act

Purpose of Human Rights Practices & Policies

- Full Participation
- Preventing discrimination and harassment
- Providing accommodation
- Fair and equitable treatment
- Systemic changes
- Attitudinal changes

Information Sheets & Bulletins

Information Sheets and Bulletins on the topics presented today can be found at www.albertahumanrights.ab.ca and can be downloaded.

Alberta Human Rights Information Service

You can subscribe online to keep up with information and interpretative bulletins

www.albertahumanrights.ab.ca/publications/AHRIS/subscription.asp

For More Information

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