

Amendments to Alberta's human rights legislation



INFORMATION SHEET

Introduction

The Government of Alberta has amended the province's human rights legislation.¹ The amended legislation is called the *Alberta Human Rights Act*. The amendments took effect on October 1, 2009, with one exception, which takes effect September 1, 2010. This information sheet describes the amendments in a general way.

The Alberta Human Rights Commission is in the process of updating its publications and website to reflect the amendments. In the meantime, if you are reading a Commission publication dated before October 1, 2009, please note that the amendments have not yet been incorporated into the publication. If you are visiting the Commission website, you will see a "date created" or "date revised" notation at the bottom of any pages created or revised on or after October 1, 2009. If a page does not have a notation, it has not been updated to reflect the amendments.

¹ The amending legislation is named the *Human Rights, Citizenship and Multiculturalism Amendment Act*.

Amendments effective October 1, 2009

- 1. Name of legislation:** Alberta's human rights legislation is now named *Alberta Human Rights Act*. It was previously named *Human Rights, Citizenship and Multiculturalism Act*.
- 2. Name of Commission:** Alberta Human Rights Commission is the new name of the commission. The commission was previously named Alberta Human Rights and Citizenship Commission.
- 3. Sexual orientation as a protected ground:** Since April 2, 1998, sexual orientation had been "read in" as a protected ground under Alberta's human rights legislation. Effective October 1, 2009, sexual orientation is written in as a protected ground under the *Alberta Human Rights Act*.
- 4. Definition of marital status:** The definition of marital status is now "the state of being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage." Previously, the word "state" was "status," and the word "person" was followed by "of the opposite sex."

5. Chief Commissioner title change:

The Chief Commissioner is now called the Chief of the Commission and Tribunals.

6. Panels renamed: Human rights panels (the tribunals that the Chief of the Commission and Tribunals appoints to hear certain human rights complaints) are now called human rights tribunals.

7. Chief of the Commission and Tribunals may delegate specific functions, powers and duties: Section 26 of the *Alberta Human Rights Act* now allows the Chief of the Commission and Tribunals to delegate specific functions, powers and duties, which are set out in Section 26(3), to another member of the Commission. The functions, powers and duties that may be delegated are:

- (a) reviewing the record of the director's decision and deciding whether
 - (i) the complaint should have been dismissed, or
 - (ii) the proposed settlement was fair and reasonable, as the case may be, and
- (b) forthwith serving notice of the decision of the Chief of the Commission and Tribunals on the complainant and the person against whom the complaint was made.

8. Appointment of Commission staff:

The *Alberta Human Rights Act* now states that the Lieutenant Governor in Council may appoint a director of the Commission and that the Minister may appoint any employees that the Minister considers necessary to administer the *Act*. Previously, the legislation did not specify who could make these appointments.

9. Director requires written approval from the Chief of the Commission and Tribunals to participate in proceedings before a court:

For example, the director cannot appeal a human rights tribunal decision to the Court of Queen's Bench without this written approval. Previously, the director did not require such approval.

10. Director may refuse to accept a complaint or may accept a complaint pending the outcome in another forum or under another act: The director may handle complaints in this way if it appears to the director at any time that a complaint:

- is one that could or should more appropriately be dealt with in another forum or under another act,
- has already been dealt with in another forum or under another act, or
- is scheduled to be heard in another forum or under another act.

11. Name of Human Rights, Citizenship and Multiculturalism Education Fund:

The name of this fund is now the Human Rights Education and Multiculturalism Fund.

Amendment effective September 1, 2010

One amendment will take effect on September 1, 2010. It says:


Notice to parent or guardian

11.1(1) A board as defined in the *School Act* shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.

(2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student

(a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or

(b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.

(3) This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course of study, educational program, instruction or exercises or in the use of instructional materials. 

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.

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800 Standard Life Centre

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Edmonton, Alberta T5J 4R7

780-427-7661 Confidential Inquiry Line

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403-297-6571 Confidential Inquiry Line

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