

Annual Report

2015-16



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Please note: In 2015-16, the budget for the Alberta Human Rights Commission was integrated into the budget for the Ministry of Justice and Solicitor General. The financial statements for the ministry are included in the *2015-16 Annual Report of the Ministry of Justice and Solicitor General*, which is available on the ministry's website.

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

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October 2016

Honourable Kathleen Ganley
Minister of Justice and Solicitor General
424 Legislature Building
10800 – 97 Avenue
Edmonton, AB T5K 2B6

Dear Minister Ganley:

Under section 19 of the *Alberta Human Rights Act*, the Alberta Human Rights Commission is required to submit a report of its activities at the end of each fiscal year, including a summary of the disposition of complaints under the *Act* and any other information that you may require.

I am pleased to submit the Commission's 2015-16 Annual Report, which reports on activities that took place during the period April 1, 2015 to March 31, 2016.

Yours truly,

[Original signed by]

Robert A. Philp, Queen's Counsel
Chief of the Commission and Tribunals

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Message from the Chief of the Commission and Tribunals

The Alberta Human Rights Commission is an independent commission of the Government of Alberta, which is established under the *Alberta Human Rights Act (Act)*. As Chief of the Commission and Tribunals for the Alberta Human Rights Commission (the Commission), I am responsible for keeping the Minister of Justice and Solicitor General, who has responsibility for the *Act*, informed about human rights issues and the activities of the Commission; providing the Members of the Commission with guidance regarding their tribunal hearings and other functions; providing guidance to the Director of the Commission and the Director of Education and Engagement regarding the overall goals and direction of the Commission; and rendering appeal decisions pursuant to section 26 of the *Act*.

I am pleased to report on the activities of the Commission during the fiscal year April 1, 2015 to March 31, 2016. This annual report provides a summary of results achieved in the three areas of activity undertaken by the Commission: education and engagement, inquiry and complaint resolution services, and complaint adjudication by our tribunal. The appendices include the legislative framework for the Commission and the Human Rights Education and Multiculturalism Fund, biographies of Members of the Commission, and listings of tribunal decisions and court decisions rendered in 2015-16.

The human rights environment in Alberta

Enshrining gender identity and gender expression as expressly prohibited grounds of discrimination

Effective December 11, 2015, the Government of Alberta amended the *Alberta Human Rights Act* to add gender identity and gender expression as expressly prohibited grounds of discrimination. Although these grounds were previously implicitly protected under gender, the amendment to the *Act* makes it clear and explicit that gender identity and gender expression are protected grounds, and that people cannot be discriminated against based on either ground. I was in the Legislature when Bill 7, which amends the *Act*, was introduced. It is a testament to the commitment of Albertans to this amendment that Bill 7 received unanimous support from the Members of the Legislative Assembly on third reading.

In addition, the Government of Alberta passed new legislation, *An Act to Amend the Alberta Bill of Rights to Protect our Children*, which came into full effect on June 1, 2015. Alberta Education describes the legislation as promoting a welcoming, caring, respectful and safe learning environment that respects diversity and fosters a sense of belonging. It promotes equality and non-discrimination with respect to organizations in schools such as gay-straight alliances and queer-straight alliances. The *Act* includes a definition of bullying and acknowledges the responsibility that all education stakeholders have to ensure schools are welcoming, caring, respectful and safe. It also requires school boards to allow students to

set up gay-straight or queer-straight alliances in their schools, and it enshrines sexual orientation, gender identity and gender expression in the *Alberta Bill of Rights* as protected grounds from discrimination.

In 2015-16, I participated in a number of events related to these new protected grounds, including a retreat hosted by Camp fYrefly, Canada's national leadership retreat for sexual and gender minority youth. You can read more about Commission support of these protected grounds in the Education and Engagement section of this report.

Engaging and collaborating with Indigenous communities

People of First Nations, Métis and Inuit ancestry continue to experience high rates of racism and discrimination in their daily lives. The Commission has made a strong commitment to enhancing its engagement and collaboration with Indigenous communities, groups and organizations throughout the province. Part of this commitment was to review the 94 Calls to Action outlined in the Truth and Reconciliation Commission of Canada's Final Report to guide our work and determine what we can do in our organization and collectively as a society to move forward in a meaningful and intentional way from a very dark past towards recovery, reconciliation and inclusion.

To that end, I wrote letters to Premier Notley and her cabinet ministers, commending them on their efforts to ensure that the Government of Alberta's programs, policies and legislation reflect the principles of the United Nations Declaration on the Rights of Indigenous Peoples and offering support for advancing this important work. The Declaration is a pivotal international human rights instrument that aspires to protect, promote and reinforce the cultural, social, economic, political, civil, spiritual and environmental rights of

Indigenous Peoples. Implementing the standards in the Declaration will build stronger relationships with First Nations, Métis and Inuit peoples and promote reconciliation.

Reconciliation is about strengthening relationships and creating a shared understanding of Canada's history in order to move forward with mutual respect for one another. As part of reconciliation, businesses, educational institutions, agencies and governments can look within our own organizations to ensure that our programs, policies, services and operations are not contributing to the barriers that Indigenous Peoples continue to face. I have made a personal commitment to enhancing my own learning and understanding about our shared history and the issues facing Alberta's Indigenous Peoples and communities. Together, we can create change and make this province better for this and future generations, for all our relations.

Addressing Islamophobia

Along with the rest of Canada, Alberta welcomed refugees from Syria in 2015-16 as well as newcomers from many other parts of the world. While, for the most part, we give a warm Alberta welcome to newcomers, Alberta still continues to experience an increase in hate crimes against Muslims, including incidents of hate, prejudice and religious intolerance. The Commission supports a number of projects that address Islamophobia and other forms of discrimination directed at ethnocultural and religious minorities.

Increasing focus on Section 16 of the Alberta Human Rights Act

One of my main goals is to strengthen the work being done to forward the principles outlined in section 16 of the *Act*, which lays out the functions of the Commission. I am placing a particular focus on the section 16 subsections 1(c) and 1(d), which require the Commission: to promote an environment in which all Albertans

can participate in and contribute to the cultural, social, economic and political life of Alberta; and to encourage all sectors of Alberta society to provide equality of opportunity.

Unemployment, poverty and homelessness, often linked to protected grounds under the *Act* such as physical and mental disability, limit the participation of many Albertans and result in inequality of opportunity. The Commission continues to work with and support key organizations that are engaged in these issues.

Partnerships and collaborations are fundamental to the Commission's work. For example, the Commission's partnership with the Calgary Homeless Foundation enabled the development of the Homeless Charter of Rights, which outlines that people living in homelessness have the right to access services, housing and employment without discrimination. The Charter was a first of its kind in Canada and has been widely profiled.

Education and engagement

Education and engagement are cornerstones of the Commission's work to encourage, support and partner with Albertans to promote and build a province where human rights are valued and reflected in Albertans' daily lives. A detailed account of the Commission's education and engagement activities can be found later in this report. Some of the year's highlights are offered below.

The Human Rights Education and Multiculturalism Fund (the Fund) provided nearly \$1 million in funding to community groups and organizations to support their efforts to foster equality and reduce discrimination. In 2015-16, two new funding streams—the Experience Human Rights grants and the Community Inclusion grants—were added to complement the existing Human Rights Projects grants.

To further the goal of creating diverse and inclusive workplaces, the Commission offered two new webinars as part of our suite of e-learning resources. Webinars enable businesses, nonprofit organizations, post-secondary institutions, unions and others to learn about rights and responsibilities related to human rights in an affordable, easily accessible way. The Commission's webinars are available as webcasts on our website.

Inquiry and complaint resolution services

As in previous years, physical disability, gender and mental disability continued to be the three protected grounds most cited in complaints opened at the Commission in 2015-16. The two protected areas most cited were employment practices; and goods, services, accommodation or facilities, also in keeping with previous years.

In 2015-16, the number of inquiries made to the Commission and the number of new complaints accepted remained at near record-high levels, which further increased the number of active complaints at the end of the fiscal year. In spite of these continued high volumes of inquiries and new complaints, the timeliness of services in regional offices and the Director's Office continued to improve in several steps of the complaint resolution process. Implementation of the Director's Referral process and other process improvements have resulted in a reduction in the average time needed to resolve many complaints.

Detailed information about complaint statistics can be found in the Inquiry and Complaint Resolution Services section of this report.

Office of the Chief of the Commission and Tribunals

The Office of the Chief of the Commission and Tribunals experienced a 31 per cent increase in the number of Requests for Review of the Director's decision to dismiss or discontinue a complaint under section 26 of the *Act*. Under section 26(4) of the *Act*, the Chief of the Commission and Tribunals may delegate the functions, powers and duties set out in Section 26(3) of the *Act* to another Member of the Commission. Thus I was able to delegate deliberations of section 26 Requests for Review to other Members of the Commission. I thank all those members who made section 26 decisions in 2015-16.

As consistently reported in previous years, the majority of cases that proceeded to the tribunal stage settled prior to a hearing, either through Tribunal Dispute Resolution or private settlement between the parties. The ground most cited in closures at the tribunal stage was physical disability with the most cited area being employment practices.

Detailed statistics can be found in the Office of the Chief of the Commission and Tribunals section of this report.

New Members of the Commission

In 2015-16, the Commission welcomed five new Members of the Commission: Gwen Gray, QC, Duncan Marsden, Jean Munn, QC, Kathryn Oviatt and Karen Scott.

Introducing law students to human rights law

The Commission is involved in educating law students about human rights law through various partnerships and endeavours. We continue our relationship with Pro Bono Students Canada at the University of Alberta and the University of Calgary, through which law students provide support to parties who are not represented by legal counsel in cases before a human rights tribunal. As well, in September 2015, the Commission launched a law student intern program in cooperation with the University of Alberta Law School, which gives students training and experience in human rights law while earning credit towards their law degree. In addition, in March 2016, I participated as a speaker in the University of Alberta Faculty of Law 2016 Aboriginal Law Speaker Series, hosted by the Aboriginal Law Students' Association. My address to the students focussed on the calls to action in the December 2015 report of the Truth and Reconciliation Commission.

Looking forward

The services provided by the Commission will continue to be in high demand in the coming years. In 2016-17, I expect that the Commission will continue to see an increase in all areas of activity, with more inquiries and new complaints at the regional office level, more Requests for Review of the Director's decision at the Office of the Chief of the Commission and Tribunals, more tribunal dispute resolution proceedings and tribunal hearings, and more requests for education services.

The Commission also expects to continue to see a rising number of self-represented complainants and respondents, often people who do not have the financial means to hire legal counsel, which can put these parties at a disadvantage.

Edmonton and Calgary law students will continue to provide pro bono support to complainants and respondents. As stated in last year's annual report, I also would like to see parties in human rights cases become eligible for appointment of legal aid counsel.

While the Commission does an extraordinary job with the human and financial resources at hand, we could significantly enhance our service levels if we had the budget to hire more staff. I am reminded of Grant Notley's comments in the Legislative Assembly when the *Individual's Rights Protection Act* (the precursor to the *Alberta Human Rights Act*) was introduced and going through second reading on May 31, 1972: "It seems to me that we can pass the best kinds of high-sounding acts, but unless we're prepared to back up the legislation with sufficient administrative muscle, we're not really going to cope with the real problem of discrimination . . . which, quite frankly, we must acknowledge exists in our own province. Therefore, I'm a little disappointed that the Human Rights Commission this year is not going to be as well funded as I believe necessary; it will not be staffed with as many people as, in my judgment anyway, are required to do the job."¹ Fast forwarding from 1972 to 2016, the challenges continue. I will persist in my advocacy for increased funding to adequately staff and resource the Commission.

On the national scene, member organizations of CASHRA, the Canadian Association of Statutory Human Rights Agencies, including the Alberta Human Rights Commission, are working towards greater autonomy and independence from government. I hope to see progress towards this goal in the coming year.

¹ Notley, G. (1972, May 31). Second Reading. The Individual's Rights Protection Act. Legislative Assembly of Alberta. Hansard 58-20. 17th Legislature, 1st Session. Retrieved from <http://www.assembly.ab.ca/Documents/isysquery/11599c59-2393-48fc-95e7-d77bf34ba6a2/29/doc/>

Acknowledgments

I offer my sincere gratitude to all Members of the Commission and Commission staff for their excellent contributions in 2015-16. Their commitment, knowledge and hard work continue to move the principles of the *Alberta Human Rights Act* forward. This report provides the details of their activities in 2015-16.

[Original signed by]

Robert A. Philp, Queen's Counsel
Chief of the Commission and Tribunals

Education and Engagement

Throughout 2015-16, the Commission continued to implement educational programs and initiatives aimed at furthering the principle that all Albertans are equal in dignity, rights and responsibilities. Information, education, and engagement with communities are crucial in creating a human rights culture in which all Albertans can fully participate in and contribute to the cultural, social, economic and political life of the province. The Commission's Education and Engagement area focuses on upstream, preventative work that builds capacity and works collectively to address systemic human rights issues.

Providing information and resources to Albertans

The Commission's website, albertahumanrights.ab.ca, remains a key educational tool for reaching out to Albertans, providing information and educational publications and resources to the public. The website received approximately 586,000 visits in 2015-16.

Alberta Human Rights Information Service, the Commission's online newsletter, continued to make readers aware of new tribunal and court decisions, Commission policies, education and engagement activities, as well as other news related to human rights and diversity. In 2015-16, four regular issues and six special issues were published. As of March 31, 2016, the newsletter had approximately 3,560 subscribers.

In addition, the Commission released two publications related to the complaint process that were substantively revised to reflect current Commission policies and procedures.

To further its outreach efforts, the Commission attended 34 community events with its display,

providing information about human rights and the Commission's programs and services. In addition, the Chief of the Commission and Tribunals had the opportunity to speak at 14 community and stakeholder events throughout the province and country to promote the Commission's programs and services, to further human rights principles and to encourage attendees to live the ideals set out in the *Alberta Human Rights Act* and the Canadian Charter of Rights and Freedoms.

Supporting Alberta workplaces

In Alberta, employers have a responsibility to ensure their workplaces are free of discrimination. Approximately 80 per cent of human rights complaints cite grounds in the area of employment, so in 2015-16, a priority for the Commission was to support Alberta businesses and organizations in creating diverse, inclusive and respectful workplaces.

As part of its e-learning program, the Commission hosted a webinar titled *Developing and Implementing a Harassment Prevention Policy*, which was the first of a three-part series on *Understanding and Preventing Harassment in the Workplace*.

In 2015-16, the Commission also offered 65 customized and remedy workshops that provided in-depth information and were tailored to meet the needs of the organizations, as well as two public workshops that provided an introduction to human rights issues and topics.

The Commission hosted three forums that provided in-depth explorations of key human rights issues being faced in workplaces. The Commission offered a forum in Calgary on

Accommodating Religious Beliefs and two forums, one in each of Edmonton and Calgary, on Accommodating Gender: Pregnancy, Maternity and Parental Leave.

As well, the Commission provides a human rights, harassment and respectful workplace policy review service. In 2015-16, the Commission reviewed 19 policies from a variety of nonprofit organizations and businesses.

Once again, the Commission partnered with the Alberta Chambers of Commerce to offer the Diversity Leadership Award as part of the Alberta Business Awards of Distinction program. This award is given annually to an Alberta organization that embraces diversity in its workforce, encourages respect and inclusion, and works toward eliminating discrimination and barriers to fair employment practices in its workplace. The 2016 Diversity Leadership Award of Distinction was awarded to DynaLIFEDX, with a McDonald's franchise from Brooks, Alberta recognized as a finalist.

Focusing our efforts

Diverse, welcoming and inclusive communities are fundamental to building a province where everyone can fully participate and feel like they belong. Some Albertans continue to face barriers to full inclusion and participation, particularly marginalized individuals and groups who are more vulnerable to experiencing racism and discrimination. Albertans, businesses and organizations have recognized that their communities are becoming more diverse, and the needs are changing. To address the needs of these communities, as well as the issues of marginalization, racism and discrimination, the Commission focused on a number of priorities throughout 2015-16.

Human rights and poverty, homelessness, and unemployment

Poverty disproportionately impacts women, children, Indigenous Peoples, recent immigrants and refugees. People experiencing poverty, homelessness and unemployment are at greater risk of experiencing discrimination and rights violations. Because of this, a key priority for the Commission in 2015-16 was the intersection of human rights and poverty, homelessness and unemployment.

To further this work, the Commission participated in the Calgary Homeless Foundation's Research Symposium on Homelessness in April 2015, facilitating a session on human rights approaches to homelessness. In November, the Commission participated in the 7 Cities Leadership Summit on Housing and Homelessness in Edmonton. The Chief of the Commission and Tribunals spoke about the intersection of human rights and poverty, homelessness and unemployment at the National Poverty Reduction Symposium in Ottawa and at the Homeless Charter of Rights Launch in Calgary.

The Chief of the Commission and Tribunals continued his involvement on the Mayor's Task Force for the Elimination of Poverty, End Poverty Edmonton, throughout 2015-16. This initiative addresses equitable access to services, social inclusion, racism, discrimination, human rights protection and access to justice. The Commission also became involved with the Calgary Poverty Reduction Initiative, including funding a project through the Elizabeth Fry Society to support their work.

Alberta's Indigenous Peoples

The Truth and Reconciliation Commission of Canada Final Report was released on December 15, 2015, outlining 94 Calls to Action for meaningfully moving forward on reconciliation. The Alberta Human Rights Commission has committed to using the Calls to Action to inform its work and to ongoing and continued learning to increase knowledge and understanding of the issues facing Alberta's Indigenous Peoples.

In 2015-16, the Commission invited Dr. Cheryl Currie to present her research to staff on how racism is a risk factor and a key determinant of health. Commission staff also participated in a two-day Indigenous culture training event with Dr. Reg and Rose Crowshoe, who shared their traditional ceremonies and teachings about Alberta's history, Indian Residential Schools, the importance of ethical space, intergenerational trauma and cultural confusion, and their perspective on how to move forward with reconciliation. As well, members of the Commission's executive team attended the Calgary Police Service's Aboriginal Justice Camp, an in-depth cultural experience that introduced concepts related to Indigenous Peoples' history and traditional values, and highlighted the current issues facing Alberta's Indigenous Peoples and communities.

Commission staff attended events that focused on important Indigenous issues, such as the Connecting Voices through Truth and Reconciliation event and the Calgary Urban Aboriginal Initiative Conference and Round Dance, where the Chief of the Commission and Tribunals provided remarks. The Commission has initiated discussions on the development of Elder protocol documents. In addition, a grant²

was awarded for a project that responds to the Truth and Reconciliation Commission's Calls to Action with resources and recommendations that will help educators develop curriculum and strategies for teaching Indigenous and non-Indigenous youth about Indigenous issues.

Gender identity and gender expression

Effective December 11, 2015, the Government of Alberta amended the *Alberta Human Rights Act* to add gender identity and gender expression as expressly prohibited grounds of discrimination. The Commission released the publication *Notice of Changes to Alberta's Human Rights Legislation* to inform Albertans about the amendment.

To support the amendment to the *Act*, the Commission met with transgender individuals and groups to better understand the issues facing them and to determine how the Commission can be a better partner and ally. A grant was provided for a project that will develop informational tools and resources to increase understanding about gender identity and gender expression, and to help transgender and gender diverse individuals increase their understanding of their rights under the *Act*. In addition, the Commission is updating its Human Rights in the Workplace workshop content to include the two new expressly prohibited grounds.

Addressing Islamophobia

The *Alberta Human Rights Act* protects against discrimination based on 15 grounds, including race, religious beliefs, ancestry and place of origin. However, Alberta continues to experience an increase in hate crimes against Muslims, including incidents of hate, prejudice and religious intolerance.

²Grants are provided through the Human Rights Education and Multiculturalism Fund. See page 9 for more information about the Fund. Also see Appendix C Legislative Framework for the Human Rights Education and Multiculturalism Fund.

The Commission supports a number of projects that address Islamophobia and other forms of discrimination directed at ethnocultural and religious minorities. In 2015-16, a grant was provided for a project that will support settlement agencies in developing educational tools and resources to help address Islamophobia and racism towards immigrant and refugee populations, including Syrian refugees.

Human Rights Education and Multiculturalism Fund

The Human Rights Education and Multiculturalism Fund provides support to community groups and organizations for educational programs and services that promote an environment where all Albertans can participate in and contribute to the cultural, social, economic and political life of the province.

In 2015-16, two new funding streams—the Experience Human Rights grants and the Community Inclusion grants—were added to the existing Human Rights Project grants. These two streams were developed in response to the changing needs of Alberta communities. The Experience Human Rights grants are small grants available to nonprofit organizations for raising awareness, engaging communities or leveraging future human rights initiatives. The Commission hosted a webinar to introduce the Experience Human Rights grant stream to community groups. The Community Inclusion grants are available to municipalities or nonprofit organizations for advancing strategies associated with being a Welcoming and Inclusive Community or a Coalition of Municipalities against Racism and Discrimination signatory. The Human Rights Project grants are available to nonprofit organizations or public institutions for advancing change and addressing specific human rights issues.

The Fund awarded nearly \$1 million in funding to community groups and organizations, including seven Experience Human Rights grants, 14 Community Inclusion grants, 19 Human Rights Project grants and three Access and Equity grants. Access and Equity grant initiatives have been developed to address province-wide issues that have been identified by the Minister or the Commission.

There were a number of notable projects supported through the Fund that came to completion in 2015-16. For example, the Centre for Public Legal Education Alberta developed online Your Rights at Work resources for immigrant youth about employment practices and discrimination in the workplace. The Southern Alberta Individualized Planning Association of Lethbridge collaborated with individuals with disabilities, service providers, community members, families and guardians to develop educational materials and a DVD titled Know Your Rights. The Creating Hope Society of Alberta implemented a project that identified the barriers that prevent Indigenous fathers and father figures from participating in their children's well-being when the child welfare system is involved. Resources were developed to help fathers participate in their children's care and to increase understanding between fathers and child welfare workers.

Scholarships and awards

With support from Student Aid Alberta, the Commission administered the Alberta Award for the Study of Canadian Human Rights and Multiculturalism. This scholarship supports graduate students in furthering research about effective ways to reduce discrimination and support the full participation of Albertans. Two scholarships were awarded for 2015.

The doctoral research will focus on the recovery experiences of social workers who have endured workplace bullying in their professional employment. The findings will inform clinical interventions, social work professional policies and social work education and training.

The Pardeep Singh Gundara Memorial Scholarship, awarded for master's research, will examine the pathways that enable under-represented learners within an identified cohort to successfully complete university. This research will focus on second-generation immigrant university learners in Alberta, helping to increase understanding that supports removal of barriers that limit participation and completion in advanced learning.

The Commission received a 2015-16 Team Merit Award from the Ministry of Justice and Solicitor General for its collaboration with the Alberta Urban Municipalities Association on the Welcoming and Inclusive Communities Initiative, which assists municipalities in building welcoming and inclusive communities where people can participate without discrimination. The Commission has a long-standing commitment to this work, having been involved in the initiative as a partner with the association and its members since its inception.

Inquiry and Complaint Resolution Services

As in previous years, physical disability, gender and mental disability continued to be the three protected grounds most cited in complaints opened at the Commission in 2015-16. The two protected areas most cited were employment practices; and goods, services, accommodation or facilities, also in keeping with previous years.

The processing and resolution of complaints occurs at regional offices in Edmonton and Calgary, as well as at the Director's Office. The complaints closed this fiscal year at the Director's Office and regional offices were dealt with through the complaint resolution process, meaning they were resolved through conciliation or investigation, dismissed or discontinued by the Director, withdrawn by the complainant, or they proceeded to the tribunal stage.

At the Director's Office and regional offices, changes and improvements made to complaint resolution processes were focused on improving the timeliness of services provided to the public. The average number of days to close a complaint in 2015-16 was 614 days, up slightly from 613 days in 2014-15 and down from 642 days in 2013-14.

Director's Referral Process

This process was implemented in February 2015 and revised in August 2015 to identify certain complaints to be expedited to the Director for a possible decision under section 22 of the *Alberta Human Rights Act*. Complaints that meet the criteria of compassionate reasons (where the declining health of any party significantly impacts their ability to participate in the full complaint resolution process); high public importance (involving wide-reaching or systemic human rights issues); credibility in harassment complaints (where there are significant, directly

conflicting accounts of events between the parties and little supporting documentation); or complaints where no further investigation is required can be identified by the Regional Directors or the parties for a Director's Referral at any stage of the complaint resolution process.

Inquiries made to regional offices

Regional office staff answered 14,769 inquiries over the past year, a decrease of 1,150 (7 per cent) from the previous year. Inquiries were received from individuals who believed they may have a complaint, as well as from employers, service providers and others interested in learning more about their rights and responsibilities under the *Act*. In response to these inquiries, staff provided verbal and print information about human rights issues and the human rights complaint process, information that could be used to resolve situations, clarification on how to meet requirements under the *Act*, guidance on how to complete a human rights complaint form, and helpful referrals, including to the Commission website and a variety of nearly 60 other agencies that might be of assistance.

Complaints received and accepted

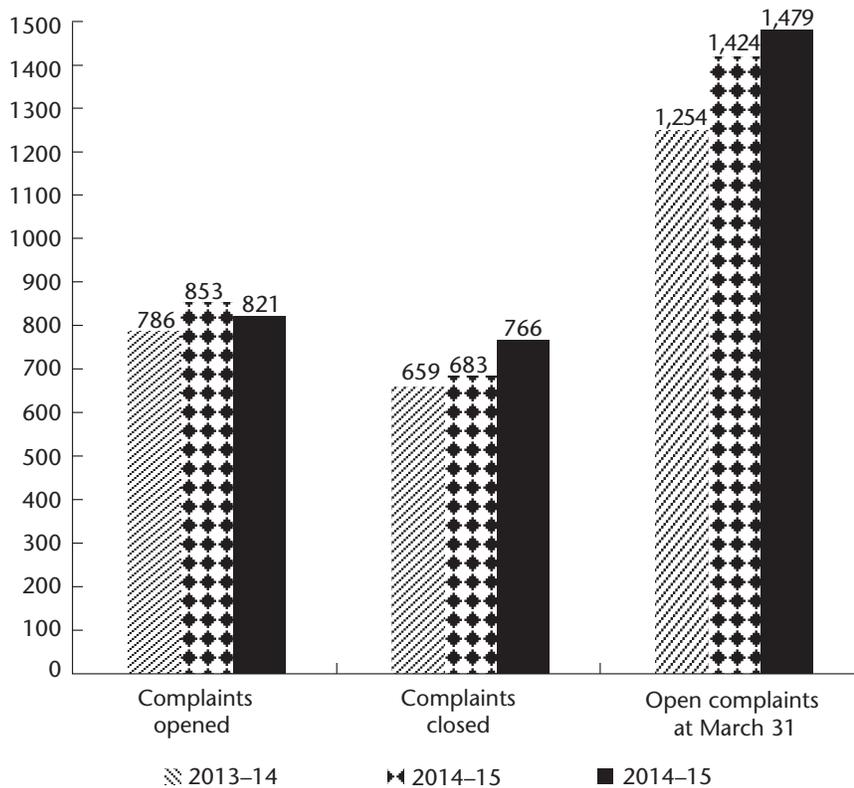
Regional office staff review completed complaint forms to determine if they can be accepted as complaints under the *Act*. Complaints must fall within jurisdiction of the *Act*, demonstrate reasonable grounds, be made within one year of the alleged contravention of the *Act* and meet requirements described in the Bylaws of the Commission. In 2015-16, 1,390 parties submitted complaint forms, similar to the 1,395 complaints submitted in 2014-15 and

1,315 submitted in 2013-14. In 2015-16, the Commission accepted 821 complaints as meeting the acceptance criteria, down slightly from 853 complaints accepted in 2014-15.

Complaints opened and closed

In 2015-16, the Commission opened 821 complaints, the second highest number in the last 10 years, and 766 complaints were closed. Due primarily to the high number of new complaints opened, the number of open complaints at March 31, 2016 increased by 55, to 1,479 complaints.

Complaints opened and closed and year-end count



Grounds of discrimination cited in complaints opened

An individual complaint may cite more than one protected ground and more than one protected area of the Act. A total of 2,289 grounds were cited in the 821 complaints opened in 2015-16. The breakdown of protected grounds is relatively consistent with previous years.

Grounds cited in complaints opened (2015-16)

Protected ground	Times cited*	Per cent of total
Physical disability	754	33%
Gender	449	20%
Mental disability	424	19%
Ancestry/Origin	152	7%
Race/Colour	151	7%
Age	97	4%
Family status	74	3%
Religious beliefs	72	3%
Sexual orientation	38	2%
Other	33	1%
Marital status	25	1%
Source of income	20	<1%
Gender identity	0	0%
Gender expression	0	0%
Totals	2,289	100%**

*Figures represent grounds cited in 821 complaints from April 1, 2015 to March 31, 2016.

**Percentages have been rounded.

Complaint grounds cited by section of the Alberta Human Rights Act (2015-16)

Employment practices (Section 7)	83%
Goods, services, accommodation, facilities (Section 4)	9%
Applications and advertisements re: employment (Section 8)	3%
Membership in trade union, etc. (Section 9)	2%
Retaliation (Section 10.1)	1%
Tenancy (Section 5)	1%
Equal pay (Section 6)	<1%
Frivolous or vexatious complaints with malicious intent (Section 10.2)	<1%
Publications, notices (Section 3)	0%
Total	100%*

*Percentages have been rounded.

Disposition of closed complaints

The Commission closed 766 complaints in 2015-16, an increase of 83 complaints (12 per cent) compared with 2014-15. The vast majority of complaints (711, or 93 per cent) were dealt with through the Commission's complaint resolution processes. This means they were resolved by the parties through conciliation or investigation, dismissed or discontinued by the Director, or abandoned or withdrawn by the complainant. The remaining 55 complaints (7 per cent) were handled through the Commission's tribunal process.

Conciliated complaints

Conciliation is a voluntary, non-adversarial way of resolving disputes. The conciliator is an impartial person who works with the complainant and respondent to generate possible solutions to resolve the complaint. In 2015-16, 310 of 766 complaints (40 per cent) were closed with the help of a conciliator provided by the Commission. Of conciliations completed, regional offices were successful in reaching resolution in 54 per cent of the complaints, consistent with last year's high success rate.

Investigated complaints

Regional offices may gather information related to the complaint, share collected information with the parties, and seek comments from the parties as necessary in order to assess whether there is a reasonable basis to proceed with the complaint. If there is a reasonable basis to proceed, regional staff or the regional director will offer help to the parties to reach a resolution. There were 68 complaints resolved through investigation in 2015-16, eight complaints fewer than in the previous year.

Regional offices may also expedite a complaint to the attention of the Director, normally after receiving the respondent's response. For complaints that include sufficient information from the parties to recommend if there is a reasonable basis to proceed or not, the complaint may be expedited to the Director for a decision under section 22 of the *Act*.

Dismissed complaints

The Director may dismiss a complaint if the Director believes there is no reasonable basis for proceeding with the complaint. Complainants may request a review of the Director's decision by the Chief of the Commission and Tribunals if they disagree with the Director's decision to dismiss.

In 2015-16, 259 dismissed complaints were closed. In 192 of the 259 complaints, the complainants did not request a review, and the complaint was closed after the 30-day time period ended.

In 64 complaints, the complainants requested a review by the Chief of the Commission and Tribunals, who upheld the dismissals, and the complaints were closed.

In a further 18 complaints where the complainants requested a review, the Chief of the Commission and Tribunals overturned the dismissals, and the complaints remained open as the complainants accepted the opportunity to go to tribunal.

In a further three complaints where the complainants requested a review, the Chief of the Commission and Tribunals overturned the dismissals, but the complainants declined the opportunity to have the complaint heard by a tribunal, and the complaints were closed.

Discontinued complaints

The Director may discontinue a complaint if a complainant refuses to accept a resolution offered by the respondent that the Director believes is fair and reasonable. Complainants may request a review by the Chief of the Commission and Tribunals if they disagree with the Director's decision to discontinue.

In 2015-16, one discontinued complaint was closed when the complainant did not request a review by the Chief of the Commission and Tribunals.

In a further three complaints where the complainants requested a review, the Chief of the Commission and Tribunals overturned the discontinuances, and the complaints remained open as the complainants accepted the opportunity to go to tribunal.

In a further complaint where the complainant requested a review, the Chief of the Commission and Tribunals upheld the discontinuance, and the complaint was closed.

Abandoned or withdrawn complaints

In 2015-16, nine per cent of the complaints (72 of 766 complaints) were closed because complainants abandoned or withdrew their complaints. Complaints are abandoned or withdrawn for a variety of reasons, including when a complainant fails to maintain contact with the Commission, agrees there is no merit to their complaint or resolves the dispute in another forum (such as a grievance procedure, arbitration procedure or civil court action) where withdrawal of the human rights complaint is part of the settlement agreement.

Disposition of complaints closed

	2013-14	2014-15	2015-16
Resolved through conciliation	307 (47%)	285 (42%)	310 (40%)
Resolved through investigation	62 (9%)	76 (11%)	68 (9%)
Dismissed	164 (25%)	205 (30%)	259 (34%)
Discontinued	6 (1%)	3 (<1%)	2 (<1%)
Abandoned or withdrawn	82 (12%)	71 (10%)	72 (9%)
Totals	621 (94%)*	640 (94%)*	711 (93%)*

*Percentages have been rounded.

Office of the Chief of the Commission and Tribunals

Requests for Review decided by the Chief of the Commission and Tribunals

In 2015-16, 89 complaint files, an increase of 21 files from the previous fiscal year, were decided by the Chief of the Commission and Tribunals under section 26 of the *Alberta Human Rights Act*.

Of those 89 complaint files, 65 (73 per cent) of the Director's dismissals or discontinuances were upheld and the files were closed, and 24 (27 per cent) of the dismissals or discontinuances were overturned.

Requests for Review decided by the Chief of the Commission and Tribunals in 2015-16

Type of review	Number of decisions upheld	Number of decisions overturned	Total number of reviews
Dismissal	64	21	85
Discontinuance	1	3	4
Totals	65	24	89

Tribunal process

The tribunal process is independent from the work of Commission staff in receiving and resolving complaints. Human rights tribunals are composed of part-time Members of the Commission appointed by the Lieutenant Governor in Council. Members are assigned to cases by the Chief of the Commission and Tribunals. Pursuant to the Bylaws of the Commission, the Members of the Commission are required to have law degrees and expertise in administrative or human rights law. The Members also have training and experience in conducting mediations and negotiations. Their biographies can be found in Appendix B.

Complaints proceed to the tribunal stage in one of two ways. The Director may at any time report to the Chief of the Commission and Tribunals that the parties are unable to settle a

complaint and ask the Chief of the Commission and Tribunals to refer the complaint directly to the Tribunal. In these cases, the Director of the Commission has "carriage" of the complaint, and the Chief of the Commission and Tribunals must appoint a Member of the Commission to hear the complaint. In other cases, when the Director has dismissed or discontinued a complaint, the complainant may submit a Request for Review to the Chief of the Commission and Tribunals pursuant to section 26 of the *Act*. The Chief of the Commission and Tribunals or designate then reviews the record of the Director's decision and any further submissions by the parties. (The Chief of the Commission and Tribunals may delegate the functions, powers and duties set out in Section 26(3) of the *Act* to another Member of the Commission.)

If the Chief of the Commission and Tribunals or designate does not find a reasonable basis in the evidence to proceed to a tribunal hearing, the Director's dismissal or discontinuance will be upheld and the complaint will be closed. If there is a reasonable basis in the evidence to proceed to a tribunal hearing, the Chief of the Commission and Tribunals will overturn the Director's dismissal or discontinuance, and the complaint will proceed to the tribunal stage, subject to the complainant accepting carriage of the complaint before a tribunal.

At the tribunal stage, all parties are first offered mediation by a Member of the Commission through the Tribunal Dispute Resolution (TDR) program. If the parties do not wish to participate in TDR or they are unable to settle, the matter proceeds to the hearing stage for adjudication by a Member or Members of the Commission (three-person tribunals in some cases).

Areas and grounds cited in complaints that closed at the tribunal stage

There were 55 complaints closed at the tribunal stage in 2015-16, an increase of 28 per cent from 2014-15. These complaints were resolved through TDR, settled by the parties, decided after a hearing or withdrawn.

In these cases the most frequently cited area of discrimination was employment practices (section 7), followed by goods, services, accommodation or facilities customarily available to the public (section 4). The grounds most often cited were physical disability and mental disability.

Complaint areas cited by section of the Alberta Human Rights Act in files closed at the tribunal stage (2015-16)

Area	Times Cited*
Employment practices (Section 7)	41
Goods, services, accommodation, facilities (Section 4)	6
Applications and advertisements re: employment (Section 8)	2
Tenancy (Section 5)	2
Retaliation (Section 10)	2

*Some complaints cite more than one area.

Areas are not counted when the tribunal is considering the validity of a severance agreement.

Complaint grounds cited in files closed at the tribunal stage (2015-16)

Ground	Times Cited*
Physical disability	22
Mental disability	9
Ancestry/Origin	8
Gender	8
Religious beliefs	6
Race/Colour	5
Age	3
Family status	1
Marital status	1
Sexual orientation	1

*Some complaints cite more than one ground.

Grounds are not counted when the tribunal is considering the validity of a severance agreement.

Complaints settled through the human rights tribunal process

Of the 55 complaints that closed at the tribunal stage in 2015-16, 33 files (60 per cent) were settled through TDR or by the parties prior to the tribunal hearing. Of those 33, 20 settled through the TDR process and 13 files settled outside of the TDR process through private settlement.

Tribunal Dispute Resolution (TDR)

The TDR process allows parties to settle a complaint through mediation instead of going to a tribunal hearing, thereby avoiding the significant time and costs of a hearing. The tribunal office aims to proceed with the TDR within four weeks of the file arriving at the tribunal stage.

Mediation through TDR is confidential, voluntary and free of charge. The TDR program allows the parties to a complaint to meet with a Member of the Commission (TDR Commissioner) who acts as a neutral mediator and tries to help the parties

settle the complaint before it goes to a tribunal hearing.

An additional benefit of TDR is that a Member of the Commission may also, when requested, provide a non-binding evaluation of the complaint. A non-binding evaluation is an informal assessment as to what an outcome might be if the matter went to a tribunal hearing. More information on the TDR program can be found on the Commission website.

In 2015-16, there were 26 files that completed the TDR process. Of those 26 files, 20 files settled at TDR. This represented a 77 per cent settlement rate for files where parties chose TDR.

Tribunal hearings

If a matter proceeds to adjudication at a hearing by a Member or Members of the Commission, a pre-hearing teleconference is scheduled as soon as possible to address any preliminary issues. Hearing dates are usually set within approximately three months of the pre-hearing teleconference. Although every attempt is made to have the complaint adjudicated as soon as possible, the time it takes for a

matter to be heard depends on many factors, including availability of parties and their counsel, availability of witnesses, any preliminary issues, proceedings in other forums that may be addressing similar issues, settlement discussions and the complexity of the case.

There were 19 tribunal decisions issued in the 2015-16 fiscal year. Not all of the decisions resulted in a file closing as some decisions addressed preliminary matters. Of the 22 files

that did close through the hearing process, the tribunal found merit in 10 complaints and ordered appropriate remedies. The tribunal found no merit in seven complaints and dismissed the complaints. Five other files were closed for various reasons: four closed as the severance agreements were found to be valid and enforceable through a preliminary hearing, and in one case, the complainant did not provide updated contact information and could not be located so the file was dismissed by the tribunal.

Complaints closed through the human rights tribunal process

	2013-14	2014-15	2015-16
Settled prior to tribunal hearing	30	32	33
Merit	3	5	10
No merit	2	2	7
Other	3	4	5
Totals	38	43	55

Appendix A: Legislative Framework for the Alberta Human Rights Commission

In Alberta, the *Alberta Human Rights Act* protects Albertans from discrimination in certain areas based on specified grounds. The purpose of the *Act* is to ensure that all Albertans are offered an equal opportunity to earn a living, find a place to live and obtain services customarily available to the public without discrimination.

The *Act* establishes the Alberta Human Rights Commission as an independent commission of the Government of Alberta that is responsible for administering the *Act*.

The Commission has a two-fold mandate: to foster equality and to reduce discrimination. It fulfills this mandate through public education and community engagement initiatives, and the resolution of complaints through settlement and adjudication.

The Chief of the Commission and Tribunals and Members of the Commission are appointed by the Government of Alberta through Order in Council. As head of the Commission, the Chief of the Commission and Tribunals is responsible for the overall management of the Commission and provides direction and guidance to the three distinct areas of activity undertaken by the Commission: education and engagement; inquiry and complaint resolution services; and Tribunal adjudication. The Chief of the Commission and Tribunals is also responsible for keeping the Minister of Justice and Solicitor General informed about human rights issues, appointing Members of the Commission to serve on human rights tribunals and reviewing decisions made by the Director to dismiss or discontinue complaints under section 26 of the *Alberta Human Rights Act*. The Chief of the Commission and Tribunals also undertakes activities related to community engagement. The Minister of Justice and Solicitor General may appoint a Member of the Commission who serves as Acting Chief in the absence of the Chief of the Commission and Tribunals.

The Director of the Commission, who is appointed by the Government of Alberta through an Order in Council, and employees handle the administrative responsibilities related to the resolution and settlement of complaints made under the *Alberta Human Rights Act*. This work is separate and distinct from the work of the Chief of the Commission and Tribunals in reviewing the Director's decision to dismiss or discontinue a complaint and the work of the Members of the Commission in adjudicating human rights complaints.

The Director of Education and Engagement leads the Commission's Education and Engagement team to further the Commission's work to eliminate discrimination and barriers to full participation in society through education and community engagement. The Human Rights Education and Multiculturalism Fund, which is administered by the Commission on behalf of the Minister of Justice and Solicitor General, provides financial support for the Commission's education and community initiatives. Through its grant program, the fund also provides financial support to community organizations for projects that foster equality and reduce discrimination.

Protection from discrimination under the Alberta Human Rights Act

The *Alberta Human Rights Act* protects Albertans from discrimination in the following areas: publications and notices; goods, services, accommodation or facilities; tenancy; employment practices; applications and advertisements regarding employment; and membership in trade unions, employers' organizations or occupational associations.

Within the areas listed above, it is a contravention of the *Act* to discriminate against any person on the basis of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Age is also a protected ground, except in two areas: goods, services, accommodation or facilities; and tenancy.

In addition to protecting Albertans in the areas and grounds discussed above, the *Act* specifically protects Albertans in the area of equal pay. This provision requires that employees who perform the same or substantially similar work for an employer must be paid at the same rate, regardless of gender.

The *Act* also prohibits a person from retaliating against any person who has made a complaint, given evidence about a complaint or assisted anyone else in making a complaint. In addition, the *Act* does not allow a person to make a frivolous or vexatious complaint with malicious intent.

Appendix B: Biographies of the Members of the Commission

These are summaries of the biographies of the individuals who served as Members of the Commission in 2015-16. The complete biographies of the Members of the Commission are available on the Commission website at albertahumanrights.ab.ca/about/organization/bio_members_of_commission.asp.

Chief of the Commission and Tribunals

Mr. Robert A. Philp, Queen's Counsel

Judge Robert Philp became Chief of the Commission and Tribunals of the Alberta Human Rights Commission on July 1, 2014. He is a respected jurist and lawyer as well as a community and social justice activist committed to human rights, equality and education, locally, nationally and internationally. Judge Philp earned his Bachelor of Arts degree in 1972 and his Law Degree in 1975, both from the University of Alberta. He has been a strong supporter of his alma mater as a donor, volunteer and frequent lecturer.

Judge Philp was an Adjunct Professor at the University of Alberta's Faculty of Business from 1979 to 1996. He continues to lecture in many university faculties, and he is also a frequent public speaker on community, poverty and human rights issues.

Judge Philp has extensive legal and judicial experience, which includes 29 years in the practice of law, nine years as an Alberta Criminal Court Judge and seven years as a Deputy Judge of the Northwest Territories. In addition, he has many notable professional appointments, including numerous appointments to law society committees in Alberta, the Northwest Territories and Nunavut.

Judge Philp continues to hold executive or board positions on many community organizations, including Boyle Street Community Services, Reach Edmonton, the Edmonton Community Legal Center, Jellinek Men's Recovery House and the Mayor's Task Force for the Elimination of Poverty in Edmonton. He was named Queen's Counsel in December 1999. He received the Queen's Golden Jubilee Medal in 2003 and the Alberta Centennial Medal in 2005.

Judge Philp is a mentor to many young lawyers and law students.

Members of the Commission

Joanne Archibald, B.A., LL.B., RPDR

Joanne Archibald was appointed for a term beginning July 25, 2013 and ending July 24, 2016. She received a Bachelor of Arts degree and a Bachelor of Laws degree, both from the University of Calgary. Ms. Archibald also holds the designation of Registered Practitioner in Dispute Resolution from The Canadian International Institute of Applied Negotiation.

Early in her law career, Ms. Archibald practised at a private law firm, after which she conducted investigations for the Canadian Human Rights Commission. She served as an Appeal Board Chairperson for the Public Service Commission of Canada, which led to her position as Governor in Council to the Public Service Staffing Tribunal. As a mediator, Ms. Archibald regularly intervenes in contentious matters to assist the parties in addressing and resolving contextual issues in an informal and meaningful way without resorting to formal process.

Sarah FitzGerald, B.Sc. (Hon.), LL.B.

Sarah FitzGerald was appointed for a term beginning July 25, 2013 and ending July 24, 2016. Ms. FitzGerald received her Honours degree in Science (Biology) from the University of Guelph and her Bachelor of Laws degree from the University of Western Ontario. Ms. FitzGerald also holds a Certificate in Arbitration from the Alberta Arbitration and Mediation Society. Her training as part of the Canadian Institute of Applied Negotiation's Alternative Dispute Resolution Certification Program includes negotiation and mediation.

Ms. FitzGerald worked in private practice early in her law career. She was appointed as a full-time Member of the Canada Labour Relations Board in Ottawa and eventually served as a part-time Vice-Chair of the Alberta Labour Relations Board. She has led sessions at the Canadian Centre for Management Development's annual training of new members of federal tribunals, agencies and commissions.

Gwen Gray, QC

Gwen Gray was appointed for a term beginning August 21, 2015 and ending August 20, 2018. Ms. Gray received a Bachelor of Arts degree and Bachelor of Laws degree, both from the University of Saskatchewan.

Ms. Gray's extensive legal career includes over 30 years of practice in the areas of labour, employment and human rights law. Ms. Gray has extensive litigation and adjudicative experience, has taught labour law at the University of Alberta and has been a guest speaker at numerous conferences on topics of labour, employment and human rights law.

William J. Johnson, QC

Bill Johnson was appointed for a term beginning July 25, 2013 and ending July 24, 2016. Mr. Johnson received a Bachelor of Arts (Distinction) degree and Bachelor of Commerce (Distinction) degree, both from the University of Saskatchewan. He received his Bachelor of Laws degree from Osgoode Hall Law School, York University.

Mr. Johnson's established legal career includes over 30 years of practice in Alberta in the areas of employment, labour and human rights law. Mr. Johnson also frequently speaks at conferences on employment law, labour law, human rights and administrative law topics.

Sharon V. Lindgren-Hewlett, B.Comm., LL.B.

Sharon Lindgren-Hewlett was appointed for a first term beginning December 15, 2011 and was reappointed for a second term beginning August 21, 2015 and ending August 20, 2018. She received her Bachelor of Commerce and Bachelor of Laws (Juris Doctor) degrees, both from the University of Saskatchewan.

Ms. Lindgren-Hewlett is an experienced labour and employment lawyer and mediator. Ms. Lindgren-Hewlett worked on a pilot project with the Alberta Provincial Court where she mediated hundreds of disputes and assisted in numerous mediation training programs. Ms. Lindgren-Hewlett combined a return to private practice in Calgary with an executive position on the Alternative Dispute Resolution Subsection and an active membership in the Labour and Employment Law Subsection, both of the Alberta Branch of the Canadian Bar Association.

Melissa Luhtanen, J.D.

Melissa Luhtanen was appointed for a first term beginning December 15, 2011 and was reappointed for a second term beginning August 21, 2015 and ending August 20, 2018. Ms. Luhtanen has a Juris Doctor from the University of Calgary and was called to the bar in Alberta in 2000.

Ms. Luhtanen is an experienced educator in the field of human rights. She conducted workshops for the Alberta Human Rights Commission until 2008. Ms. Luhtanen works for the Alberta Civil Liberties Research Centre as a researcher and educator. She runs a private practice conducting legal research and providing legal advice on wills and estates.

Duncan Marsden, LL.B (with French)

Duncan Marsden was appointed for a term beginning August 21, 2015 and ending August 20, 2018. Mr. Marsden received his Law degree (with French) from Leicester University. He was called to the England and Wales (Solicitor) Bar in 2000 and called to the Alberta Bar in 2009.

Mr. Marsden has years of experience in all areas of labour and employment law. He speaks frequently at conferences on employment law issues. Mr. Marsden has written numerous articles for a variety of legal publications and has provided training to Civil Court Provincial Judges on employment law updates.

William D. McFetridge, QC

William McFetridge was appointed for a first term beginning September 30, 2010 and was reappointed for a second term beginning July 25, 2013 and ending July 24, 2016. In the absence of the Chief of the Commission and Tribunals, Mr. McFetridge serves as the Acting Chief of the Commission and Tribunals. He received his Bachelor of Arts degree from the University of Alberta and his Bachelor of Laws degree from the University of Calgary.

Mr. McFetridge is a Chartered Arbitrator and regularly chairs labour arbitration boards to resolve grievances and collective bargaining disputes in the public and private sectors. He has worked in the industrial relations field for over 30 years and has chaired human rights, interest and rights arbitrations since 1983.

Jean Munn, QC

Jean Munn was appointed for a term beginning August 21, 2015 and ending August 20, 2018. She received a Bachelor of Arts degree and a Bachelor of Laws degree, both from the University of Calgary. Ms. Munn also holds a certificate in Arbitration from Alberta Arbitration and Mediation Society.

Ms. Munn brings with her years of extensive experience in all facets of immigration and employment law. Her academic appointments include sessional lecturer at the Faculty of Law, University of Calgary and Immigration Practitioner Instructor at Bow Valley College.

Kathryn Oviatt, B.A. (Distinction), LL.B. (Distinction)

Kathryn Oviatt was appointed for a term beginning August 21, 2015 and ending August 20, 2018. She received a Bachelor of Arts degree (Distinction) and a Bachelor of Laws degree (Distinction), both from the University of Alberta.

Ms. Oviatt focusses her practice on legal research and writing with a particular interest in administrative law, constitutional law, labour and employment law, and human rights law. She has written numerous articles on a variety of legal issues.

Karen Scott, LL.B. (Distinction)

Karen Scott was appointed for a term beginning August 21, 2015 and ending August 20, 2018. She received a Bachelor of Laws degree (Distinction) from the University of Alberta. She also holds certificates in Interest Based Negotiation and Interpersonal Conflict Resolution from the Alberta Arbitration and Mediation Society.

Ms. Scott practises almost exclusively in the field of labour and employment, advising and representing employees, employers and unions on human rights and accommodation issues. She is a frequent speaker on labour and employment issues at conferences.

Please note: After their appointments expire, Members of the Commission remain empowered to conclude matters that were assigned to them before the expiration of their appointment. This is pursuant to section 20(7) of the *Interpretation Act*.

Appendix C: Legislative Framework for the Human Rights Education and Multiculturalism Fund

The Human Rights Education and Multiculturalism Fund is established under the *Alberta Human Rights Act* and administered by the Commission on behalf of the Minister of Justice and Solicitor General. This fund was established to provide support for educational programs and services that promote an environment where all Albertans can participate in and contribute to the cultural, social, economic and political life of the province.

The Human Rights Education and Multiculturalism Fund financially supports the education and engagement activities of the Alberta Human Rights Commission. In addition, a key function of the fund is to provide grants to community organizations for projects that foster equality and reduce discrimination.

The goal of the Human Rights Education and Multiculturalism Fund is full civic participation of all Albertans. Achieving this goal means that all Albertans have the opportunity to be involved in and benefit from all aspects of society without discrimination. This fund is used to support nonprofit organizations to develop and deliver effective initiatives that build communities and organizations that are more inclusive and free from discrimination, promote human rights and the benefits of diversity and inclusion, and encourage the elimination of barriers that limit Albertans from participating as equal partners in Alberta society. Alberta municipalities also may receive support for their efforts to create welcoming and inclusive communities.

Appendix D: Tribunal Decisions

This is a list of the tribunal decisions that were released in 2015-16. All Alberta human rights tribunal decisions released after January 1, 2000 can be accessed free of charge through the Canadian Legal Information Institute (CanLII) website at canlii.org/en/ab/abhrc.

Kristen Hutton v. ARC Business Solutions Inc.

Preliminary Matters Decision on the Validity and Enforceability of a Severance Agreement
Decision date – April 7, 2015; Joanne Archibald, Tribunal Chair

Farhat Amir on behalf of S.A. v. Webber Academy

Shabnam Nazar on behalf of N.S. v. Webber Academy

Ground – Religious Beliefs

Area – Goods, Services, Accommodation, Facilities

Decision date – April 10, 2015; Sharon Lindgren-Hewlett, Tribunal Chair;

William J. Johnson, QC, Tribunal Member; Melissa Luhtanen, Tribunal Member

Charlotte Mortland v. Peace Wapiti School Division No. 76

Bill VanRootselaar v. Peace Wapiti School Division No. 76

Ground – Age

Area – Employment

Decision date – April 29, 2015; Sarah FitzGerald, Tribunal Chair

Tristan Olsen v. Hi-Tech Assembly Systems Inc.

Grounds – Physical Disability, Mental Disability

Area – Employment

Decision date – May 12, 2015; Melissa Luhtanen, Tribunal Chair

Debbie Visser v. FortisAlberta Inc.

Ground – Physical Disability

Area – Employment

Decision date – June 3, 2015; Melissa Luhtanen, Tribunal Chair

Rick Kalinowski v. Nexen Inc.

Preliminary Matters Decision on the Validity and Enforceability of a Severance Agreement

Decision date – June 8, 2015; Sharon Lindgren-Hewlett, Tribunal Chair

Fred Rosadiuk v. Altex Energy Ltd.

Complainant did not put forward a case for the Tribunal

Decision date – July 16, 2015; William D. McFetridge, QC, Tribunal Chair

Aleksandra Andric v. 585105 Alberta Ltd. o/a Spasation Salon & Day Spa

Grounds – Religious Beliefs, Ancestry, Place of Origin

Area – Employment

Decision date – August 6, 2015; Sharon Lindgren-Hewlett, Tribunal Chair

Judy Schofield v. AltaSteel Ltd.

Grounds – Gender, Sexual Harassment

Area – Employment Practices

Decision date – August 13, 2015; Joanne Archibald, Tribunal Chair

Liban Mohamud v. Canadian Dewatering (2006) Ltd. o/a Canadian Dewatering L.P.

Grounds – Race, Religious Beliefs, Colour

Area – Employment Practices

Decision date – September 24, 2015; Joanne Archibald, Tribunal Chair

Shafqat Ullah v. Hertz Young Motors (1971) Ltd.

Ground – Religious Beliefs

Area – Employment Practices

Decision date – December 1, 2015; William J. Johnson, QC, Tribunal Chair

Warren Chugg v. Brooks Industrial Metals Ltd.

Preliminary Matters Decision on the Validity and Enforceability of a Severance Agreement

Decision date – December 10, 2015; Joanne Archibald, Tribunal Chair

D. W. and K. W. on behalf of K.W. (minor son) v. Lethbridge Soccer Association

D. W. v. Lethbridge Soccer Association

K. W. v. Lethbridge Soccer Association

D. W. and K. W. on behalf of K.W. (minor son) v. Lethbridge Soccer Association

D. W. and K. W. on behalf of K.W. (minor daughter) v. Lethbridge Soccer Association

Ground – Family Status

Areas – Goods, Services, Accommodation, Facilities; Retaliation

Preliminary Matters Decision date – January 12, 2016; William J. Johnson, QC, Tribunal Chair

Kishor Lalwani v. ClaimsPro Inc.

Grounds – Race, Religious Beliefs, Colour, Ancestry, Place of Origin

Area – Employment Practices

Decision date – January 14, 2016; Sharon Lindgren-Hewlett, Tribunal Chair

Adam Quraishi v. Calgary Islamic School

Preliminary Matters Decision on the Validity and Enforceability of a Severance Agreement

Decision date – January 20, 2016; Duncan Marsden, Tribunal Chair

Robyn Asselin v. Global Thermoelectric Inc.

Complainant did not provide updated contact information

Decision date – February 18, 2016; William D. McFetridge, QC, Tribunal Chair

Rubin Dario Echavarria v. The Chief of Police of the Edmonton Police Service, Chris Tagg, Robin Piquette

Ruben Dario Echavarria (on behalf of Anderson Esteban Echavarria Sanchez) v. The Chief of Police of the Edmonton Police Service

Ruben Dario Echavarria (on behalf of Marta Cecilia Sanchez) v. The Chief of Police of the Edmonton Police Service

Grounds – Ancestry, Place of Origin

Area – Goods, Services, Accommodation, Facilities

Decision date – February 26, 2016; Joanne Archibald, Tribunal Chair

Donna Jones v. Peace Wapiti School Division No. 76; Edward Buchan v. Peace Wapiti School Division No. 76

Preliminary Matters Decision Recusing the Tribunal Chair

Decision date – March 3, 2016; Joanne Archibald, Tribunal Chair

Joanne Goossen v. Summit Solar Drywall Contractors Inc.; Hans Goossen v. Summit Solar Drywall Contractors Inc.

Grounds – Physical Disability, Marital Status

Area – Employment Practices

Decision date – March 8, 2016; Sharon Lindgren-Hewlett, Tribunal Chair

Appendix E: Court Decisions

Court of Queen's Bench: Appeals of Tribunal Decisions

Syncrude Canada Ltd. and Jeff Saunders and Alberta Human Rights Commission (Director),
2015 ABQB 237, April 10, 2015

**The Association of Professional Engineers and Geoscientists of Alberta and Ladislav Mihaly and
Alberta Human Rights Commission and Law Society of Alberta,** 2016 ABQB 61, January 26, 2016

**Jan Buterman and The Board of Trustees of the Greater St. Albert Roman Catholic Separate
School District No. 734 and Alberta Human Rights Commission (Tribunal),** 2016 ABQB 159,
March 17, 2016

Court of Queen's Bench: Judicial Reviews

Krystyna Raczynska and Alberta Human Rights Commission, 2015 ABQB 494, July 31, 2015

Wilfred Terry Ruhl and Alberta Human Rights Commission and the City of Edmonton,
2015 ABQB 513, August 12, 2015

Court of Appeal

**Brent Bish on Behalf of Ian Stewart and Elk Valley Coal Corporation, Cardinal River Operations and
The Alberta Human Rights Commission,** 2015 ABCA 225, June 30, 2015

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