The human rights complaint process

The complaint

The human rights complaint process begins when a person makes a written complaint to the Commission and the Commission accepts the complaint.

For more detailed information about making a human rights complaint, see the Human Rights Complaint Form and Guide.

A complainant is the person who makes a complaint to the Commission because they have a reasonable basis to believe that someone has discriminated against them or that the Alberta Human Rights Act has been contravened. A complainant may also make a complaint on behalf of someone else. Completing a complaint form or making a complaint does not mean that the complaint has been accepted by the Commission.

A respondent is the employer, service provider, landlord, organization or individual against whom the complainant is making a complaint.

Notifying the respondent

If a complaint is accepted, the Commission sends a copy of the complaint to the respondent.

Responding to the complaint

The respondent has 30 days from the time they receive a copy of the complaint to respond to the complaint. The respondent can respond in writing on the Respondent’s Response Form, which they will receive with the copy of the complaint, or they can write a letter that answers all the questions asked on the Response Form. The respondent is asked to tell in their own words what happened. If they think the complainant is wrong or there has been a misunderstanding and there was no discrimination under the Act, they are to explain why. The respondent is also asked to suggest how the matter might be resolved.

Sharing the response with the complainant

The Commission will send the complainant a copy of the written response provided by the respondent.

The Commission may request additional information from the complainant and the respondent. Additional information collected from one party will usually be shared with the other party.

Throughout the process, complainants and respondents (the parties) are expected to make themselves available in a timely manner so that the complaint process can proceed without delay.
Complainants and respondents are encouraged to find a resolution that is fair to both parties and in keeping with the Act. If the parties agree to resolve the complaint, they should document and sign their agreement and provide a copy of the signed agreement to the Commission.

At any time during the complaint process, a complaint may be sent to the Director of the Commission for review. Section 22 of the Alberta Human Rights Act says that, at any time, the Director may dismiss or discontinue the complaint or continue the complaint, including referring the complaint to the Chief of the Commission and Tribunals for referral to a human rights tribunal.

Conciliation

After a complaint is accepted at the Commission, the Commission may offer conciliation to the parties. Conciliation is a voluntary way of resolving differences.

If the parties agree to conciliation, the Commission will assign a conciliator to work with the parties. The conciliator will help the parties understand the human rights issues in the complaint and what types of resolutions are common in such complaints.

The conciliation process is an exchange of information about how each party sees the situation. The conciliator’s job is to help make the complainant’s position clear to the respondent and the respondent’s position clear to the complainant and help search for common ground. The conciliator does not take sides or investigate the complaint.

All offers of resolution made by the parties during conciliation are made on a “without prejudice” basis. 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. If the complaint proceeds to the investigation stage, the investigator will not know what was discussed during conciliation.

If the parties cannot resolve the complaint, the complainant will be asked if they want their complaint to be investigated. If the complainant wants to proceed to investigation, the complaint will normally be scheduled for assignment to an investigator in its turn, or it may be sent to the Director for review.

For more detailed information about conciliation, see the Commission’s Conciliation information sheet.

Investigation

The Commission may also appoint a human rights officer to investigate the complaint. Investigation allows the parties the opportunity to share information that they believe is important to the complaint and to name people who may have useful information about the complaint.

The Commission advises the parties that it is collecting information and normally assigns an investigator. The investigator will thoroughly and impartially assess the information and consider related law. Throughout the process, the investigator will be in contact with both parties.

During the investigation process, a complaint may be sent to the Director for review.

After an investigation is completed, written investigation results are provided to the parties. The written results will either recommend that there is a reasonable basis to proceed, or that there is not a reasonable basis to proceed.

For more information about investigation, see the Commission’s Investigation information sheet.
Settlement (commonly referred to as resolution)

If the information provided by the parties shows that there is a reasonable basis to proceed, the Commission may ask the parties to attempt to resolve the complaint.

A remedy, which can be financial or non-financial, is intended to restore the complainant to the position they would have been in if a contravention of the Act had not occurred. It is not intended to punish the respondent. Some of the factors considered in determining remedy include the nature of the contravention, the frequency and intensity of the contravention, the vulnerability of the complainant, and the impact on the complainant. For more information about remedy, see the Commission’s Remedy information sheet.

Referral to human rights tribunal

If a human rights officer and regional office director believe that the information provided by the parties supports a reasonable basis to proceed and the parties are unable to resolve the complaint, the complaint will be sent to the Director with a recommendation that there is a reasonable basis to proceed with the complaint. The Director will review the complaint and make a decision.

If the Director decides that there is a reasonable basis to proceed and the parties are unable to resolve the complaint, the Director will report this to the Chief of the Commission and Tribunals. The Chief of the Commission and Tribunals will then appoint a human rights tribunal to deal with the complaint.

Dismissal

If a human rights officer and regional office director believe that the information provided by the parties does not support a reasonable basis to proceed with the complaint, the complaint will be sent to the Director with this recommendation. The Director will review the complaint and make a decision. If the Director decides that there is not a reasonable basis to proceed, the complaint will be dismissed.

Discontinuance

The Director 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 (proposed settlement) that is fair and reasonable.

Review by the Chief of the Commission and Tribunals

If the complainant does not agree with the Director’s decision to dismiss or discontinue a complaint, the complainant can make a written request to ask the Chief of the Commission and Tribunals to review the Director’s decision. Only the complainant can request a review of the Director’s decision to dismiss or discontinue the complaint. The complainant must make the request within a 30-day time frame based on the actual or assumed date of receipt of the Notice of Dismissal or Notice of Discontinuance. This time period cannot be extended by either the Director or the Chief of the Commission and Tribunals. For more information on calculating the time period and the actual and assumed dates of receipt, please contact the Commission.

If the Chief of the Commission and Tribunals agrees that the complaint should have been dismissed or, in the case of a discontinuance, that the proposed resolution was fair and reasonable, then the Director’s decision will be upheld.
If the Chief of the Commission and Tribunals decides that the complaint should not have been dismissed or, in the case of a discontinuance, that the proposed resolution was not fair and reasonable, then the Director's decision will be overturned. The Chief of the Commission and Tribunals will then ask the complainant if they want to take carriage of their complaint before a human rights tribunal. If the complainant chooses to take carriage of their complaint before a human rights tribunal, then the Chief of the Commission and Tribunals will appoint a tribunal. If the complainant does not choose to take carriage of their complaint before a tribunal, then the complaint is closed.

**Taking carriage of a complaint**

When a complainant takes carriage of their complaint, the complainant (or the complainant’s lawyer or other representative, if they choose to have one) is responsible for putting their case together and presenting it to the tribunal.

A decision by the Chief of the Commission and Tribunals whether to uphold or overturn the dismissal or discontinuance of the complaint is final and binding, subject only to judicial review by the Court of Queen's Bench. A judicial review involves particular legal principles and is not simply an appeal of the decision. A judicial review, which can be requested by the complainant only, must be filed and served on the Chief of the Commission and Tribunals and all directly affected parties within six months of the date of the decision of the Chief of the Commission and Tribunals.

**Human rights tribunals**

Human rights tribunals are quasi-judicial bodies that are appointed by the Chief of the Commission and Tribunals. They have the power to hear sworn evidence and decide a complaint, but their hearings are less formal than a court hearing. Tribunal hearings are open to the public, and tribunal decisions are public. If your complaint is to be heard by a tribunal, the tribunal coordinator will send you a guide that describes the tribunal process.

**For more information**

For more information about the human rights complaint process, see the following publications, which are available on the Commission website at [albertahumanrights.ab.ca](http://albertahumanrights.ab.ca) or by calling the Commission and requesting printed copies.

1. Human Rights Complaint Form and Guide
2. The Human Rights Complaint Process: A guide for complainants
4. Conciliation information sheet
5. Investigation information sheet
6. Remedy information sheet
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.

For our business office and mailing addresses, please see the Contact Us page of our website (albertahumanrights.ab.ca), or phone or email us.

Hours of operation are 8:15 a.m. to 4:30 p.m.

Northern Regional Office (Edmonton)
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
403-297-6571 Confidential Inquiry Line
403-297-6567 Fax

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

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

TTY service for persons who are deaf or hard of hearing
780-427-1597 Edmonton
403-297-5639 Calgary
1-800-232-7215 Toll-free within Alberta

Email humanrights@gov.ab.ca
Website 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.