Making a human rights complaint

The Alberta Human Rights Act (the Act) protects people from discrimination in Alberta under specific protected areas and grounds. Under the Act, a person may make a complaint to the Alberta Human Rights Commission if they have reasonable grounds for believing that the Act has been contravened. A contravention of the Act can include discrimination based on one or more protected grounds and in one or more protected areas.

The Act does not allow anyone to retaliate against a person for participating in a human rights complaint or because they might participate in a complaint. Participation could include trying to make a complaint by contacting the Commission, making a complaint, giving information about a complaint, or helping someone make a complaint.

The Act also does not allow a person to make a human rights complaint to the Commission with malicious intent. If a person makes a complaint with malicious intent, and the complaint is also frivolous (having no merit whatsoever) or vexatious (made with the sole purpose of harassing another person), the respondent can make a human rights complaint against the complainant.

The complainant does not need to hire a lawyer to make a human rights complaint. However, if the complainant chooses to have someone give them legal advice or represent them, they are responsible for any legal costs. The Commission does not pay legal costs for the complainant or the respondent.

For more 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 the 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 complaint is made.

The role of the Commission

The Commission follows defined processes and steps to ensure that both parties are treated in a fair, respectful and professional manner. This may include working with both parties to resolve the complaint through conciliation or conducting an investigation of the complaint. The Director of the Commission, at any time, may dismiss or discontinue the complaint or continue with the complaint, including referring the complaint to a tribunal. There is no fee for the Commission’s services.
The Commission welcomes questions from complainants and respondents, as well as from the public, about the Act and the complaint process, but Commission staff do not provide any legal advice.

Writing the complaint

A complaint must be submitted in writing. The complainant can get someone to help them write their complaint or get someone to write the complaint for them. The complainant may also make a complaint on behalf of another person if that person agrees. When necessary, Commission staff will help a person prepare a complaint if they need help because of barriers such as literacy difficulties or a disability.

The complainant can use the Commission’s Human Rights Complaint Form and Guide to make a complaint or they can make their complaint in a letter to the Commission, following the guidelines provided by the Commission in the Human Rights Complaint Form and Guide. If the complainant has any letters, memos, email messages or other documents that support their position, they may wish to attach copies of the documents to their Complaint Form or letter.

The complaint process

When a complainant calls or comes to the Commission’s offices, they will speak to a human rights officer about their complaint. The human rights officer will also talk to the complainant about the complaint process.

Any person who has reasonable grounds for believing the Act has been contravened can make a human rights complaint. When the Commission receives a complaint, it assesses the complaint to determine if it can be accepted. For a complaint to be accepted, it must meet the requirements set out in section 20(2) of the Act and in Commission bylaws 2(1) and 2(2), which may be accessed through the Commission’s website.

In order to be accepted, a complaint must be received by the Commission within one year of the alleged contravention of the Act. The one-year period starts the day after the date on which the alleged contravention of the Act occurred. The Commission cannot accept complaints made outside of this one-year limitation period. If the alleged contravention is of an ongoing nature, then the complaint should specify the time period that applies to the alleged contravention as a whole, and should identify the date of the most recent alleged contravention. Any events or allegations in a complaint that fall outside of this one-year period can only be considered for context. Note that neither the Director of the Commission nor the Chief of the Commission and Tribunals has the discretion to extend the one-year limit defined in the Act. For help calculating the one-year period, contact the Commission.

A complaint must contain adequate detail in order to be in “a form acceptable to the Commission” under bylaw 2(2). While complainants should provide as much relevant information as possible about the allegations, the following information is required in order for a complaint to be accepted:

• the complainant’s name;
• if the complaint is brought on behalf of someone else, the name(s) of the individual(s);
• where the complainant is able to provide it, the name(s) of any person(s), company, and/or organization alleged to have contravened the Act; and
• the date, approximate location and nature of the alleged contravention(s).
In order to satisfy requirements contained in section 20(1) of the Act and bylaw 2(l)(a), the complainant must provide reasonable grounds for believing that the Act has been contravened. This means they must provide sufficient detail about the nature of the alleged contravention of the Act: for example, specifically who said or did what to them, and when; and for example, explain why they believe the negative treatment they experienced is related to a protected ground under the Act. Complaint forms must be signed by complainants, their authorized representatives, or legal counsel.

The threshold is low for acceptance of a complaint by the Commission and at this stage complainants do not need to provide evidence or witnesses to prove their allegations, but they should attach copies of any supporting documentation or other records that are relevant to the allegations made in the complaint.

Resolving a complaint takes time. At every step of the complaint process, the parties are encouraged to find a resolution that is fair to both parties.

The response

If the Commission accepts the complaint, the Commission will send a copy of the complaint to the respondent. The respondent has 30 days from the time they receive a copy of the complaint to respond in writing. 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.

When necessary, Commission staff will help a respondent prepare a written response if they need help because of barriers such as literacy difficulties or a disability.

The respondent is asked to tell what happened in their own words. 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.

The Commission sends a copy of the written response to the complainant. The Commission may request additional information from the parties at this stage. Additional information relevant to the complaint that is gathered from one party will be shared with the other party. The Commission may expedite a complaint to the attention of the Director after receiving the respondent’s response. This expedited process may be used for complaints that included sufficient information from the parties to allow the Director to dismiss or discontinue the complaint or continue with the complaint, including referring the complaint to a tribunal. The Commission will notify both parties if a complaint is expedited to the Director for a decision under section 22 of the Act.

After the complainant receives the response

After the complainant receives the respondent’s written response, they should carefully review it. At this point, one of four things may happen:

1. At any time, the complainant may choose to withdraw their complaint in writing for any reason. The respondent’s explanation may be all the complainant wants. Or the complainant may simply not want to continue with the complaint for their own personal reasons.

2. The Commission may offer conciliation, which is a voluntary step to try to resolve the parties’ differences with the help of a conciliator assigned by the Commission. It is up to the complainant and respondent to decide whether they want to try conciliation.

3. The Commission may also begin investigation of the complaint. This normally happens if the parties do not want to participate in conciliation or if conciliation is unsuccessful.
4. At any stage of the complaint process, the complaint may be referred to the Director of the Commission for the Director’s review and decision. The Act says that, at any time, the Director may dismiss or discontinue the complaint or continue the complaint, including referring the complaint to a tribunal.

For more information

For detailed information about the human rights complaint process, please see the Commission publications listed below, which are available on the Commission website at albertahumanrights.ab.ca or by calling the Commission and requesting printed copies.

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

Hours of operation: 8:15 a.m. to 4:30 p.m. Monday to Friday (holidays excluded)

Northern Regional Office (Edmonton)
800 – 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
200 J.J. Bowlen Building
620 – 7 Avenue SW
Calgary, Alberta T2P 0Y8
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.

TTY service for persons who are deaf or hard of hearing
1-800-232-7215 Toll-free within Alberta

Email: humanrights@gov.ab.ca
Website: albertahumanrights.ab.ca

Please note: The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the Alberta Human Rights Act. The one-year period starts the day after the date on which the alleged contravention of the Act occurred. For help calculating the one-year period, contact the Commission.

The Commission will make this publication available in accessible formats upon request for people with disabilities who do not read conventional print.