

# Information for complainants

## INFORMATION SHEET

### 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

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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

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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(1)(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

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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

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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

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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](http://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](mailto:humanrights@gov.ab.ca)**  
**Website: [albertahumanrights.ab.ca](http://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.