

Information for respondents



INFORMATION SHEET

Human rights complaints

The *Alberta Human Right 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 someone has contravened the *Act*. 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 respondent does not need to hire a lawyer to respond to a human rights complaint. However, if the respondent 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 for the respondent.

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 a response to the complaint

When someone makes a human rights complaint against an organization or an individual, they are alleging that the organization or individual has discriminated against them or contravened the *Act*. 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). If the Commission accepts the complaint, the Commission will send a copy of the complaint to the respondent.

The respondent has 30 days to respond to the complaint in writing, from the time they receive a copy of it. The respondent can respond in writing on the *Respondent's Response Form*, which they 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.

In the written response, the respondent is asked to explain in their own words what happened. If the respondent believes the complainant is wrong or there has been a misunderstanding and there was no discrimination under the *Act*, they can 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*.

Resolving a complaint takes time. At every step, the parties are encouraged to find a resolution that is fair to both parties and in keeping with the *Act*.

After the response

After the complainant receives the respondent's written response, one of four things may happen:

1. The complainant may choose to withdraw their complaint for any reason. The respondent's explanation may satisfy the complainant, 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 complainant's differences with the respondent 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. Investigation may continue at any time during the complaint process.
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 respondents*
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.