

Investigation Process

INFORMATION SHEET

The Alberta Human Rights Commission is launching revisions to its complaint resolution process. The revisions will affect the way that complaints accepted **after January 1, 2019** are processed. The Commission is responding to the need to change the complaint resolution process to ensure that the large volume of complaints received are resolved in a timely, effective, and fair manner.

The goal of the revised complaint resolution process is to resolve complaints within one year of acceptance. Streamlining services and maximizing the use of technology will assist in better serving the needs of Albertans.

This information sheet outlines the key components of the Commission's revised investigation process. For more information about the revised conciliation process, please see the Commission's *Conciliation Process* information sheet, which is available at albertahumanrights.ab.ca.

All human rights complaints accepted after January 1, 2019 will be assigned to a human rights officer, who will review the complaint and response. The human rights officer will either decide on an early resolution process or determine the process most likely to bring the complaint to resolution. **The file will be assigned to either the investigation process or conciliation process.** While each complaint will only receive one process for resolution, parties assigned to investigation who wish to engage in settlement discussions are encouraged to do

so. Parties can also ask for the Commission's support in those discussions, and the request will be considered based on available resources.

The human rights officer will communicate, by email or mail, what information should be provided by the parties before the next step of review. It is important for parties to provide that information as promptly as possible.

When a complaint is assigned to the investigation process, it will be assigned to a human rights officer (investigator), expert in human rights law and investigation. The investigator will review the information already collected on the file, and may contact the complainant and respondent requesting additional information. All information provided by each party will be shared with the other party and an opportunity provided to comment on the information as part of the fair and reasonable investigation process. It is very important for the parties to cooperate in the investigation and to respond to the time limits set out for response. These time limits ensure an efficient and effective investigation process so that delay does not prejudice either party.

When the investigator is satisfied that the information supports a recommendation on the file, an investigation memo will be prepared and shared with the parties. In some cases, the investigator will discuss with the parties whether a fair and reasonable settlement offer should be made. If such an offer is made and refused by the complainant, the investigator may

make a recommendation that the complaint be discontinued. Also, the complainant may choose to contact the investigator and withdraw the complaint at any time during the investigation.

The parties receive the opportunity to review the investigator's recommendations and comment on the investigation memo before it is referred to the Director of the Commission (Director). The Director's decision (as per section 22 of the *Alberta Human Rights Act*), considering the investigation memo and any further relevant information provided by the parties, will be to either dismiss or discontinue the complaint, or report to the Chief of the Commission and Tribunals that the parties have been unable to settle.

If the Director dismisses the complaint because it has no merit, or discontinues the complaint on the basis that a fair and reasonable offer to settle has been made and refused, then the parties will be informed and the complaint will be closed. Information on requesting a review of the Director's decision is available at albertahumanrights.ab.ca.

If the complaint is referred to the tribunal, information on the tribunal process is available at albertahumanrights.ab.ca. 

Contact us

If you have any questions about your existing complaint, please contact your assigned human rights officer directly to determine how this will affect the resolution of your human rights complaint.

The Commission website has more information concerning the revisions to the process and on topics of interest about human rights in Alberta. Please visit our website at albertahumanrights.ab.ca.

If you have a general inquiry, you can access recorded information at **780-427-7661**.

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

TTY service for persons who are deaf or hard of hearing: to call toll-free in Alberta, dial 1-800-232-7215.

If you have any comments, thoughts or suggestions, you can email us at AHRC.Comments@gov.ab.ca.

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