

Protected areas and grounds under the Alberta Human Rights Act



INFORMATION SHEET

The purpose of the *Alberta Human Rights Act* (the *Act*) is to provide Albertans with protection of their human rights. The Alberta Human Rights Commission administers the *Act*. The *Act* allows people to make a complaint to the Commission if they feel that they have experienced harassment or have been discriminated against in the specific areas and under the specific grounds protected under the *Act*. The aim of the Commission's complaint resolution process is to return the complainant to the position he or she would have been in if the discrimination or harassment had not occurred.

Protected areas

The *Act* prohibits discrimination in the following areas:

- statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment applications or advertisements
- membership in trade unions, employers' organizations or occupational associations

Prohibitions regarding complaints

The *Alberta Human Rights Act* prohibits a person from retaliating against any person who has made a complaint, or given evidence about a complaint, or assisted another person in making a complaint under the *Act*. If a person believes someone has taken retaliatory action against them for any of these reasons, the person may make a complaint under the prohibitions section of the *Act*.

The *Act* does not allow a person to make a frivolous or vexatious complaint with malicious intent. Anyone who has reason to believe that such a complaint has been made against them may make a complaint under the prohibitions section of the *Act*.

Protected grounds

The *Act* provides protection from discrimination in the above areas under the following grounds. The descriptions below are not legal definitions. For more information about protected grounds, contact the Commission.

Race

Includes belonging to a group of people, usually of a common descent, who may share common physical characteristics, such as skin colour.

Religious beliefs

System of beliefs, worship and conduct (includes native spirituality).

Colour

Colour of a person's skin. Discrimination based on colour may include, but is not limited to, racial slurs, jokes, stereotyping, and verbal and physical harassment.

Gender

The state of being male, female, transgender or two-spirited. The ground of gender also includes pregnancy and sexual harassment.

Gender identity

Refers to a person's internal, individual experience of gender, which may not coincide with the sex assigned to them at birth.

A person may have a sense of being a woman, a man, both, or neither. Gender identity is not the same as sexual orientation, which is also protected under the *Act*.

Gender expression

Refers to the varied ways in which a person expresses their gender, which can include a combination of dress, demeanour, social behaviour and other factors.

Physical disability

Any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy; paralysis; amputation; lack of physical coordination; visual, hearing and speech impediments; and physical reliance on a guide dog, wheelchair or other remedial appliance or device.

Mental disability

Any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

Age

The *Act* defines age as **18 years of age or older**, which means that individuals 18 and older are protected from age discrimination. However, there are three exceptions specified in the *Act* that allow for age restrictions: benefits for minors or seniors; seniors-only housing; and age-restricted condominiums, co-operative housing units and mobile home sites, providing the age restrictions were in place before January 1, 2018.

Before January 1, 2018, age was **not** a protected ground in the area of goods, services, accommodation or facilities customarily available to the public or in the area of tenancy. The Commission cannot accept a complaint based on age in either of these two areas if the alleged incident of discrimination took place before January 1, 2018. In a complaint that cites multiple alleged incidents of discrimination that took place both before and after December 31, 2017, only the incidents that took place after December 31 will be covered under the *Act*, although the other incidents may be used for context.

For more information about age as a protected ground, see the Commission website at albertahumanrights.ab.ca/services/Pages/age.aspx, or call the Commission's confidential inquiry line. See *Contact us* below for contact information.

Individuals **under the age of 18** are protected from discrimination in all of the protected areas and on all of the protected grounds **except the ground of age**. The Alberta Human Rights Commission can accept complaints about discrimination experienced by a person under 18 years of age if the alleged discrimination is based on any of the other protected grounds.

Ancestry

Belonging to a group of people related by a common heritage.

Place of origin

Includes place of birth and usually refers to a country or province.

Marital status

The state of being married, single, widowed, divorced, separated, or living with a person in a conjugal relationship outside marriage.

Source of income

Source of income is defined in the *Act* as lawful source of income. The protected ground of source of income includes any income that attracts a social stigma to its recipients, for example, social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma would not be included in this ground.

Family status

The state of being related to another person by blood, marriage or adoption.

Sexual orientation

This ground includes protection from differential treatment based on a person's actual or presumed sexual orientation, whether gay, lesbian, heterosexual, bisexual or asexual.

In addition to the areas and grounds discussed above, the *Act* protects Albertans in the area of **equal pay**. When employees of any gender (female, male, transgender or two-spirited) perform the same or substantially similar work, they must be paid at the same rate. 

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.

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.