Province of Alberta

ALBERTA HUMAN RIGHTS ACT

Revised Statutes of Alberta 2000
Chapter A-25.5

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Note

All persons making use of this consolidation are reminded that it has no legislative sanction, that amendments have been embodied for convenience of reference only. The official Statutes and Regulations should be consulted for all purposes of interpreting and applying the law.

Amendments Not in Force

This consolidation incorporates only those amendments in force on the consolidation date shown on the cover. It does not include the following amendments:

2009 cA-31.5 s53 amends s15.

2012 cE-0.3 s263 amends s11.1.

Regulations

The following is a list of the regulations made under the *Alberta Human Rights Act* that are filed as Alberta Regulations under the Regulations Act

	Alta. Reg.	*Amendments*
Alberta Human Rights Act		
Human Rights Education and Multiculturalism Fund Grant	157/2013	

ALBERTA HUMAN RIGHTS ACT

Chapter A-25.5

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Preamble

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation;

WHEREAS multiculturalism describes the diverse racial and cultural composition of Alberta society and its importance is recognized in Alberta as a fundamental principle and a matter of public policy;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity; and

WHEREAS it is fitting that these principles be affirmed by the Legislature of Alberta in an enactment whereby those equality rights and that diversity may be protected:

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Effect of Act on provincial laws

1(1) Unless it is expressly declared by an Act of the Legislature that it operates notwithstanding this Act, every law of Alberta is inoperative to the extent that it authorizes or requires the doing of anything prohibited by this Act.

(2) In this Act, "law of Alberta" means an Act of the Legislature of Alberta enacted before or after the commencement of this Act, any order, rule or regulation made under an Act of the Legislature of Alberta, and any law in force in Alberta on January 1, 1973 that is subject to be repealed, abolished or altered by the Legislature of Alberta.

RSA 1980 cI-2 s1

Alberta Heritage Day

2 In recognition of the cultural heritage of Alberta, the first Monday in August each year shall be observed as a day of public celebration and known as "Alberta Heritage Day".

1996 c25 s4

Code of Conduct

Discrimination re publications, notices

3(1) No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that

(a) indicates discrimination or an intention to discriminate against a person or a class of persons, or

(b) is likely to expose a person or a class of persons to hatred or contempt

because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion on any subject.

(3) Subsection (1) does not apply to

(a) the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one gender,

(b) the display or publication by or on behalf of an organization that

(i) is composed exclusively or primarily of persons having the same political or religious beliefs, ancestry or place of origin, and

(ii) is not operated for private profit,

of a statement, publication, notice, sign, symbol, emblem or other representation indicating a purpose or membership qualification of the organization, or

(c) the display or publication of a form of application or an advertisement that may be used, circulated or published pursuant to section 8(2),

if the statement, publication, notice, sign, symbol, emblem or other representation is not derogatory, offensive or otherwise improper.

RSA 2000 cH-14 s3;2009 c26 s4

Discrimination re goods, services, accommodation, facilities

4 No person shall

(a) deny to any person or class of persons any goods, services, accommodation or facilities that are customarily available to the public, or

(b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public,

because of the race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

RSA 2000 cH-14 s4;2009 c26 s4

Discrimination re tenancy

5 No person shall

(a) deny to any person or class of persons the right to occupy as a tenant any commercial unit or self-contained dwelling

unit that is advertised or otherwise in any way represented as being available for occupancy by a tenant, or

(b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of any commercial unit or self-contained dwelling unit,

because of the race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or class of persons or of any other person or class of persons.

RSA 2000 cH-14 s5;2009 c26 s45

Equal pay

6(1) Where employees of both sexes perform the same or substantially similar work for an employer in an establishment the employer shall pay the employees at the same rate of pay.

(2) No employer shall reduce the rate of pay of an employee in order to comply with this section.

(3) When an employee is paid less than the rate of pay to which the employee is entitled under this section, the employee is entitled to recover from the employer by action the difference between the amount paid and the amount to which the employee was entitled, together with costs, but

(a) the action must be commenced within 12 months from the date on which the cause of action arose and not afterwards,

(b) the action applies only to the wages of an employee during the 12-month period immediately preceding the termination of the employee's services or the commencement of the action, whichever occurs first,

(c) the action may not be commenced or proceeded with when the employee has made a complaint to the Commission in respect of the contravention of this section, and

(d) no complaint by the employee in respect of the contravention shall be acted on by the Commission when an action has been commenced by the employee under this section.

RSA 1980 cI-2 s6;1990 c23 s2;1996 c25 s8

Discrimination re employment practices

7(1) No employer shall

(a) refuse to employ or refuse to continue to employ any person, or

(b) discriminate against any person with regard to employment or any term or condition of employment,

because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person.

(2) Subsection (1) as it relates to age and marital status does not affect the operation of any bona fide retirement or pension plan or the terms or conditions of any bona fide group or employee insurance plan.

(3) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

RSA 2000 cH-14 s7;2009 c26 s6

Applications and advertisements re employment

8(1) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry of an applicant

(a) that expresses either directly or indirectly any limitation, specification or preference indicating discrimination on the basis of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or of any other person, or

(b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation.

(2) Subsection (1) does not apply with respect to a refusal, limitation, specification or preference based on a bona fide occupational requirement.

RSA 2000 cH-14 s8;2009 c26 s7

Membership in trade union, etc.

9 No trade union, employers' organization or occupational association shall

(a) exclude any person from membership in it,

(b) expel or suspend any member of it, or

(c) discriminate against any person or member,

because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation of that person or member.

RSA 2000 cH-14 s9;2009 c26 s8

Prohibitions regarding complaints

10(1) No person shall retaliate against a person because that person

(a) has made or attempted to make a complaint under this Act,

(b) has given evidence or otherwise participated in or may give evidence or otherwise participate in a proceeding under this Act,

(c) has made or is about to make a disclosure that person may be required to make in a proceeding under this Act, or

(d) has assisted in any way in

(i) making or attempting to make a complaint under this Act, or

(ii) the investigation, settlement or prosecution of a complaint under this Act.

(2) No person shall, with malicious intent, make a complaint under this Act that is frivolous or vexatious.

RSA 1980 cI-2 s11;1990 c23 s7;1996 c25 s13

Reasonable and justifiable contravention

11 A contravention of this Act shall be deemed not to have occurred if the person who is alleged to have contravened the Act shows that the alleged contravention was reasonable and justifiable in the circumstances.

RSA 2000 cH-14 s11;AR 49/2002 s4;2002 c30 s15

Notice to parent or guardian

11.1(1) A board as defined in the *School Act* shall provide notice to a parent or guardian of a student where courses of study, educational programs or instructional materials, or instruction or exercises, prescribed under that Act include subject-matter that deals primarily and explicitly with religion, human sexuality or sexual orientation.

(2) Where a teacher or other person providing instruction, teaching a course of study or educational program or using the instructional materials referred to in subsection (1) receives a written request signed by a parent or guardian of a student that the student be excluded from the instruction, course of study, educational program or use of instructional materials, the teacher or other person shall in accordance with the request of the parent or guardian and without academic penalty permit the student

(a) to leave the classroom or place where the instruction, course of study or educational program is taking place or the instructional materials are being used for the duration of the part of the instruction, course of study or educational program, or the use of the instructional materials, that includes the subject-matter referred to in subsection (1), or

(b) to remain in the classroom or place without taking part in the instruction, course of study or educational program or using the instructional materials.

(3) This section does not apply to incidental or indirect references to religion, religious themes, human sexuality or sexual orientation in a course of study, educational program, instruction or exercises or in the use of instructional materials.

2009 c26 s9

Crown is bound

12 The prohibitions contained in this Act apply to and bind the Crown in right of Alberta and every agency and servant of the Crown in right of Alberta.

RSA 1980 cI-2 s12

Fund continued

13(1) The Multiculturalism Fund established under the *Alberta Multiculturalism Act*, SA 1984 cA-32.8, is continued as the Human Rights Education and Multiculturalism Fund.

(2) The following money shall be deposited into the Fund:

(a) money voted by the Legislature for the purpose of the Fund;

(b) money received by the Government pursuant to agreements with the Government of Canada or with a province or territory or any agency of the Government of Canada or of a province or territory, pertaining to matters related to the purposes of this Act;

(c) money from fees for programs or services provided pursuant to this Act.

(3) The Minister

(a) shall hold and administer the Fund, and

(b) may be a participant under section 40 of the *Financial Administration Act* on behalf of the Fund.

(4) The income of the Fund accrues to and forms part of the Fund.

(5) The Minister may pay money from the Fund

(a) for educational programs and services related to the purposes of this Act, and

(b) to make grants pursuant to section 14.

RSA 2000 cH-14 s13;2004 c7 s19;2006 c23 s43;2009 c26 s10

Grants

14(1) The Minister may make grants if

(a) the Minister is authorized to do so by regulations under this section, and

(b) there is money available in the Fund.

(2) The Lieutenant Governor in Council may make regulations authorizing the Minister to make grants and, for that purpose, section 13(2), (3) and (4) of the *Government Organization Act* apply.

1996 c25 s14

Alberta Human Rights Commission

Commission continued

15(1) The Alberta Human Rights and Citizenship Commission is continued under the name "Alberta Human Rights Commission" and consists of the members appointed by the Lieutenant Governor in Council.

(2) The Lieutenant Governor in Council may designate one of the members as Chief of the Commission and Tribunals.

(3) The Minister may designate one of the members of the Commission as Acting Chief of the Commission and Tribunals, and the Acting Chief so designated has, during the absence of the Chief of the Commission and Tribunals, the powers and duties of the Chief of the Commission and Tribunals.

(4) The Chief of the Commission and Tribunals and other members of the Commission shall receive remuneration and expenses for their services as prescribed by the Minister.

RSA 2000 cH-14 s15;2009 c26 s12

Functions of Commission

16(1) It is the function of the Commission

(a) to forward the principle that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation,

(b) to promote awareness and appreciation of and respect for the multicultural heritage of Alberta society,

(c) to promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,

(d) to encourage all sectors of Alberta society to provide equality of opportunity,

(e) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation,

(f) to promote an understanding of, acceptance of and compliance with this Act,

(g) to encourage and co-ordinate both public and private human rights programs and activities, and

(h) to advise the Minister on matters related to this Act.

(2) The Commission may delegate in writing to a member or to a person referred to in section 18 any of its functions, powers or duties.

RSA 2000 cH-14 s16;2009 c26 s13

Bylaws

17(1) The Commission may make bylaws respecting

(a) the carrying out of its powers, duties and functions under this Act, and

(b) procedural matters related to the handling of complaints under this Act, including procedural matters related to the proceedings before human rights tribunals.

(2) The *Regulations Act* does not apply to bylaws of the Commission.

(3) Bylaws of the Commission are not effective until they have been approved by the Minister.

RSA 2000 cH-14 s17;2009 c26 s14

Director and staff

18(1) The Lieutenant Governor in Council may appoint a director for the purpose of the administration of this Act.

(2) The Minister may appoint any employees that the Minister considers necessary for the purpose of the administration of this Act.

RSA 2000 cH-14 s18;2009 c26 s15

Annual report

19 The Commission shall after the end of each year prepare and submit to the Minister a report of its activities during that year, including a summary of the disposition of complaints under this Act and any other information that the Minister may require.

RSA 1980 cI-2 s18;1996 c25 s21

Enforcement

Who may make complaint

20(1) Any person, except the Commission, a member of the Commission and a person referred to in section 18, who has reasonable grounds for believing that a person has contravened this Act may make a complaint to the Commission.

(2) A complaint made pursuant to subsection (1) must

(a) be in a form acceptable to the Commission, and

(b) be made within one year after the alleged contravention of the Act occurs.

RSA 1980 cI-2 s19;1985 c33 s8;1996 c25 s22

Settlement of complaint

21(1) Where the Commission receives a complaint, the director shall, as soon as is reasonably possible, attempt to effect a settlement of the complaint by means of a conciliator or through the appointment of a person to investigate the complaint.

(2) Where a conciliator is unable to effect a settlement of the complaint, the director may appoint a person to investigate the complaint.

(3) The director shall forthwith serve notice of any action taken under subsection (1) or (2) on the complainant and the person against whom the complaint was made.

1996 c25 s22

Director's powers re complaint

22(1) Notwithstanding section 21, the director may at any time

(a) dismiss a complaint if the director considers that the complaint is without merit,

(b) discontinue the proceedings if the director is of the opinion that the complainant has refused to accept a proposed settlement that is fair and reasonable, or

(c) report to the Chief of the Commission and Tribunals that the parties are unable to settle the complaint.

(1.1) Notwithstanding section 21, where it appears to the director at any time that a complaint

(a) is one that could or should more appropriately be dealt with,

(b) has already been dealt with, or

(c) is scheduled to be heard,

in another forum or under another Act, the director may refuse to accept the complaint or may accept the complaint pending the outcome of the matter in the other forum or under the other Act.

(2) The director shall forthwith serve notice of a decision under subsection (1) or (1.1) on the complainant and the person against whom the complaint was made.

RSA 2000 cH-14 s22;2009 c26 s16

Investigator's powers

23(1) For the purposes of an investigation under section 21, an investigator may do any or all of the following:

(a) subject to subsection (2), enter any place at any reasonable time and examine it;

(b) make inquiries orally or in writing of any person who has or may have information relevant to the subject-matter of the investigation;

(c) demand the production for examination of records and documents, including electronic records and documents, that are or may be relevant to the subject-matter of the investigation;

(d) on giving a receipt for them, remove any of the things referred to in clause (c) for the purpose of making copies of or extracts from them.

(2) An investigator may enter and examine a room or place actually used as a dwelling only if

(a) the owner or person in possession of it consents to the entry and examination, or

(b) the entry and examination is authorized by a judge under section 24.

1996 c25 s22

Judge's order

24(1) Where a judge of the Provincial Court is satisfied on an investigator's evidence under oath that there are reasonable grounds for an investigator to exercise a power under section 23(1) and that

(a) in the case of a room or place actually used as a dwelling, the investigator cannot obtain the consent under section 23(2) or, having obtained the consent, has been obstructed or interfered with,

(b) the investigator has been refused entry to a place other than a dwelling,

(c) a person refuses or fails to answer inquiries under section 23(1)(b), or

(d) a person on whom a demand is made under section 23(1)(c) refuses or fails to comply with the demand or to permit the removal of a thing under section 23(1)(d),

the judge may make any order the judge considers necessary to enable the investigator to exercise the powers under section 23(1).

(2) An application under subsection (1) may be made with or without notice.

RSA 2000 cH-14 s24;2008 c32 s16

Copies of documents

25 If an investigator removes anything referred to in section 23(1)(c), the investigator may make copies of or extracts from the thing that was removed and shall return the thing to the place from which it was removed within 48 hours after removing it.

1996 c25 s22

Appeal to Chief of the Commission and Tribunals

26(1) The complainant may, not later than 30 days after receiving notice of dismissal of the complaint or notice of discontinuance under section 22, by notice in writing to the Commission request a review of the director's decision by the Chief of the Commission and Tribunals.

(2) The Commission shall serve a copy of a notice requesting a review referred to in subsection (1) on the person against whom the complaint was made.

(3) The Chief of the Commission and Tribunals shall

(a) review the record of the director's decision and decide whether

(i) the complaint should have been dismissed, or

(ii) the proposed settlement was fair and reasonable,

as the case may be, and

(b) forthwith serve notice of the decision of the Chief of the Commission and Tribunals on the complainant and the person against whom the complaint was made.

(4) The Chief of the Commission and Tribunals may delegate the functions, powers and duties set out in subsection (3) to another member of the Commission.

RSA 2000 cH-14 s26;2009 c26 s17

Referral to human rights tribunal

27(1) The Chief of the Commission and Tribunals shall appoint a human rights tribunal to deal with a complaint in the following circumstances:

(a) where the Chief of the Commission and Tribunals receives a report from the director that the parties are unable to settle the complaint;

(b) where the Chief of the Commission and Tribunals or another member of the Commission decides under section 26(3) that the complaint should not have been dismissed or that the proposed settlement was not fair and reasonable.

(2) A human rights tribunal shall consist of one or more members of the Commission, one of whom may be the Chief of the Commission and Tribunals.

(3) Where the Chief of the Commission and Tribunals or another member of the Commission has conducted a review under section 26(3) in respect of a complaint, the Chief of the Commission and Tribunals or the other member, as the case may be, is not eligible to sit as a member of a human rights tribunal dealing with that complaint.

(4) A human rights tribunal and each member of the tribunal have all the powers of a commissioner under the *Public Inquiries Act*.

(5) If a human rights tribunal consists of more than one member, the decision of the majority is the decision of the tribunal.

RSA 2000 cH-14 s27;2009 c26 s18

Parties

28 The following persons are parties to a proceeding before a human rights tribunal:

(a) the director;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint who is alleged to have been dealt with contrary to this Act;

(d) any person named in the complaint who is alleged to have contravened this Act;

(e) any other person specified by the tribunal, on any notice that the tribunal determines, and after that person has been given an opportunity to be heard against being made a party.

RSA 2000 cH-14 s28;2009 c26 s19

Carriage of proceeding

29(1) The director has carriage of a proceeding before a human rights tribunal except where the Chief of the Commission and Tribunals or a member of the Commission has made a decision under section 26(3) that the complaint should not have been dismissed or that the proposed settlement was not fair and reasonable, and in that case the complainant has carriage of the proceeding.

(2) The director shall not have carriage of a proceeding before a court without the approval in writing of the Chief of the Commission and Tribunals.

RSA 2000 cH-14 s29;2009 c26 s20

Procedural rules

30(1) The parties to a proceeding before a human rights tribunal are entitled to appear and be represented by counsel at a hearing held by the tribunal.

(2) Evidence may be given before a human rights tribunal in any manner that the tribunal considers appropriate, and the tribunal is not bound by the rules of law respecting evidence in judicial proceedings.

(3) A human rights tribunal, on proof of service of notice of a hearing in accordance with this Act on the person against whom a complaint was made, may proceed with the hearing in the absence of that person and decide on the matter being heard in the same way as though that person were in attendance.

(4) A hearing before a human rights tribunal shall be open to the public unless, on the application of any party, the human rights tribunal decides that it would be advisable to hold the hearing in private

(a) because of the confidential nature of the matter to be heard, or

(b) because of the potential adverse effect on any of the parties, other than the person against whom the complaint was made.

RSA 2000 cH-14 s30;2009 c26 s21

Question of law

31 A human rights tribunal may, at any stage of the proceedings before it, state in the form of a special case for the opinion of the Court of Queen's Bench any question of law arising in the course of the proceedings, and may adjourn the proceedings for the purpose.

RSA 2000 cH-14 s31;2009 c26 s22

Powers of tribunal

32(1) A human rights tribunal

(a) shall, if it finds that a complaint is without merit, order that the complaint be dismissed, and

(b) may, if it finds that a complaint has merit in whole or in part, order the person against whom the finding was made to do any or all of the following:

(i) to cease the contravention complained of;

(ii) to refrain in the future from committing the same or any similar contravention;

(iii) to make available to the person dealt with contrary to this Act the rights, opportunities or privileges that person was denied contrary to this Act;

(iv) to compensate the person dealt with contrary to this Act for all or any part of any wages or income lost or expenses incurred by reason of the contravention of this Act;

(v) to take any other action the tribunal considers proper to place the person dealt with contrary to this Act in the position the person would have been in but for the contravention of this Act.

(2) A human rights tribunal may make any order as to costs that it considers appropriate.

(3) A human rights tribunal shall serve a copy of its decision, including the findings of fact on which the decision was based and the reasons for the decision, on the parties to the proceeding.

RSA 2000 cH-14 s32;2009 c26 s23

Reconsideration

33(1) If there is new evidence available that was not available or that for good reason was not presented before the human rights tribunal in the first instance, the tribunal may, on the application of any of the parties or on its own motion, reconsider any matter considered by it and for that purpose has the same power and authority and is subject to the same duties as it had and was subject to in the first instance.

(2) A human rights tribunal may not reconsider a matter under subsection (1) more than 30 days after the date of the decision on the matter in the first instance.

RSA 2000 cH-14 s33;2009 c26 s24

Retroactive compensation limit

34 No settlement effected under this Act and no order made by a human rights tribunal may compensate a person for wages or income lost or expenses incurred prior to 2 years before the date of the complaint under section 20.

RSA 2000 cH-14 s34;2009 c26 s25

Effect of decision

35 A decision of the Chief of the Commission and Tribunals or another member of the Commission under section 26(3)(a) is final and binding on the parties, subject to a party's right to judicial review of the decision.

RSA 2000 cH-14 s35;2009 c26 s26

Entry of order

36 An order made by a human rights tribunal may be filed with the clerk of the Court of Queen's Bench at the judicial centre closest to the place where the proceeding was held, and on being entered it is enforceable in the same manner as an order of the Court of Queen's Bench.

RSA 2000 cH-14 s36;2009 c26 s27;2009 c53 s84

Appeal

37(1) A party to a proceeding before a human rights tribunal may appeal an order of the tribunal to the Court of Queen's Bench by application filed with the clerk of the Court at the judicial centre closest to the place where the proceeding was held.

(2) The application under subsection (1) shall be filed with the clerk and served on the Commission and the other parties within 30 days after the date the appellant receives a copy of the order of the human rights tribunal.

(3) Forthwith after being served with an application under subsection (2), the Commission shall file the following with the clerk of the Court:

(a) the order of the human rights tribunal, together with reasons;

(b) the complaint;

(c) the evidence taken at the hearing and all exhibits filed.

(4) The Court may

(a) confirm, reverse or vary the order of the human rights tribunal and make any order that the tribunal may make under section 32, or

(b) remit the matter back to the tribunal with directions.

(5) Commencement of an appeal under this section does not operate as a stay of proceedings under the order of the human rights tribunal unless the Court so orders.

RSA 2000 cH-14 s37;2009 c26 s28;2009 c53 s84

Order after inquiry

38(1) If the order of a human rights tribunal under section 32 or the Court of Queen's Bench under section 37 did not direct a person to cease the contravention complained of, the Minister of Justice and Solicitor General may apply to the Court of Queen's Bench for an order enjoining the person from continuing the contravention.

(2) The Court, in its discretion, may make the order, and the order may be enforced in the same manner as any other order of the Court of Queen's Bench.

RSA 2000 cH-14 s38;2009 c26 s29;2013 c10 s34

Proceedings against trade unions, etc.

39(1) Any proceedings under this Act may be instituted against a trade union or employers' organization or occupational association in its name.

(2) Any act or thing done or omitted by an officer, official, or agent of a trade union or employers' organization or occupational association within the scope of that person's authority to act on its behalf shall be deemed to be an act or thing done or omitted by the trade union or employers' organization or occupational association, as the case may be.

RSA 1980 cI-2 s35

Protection from giving evidence

40(1) No member of the Commission, nor the director of the Commission or any other employee mentioned in section 18, shall be required by any court to give evidence relative to information obtained for the purposes of this Act.

(2) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

RSA 1980 cI-2 s36

Protection from liability

41 No action lies against a member of the Commission or any person referred to in section 18 for anything done or not done by that person in good faith while purporting to act under this Act.

1996 c25 s24

Offence

42(1) No person shall hinder, obstruct or interfere with the Commission or any person referred to in section 18 in the exercise of a power or the carrying out of a duty under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and liable to a fine of not more than $10 000.

(3) Where

(a) a corporation, or

(b) an employment agency, employers' organization, occupational association or trade union that is not a corporation

contravenes subsection (1), any director, officer or agent of the corporation or other body who directed, authorized, assented to, acquiesced in or participated in the contravention is guilty of the offence and liable to the penalty provided for the offence, whether or not the corporation or other body has been prosecuted for or convicted of the offence.

1996 c25 s24

Service of documents

43(1) A notice or other document required by this Act or the bylaws to be filed with the Commission is deemed to be properly filed if it is

(a) left in person with the Commission at one of its offices, or

(b) sent to any office of the Commission by registered or certified mail.

(2) A notice or other document required by this Act or the bylaws to be served on any person is deemed to be properly served if it is

(a) served personally on that person, or

(b) sent by registered or certified mail to the last address for that person known to the Commission.

(3) Where it is necessary to prove filing or service of any notice or document,

(a) if filing or service is effected personally, the actual date on which it is filed or served is the date of filing or service, and

(b) if filing or service is effected by registered or certified mail, filing or service shall be conclusively presumed to have been effected on the date of receipt or 7 days after the date of mailing, whichever occurs first.

1996 c25 s24

Interpretation

44(1) In this Act,

(a) "age" means 18 years of age or older;

(b) "commercial unit" means a building or other structure or part of it that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or a space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in a building or other structure or in a part of it;

(c) "Commission" means the Alberta Human Rights Commission;

(d) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

(e) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

(f) "family status" means the status of being related to another person by blood, marriage or adoption;

(g) "marital status" means the state of being married, single, widowed, divorced, separated or living with a person in a conjugal relationship outside marriage;

(h) "mental disability" means any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder;

(i) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(j) "occupational association" means an organization other than a trade union or employers' organization in which membership is a prerequisite to carrying on any trade, occupation or profession;

(k) "person", in addition to the extended meaning given it by the *Interpretation Act*, includes an employment agency, an employers' organization, an occupational association and a trade union;

(l) "physical disability" means any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of the foregoing, includes epilepsy, paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, and physical reliance on a guide dog, service dog, wheelchair or other remedial appliance or device;

(m) "religious beliefs" includes native spirituality;

(n) "source of income" means lawful source of income;

(o) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

(2) Whenever this Act protects a person from being adversely dealt with on the basis of gender, the protection includes, without limitation, protection of a female from being adversely dealt with on the basis of pregnancy.

RSA 2000 cH-14 s44;2007 cS-7.5 s7;2009 c26 s30

Transitional matters

45 A human rights panel that was appointed under section 27 to deal with a complaint before the coming into force of this section remains appointed as a human rights tribunal, and the members of the human rights panel continue to serve as members of the human rights tribunal, in respect of the complaint.

2009 c26 s31

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