



**Work Plays Schools Program**  
A dramatic approach to saving young lives  
[www.workershealthcentre.ca/workplays](http://www.workershealthcentre.ca/workplays)

# Alberta Workers' Health Centre Work Plays Schools Program Resource Package

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## **Human Rights in the Workplace**

You have the right to be free from harassment and discrimination at work.

You also have the right to file a complaint.

Alberta Human Rights Commission  
Edm: 780-427-7661 / Cgy: 403-297-6571  
**[www.albertahumanrights.ab.ca/employment.asp](http://www.albertahumanrights.ab.ca/employment.asp)**

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You have the right to a safe, healthy and fair workplace.  
We can help.

**[www.workershealthcentre.ca](http://www.workershealthcentre.ca)**



A Program of the Alberta Workers' Health Centre [www.workershealthcentre.ca](http://www.workershealthcentre.ca)

# Harassment as a form of discrimination

## INFORMATION SHEET

### What is harassment?

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Harassment occurs when someone is subjected to unwelcome verbal or physical conduct. Harassment is a form of discrimination that is prohibited in Alberta under the *Alberta Human Rights Act* if it is based on one or more of the following **grounds**:

- Race
- Religious beliefs
- Colour
- Gender
- Physical or mental disability
- Age
- Ancestry
- Place of origin
- Marital status
- Source of income
- Family status
- Sexual orientation

Unwanted physical contact, attention, demands, jokes or insults are harassment when they occur in any of the **areas** protected under the *Alberta Human Rights Act*. The protected areas are 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; and membership in trade unions, employers' organizations or occupational associations.

Discrimination has occurred if:

- someone is refused a job, promotion or a training opportunity because of resistance to harassment based on any of the grounds listed above;
- someone is refused a place to live or denied services normally provided to members of the public based on any of the grounds listed above;
- the harassment causes an unfavourable influence on decisions affecting job performance; or
- the harassment is insulting or intimidating.

The onus is on the person experiencing the harassment to inform the harasser that the behaviour is unwelcome.

### Examples of harassment

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Examples of harassment include:

- Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs.
- The display of pornographic, racist or offensive images.
- Practical jokes that result in awkwardness or embarrassment.
- Unwelcome invitations or requests, either indirect or explicit.
- Intimidation, leering or other objectionable gestures.

- Condescension or paternalism that undermines self-confidence.
- Unwanted physical contact such as touching, patting, pinching, punching and outright physical assault.

## Workplace harassment

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The *Alberta Human Rights Act* protects employees against harassment in and away from the workplace, if harassment is based on one of the protected grounds and the incidents occur in connection with their employment.

When a supervisor harasses an employee, it is an abuse of authority and the employer may be held responsible. It is inappropriate behaviour that may deny equal employment opportunity to the employee who is harassed.

When a co-worker harasses another employee, the employer may be held responsible.

Harassment is not new. What is new is a growing awareness of this serious problem in the workplace. Harassment can prove costly to employers through lost productivity, lost time through stress-related illnesses, frequent staff turnover and lowered staff morale.

## Harassment based on race and religious beliefs

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These are all forms of harassment when they occur in the areas protected under the *Act*: derogatory comments, taunts, threats, jokes, teasing or jeering about race, colour, national or ethnic origins, or about adornments and rituals associated with cultural or religious beliefs.

Employers are legally responsible for actively discouraging and prohibiting humiliating conduct or language that results in one employee's working conditions being less favourable than another's.

## Sexual harassment

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Sexual harassment is unwelcome sexual conduct. It is considered to be discrimination under the *Alberta Human Rights Act*. It includes any of the harassment examples listed above when they are of a sexual nature.

Behaviour that is acceptable to both parties involved, such as flirtation, chit-chat or good-natured jesting, would not be considered sexual harassment.

## For more information

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For more information about harassment as a form of discrimination, see these Commission information sheets:

- *Sexual harassment*
- *Developing and implementing an effective harassment and sexual harassment policy*
- *Sample harassment policy* 

## 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.

### **Northern Regional Office**

800 Standard Life Centre  
10405 Jasper Avenue  
Edmonton, Alberta T5J 4R7

**780-427-7661 Confidential Inquiry Line**  
780-427-6013 Fax

### **Southern Regional Office**

Suite 310, 525 – 11 Avenue SW  
Calgary, Alberta T2R 0C9

**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.

For province-wide free access from a cellular phone, enter \*310 (for Rogers Wireless) or #310 (for Telus and Bell), followed by the area code and phone number. Public and government callers can phone without paying long distance or airtime charges.

### **TTY service for persons who are deaf or hard of hearing**

780-427-1597 Edmonton  
403-297-5639 Calgary  
1-800-232-7215 Toll-free within Alberta

**E-mail** [humanrights@gov.ab.ca](mailto:humanrights@gov.ab.ca)

**Website** [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

**Please note:** A complaint must be made to the Alberta Human Rights Commission within one year after the alleged incident of discrimination. The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

The Human Rights Education and Multiculturalism Fund has provided funding for this publication.

Upon request, the Commission will make this publication available in accessible multiple formats. Multiple formats provide access for people with disabilities who do not read conventional print.





**Alberta Human Rights  
and Citizenship Commission**

# **Human Rights Complaint Form and Guide**

The Commission must receive your human rights complaint within one year after the alleged incident of discrimination.

The one-year period starts the day after the date on which the incident occurred. For help calculating the one-year period, contact the Commission.

Upon request, the Commission will make the complaint form and guide available in accessible multiple formats. Multiple formats provide access for people with disabilities who do not read conventional print.

August 2005

## **What you will find in this booklet**

- General information about making a human rights complaint
- Areas of discrimination
- Grounds of discrimination
- The complaint process
- How to fill out the contact information and the complaint form
- Forms:
  - Contact Information
  - Human Rights Complaint Form

**Please remove the *Contact Information* form and the *Human Rights Complaint Form* from the booklet before you begin making your complaint. Refer to “How to fill out the contact information and complaint form” on pages 9 and 10 to help you write your complaint. Contact the Commission if you have questions.**

- Contact the Alberta Human Rights and Citizenship Commission

## **General information about making a human rights complaint**

*The Human Rights, Citizenship and Multiculturalism Act* protects people from discrimination in Alberta under specific grounds in certain areas. Pages 5 and 6 of this booklet briefly describe these areas and grounds. For more information about the *Act* and the protected areas and grounds, please contact the Alberta Human Rights and Citizenship Commission. See the inside back cover for contact information.

If you feel your safety or the safety of anyone you name during the complaint process is at risk, please call your local police service first, then let the Commission know.

### **Who can make a human rights complaint**

You can make a human rights complaint if you have a reasonable basis to believe that someone has discriminated against you. You can also make a complaint to the Commission on behalf of someone else.

You can also make a complaint if:

- someone has retaliated against you because you have been involved in making a human rights complaint under the *Act* as a complainant, or as a witness, or in some other capacity.
- someone has made a frivolous or vexatious human rights complaint against you under the *Act*, and their intent was malicious.

See page 10 (Section C) of this booklet for more information about retaliation and frivolous and vexatious complaints.

### **How to make a human rights complaint**

To make a human rights complaint, you can:

1. use this guide and the attached **complaint form** or
2. make your complaint in writing without using the attached form. **Do use the guide** on pages 9 and 10 to help you write your complaint.

If you are not able to complete the form or write your complaint on your own or with help from another person you know, you can also make a complaint in person at the Commission.



The Commission must receive your completed complaint form or letter or your in-person complaint within one year after the alleged discrimination. The one-year period starts the day after the date on which the incident of discrimination occurred. For help calculating the one-year period, contact the Commission.

There is no fee to make a complaint. You are not required to hire a lawyer or other legal assistance. You are free to choose someone to help or represent you when making a complaint. If you choose to pay for help, you are responsible for paying the costs.

### **After the Commission receives your complaint form or letter**

The Commission will review your form or letter. We must consider a number of factors to decide if your complaint can be accepted under the *Act*.

If the Commission cannot accept your complaint, we will notify you.

If the Commission can accept your complaint, we will send a copy of your complaint to you and to the party or parties that you are complaining about. The Commission will ask the parties you are complaining about to respond to the complaint by explaining their point of view about the alleged discrimination.

### **More information about the complaint process**

To get more information about the complaint process, you can:

- read pages 7 and 8 of this booklet
- contact a Commission office (See the inside back cover for contact information.)
- visit our Web site at [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

## **Areas of discrimination**

*The Human Rights, Citizenship and Multiculturalism Act* protects Albertans from discrimination in the areas described below. Most complaints of alleged discrimination will take place in only one area. Please note that the descriptions below are not legal definitions. They are guidelines to help you make your complaint. For more information about areas of discrimination, contact the Commission. See the inside back cover of this booklet for contact information.

**Employment practices** applies to refusals to employ or to continue to employ any person. It also applies to discrimination related to any term or condition of employment.

**Employment applications or advertisements** applies to the use or circulation of any job application form or job advertisement. It also applies to the written or oral questions asked of any applicants for employment.

**Tenancy** applies to being denied occupancy of a self-contained residential dwelling unit or a commercial unit. It also applies to being discriminated against in any term or condition of the tenancy.

**Equal pay** applies to situations where an individual receives a lower rate of pay than employees of a different gender even though they do similar or the same work for the same employer.

**Goods, services, accommodations or facilities** applies to goods, services, accommodations or facilities customarily available to the public, such as those provided by restaurants, hotels, hospitals, schools, municipalities, and many other businesses.

**Statements, publications, notices, signs, symbols, emblems or other representations** applies to the publication, issue or display before the public of any statement, publication, notice, sign, symbol, emblem or other representation that is discriminatory, shows an intent to discriminate, or is likely to expose anyone to hatred or contempt.

**Membership** in trade unions, employers' organizations or occupational associations applies to situations such as exclusion from becoming a member; being expelled or suspended from membership; or being discriminated against as a member.

## Grounds of discrimination

The *Human Rights, Citizenship and Multiculturalism Act* protects people from discrimination in Alberta based on the grounds listed below. A complaint of alleged discrimination may be based on one or more of these grounds. The descriptions below are not legal definitions. They are guidelines to help you make your complaint. For more information, contact the Commission.

**Race** means belonging to a group of people related by common heritage, and **colour** refers to the colour of a person's skin.

**Ancestry** means belonging to a group of people related by common heritage, and **place of origin** means place of birth and is defined as a country or a province.

**Religious beliefs** include native spirituality.

**Gender** refers to the state of being male, female or transgendered. This ground includes sexual harassment and pregnancy.

**Age** means 18 years of age or older. Age is not protected in the area of tenancy or in the area of goods, services, accommodations or facilities. Age is protected in all other areas.

**Physical disability** means 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 impediment; and physical reliance on a guide dog, wheelchair or other remedial appliance or device.

**Mental disability** means any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

**Marital status** means being married, single, widowed, divorced, separated, or living with a person in a conjugal relationship outside marriage.

**Family status** means being related to another person by blood, marriage or adoption.

**Source of income** refers to a lawful source of income. This ground includes any income that attracts social stigma to its recipients. Examples include social assistance, income supplements for seniors, and disability pension. Income that does not result in social stigma would not be included.

**Sexual orientation** means being homosexual, heterosexual or bisexual. Although sexual orientation is not listed in the *Act* as a protected ground, the Government of Alberta agreed to read it in, effective April 2, 1998.

## **The complaint process**

The Commission keeps all parties to a complaint informed during the complaint process and welcomes questions at any time. The **complainant** is the person who makes the complaint. The **respondent** is the person, organization, or association being complained about. Together they are called the “parties” to the complaint. A brief outline of the human rights complaint process is provided below. For more detailed information, please contact the Commission.

At any time during the complaint process, you may close your complaint by informing the Commission in writing.

### **Notifying the respondent**

After the Commission accepts your complaint, we send a copy of the complaint (excluding your contact information) to the respondent. The respondent has 21 days from the date when they receive the copy of the complaint to respond to the Commission.

### **Sharing the response with the complainant**

The Commission sends a copy of the response to the complainant.

### **Conciliation**

Conciliation is a voluntary way of resolving differences. The Commission assigns a conciliator to try to help the parties resolve their differences. In most complaints, this is the first step after the complainant receives a copy of the response. If the parties resolve their differences, the complaint is closed. If the parties cannot resolve their differences, or if one or both of the parties decline conciliation, the complaint goes to the investigation step of the complaint process.

### **Investigation**

At this step, the Commission assigns an investigator and informs the parties. The purpose of the investigation is to gather information related to the complaint, consult with the parties on the results of the investigation, and assess whether there is a reasonable basis to proceed with the complaint process.

**Settlement**

If the investigation shows that there is a reasonable basis to proceed with the complaint process, the Commission will ask the parties to reach a settlement.

**Dismissal**

If the investigation does not show that there is a reasonable basis to proceed with the complaint process, then the complaint is dismissed.

**Discontinuance**

The director of the Commission may discontinue a complaint if the director believes that the complainant has refused to accept a settlement offer that is fair and reasonable.

**Appeals to the chief commissioner**

If a complainant does not agree with a dismissal or discontinuance, the complainant can make a written appeal to the chief commissioner within 30 days of receiving the *Notice of Dismissal* or *Notice of Discontinuance*. For more information about the appeal process, see the Commission's information sheet *Complaint Process*.

**Referral to a human rights panel**

In the event that there is a reasonable basis for the complaint but the parties are unable to settle, the director will refer the complaint to the chief commissioner, who appoints a human rights panel to hear the case. For more information about the human rights panel process, visit the *Human Rights Complaints* section of the Commission's Web site or contact the Commission.

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The Commission may invite you to participate in a survey or to provide feedback in some other way to help improve our services. Your participation in this activity is voluntary. You may choose not to give feedback.

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## How to fill out the contact information and the complaint form

- Remove the *Contact Information* form and the *Human Rights Complaint Form* from this booklet.
- Please use a pen and print neatly. Do not use pencil.
- Complete the *Contact Information* form.
- Complete the *Human Rights Complaint Form*. Follow the instructions to sign and date specific pages of the form and any pages that you attach to the form. Also, number any pages that you attach to the form.
- Submit the original *Complaint Form*, including the *Contact Information*, to the Commission.
- You may fax your *Complaint Form* and *Contact Information* form to the Commission. You must also send the original forms to the Commission.
- Be sure to let the Commission know if your mailing address, phone number or other contact information changes. If the Commission cannot contact you because we do not have a current mailing address for you, we can close your file.

Use the following instructions and the information provided throughout the booklet to help you complete each section on the *Human Rights Complaint Form*. Each lettered section below refers to the corresponding lettered section on the *Complaint Form*.

**The Commission must receive your human rights complaint within one year after the alleged incident of discrimination under the Act.**

- A** Print your name in section *A*. If you are making a complaint on behalf of someone else, print their name in the box below your name. Whether you are complaining for yourself or for someone else, you are the complainant.
- B** Print the respondent's name in section *B*. If there is more than one respondent, please add an extra page to your form with the name, address, and phone number of each additional respondent.

It is important to properly identify the name of the business or organization. To locate this information, you can refer to items like records of employment, pay stubs, business cards, letterhead, and telephone books.

If your complaint is in the area of employment, name only the company or organization. Do not name individual people in this section.

If your complaint does not involve employment, you can name individual people and the business or organization that you are complaining about.

**C** Complete section *C* only if your complaint falls into one of these categories:

1. **Retaliation:** It is unlawful for anyone to retaliate against you because you have participated in a human rights complaint, or because you might participate in a complaint. Participation could include: trying to make a complaint; making a complaint; giving evidence about a complaint; or helping someone make a complaint. **If you believe someone has retaliated against you because you participated in a human rights complaint, complete section C.**
2. **Frivolous or vexatious complaint with malicious intent:** It is unlawful for a person to make such a complaint. This would happen if a person, with ill intentions, makes a human rights complaint to the Commission that: does not have a sound basis; is not serious; or is meant just to cause trouble for you. **If you believe someone has made such a complaint against you, complete section C.**

**If you complete section C, do not complete sections D, E and F. You must complete section G.**

**D** Discrimination may take place in more than one area. To complete this section, see page 5 of this booklet or contact the Commission for more information about areas and grounds. Check (✓) the areas in which you believe discrimination took place.

**E** Discrimination may be based on one or more grounds. To complete this section, see page 6 of this booklet or contact the Commission for more information about areas and grounds. Check (✓) the grounds on which you believe discrimination took place.

**F** The statement that you give in section *F* supports your complaint under the *Human Rights, Citizenship and Multiculturalism Act* and helps the Commission decide if it can accept your complaint. It is important that you clearly describe each incident of discrimination you are claiming. If you checked areas and grounds in sections *D* and *E*, describe how each incident relates to the areas and grounds you checked.

**G** By signing the complaint form, you are stating that the information you are providing in the form is true, to the best of your knowledge and belief. Be sure to sign and date each page of the form. If you add extra pages, please sign, date and number each of the extra pages.

**Please remember to complete the *Contact Information* and submit it to the Commission with your *Complaint Form*.**



Alberta Human Rights  
and Citizenship Commission

## Contact Information

This is our only record of your address and phone number. If any of your personal contact information changes during the complaint process, it is your responsibility to inform the Commission. **If the Commission cannot contact you because we do not have your current mailing address, your complaint file may be closed.**

First name of complainant		Last name of complainant	
Mailing address			
Town or city		Province	Postal code
Home phone number <i>(include area code)</i>	Business phone number <i>(include area code)</i>	May we contact you at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Daytime phone number <i>(include area code)</i>

*If you are making a complaint on behalf of another person, you must provide their contact information below.*

First name of person		Last name of person	
Mailing address			
Town or city		Province	Postal code
Home phone number <i>(include area code)</i>	Business phone number <i>(include area code)</i>	May we contact this person at work? <input type="checkbox"/> Yes <input type="checkbox"/> No	Daytime phone number <i>(include area code)</i>

The personal information collected on this form is for the purpose of contacting you during the proceedings of your human rights complaint only. Your personal contact information will not be given to any person or organization outside the Commission, except as authorized by the *Freedom of Information and Protection of Privacy Act*. **The Commission will not give your personal contact information to the respondent named in your complaint.**

The *Human Rights, Citizenship and Multiculturalism Act* authorizes collection of this information. If you have any questions or concerns about the collection of this information, contact the Commission.





Alberta Human Rights  
and Citizenship Commission

## Human Rights Complaint Form

**For office use only**

Date received

Please see pages 9 and 10 of the booklet for instructions on how to complete this form. Please use a pen. Do not use pencil. Be sure to complete all sections of the form that apply to you. Contact the Commission if you need help to complete the form.

The Commission must receive your complaint within one year after the alleged incident of discrimination. The alleged discrimination must have occurred in Alberta.

If you feel your safety or the safety of anyone you name during the complaint process is at risk, please call your local police service first, then let the Commission know.

### A Your name *(You are the complainant.)*

First name	Last name
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### Complete this box if you are complaining on behalf of someone else

Name of that person	
First name	Last name
Please ask the person on whose behalf you are complaining to sign on the line below to show that they agree that you can make the complaint.	
Signature _____	

### B Who are you complaining about? *(This is the respondent.)*

Name of business, organization, association or person			
Street or mailing address			
Town or city	Province	Postal code	Telephone number <i>(include area code)</i>
If there is more than one respondent, check this box <input type="checkbox"/> .			
Be sure to add the name and contact information of additional respondents on an attached page.			

<b>For office use only</b>		Area(s)
This complaint is accepted as follows:		
Date of last incident _____		
Section number(s)	Date	Ground(s)
File number	Human Rights Officer	









## **Contact the Alberta Human Rights and Citizenship Commission**

### **Northern Regional Office**

800 Standard Life Centre  
10405 Jasper Avenue  
Edmonton, Alberta T5J 4R7

**Confidential Inquiry Line (780) 427-7661**

Fax (780) 427-6013

### **Southern Regional Office**

Suite 310, 525 – 11 Avenue SW  
Calgary, Alberta T2R 0C9

**Confidential Inquiry Line (403) 297-6571**

Fax (403) 297-6567

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and then enter the area code and phone number.

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E-mail [humanrights@gov.ab.ca](mailto:humanrights@gov.ab.ca)

Web site [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

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*The Human Rights, Citizenship and Multiculturalism Education Fund* has provided funding for this publication. To learn more about the *Fund*, visit the Funding and Partnerships section at [www.cd.gov.ab.ca](http://www.cd.gov.ab.ca), or contact one of the Commission offices listed inside this booklet.