



# The Rights Path – Alberta Third Edition

.....  
It's your right to be treated  
with respect and without  
discrimination  
.....

## The Cover Drawing

The Cover drawing depicts the Eagle as a powerful symbol for Aboriginal people in the province of Alberta. It is meant to be an inspiration to our people to take charge of their Human rights issues.



## Credit to the Artists

The original drawings in this booklet were done by Dale Belcourt, a Métis (French Cree) artist who is based in Edmonton. Born in High Prairie, Alberta, he has studied Native Arts and Crafts and is skilled in many art fields. His work has been sold throughout Alberta and parts of B.C.

Jaret Sinclair-Gibson is a gifted Métis Artist living in Edmonton, Alberta. He is President/Manager of the youth-owned *Sun & Moon Visionaries Aboriginal Artisan Gallery & Studio*. Jaret created the "*Mental and Physical Disabilities*" and "*Sexual Orientation*" icons.

Rheal Moosewah is an artist who contributed his talents to drawing the icons of "*Youth Advocacy Rights*", "*Youth Justice Rights*", and "*Youth Education Rights*". He was also a member of the Aboriginal Youth Task Force.

## Ready to Take Action?

Have you run into a situation where your rights are being denied? Do you want to take action, but not sure which way to turn? Wherever you find yourself on the Rights Path... you've come to the right booklet.

• *The Rights Path – Alberta* has been adapted from a booklet produced by the Manitoba Friendship Centres Association. The first Aboriginal Human Rights Seminar was held in Edmonton at the Canadian Native Friendship Centre in November 1995. At the request of the participants, *The Rights Path – Alberta* was created.

• The Institute for the Advancement of Aboriginal Women, in co-operation with the Alberta Human Rights and Citizenship Commission and The Canadian Human Rights Commission, and relevant Alberta Government departments has produced this booklet to explain about your human rights and to show you where to turn if you are treated unfairly or without respect.

• This document is prepared for Aboriginal people in Alberta. If you are living on a Reserve or Settlement, some of this information may not apply. Refer to section on Emerging Cultural Rights for more information.

• This booklet is also designed to be used in workshops and conferences and may be reproduced. **Any person using this booklet is reminded that it is provided for information and as a basis for further discussion and research. It should not be relied on as the basis for acting or failing to act in any respect.** In addition, this booklet is not intended to substitute for the laws and regulations in force in the Province of Alberta. Contact a lawyer in all situations.

• Published by the **Institute for the Advancement of Aboriginal Women.**

• Funding from Alberta Law Foundation





## Foreword

"In most Aboriginal societies, an individual has a strong sense of personal autonomy and an equally strong sense of responsibility to the community. Since the welfare of the community depends on the ingenuity, initiative and self-reliance of its individual members, individual rights and responsibilities are viewed as serving rather than opposing collective interests." *Royal Commission on Aboriginal Peoples., Volume 2., Restructuring the Relationship, 1996.*

The beginning of a new millennium brings with it many ideas for progress in the Province of Alberta. As the Royal Commission on Aboriginal Peoples report suggests, it is the protection of those individual rights and personal autonomy that will strengthen each respective community.

This booklet is a guide for Aboriginal peoples who may not be familiar with their fundamental rights under the laws of Alberta and Canada. The underlying theme in each section is designed to raise individual awareness of what rights exist in each of the areas where discrimination may occur. In addition, everyone in Canada regardless of race, colour, sexual orientation, country of origin and many other grounds are equal in every respect and guaranteed by section 15 of the *Canadian Charter of Rights and Freedoms*.

Legal Counsel  
Bradley W. Enge  
January 2001

## • Introduction and Summary of • Your Rights

• This booklet describes human rights that federal and provincial laws  
• are designed to protect. If you or someone close to you has experienced discrimination or is currently being discriminated against,  
• you have several ways to fight it. Federal and provincial courts have  
• heard cases where human rights have been violated. Their decisions  
• strengthen human rights in Canada and Alberta. The Acts listed  
• below are the main laws which deal with discrimination.

• Generally, all three Acts are applicable to all Canadians. However  
• differences will arise where a person's circumstances are better addressed by federal law rather than by provincial law. This booklet  
• explains those differences and assists you in choosing the proper  
• path to fight any discrimination.

• **CANADIAN HUMAN RIGHTS ACT (Federal)**

• **THE CHARTER OF RIGHTS AND FREEDOMS (Federal)**

• **ALBERTA HUMAN RIGHTS, CITIZENSHIP AND MULTICULTURALISM ACT (Provincial)**

• The Aboriginal Commission of Human Rights reserves the right to be  
• referenced and recognized.

# Your Rights in 15 Important Areas

What kind of rights do you want to know more about? Here's the guide to find what you're looking for.

**1. Child Protection Rights**



**2. Youth Advocacy Rights**



**3. Youth Justice Rights**



**4. Education Rights**



**5. Women's Rights**



**6. Family Rights**



**7. Elder's Rights**



**8. Social, Economic and Cultural Rights**





## 9. Employment Rights



## 10. Justice Rights



## 11. Housing Rights



## 12. Health Rights



## 13. Mental and Physical Disabilities Rights



## 14. Sexual Orientation Rights

## 15. Emerging Rights

Ready to Take Action?



*The Rights Path*

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# HUMAN RIGHTS LAWS

## THE CHARTER OF RIGHTS AND FREEDOMS AND CANADIAN AND ALBERTA HUMAN RIGHTS LAW

In Canada, our human rights are guaranteed by a federal law called the *Charter of Rights and Freedoms*. It is the highest law in our country. It guarantees certain rights and freedoms to all Canadians and makes it a duty for all persons delivering a service or accommodation to act appropriately. This means that you are to be treated with respect and without discrimination. Further, it says that all governments both at the federal and provincial level are to guarantee those rights.

Section 15 of the *Charter* says:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age, or mental or physical disability or sexual orientation."

All provinces and territories have legislation which is intended to protect these rights. The legislation is known as human rights laws. As noted earlier, the *Canadian Human Rights Act* protects the equality rights of Canadians on a federal level. The intent of this Act is similar to provincial and territorial human rights laws, although the protected grounds vary slightly in each province and territory.

## What is discrimination?

Discrimination means treating people differently, negatively or adversely without a good reason. Under human rights laws, discrimination means making a distinction between certain individuals or groups based on prohibited grounds.

## Jurisdiction

As noted earlier in this booklet, the differences between federal and provincial human rights laws lie mainly in jurisdiction. Jurisdiction means which government is responsible for ensuring your rights are protected.

A number of Alberta businesses and organizations come under the jurisdiction of the Canadian Human Rights Commission. These include federal crown corporations (such as CN Rail, Canada Post), federal government departments and any businesses in the federally regulated private sector, such as chartered banks (not trust companies), airlines, railways, interprovincial transportation and trucking, and broadcasting and telecommunications. The Alberta Human Rights and Citizenship Commission has jurisdiction over the remaining businesses in the province.



## CANADIAN HUMAN RIGHTS LAW (*Canadian Human Rights Act*)

This section explains the *federal law* protecting your human rights.

"Every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society." Section 2 CHRA

### What are the protected grounds?

The CHRC accepts complaints of discrimination in employment and in the provision of goods and services, if the discrimination is because of your:

- Race
- National or ethnic origin
- Colour
- Religion
- Age
- Sex (including pregnancy and childbirth)
- Sexual Orientation
- Marital Status
- Family Status



- Mental or Physical Disability (including previous or present drug or alcohol dependence)
- Pardoned conviction

Complaints of discrimination under the *Canadian Human Rights Act* must be based on one of these grounds. Complaints must be received within **one year** after the discrimination has happened.

### Who is protected under the *Canadian Human Rights Act*?

Everyone is protected by the *Canadian Human Rights Act* in dealings with the following employers and service providers.

- Federal departments, agencies and Crown corporations
- Canada Post
- CBC
- RCMP
- Chartered banks
- National airlines
- Railways
- Inter-provincial communications and telephone companies
- Other federally regulated industries, such as certain mining operations.





# HUMAN RIGHTS, CITIZENSHIP AND MULTICULTURALISM ACT OF ALBERTA (Provincial)

The *Alberta Human Rights, Citizenship and Multiculturalism Act* has precedence over other provincial laws. The function of the Alberta Human Rights and Citizenship Commission is to accept and settle complaints of discrimination through conciliation and investigation, and to provide education on human rights to Albertans.

The purpose of this Act is to provide all Albertans with protection of their human rights. The Alberta Human Rights and Citizenship Commission administers the Act.

The purpose of this complaint resolution process is to return the person who has been discriminated against to the position he or she would have been in if the discrimination or harassment had not taken place.

## Protected Areas and Grounds

Under this Act, discrimination is prohibited in the following areas:

- public statements, publications, notices, signs, symbols, emblems or other representation
- goods, services, accommodation or facilities customarily available to the public

- tenancy
- employment practices
- employment advertisements or applications
- membership in trade unions, employer's organizations or occupational associations. [One important note: Remember that you may have certain rights under collective agreements with your employer. Check with your union representative to see what protection is available.]

The Act provides protection from discrimination under the following grounds:

**Race:** belonging to a group of people related by a common heritage

**Religious Belief:** system of belief, worship and conduct (includes Native Spirituality)

**Colour:** the colour of a person's skin

**Gender:** being male or female. (This also includes pregnancy, sexual harassment and equal pay for same or similar work)

**Physical Disability:** any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness.

**Mental Disability:** any mental disorder, development disorder or learning disorder regardless of the cause or length of the disorder.



**Marital Status:** the state of being married, single, widowed, divorced or separated or living with a person of the opposite sex or the same sex in a common-law relationship.

**Age:** includes people 18 years of age or older. Age is not protected in areas of tenancy and public services, goods, accommodation or facilities. (This means that you must be 18 years or older to have the benefit of the Act in these listed areas only. All other areas protect all ages.)

**Ancestry:** belonging to a group related by a common heritage.

**Place of Origin:** country of birth.

**Family Status:** being related to another person by blood, marriage or adoption.

**Source of Income:** any lawful source of income.

**Sexual Orientation:** includes being sexually attracted to persons of the same sex, the opposite sex or both sexes.

## More Information On Your Rights

What about stereotyping or prejudice?

Stereotyping is defined as creating an oversimplified, false or generalized portrayal of a group of people. It does not allow for individual differences. Examples are as follows:

- *Black people are good dancers*
- *Chinese people are bad drivers*
- *Italians are passionate*
- *Women are emotional*
- *Indians are lazy and drunks*
- *Men are insensitive*

- Stereotyping is inaccurate and derogatory. It judges a person's ability, skills and personality based on unfair assumptions about racial, physical or cultural traits.

- Prejudice is defined as an opinion or judgment, frequently unfavourable, based on irrelevant considerations, inadequate knowledge or inaccurate stereotyping.

- Often learned at an early age, prejudice is irrational and not based on reality. Prejudicial behaviour causes pain and discomfort, impedes productivity in school and in the workplace and denies Albertans who are recipients of such behaviour the right to live, work and play with dignity and respect.

- Sometimes, people are not aware of their own prejudices because they do not know their assumptions are based on inaccurate information. Consequently, they are unaware that their prejudicial behaviour causes others pain.

- Prejudice is dangerous because it often leads to discriminatory acts prohibited under Alberta human rights law. If you feel that you are subjected to these types of discrimination, report them at once to your nearest Human Rights Commission Office.

- The Commission is impartial and will assist both parties to reach a settlement that is fair to everyone. The Commission offers a human rights education program to schools, organizations and businesses. Education may be required as part of a settlement in resolving complaints.

- Complaints to the Commission may be in writing or in person by describing the incident to a human rights officer and **must be filed within 12 months of the alleged incident.**





## Watch Out For All Kinds Of Discrimination.

Discrimination can be quite open and obvious. It also takes hidden forms that are hard to pick up, but are just as damaging to experience (if not more). This booklet will assist in sharpening your senses to the hidden forms.

## How do I recognize discrimination?

Sometimes discrimination is easy to spot. If a person comes right out and says you were not hired for a job because of the colour of your skin or where you were born, you know that is discrimination.

On the other hand, discrimination is not always so direct. An employer might not mention your age, sex, race or disability, but could say you did not get the job because “you would not fit in”. Or someone might stare at you or touch you in a way that makes you uncomfortable.

Some examples of discriminatory acts where the federal and provincial CHRC will take action:

- Differential treatment of an individual or a group of individuals based on a prohibited ground;
- Harassment;
- **Systemic discrimination:** a seemingly neutral policy or practice which is in fact discriminatory. For example, at one time police forces had height requirements that excluded most women and people of certain races.
- **Employment:** A person cannot be denied a job because of a disability that does not affect job performance or can be accommodated.

- **Accommodation:** An individual unable to work certain days for religious reasons may not be denied employment unless the employer can demonstrate that it would cause undue hardship. (This means that the employer, in an attempt to work around your religious days-off, would be able to continue only with severe financial loss)

### • Exceptions

The Act provides for exceptions such as:

**Bona fide Occupational Requirement** – A job may be refused to a person who cannot perform it safely, efficiently and reliably.

**Bona fide Justification** – A service may be refused to a person when it cannot be offered without undue costs or hardships.

**Mandatory Retirement** – A worker can be retired at the age that is normal for that kind of work.

**Accessibility** – the *Canadian Human Rights Act* recognizes that persons with disabilities must have access to premises, services and facilities. Employers and those who offer goods, services, facilities and accommodation are encouraged to draw up plans for adapting to the needs of persons with disabilities. Such a plan could include wheelchair accessibility.

All provinces and territories have similar laws forbidding discrimination in their areas of jurisdiction. If you are not sure whether this Act applies to you, contact your nearest Human Rights Commission listed on the inside back cover.



The Canadian Human Rights Commission is also actively involved in human rights education and regularly provides human rights training to employers, community organizations and other groups.

## Open Discrimination

Open discrimination is obvious and may take the form of an insult, rude service in a store or physical violence. Open discrimination targeted at a whole community may take the form of graffiti, hate literature or racist jokes.

## Hidden Discrimination

This kind of discrimination is harder to identify. It is less direct and more subtle – but just as harmful. Hidden discrimination targeted at a whole community happens when a policy, practice or system results in a disadvantage to certain groups.

An example of hidden discrimination is when an employer demands a certain level of formal education when the job doesn't require it. This would discriminate unfairly against all those who don't have that education but are nevertheless qualified for the job.

*A Supreme Court of Canada case, called BC Public Service Employee Relations v. BCGEU, [1999] 3 SCR 3 (S.C.C.) decided that selection tests designed for firefighter recruits discriminated against female applicants. Basically, it ensured that women are no longer disadvantaged when applying for fire-fighter positions and ensured equality rights for women in the employment field.*

This kind of discrimination is also known as *systemic* or *structural* because it operates as part of the basic systems our society is built upon. You might see it in places such as governments, banks, schools, or the media.

## Nobody Gives You Your Human Rights

There are many kinds of rights. Some are negotiated between people, such as the rights in a union contract. Others are granted by governments, such as the right to certain services. Then, there are basic human rights, which are protected by law. Your rights may be protected and enforced by the government, but it doesn't own your rights or give them to you. They belong to **you**. Stand up for your rights. No one gives you the power to exercise your rights – it is you who takes the power.





## How To Contact the Alberta Human Rights and Citizenship Commission:

### Canadian Human Rights Commission

Suite 1645 Canada Place  
9700 Jasper Avenue  
Edmonton, AB T5J 4C3

### Northern Regional Office

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

Phone: (780) 427-3116  
Fax: (780) 427-6013  
TTY: (780) 427-1597

### Southern Regional Office

Suite 310, 525 - 11 Avenue SW  
Calgary, AB T2R 0C9

Phone: (403) 297-6571  
Fax: (403) 297-6567  
TTY: (403) 297-5639

Call Toll Free 310-0000 - {enter Alberta Government Office Number}  
Email: [human\\_rights@gov.ab.ca](mailto:human_rights@gov.ab.ca)  
Website: [www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

## Government of Alberta

For general information, or to connect with any provincial government office, call the toll free province-wide number: 310-0000

Deaf, hearing and speech impaired TDD/TTY number: (780) 427-9999

## How To Contact the Federal Human Rights Commission:

### Canadian Human Rights Commission

Suite 1645, Canada Place  
9700 Jasper Avenue  
Edmonton, AB T5J 4C3

Phone: (780) 495-4040  
Fax: (780) 495-4044  
TTY: (780) 495-4108

[www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)





## Child Protection Rights

Children's rights are recognized at the international level by the United Nations High Commission for Human Rights. The *Declaration of the Rights of the Child* was proclaimed by the United Nations General Assembly on November 20, 1959, to which Canada is a signator.

Alberta Children's Services or Societies delegated by the Minister are required to protect children and if possible to support and preserve families in times of crisis and change. It has established policies and practices specific to the needs of Aboriginal children and their families.

When a child cannot be protected by services in the home, Children Services can remove a child from a high risk situation and place him/her in a safe living environment. In all cases, whenever possible, you are consulted about what will happen with your family. Legislation to protect children in Alberta is called the *Child Youth and Family Enhancement Act*.

Sections 67 and 107 of the Act establishes unique statutory rights for the guardians of Indian children and for Indian children who are adopted.

### What is the *Child, Youth and Family Enhancement Act*?

The *Child, Youth and Family Enhancement Act* is the law in Alberta that is meant to ensure that all children and youth are safe from abuse and neglect. Every reasonable effort is made to try and help families in their own homes and in their own communities.

Some children and youth may not be able to live at home. The *Child, Youth and Family Enhancement Act* helps to make sure they also receive the services and care they need.

Children and youth need to know what to expect if they need help under this legislation. All children and youth have rights, regardless of their age. However, under this Act, special rights, called *procedural rights*, are given to children who are 12 years of age or older. Your worker will tell you about your procedural rights under this legislation. Remember, when you know how things work, you can better follow through on your responsibilities!

As a child or youth in our society, it is important:

- 1) **to be a wanted and valued member of a family.** Families come in different sizes and shapes. For example, some children live with their birth families, others live with foster or adoptive families. Some youth live on their own. Regardless of where they live, they need to feel 'connected'; to feel that someone cares about them and will be there for them as they grow up.
- 2) **to state your views and opinions and to have them considered by people who make decisions about you.** Your ideas and thoughts about things that you would like to see happen in your life are important. People involved in making decisions about you should listen to what you have to say.
- 3) **to have your cultural, social and religious heritage considered in decisions, which affect you and your placement.** Your family or the community or cultural group you were raised in may have special values, beliefs and ways of doing things that need to be considered in the planning that you and your worker do.
- 4) **if you are Aboriginal, to have your unique culture and heritage respected.** Aboriginal families and communities have unique cultural values, beliefs and ways of doing things that need to be respected when decisions are being made.





## When You Are Receiving Services Under the *Child, Youth and Family Enhancement Act* You Can Expect:

1. **To have your worker talk to you about information from your personal files that is about you (you can't read information about other people).** If you would like to know what information about you is on your file, ask your worker. Some information cannot be shared because it would be against the law or harmful to you. If your worker does not share information with you, you can ask to speak with the worker's supervisor.
2. **To have a plan for your care.** A plan for your care is called a Concurrent Plan. Decisions like where you are going to live, where you are going to go to school, what supports you can expect to receive, and what responsibilities you, your family and your worker have, may be included in this plan. You have a right to be involved in making this Concurrent Plan - ask your worker for a copy so that you will know what is going to happen in the months ahead.
3. **To have the stability and continuity of your relationships with other people considered when your case plan is being developed and when a decision about your placement is being made.** Where you will live and whom you would like to stay in touch with when you cannot live at home are very important decisions. Talk to your worker about people, activities and places that are important to you.
4. **To be told about the following procedural rights under the Act (when appropriate):** The word 'procedural' means ways of doing things. In this legislation, procedural means certain actions that must be taken when a judge becomes involved in making decisions. There are different courts in Alberta. In this document, court means the court that makes decisions related to the *Child, Youth and Family Enhancement Act*.
  - **To have your confidentiality protected and to have privacy with respect to your personal information.** A file is a record about you and your family. It will have information about the people who have cared for you in the past. It will also have notes about meetings and any papers that a worker completed to take to court. Workers have rules to follow about sharing file information. For example, information may need to be shared with doctors, teachers, foster parents, guardians, and group home workers who are involved in your life. However, file information is generally kept private unless sharing the information helps people make good decisions.
  - **To have the Child and Youth Advocate represent your rights, interests and viewpoints.** The Advocate could also involve your family or someone in your community to help if you want. You have a right to be heard, but sometimes it is hard to say what you want to say. The Child and Youth Advocate can help you.
  - **If you are 12 years of age or older, you have the right to have a lawyer represent you in court.** If you are under 12 years of age, a lawyer may represent you in a court if a judge agrees.
  - **If you are 12 years of age or older, you have the right to be told about the date, time and place of every court hearing which is about you.** You then have the right to go to court, if you want to, and to tell the court what you want to have happen for you.
  - **If you are 12 years of age or older, you have the right to appeal a supervision, or a temporary or permanent guardianship order made about you within 30 days of when the judge makes the order.** If you want to ask a judge to change the court order, and you make this decision within 30 days, the procedure is called an appeal. The worker can tell you what steps you need to take to talk to a judge.
  - **If you are 12 years of age or older, you have the right to request one court review of any supervision or temporary guardianship order that is about you.** You can only request this review when the court order has been in effect for 30 days or longer. Both procedures, reviewing and appealing court orders, give you an opportunity to ask a judge to reconsider the decision. The judge still makes the final decision.
  - **If you are 12 years of age or older and you are receiving support through a temporary or permanent guardianship order, you have the right to say yes or not to an access order, and also to ask the court to review the order.** An access order is an order that a judge makes to ensure that you have ongoing contact with important people in your





life - unless contact is not safe for you. You can ask a judge to review this order and to make changes.

- **Children and youth who are receiving intervention services under a secure services order, have the right to:**
  - receive a copy of the order and a written statement explaining why you were secured.
  - be told when you will no longer be secured.
  - know that the order may be reviewed or appealed.

Secure services are a group of services provided for a short period of time to a child or youth who is in danger of harming themselves or others and need to live in a highly supervised (locked) place because other ways of reducing the danger of harm are not adequate. Workers providing secure services are trained to help stabilize behaviour so that a child or youth can live safely in the community.

- **If you are 12 years of age or older, you have the right to say yes or no to an adoption or private guardianship order being made about you.** The judge will consider all the information and then make the final decision.
- **If you are 12 years of age or older, you have the right to receive a copy of a private guardianship order that is made about you.**
- **If you are 15 years of age or older and you are living independently, and you cannot return home because it is not a safe place, you have the right to ask to sign your own agreement for services, including a place to live.** Some older youth are not able to live at home or with other families because it is not safe. Youth who are living independently but who need help to meet their goals, such as going to school, can ask a worker to sign an agreement that describes what services will be provided. Make sure you tell the worker what your plans are and what help you need to achieve your goals.
- **If you are 18 years of age and you are receiving services under the Act, you can ask for ongoing supports until you are 22 years of age.** Some youth who are 18 years of age are not ready to live independently. Youth who have been receiving supports under this Act can ask for on going support to help them meet their goals until they are 22 years of age.

- **If you are adopted and 16 years of age older and living independently of your guardian, you can apply to be placed on the passive registry.** If other members of your birth family also register with the passive registry, you will be notified. Once you are 18, you will be able to request information from your record.
- **If you disagree with decisions that are made about you, you have the right to have the decision reviewed. The decision could be reviewed by:**
  - a mediation or some other dispute resolution process.
  - an administrative review of the decision.
  - an appeal to the Appeal Panel, in certain situations.First of all, talk to your worker, your worker's supervisor, or your foster parents or care givers. If you still feel that you are not being heard, ask your worker to explain what steps you can take to have the decision reviewed.
- **When participating in a dispute resolution process, review, or an appeal, you can ask that the Child and Youth Advocate help you.**

## Other Questions?

- Depending on your circumstances, there may be other things you can reasonably expect as a child or youth receiving services under the Act. If you have questions about visits, a spending allowance, education, graduation, health care, recreation, clothing, or anything else, you are encouraged to ask your worker.
- You also are encouraged to ask questions if you do not understand any words that people are using to describe your service plan or decisions that are being made about you.
- Tell an adult you trust if you are having a problem, especially if you are being abused or mistreated. Tell someone if you feel that your cultural values are not being respected. In order to help you, people need to know that you are unhappy.
- If you do not understand or if you need more information about your rights or responsibilities, as your worker, your caregiver, the Child and Youth Advocate, or your lawyer, if you have one.





## Contact List

### Alberta Children's Services

There is a lot of helpful information on the Alberta Children's Services  
Website: [www.child.gov.ab.ca](http://www.child.gov.ab.ca)

### Child Abuse Hotline 1-800-387-5437

### Post Adoption Registry (Adoption Records)

11th Floor, Sterling Place, 9940 - 106 Street Edmonton, AB T5K 2N2  
Phone: (780) 427-6387  
Fax: (780) 427-2048  
Toll Free: 310-0000-780-427-6387  
Website: [www.child.gov.ab.ca/whatwedopostadoptionregistry](http://www.child.gov.ab.ca/whatwedopostadoptionregistry)

### Appeals Secretariat

Edmonton Phone: (780) 422-3615  
Calgary Phone: (403) 297-5636

If you want to make a request for copies of records about yourself, or if you want information about Freedom of Information and Protection of Privacy (FOIP) contact:

### Information and Privacy Office

12 Floor, Centre West Building, 10035 - 108 Street Edmonton, AB T5J 3E1  
Phone: (780) 427-2805  
Toll Free: 310-0000-780-427-2805  
Email: [foipofficehrs@gov.ab.ca](mailto:foipofficehrs@gov.ab.ca)

### Child and Family Services Authorities

Child and Family Services Authorities have offices throughout the province. If you are not sure how to contact the Child and Family Services Authority responsible for providing intervention services in your area under the Child, Youth and Family Enhancement act, you can look it up on the Children's Services website at: [www.child.gov.ab.ca/cfsa](http://www.child.gov.ab.ca/cfsa)

### Office of the Child and Youth Advocate

#### Northern Office

803 Peace Hills Trust Tower, 10011 - 109 Street Edmonton, AB T5J 3S8  
Phone: (780) 422-6056 Fax: (780) 422-3675 Toll Free: 1-800-661-3466  
Email: [ca.information@gov.ab.ca](mailto:ca.information@gov.ab.ca)

#### Southern Office

406 Hillhurst Professional Bldg, 301 - 14 Street NW Calgary, AB T2N 2A1  
Phone: (403) 297-8435 Fax: (403) 297-4456 Toll Free: 1-800-661-3466  
Email: [ca.information@gov.ab.ca](mailto:ca.information@gov.ab.ca)

Helpful information about wording that people use when describing activities under this Act can be found on the website of the Office of the Child and Youth Advocate:  
[www.gov.ab.ca/cs/childrensadvocate](http://www.gov.ab.ca/cs/childrensadvocate)

- Youth in Care Networks
- Alberta Youth in Care and Custody Network
- c/o The Calgary John Howard Society
- 917 - 9 Avenue SE Calgary, AB T2G 0S5
- Phone: (403) 543-7819 Fax: (403) 265-2458
- Email: [sparks@shawbiz.ca](mailto:sparks@shawbiz.ca)

### Association for Youth In Care - Edmonton

202B White Oaks, 12222 - 137 Street Edmonton, AB T5L 4X5  
Phone: (780) 426-7960  
Website: [www.ayice.org](http://www.ayice.org)

## For more information...

- Child and Family Services Authorities in your area  
Call Toll Free: 310-0000
- Children's Crisis Unit - Edmonton and Area Unit 6  
Child Abuse Hotline - Alberta (excluding Calgary)  
Toll Free: 1-800-387-5437  
(403) 297-2995 (Calgary)
- Child and Youth Advocate Provincial  
Phone: (780) 427-8934 or (780) 422-6056 (Edmonton) or  
(403) 297-8435 (Calgary)  
1-800-644-7609 (Toll Free)  
1-800-644-7230 (Toll Free - Rotary Phone)
- Child Abuse Hotline 1-800-387-5437
- Kids Help Phone 1-800-668-6868
- Bullying Hotline 1-888-456-2323
- Parent Info Line 1-866-714-5437

[www.b-free.ca](http://www.b-free.ca)

[www.bullyfreealberta.ca](http://www.bullyfreealberta.ca)





## Youth Advocacy Rights

Aboriginal youth in the Province of Alberta are protected by federal and provincial laws. The first area is child welfare legislation and legislation that directs the authorities to do certain things that help you. The second is your rights in the Justice system. (See section on Youth Justice Rights for more information.)

Should you or someone you know get arrested, you and they have rights under both the **Provincial Young Offenders Act** and the **Federal Youth Criminal Justice Act**. These Acts are geared to ensure the authorities comply with certain rules.

### Child, Youth and Family Enhancement

It is clear from the *Child, Youth and Family Enhancement Act* that if you are abused or in a relationship at home that is harmful, the police will intervene. They will not get involved if there is an alternative method to ensure the family stays together. Basically, this legislation is known as "Child Protection Law" and it will come into action if you are mentally or physically abused at home by family or by others.

- This legislation also appoints a "Children's Advocate" who is your spokesperson and looks out for your needs. The role of the Children's Advocate is to provide advocacy to children who are receiving services under the Child, Youth and Family Enhancement Act and who require the assistance of an advocate to ensure their views, rights and interests, are considered when decisions are made on their behalf. Further, Sections 67 and 107 of the Act provides words that reflect definitions of "Indian Child" "band" "reserve" that are all consistent with the "Indian Act". So, if you are subject to services under this Act, the Director (person who administers the Act) will ensure that your band exercises their rights as to where you are going to live.

- Historically, Aboriginal children have represented roughly 50% of the children in the child welfare system in Alberta.

#### Under section 9 of the Act authorities are responsible for:

- Promoting the safety, security, well being and integrity of children, families and other members of the community
- Planning and managing the provision of child/family services
- Determining priorities in the provision of child and family services and allocating resources accordingly
- Ensuring reasonable access to quality child and family services.

- The **Child and Family Services Authorities Act** shows commitment by the Alberta Government to develop and provide programs and services to First Nations, Métis and other Aboriginal peoples which reflect their values, beliefs and customs in a respectful and collaborative manner.





## For more information...

Contact the office of the Child and Youth Advocate at the address listed below.

- Child and Youth Advocate Provincial  
Phone: (780) 427-8934
- Child and Youth Advocate North Office  
Room 803, Peace Hill Trust Tower  
10011 - 109 Street  
Edmonton, AB T5J 3S8
- Phone: (780) 422-6056  
Fax: (780) 422-3675

In addition to Child and Youth Advocate services, there are associations and agencies that provide services to youth in areas of education and employment or to those youth who are in care of the government.

## For more information...

If you are concerned about your welfare or your child advocacy rights call:

- Information and Direction  
Phone: (780) 415-0733
- **Child and Family Services Authorities in your area**
- Children's Services Ministry Information  
Phone: (780) 422-3004
- Minister's Office  
Phone: (780) 415-4890
- Child and Family Services Crisis Unit  
Phone: (780) 422-2001
- Child Abuse Hotline – Toll Free: 1-800-387-5437 Alberta  
(excluding Calgary)  
Phone: (403) 297-2995 (Calgary)





## Youth Justice Rights

If you are between the ages of 12-17 years and have been accused of an alleged offence, it is likely that you will be dealt with according to one of the Young Offenders Acts. The Provincial *Youth Offenders Act* deals with offences set out in municipal and provincial legislation. An example of an offence prosecuted under the Provincial Act would be in possession of liquor under age.

An example of an offence under the *Federal Youth Criminal Justice Act* is break and enter or an assault with a weapon. These offences are from the Criminal Code of Canada and are used along with the *Federal Youth Criminal Justice Act*. Generally, young offenders have all the same rights as adults in conflict with the law.

### Right to Counsel

Having a lawyer is an absolute right upon detention or arrest for any alleged crime. Section 25(2) of the *Federal Youth Criminal Justice Act* requires police to advise young persons of their right to be represented by legal counsel. A similar duty is imposed on Justices of the Peace and Youth Court Judges when a young person makes his or her first appearance in court.

A second duty of the police upon arrest or detention is to inform the young person's parents or guardian of the arrest.

### Separate Custody from Adults

If you are in custody, the *Federal Youth Criminal Justice Act* requires that you are placed in a separate holding cell away from adult offenders. However, the police can apply to a Justice of the Peace to allow a young person to be detained in an adult facility if there are grounds to believe that the young person poses some danger and there is no available youth facility.

### Release from Custody

If the police do not have reason to believe that you will not go to court or you will not continue committing the offence, they must release you by way of a summons or a promise to appear.

On the other hand, if there are reasons to believe you may continue to commit the offence or run away, then the police can hold you until you go before a Judge of the Provincial court. Other reasons that you may be kept in custody overnight or longer may be that you have an extensive record or, in some cases, nowhere to go to.

Should you have to go to court, a lawyer will generally be on duty to assist you in your release from custody.

Release becomes complex if your parents are unwilling to take you back into the home. At that point, other arrangements have to be made. One alternative is to have another member of the family sign an undertaking called a section 31 release, where they promise to keep an eye on you. The court may consider what sureties were taken for collateral and hold a hearing on the next step. The court could take the money or lands or property held as collateral, put up to "get someone out on Bail".





## Summary of Justice Rights

The following list outlines your rights under the *Federal Youth Criminal Justice Act*.

- when the police arrest or detain you or prevent you from leaving, the police officer must tell you that you have the right to a lawyer regardless of the time, day or night and then allow you to call that lawyer of your choice;
- when a police officer begins a criminal investigation that involves a youth, the police must consider the following options: not taking any further action against you, or giving you a caution if such a program has been established by the Attorney General;
- you have a right under certain conditions not to be charged with a criminal offence. Before charges are laid against you, the police officer must consider the following:
  - *the seriousness of the alleged offence;*
  - *number of previous offences you may have committed;*
  - *aggravating circumstances; and*
  - *whether you denied being involved or whether you tell the police that you prefer to be charged;*
- if the police or prosecutor issued a caution or referred you to a community based program and you ended up getting charged in any event, you may have those charges dismissed by the Judge if in the opinion of the Judge, prosecution would be unfair;
- if you are placed under arrest by police, your rights to be released are the same as those for adults. This means that you have a right to be free unless the offence is so serious that it would be too dangerous or risky to let you out into the community;
- if the police attempt to hold you in jail while waiting for a court hearing, they must allow you a lawyer. If no lawyer is immediately available, you are allowed to have an appropriate adult assist you;
- if you ask for a lawyer during a bail hearing in front of a Justice of the Peace (JP), he or she must refer all matters to a Judge. This may result in you being held in custody until a Judge is available;
- you are entitled to be released to a responsible person. If you, in the absence of a responsible person, are going to be kept in jail, the JP or Judge must try and find a responsible person and ask you if you are willing to stay there;
- if a judge makes an order to have a lawyer appointed for you, then the government pays for the legal fees unless there is an agreement by Youth Legal Aid to pay;
- when arrested, the police must notify your parents or a responsible adult in their absence;
- the police must provide a copy of all release documents;
- when the police interrogate you, they must speak to you in a language appropriate to your age and understanding. They must also tell you that you:
  - *are not obliged to say anything; and that anything you do say may be used in evidence against you;*
  - *are allowed to see a lawyer or a parent;*
  - *any statement made by you must be made with your lawyer at your side in the same room, car, street, highway, or sidewalk unless you go ahead and make a statement.*



You must remember NEVER to give police a statement whether or not you have done something wrong unless your lawyer is present. Do not even give a witness statement without consulting a lawyer.

You must remember that when dealing with the police, silence is your best defence and only defence. Tell the police to wait until you have spoken to your lawyer.

### For more information...

- **For Young Offenders:**

To learn more about your rights under Justice Programs call or visit:

- **Youth Offenders Probation-Community Corrections (Edmonton)**
- **Northside**  
2088 Northgate Centre  
9499 - 137 Avenue  
Phone: (780) 427-3371
- **Southside**  
500, 10044 - 82 Avenue  
Phone: (780) 427-3380
- **Protection of Children involved in Prostitution**  
Phone: (780) 422-4682

### Who to Call:

- **Youth Emergency Shelter Society**  
Phone: (780) 468-7070
- **Teens Helping Teens Crisis Line**  
Salvation Army  
Phone: (780) 428-TEEN (8336)  
Outside of Edmonton  
Toll Free: 1-877-803-TEEN (8336)
- **Student Legal Services of Edmonton**  
U of A Campus  
11011 - 88 Avenue  
Phone: (780) 492-2226
- **Native Counseling Services of Alberta**  
2nd Floor, 9636 - 102 Avenue  
Phone: (780) 423-2141
- **Métis Child & Family Services**  
10437 - 123 Street  
Phone: (780) 452-6100
- **Legal Aid Youth Office**  
6th Floor, 10310 Jasper Avenue  
Phone: (780) 422-8383







## Education Rights

The **School Act** is legislation that affects parents, teachers, school boards, community members and most importantly, students. The **School Act** is designed to ensure a coordinated focus on student learning. Everyone has an important and co-operative role to play in public education.

### Students Rights

As a student between the ages of 6 and 19 you have the **Right** to:

- access a public education program;
- a safe & caring school environment that fosters and maintains respectful and responsible behaviours;
- education programs and instructional materials that:
  - positively reflect your heritage and promote understanding and respect for others, and
  - do not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action or disobedience of laws.
- request (if you are 16 years or older) to meet with your principal and your parents to discuss the need of a decision to suspend you;
- make representations to the school board regarding your principal's recommendation to expel you from school;
- know that information in your student records will only be

disclosed where it is required or allowed by legislation;

- review your own student records and challenge the accuracy or completion of any information contained in them.

### Student Responsibilities

While registered in school and participating in school-related programs or activities (whether on or off school property) all students must abide by the provisions of the **School Act**, particularly the code of conduct set out in section 12.

As a student between the ages of 6 and 19 you have the **Responsibility** to:

- attend school on a regular basis (if you are between the ages of 6 and 16);
- contribute to a safe and caring environment in their school;
- comply with the Code of Conduct of your school and the **School Act** (section 12) which states that you shall:
  - be diligent in pursuing your studies;
  - attend school regularly and punctually;
  - co-operate fully with everyone authorized by the school board to provide education programs and other services;
  - comply with the rules of your school;
  - account to your teachers for your conduct;
  - and
  - respect the rights of others.

### Code Of Conduct Violations

In the event that you do not abide by the Code of Conduct of your school or the **School Act**, teachers and principals have the power to discipline you by suspending you from a class or from school. There are limits, however, to the disciplinary action that they can take.





A teacher or a principal may only suspend you if, in the opinion of the teacher or principal:

- you failed to comply with the code of conduct requirements; or
- your conduct was harmful to the physical or mental well-being of others in the school.

If you display an attitude of willful, blatant and repeated refusal to comply with the code of conduct or your conduct is harmful to the physical or mental well-being of others in the school, your principal may recommend to the school board that you be expelled.

## Disciplinary Actions

A **teacher** can suspend you for one class period. A **principal** has the power to suspend you from school for a maximum of five (5) school days, and from courses or programs or from riding on a school bus. A principal may recommend expulsion to the school board.

When you have been suspended, the principal has the **responsibility** to:

- inform your parent(s) immediately;
- provide the parents(s) with a written report that clearly explains the circumstances regarding the suspension; and
- if requested by your parent(s), meet with them and with you, if you are 16 years of age or older.

You have the **right** to:

- meet with the principal and your parent(s) regarding a suspension if you are 16 years of age or older.
- return to school after the suspension without being subjected to harassment or ridicule. However, your behaviour, must:

- conform with the code of conduct; and
- must not be harmful to others.

A principal may suspend you for longer than five (5) school days if the principal is recommending to the school board that you be expelled.

The principal may recommend expulsion if:

- a) you have displayed an attitude of willful, blatant and repeated refusal to comply with the Code of Conduct, or
- b) your conduct is harmful to the physical or mental well-being of others in the school.

The school board is required to hear the matter of your suspension within ten (10) school days from the principal's suspension date.

The school board may only expel you if they have considered the report of the principal, the representations of your parent(s) and/or you, and if the principal has recommended that the board expel you. You must also have been offered another education program by the school board. If you are expelled, your parent must be told by the school board that they can request (in writing) that the Minister review the expulsion.

## Discrimination at School

Young people who face discrimination within the school system, whether by their peers or teachers, are often embarrassed to speak openly about it, feeling that maybe this treatment is somehow "their fault" or they fear bringing more negative attention to themselves. It is important for all students to understand that name-calling and abuse are unacceptable and disrespectful and it is their right to take action to make their schools safer places.

School counselors are available in most schools in the province and are specifically trained to deal with issues that affect a student's school





life. If you experience what you feel is discrimination, you should speak to your school counselor. Your school counselor will assist you in alerting the proper authorities. If your school does not have a school counselor, talk to a teacher or principal you trust or contact a member of your school board, who will help you find appropriate supports. Your school system is there to serve your needs, and whether you are a parent or a student, you have the right to be actively involved in the decision making process that governs your school.

## Rights of Parents of Students

As a parent or guardian, it is your right to participate in decisions concerning your child's education.

This right entitles you:

- to be informed of your child's attendance, behaviour and progress at school;
- to be informed of school policies in general and of changes in policy that may affect your child;
- to an explanation for any punishment your child receives;
- to appeal your child's suspension or expulsion to the school superintendent;
- to speak directly to the teacher or principal about your child and make suggestions to help improve your child's progress;
- to get information on all programs available to your child;
- to have your child's special needs reviewed;
- to be consulted before your child is placed in a special education program;
- to see your child's records or file and discuss them with the school or school board;
- to make inquiries to the school board about board policies;

- to participate in the school council, subject to the school council's policies;
- to vote or run in school board elections in your school division;
- to speak to your elected school board officials about any concerns you may have;
- to appeal any decision concerning your child's education to the school superintendent or elected officials of the school board.

## Teachers Responsibility

Teachers are expected to consistently demonstrate that they understand and support:

- students' needs for physical, social, cultural and psychological security;
- the importance of respecting students' human dignity, and
- the establishment of professional relationships with students that are characterized by mutual respect, trust and harmony. It

**is your right to be treated with respect and without discrimination at post-secondary institutions.**

This right entitles you:

- to make complaints against any practice of the institution which may be discriminatory;
- to appeal a mark or a discipline decision;
- to ask for help from a student advocate when making an appeal;
- to vote or run in student governments and speak to elected student representatives about any concerns you have;
- to ask for assistance from any Aboriginal student groups which may assist you on matters concerning you;
- to ask for and receive assistance from the ombudsman (person) who can assist you with any decision which you think is unfair.



**As a post-secondary student you should be aware that:**

- post-secondary institutions are autonomous (self-governing);
- students are advised to communicate with the institution first if there is an issue;
- policies, codes of conduct or procedures addressing students rights and responsibilities may be available on the institution's website or in the institution's academic calendar;
- assistance may also be available from institution instructors, faculty or student support service centres.

**It is your right as a post-secondary student to apply for student financial assistance.**

**This right entitles you:**

- to have your application considered without discrimination;
- to appeal if your application for financial assistance is rejected.

**For more information...**

- Alberta Education  
Aboriginal Policy Branch  
Phone: (780) 427-8501  
For Toll-Free access within Alberta, first dial 310-0000.  
Visit: [www.education.gov.ab.ca/FNMI/](http://www.education.gov.ab.ca/FNMI/)
- Aboriginal Liaison Worker with your  
School Board  
Parents or School Councils  
School Board in your area

**For more information...**

- Services to Children with Disabilities  
Phone: (780) 427-4354
- Alberta Advanced Education & Technology  
Phone: (780) 422-1263  
Toll Free 310-0000 {enter} 780-422-5400  
Visit: [www.advancededucation.gov.ab.ca](http://www.advancededucation.gov.ab.ca) or  
[www.education.gov.ab.ca/FNMI/fnmiPolicy/Background.asp](http://www.education.gov.ab.ca/FNMI/fnmiPolicy/Background.asp)
- Minister of Advanced Education  
Phone: (780) 427-2025
- Institute for the Advancement of  
Aboriginal Women (IAAW)  
Toll Free: 1-877-471-2171  
Phone: (780) 479-8195  
Fax: (780) 471-2169
- The Post Secondary Institution
- Information on Financial Assistance:  
Contact Student Funding Contact Centre in Edmonton at  
(780) 427-3722 or toll free from anywhere in Canada at  
1-800-222-6485, your nearest Alberta Service Centre or  
Canada-Alberta Service Centre, or the Awards Officer at the  
institution you plan to attend.

Website: [www.alis.gov.ab.ca/studentsfinance](http://www.alis.gov.ab.ca/studentsfinance)







## Women's Rights

### It is your right to be treated with respect.

Aboriginal Women face discrimination in all areas of their lives. If you are refused a job or programs and services because you are Aboriginal, that is discrimination. It is your right to be treated with respect and without discrimination.

Your rights are not limited to the ones in this section. All other sections of this guide also apply to you. This section has been written because we understand that Aboriginal Women face different challenges and problems. If you are faced with discrimination or violence, you can get support from other Aboriginal women. You are not alone.

See the back section of this booklet for an excellent source of information on the Internet. You can access the Internet from your local public library.

### It is your right to have control of your body.

No one, including a partner, doctor or social worker, can make medical decisions for you without your consent. You can accept or refuse medical treatment (note: see section on health rights.). This includes decisions about taking birth control or having an abortion. You have

a right to be treated with respect when seeking medical information, counseling or support services.

#### This includes the right to:

- ask questions and get information you need;
- accept or refuse birth control, including sterilization and abortion;
- obtain birth control information, devices and medically safe abortions;
- get information on family planning, sexually transmitted diseases and AIDS.

### It is your right to keep your job if you are pregnant.

#### This right entitles you:

- to full participation in the workplace when pregnant.
- to get maternity leave.  
*You are eligible for maternity leave without pay or for adoption leave after working at one place for 12 months.*
- you must give 2 weeks notice when requesting leave.
- if you are pregnant and not working, you are entitled to the maximum numbers of insurable weeks.



## Your Specific Health Care Rights

### Abortion

Abortion is no longer a criminal act. You have the right to an insured abortion if it is medically necessary and you do not need the consent of the father.

### Sterilization

If you are married you have the right to be sterilized without the consent of your spouse. If you become pregnant as a result of a negligent sterilization you have the right to seek compensation for wrongful birth.

Seek the assistance of legal counsel in circumstances that you feel your rights may have been violated.

## You have a right to be free from violence.

Aboriginal women can face violence in their homes, communities and work places. Much of the violence against women is by men they live with or once lived with. The police and the courts can help but many women do not report incidents of violence. Aboriginal women who are abused can go to emergency accommodations and places of healing. Your safety and your children's safety are most important. Stalking, uttering threats and assaults are crimes. Report this to police.

### You have a right:

- to be free from violence;
- to safety, for you and your children;
- to get protection from the police and courts;

- to emergency accommodation and other support services such as counseling.

## You have rights in the workplace.

It is illegal for an employer to refuse to hire, train, or promote you because you are a woman. By law, an employer cannot pay a man more than a woman if they are doing the same or similar work and have the same amount of education and skills. See the section on Employment rights. (It applies to you). Laws also protect pregnant women in the workplace.

If you think that you are being discriminated against at work, contact the Alberta Human Rights and Citizenship Commission, and the Canadian Human Rights Commission. Your employer cannot punish or fire you for doing this.

Under the **Employment Standards Code**, an employee who has worked for an employer for 52 weeks is entitled to take maternity and parental leave. An employer may not terminate an employee's employment while the employee is on maternity or parental leave or because they have taken this leave, and must reinstate the employee at the end of the leave. While employment standards officers can investigate complaints by employees that they have been terminated during maternity or parental leave or because they have taken these leaves, complaints about discrimination on the basis of pregnancy or family status should be made to the Human Rights and Citizenship Commission.

Harassment, including sexual harassment, can happen to any person but it is often directed towards women. Aboriginal women often experience difficulty in getting jobs and they may fear the harasser will retaliate, or that people will think that "they asked for it".





**If you are faced with harassment:**

- tell the harasser that the behaviour is unwanted and you want it to stop;
- if the harassment continues, keep a record of dates, times, locations, witnesses, statements and behaviours;
- seek the assistance of a friend, an Aboriginal advocate, a supervisor or a human rights officer;
- report to police any threats to harm you.

## **Your name and your rights.**

**This right entitles you to:**

- retain your birth name after marriage;
- hyphenate your name with your spouse's name;
- use the surname of your husband.

## **Girls have the right to be treated with respect and dignity while at school.**

Some girls are bullied, emotionally and physically, at school. They may be called derogatory names or teased about their bodies. If your daughter is being bullied, shamed or harassed at school:

- remind her that she is worthy of respect and does not deserve to be harassed;
- talk with her teacher or principal;
- insist the school take action;
- insist that the school take responsibility not to tolerate violence against girls;
- seek out a support group such as the Institute for the Advancement of Aboriginal Women.

**Contact the Prevention of Family Violence and Bullying Division of Alberta Children's Services for advice, information, and resources on anti-bullying.**

### **For more information...**

- Institute for the Advancement of Aboriginal Women (IAAW)  
Toll-Free: 1-877-471-2171  
Phone: (780) 479-8195  
Fax: (780) 471-2169
- Status of Women  
Phone: (780) 495-5020
- Alberta Aboriginal Women Society  
Phone: (780) 624-3153
- Prevention of Family Violence and Bullying Division  
Phone: (780) 422-5916





## Family Rights

When you get married, you enter a partnership. In this kind of partnership, the partners have the right to share property, family responsibilities and decision making.

### It is your right as a married spouse to be an equal partner in rights and responsibilities.

This right entitles you:

- to participate fully in decisions affecting your children;
- to get financial support or maintenance from your spouse.  
*Maintenance can be in the form of money for basic needs or helping to run the household.*
- to live and enjoy the home during the marriage, even if the home is owned by your spouse.

*The Dower Act gives a spouse an interest in the matrimonial home so that it cannot be sold without his or her consent or release. The Matrimonial Property Act provides for a right to obtain an order for exclusive possession of the matrimonial home in certain situations.*

*This Act is only partially applicable on Indian reserves.*

*The Act can be applied to personal property of residents on reserves but cannot be applied to an Indian's interest in lands. Please see 'Matrimonial Property Act' in the Emerging Rights*

*section (section 15) for more information, as this legislation may be changed in the future.*

- to use and enjoy family assets (the home, furniture, family car)  
*The Matrimonial Property Act provides for relief in situations of divorce, judicial separation for a period over a year. For example, where proceedings have begun under the Matrimonial Property Act, a spouse can obtain an order prohibiting selling or transferring of property or household goods during the proceedings.*
- to ask for and receive financial information from your (former) spouse.

### It is your right to be protected from abuse and neglect.

This right entitles you:

- to call police or authorities for protection from abuse and neglect:

*Abuse and neglect take the following forms:*

- Physical abuse - hitting, unwanted physical contact, violence;
- Sexual abuse - unwanted sexual contact, suggestion or show of sexual materials;
- Emotional abuse - insults, intimidation, threats;
- Neglect - not being provided with your basic needs;

- to apply for a temporary restraining order in case of immediate danger.
- to get protection from stalking, by asking police to lay a charge against the person stalking you.
- to appeal any decision by a judge providing grounds exist.
- to apply to a court for restraining orders or peace bonds, whether you are married or common-law.





Restraining orders - are orders from the Court of Queen's Bench to forbid any person from contacting or harassing you. There are two kinds.

**Non-molestation order** – your spouse cannot molest, annoy or harass you or your children in your care.

**Emergency Protection Order (EPO)** – your spouse cannot enter your residence or place of employment. Your spouse does not have to know that you are applying for a restraining order if the safety of you or your children is in danger, or for some other emergency reason. If an order is obtained without providing notice, the court will set a date for review of the order, and give the other party 10-21 days notice.

**Queen's Bench Protection Order** – are like EPO's except that they come from criminal court, civil court or family court. This can be a lengthy process, and your spouse must be present when you apply.

Please see page 30 for more information.

## It's your right to protect yourself when your legal marriage is not working:

This right entitles you:

- to separate from your spouse
- to enter into a Separation Agreement  
*A separation agreement is a legal contract to deal with custody and access to children, property, financial and family support – maintenance matters.*
- to ask the court for custody of any children upon separation.  
*You can apply for a court order called an Interim Custody, which gives you temporary care and control of your children.*

- to get help from police to get your children back if they are abducted by your spouse.

*The police may not get involved unless you have a court order which has granted you custody of the children.*

- to get information about your children if you are the parent without custody.

*It is your right to be informed about your children's education, physical and mental health. You lose this right when it is not in the children's best interest for you to know.*

- to seek a divorce if you have a marriage breakdown.

*A marriage breakdown occurs when:*

- you have been separated for a year or more;
- your spouse commits adultery – sexual intercourse with another person;
- your spouse commits mental or physical cruelty;

- it is also your right to seek and obtain services from the Alberta Family Mediation Society to assist you and your spouse sort through a marriage breakup;

*The Society may be able to help you directly or refer you to someone else who can help. The Government of Alberta sponsors no-cost mediation to couples meeting certain requirements. Call 310-0000 and ask to be transferred to Family Mediation Services.*

- to seek distribution of property under the *Matrimonial Property Act*

*The Court of Queen's Bench may make an order for the distribution of all the property owned by both spouses and by each of them. Note: This does not apply to the distribution of Indian interest in reserve lands.*

Please see Section 15 for more details.





## It is your right to request changes if you have voluntarily put your child up for adoption.

This right entitles you:

- to apply to set aside an adoption order up to one year after surrendering your child.  
*If the order was acquired by fraud, then it may be set aside only if it is in the best interests of the child to do so.*

## It is your right to get information about your own adoption.

This right entitles you:

- to use a licensed search agency to help trace or meet your natural parents.  
*The licensed search agency can arrange a meeting with natural family members if the family members agree to a meeting.*
- to use the Post Adoption Registry to obtain non-identifying information and to meet family if they are also registered.  
*(Note: You must be 18 years of age to initiate a search.)*

## Common-law Relationships

This type of relationship is quite common. It is basically two people (same-sex or opposite sex) who are co-habiting as a couple. Common-law relationships are protected against discrimination in both federal and provincial legislation.

The *Charter of Rights* also guarantees equality rights for all Canadians regardless of the type of relationship.

## It is also your right as a common-law spouse:

- to participate fully in decisions affecting your children
- to get financial support or maintenance from your spouse for your children

## Family Violence Legislation

Alberta's *Protection Against Family Violence Act* (PAFVA) was enacted in 1999 to address family violence in Alberta. This Act is designed to protect you and gives you the entitlement and empowerment to:

- be free and safe from violence
- the maximum protection from abuse permitted by law
- be treated with courtesy and respect
- receive all information about your legal rights from community resources
- a Queen's Bench protection order, restraining order or peace bond, or an Emergency Protection Order (EPO) in urgent circumstances

In addition, on November 1, 2006 changes were made to the Act to provide better protection to victims of family violence, including providing

- protection to people who are being stalked by a family member or an ex-partner,
- providing protection to relatives regardless of whether or not they live together,
- and
- clarifying conditions when an Emergency Protection Order can be granted.

### 1. Emergency Protection Order (EPO)

An EPO is a way to address your immediate safety if you have been exposed to family violence. An EPO can order an abuser not to go to places where you regularly go and not to communicate with you. The EPO can allow you to stay in the home and order





the abuser to leave. It can also address other conditions necessary to provide for your immediate protection.

You can apply for an EPO 24 hours a day, seven days a week. **There is no cost to obtain an EPO.** Victims, Children's Services caseworkers and police can all apply for an EPO. You can apply for an EPO directly at provincial court. An EPO must be scheduled for review in the Court of Queen's Bench no later than nine working days after it is granted to review the information related to the order.

## 2. Queen's Bench Protection Order

A Queen's Bench Protection Order covers the same types of things that an EPO does. Where an EPO is for your immediate safety as a victim of family violence, a Queen's Bench Protection Order provides for longer term planning and protection. A Queen's Bench Protection Order can be issued for up to one year. Additional conditions can be added to a Queen's Bench Protection Order. For example, it can order the abuser to reimburse you for loss of money or finances resulting from the family violence, it can say which party can temporarily possess personal property, it can order counseling for the abuser and authorize counseling for a child without the consent of the abuser. A Queen's Bench Protection Order can be granted when an EPO is reviewed. It can only be applied for by a victim.

## 3. Warrant Permitting Entry

A Warrant Permitting Entry allows a police officer to enter a location named in the warrant to search for, assist, or examine a family member and, with their consent, remove a victim for their safety.

A Warrant Permitting Entry can only be applied for by the police.

This Act addresses directly all forms of violence in the home, place of employment or a school. Contact a lawyer to assist you in making this form of application.

**Note: If you are living on a reserve, you should get legal advice on how this legislation protects you, because it is not wholly applicable on reserves.**

## For more information...

- 125 Provincial Adoption Program  
9th Floor, Seventh Street Plaza  
10030 - 107 Street  
Edmonton, AB T5J 3E4
- Alberta Children's Services Department Information  
Phone: (780) 415-0733
- Prevention of Family Violence and Bullying Division  
Phone: (780) 422-5916 or (780) 415-0733
- Family Maintenance  
Phone: (780) 415-6400
- Family Support Program  
Phone: (780) 427-4354
- Maintenance Enforcement Program  
7th Floor, 10365 - 97 Street  
Phone: (780) 422-5554 or find MEP  
Call 310-0000 and ask for the  
Prevention of Family Violence Unit  
[www.gov.ab.ca/justmep](http://www.gov.ab.ca/justmep)
- Family Violence Help Line  
Toll Free: 310-1818  
Visit: [www.child.alberta.ca/home/839.cfm](http://www.child.alberta.ca/home/839.cfm)

Note: Now you can stay home longer with your baby. The Government of Canada has extended its maternity/parental leave from six months to one year. You can choose to take entire parental leave or share it with your spouse.

For more information call: 1-800-622-6232

Website address: [www.hrdc-dhrc.gc.ca](http://www.hrdc-dhrc.gc.ca)





## Elder's Rights

In Aboriginal communities, Elders and seniors are to be recognized and respected. They know, live and teach our traditions and values. They are the bridge between the present and the past. There is a growing recognition of the invaluable contribution of Aboriginal Elders in their communities. Yet, Elders and senior citizens are sometimes abused and neglected.

Provincial and federal laws protect all people from discrimination on the basis of age. Also, you have the right to make decisions that affect your life. If you need assistance exercising your rights, seek help from a trusted friend, relative, native seniors group, Native Friendship Centre or the provincial Seniors Information Office.

### You have the right:

- to be treated with dignity and respect;
- to make decisions about your life, your money and your property;
- to live in safety, security and with dignity;
- to get enough information to make your decisions;
- to be treated with dignity at all times during a medical examination;
- to get information about your health, including your medical records

## You have the right to accept or refuse medical treatment.

You have a right to be treated with respect and dignity. Your privacy must always be respected, even during medical examinations. Medications and treatments can only be given with your consent (see section 12). You must be given the information you need to make an informed decision. No one can make medical decisions for you unless a court makes an order that allows another person to do this.

**Note:** This information is of a general nature to which there are exceptions. Should you have concern with a specific situation please seek assistance from the appropriate authority. The organizations listed at the end of this section may be of assistance in this regard. Please refer to the *Health Rights* Section for more information.

## You have the right to be free from abuse.

Any kind of assault, such as slapping, pushing, kicking, punching or injuring with an object is physical abuse. It also includes being unnecessarily restrained. Sexual abuse is also a form of physical abuse. Examples of mental abuse are isolation, insults, shaming, threats and improper control of your activities.

### You have the right:

- to be free from physical and sexual abuse;
- to be free from mental abuse;
- to call the police when you are in trouble;
- to practice your own religion;

Under both federal and provincial law, Native or Aboriginal Spirituality is a recognized religious belief.





## **You have a right to control your money and property.**

One of the most common forms of abuse is financial abuse. Sometimes people try to persuade older people to give up control of their finances or to sell their property or change their wills.

These all require your consent. The wrongful use of your money through fraud, trickery or force is illegal.

## **Grandparents**

Grandparents may have the right to contact their grandchildren after a family breakup.

### **For more information...**

- Alberta Seniors Benefit Program  
Phone: (780) 427-7876  
Toll Free 1-800-642-3853
- Seniors Special Needs Assistance  
Phone: (780) 427-7876
- Native Seniors Centre  
Phone: (780) 476-6595
- Seniors Advisory Council  
Phone: (780) 422-2321

### **For more information...**

- College of Physicians and Surgeons of Alberta  
General Inquires  
Toll Free: 1-800-561-3899  
Complaints about physicians/sexual exploitations  
Toll Free: 1-800-661-4689
- HRDC Human Resources for Old-Age Income Supplements  
Contact HRDC on-line or  
Toll Free: 1-800-277-9914 for service in English  
Toll Free: 1-800-277-9915 for service in French
- If you are hearing or speech-impaired and use a telecommunications device for the deaf (TDD), please call 1-800-255-4786.
- "Old Age Security Pension", HRDC  
[www.hrdc-drhc.gc.ca](http://www.hrdc-drhc.gc.ca)
- If your rights as an elder (senior citizen) have been violated by a federal department call the Canadian Human Rights Commission. For example, if your application for benefits has been unfairly processed you have rights under the federal laws of Canada.  
[www.chrc-ccdp.ca](http://www.chrc-ccdp.ca)
- Senior Abuse Help Line  
Phone: (780) 454-8888  
Visit: [www.seniors.gov.ab.ca/services%5Fresources/](http://www.seniors.gov.ab.ca/services%5Fresources/)  
Toll Free: 1-800-232-7288 or  
call 310-0000 {enter} 780-422-5916





## Social Economic & Cultural Rights

### SOCIAL ASSISTANCE/INCOME SUPPORT RIGHTS

It's your right in this society to have your basic needs met. Income Support and other kinds of social assistance are available to those whose basic needs are threatened.

Receiving income support doesn't mean you lose your right to some control over decisions that affect you. You retain your right to speak up and be heard.

### It's your basic right to have your basic needs met.

**This right entitles you:**

- to apply for help from income support offices to pay for basic needs when your wages and other income fall short;
- to request additional needs for extra expenses;
- to get full information about your benefits, including a complete breakdown of how your cheque is calculated;

Basic needs include food, shelter, personal items and medical and other benefits as are essential to your health and well being.

**Additional needs** may include:

- emergency benefits including: escaping abuse, home repairs and replacement clothing;
- some work or training expenses, which may include transportation, work related expenses, and child care;
- the cost of funerals;
- special health care expenses for dental care, glasses, prescriptions, ambulance services, hearing aids, and other equipment.

Please note: A letter from your doctor may be necessary to obtain these services.

### It's your right to protect your privacy and be treated with respect if a social worker or department investigates or visits you.

**This right entitles you:**

- to refuse entry to a worker on surprise visits and to reschedule a visit;
- to have any investigation kept confidential;
- to ask a supervisor to review your case if you disagree with a worker's decision;
- to consider mediation where you meet agency people to make sure your case is being dealt with fairly;
- to appeal if the agency terminates your benefits;
- to appeal if you are refused benefits;
- to request or seek spiritual counseling.

**Native Spirituality** is now recognized as a religious belief in the Province of Alberta.





- the amount of income support benefits you get depends on where you live and who you live with. Income Support workers have the right to investigate if they think you are living common-law and getting benefits based on being single.
- they cannot search your home.
- if they find that an overpayment was made to you, they can ask that you repay the money.

## **It's your right to disagree with Social Assistance Agencies.**

### **This right entitles you:**

- to appeal to social assistance authorities if:
  - your income support is not enough to meet your basic needs
  - your income support is decreased or stopped completely
  - there are unreasonable delays in getting a decision
  - your application is refused
  - you were not allowed to apply;
- to bring a supporter for the appeal – a friend, a lawyer or someone from a social agency.

## **For more information...**

- Alberta Works Contact Centre  
Phone: (780) 644-5135 (Edmonton Area)  
Toll Free Phone: 1-866-644-5135  
Fax: (780) 422-9681
- Local office of the Métis Child and Family Services
- Friendship Centres
- Band or Settlement Offices
- Institute for the Advancement of Aboriginal Women  
Phone: (780) 479-8195
- Crisis After Hours  
10621 - 100 Avenue  
Phone: (780) 427-3390 [24 hours]

Or contact:  
Alberta Native Friendship Centre Association  
1102, 10025 - 106 Street  
Edmonton, AB

Phone: (780) 423-3138  
Fax: (780) 425-6277  
[www.nativecentres.org](http://www.nativecentres.org)





## Employment Rights

It is your right to be protected from discrimination when applying for a job. It's against the law to keep you out of a job because you are Aboriginal. The *Human Rights, Citizenship and Multiculturalism Act* of Alberta prohibits discrimination because of your race, colour, religious beliefs, gender, physical disability marital status, ancestry, place of origin, sexual orientation, family status or source of income in the area of employment.

You are protected against discrimination while on the job as well. Your rights apply no matter where you work – Aboriginal organizations included. Provincial labour laws, under *Alberta's Human Rights, Citizenship and Multiculturalism Act*, apply to all Aboriginal organizations off reserve in Alberta. Labour laws on Indian reserves are divided between federal and provincial jurisdiction.

Alberta's workplace legislation that apply to everyone in the province will apply to employees on a reserve except where the labour relations are clearly within the federal jurisdiction over Indians and land reserved for Indians.

The *Worker's Compensation Act* applies to a company operating on a reserve. Although it is not compulsory, an employee on a reserve may apply for personal or voluntary coverage under the WCA.

The rules set out in the *Canada Labour Code* establishes standards

- of employment for federal employees in relation to employment standards, labour relations, and occupational health and safety.
- While these laws cover the same areas, as provincial standards, the standards themselves are often significantly different. It is important for employees to determine whether they are working under provincial or federal legislation and find out which standards, rights and obligations apply to them.

- *Employment Standards Code* establishes minimum standards of employment for employees under provincial jurisdiction which include: hours of work, overtime, vacation and vacation pay, general holidays and general holiday pay, rest breaks and days, payment of wages, and maternity and parental leave.

### It's your right when job hunting to be treated with dignity and equality and without discrimination.

- It's up to you to watch out for all forms of discrimination.
- Discrimination can be open or hidden, and can be targeted at one person or a whole community.

#### This right allows you:

- to be judged on your personal and professional merit;  
*For example, qualified Aboriginal University graduates may be employed as teachers anywhere in Alberta.*
- to ask if the company has an Employment Equity program
- to withhold personal information that does not apply to the job;  
*Employers have the right to ask for information that applies to the job. Certain jobs may have bona fide occupational requirements.*  
*For example, requiring an employee to have a strong back*





for a fire fighting position is a bona fide occupational requirement or having a degree or diploma is required to work as a social worker.

**Note:** Check with a lawyer if you are not sure if the position you are applying for fits this criteria.

It may now be questionable that anyone can be refused a position as a firefighter in Canada due to physical strength.

Employment Equity policies use special measures to attempt to break down the barriers to employment of under-represented groups such as Aboriginal people by hiring qualified Aboriginal persons who may have been overlooked or treated unfairly if the policies did not exist.

Section 15(2) of the **Charter of Rights and Freedoms** allows for laws and programs which seek to correct the conditions of disadvantaged groups. The Government of Canada has employment equity legislation and policies for the federal public service, federally regulated companies, and firms and institutions with more than 100 employees, bidding for contracts with the federal government.

In these workplaces, Aboriginal people must not be excluded from recruitment. Aboriginal people must be assessed by fair and reasonable job requirements.

The purpose is to ensure that qualified Aboriginal people are fairly represented in the work force.

## **It's your right when at work to be treated with dignity and equality and without discrimination.**

This right entitles you:

- to refuse to do demeaning or discriminatory work, such as

having to wear 'skimpy' clothing;

- to work in a harassment-free environment. This includes sexual harassment and this can be defined as unwanted physical or verbal conduct that offends or humiliates you such as sexually suggestive comments,
  - inappropriate sexual language, sexual material posted in the work place; unwanted physical contact.
  - it is considered harassment when a reasonable person ought to know the behaviour was unwelcome;
- to quit a job after giving notice;
- to get notice before your job is terminated if you have been employed there for 3 months or more;
- to get proper meal breaks, days off and vacation time.

*Please Note: Domestic and Farm Workers are now protected under Alberta Human Rights legislation but are not covered by all the provisions of the Employment Standard's provisions.*

**Contact the Employment Standards Branch of the Alberta Labour to receive specific details as to your rights under this Code.**

## **It is your right to speak out against discrimination.**

This right entitles you:

- to complain to a Human Rights Officer when you believe:
    - you are qualified but don't get the job or a promotion because of discrimination;
    - you are paid less for doing the same work as others because of discrimination.
- Your employer cannot penalize you in any way for going to a human rights office. Retaliation is against the law.**



## It is your right to work in a safe place.

This right entitles you:

- to refuse dangerous work and to work with your employer to resolve dangerous situations;
- to report dangerous conditions to the Alberta Occupational Health and Safety Branch of Alberta Labour; to make claim to the Worker's Compensation Board if you are injured on the job or where Worker's Compensation applies;
- to appeal the decision of the Worker's Compensation Board if you do not agree with it;
- to see your Worker's Compensation file and get a free copy of your file.

## It's your right as a worker with a disability to have your needs met in the workplace.

This right entitles you:

- to ask for reasonable changes to make your workplace accessible;
- to be consulted on changes being made to accommodate you.

## It's your right to get help when you are out of work.

This right entitles you:

- to apply for assistance from the government to help you find a job;
- to apply for Employment Insurance benefits if you lose your job or quit for a good reason.

*A good reason can be discrimination, dangerous work conditions, unfair labour practices or poor health;*

- to get full information on your employment insurance claim;
- to appeal a decision on your claim if you think you should get more money.

You may be disqualified from receiving Employment Insurance benefits if you quit without good reason or are fired from the job.

### For more information...

- Employment Standards Contact Centre  
Phone: (780) 427-3731
- Worker's Compensation Board  
Phone: (780) 498-3999
- Employment Insurance Services  
Phone: 1-800-561-3992
- Human Resources Development of Canada  
Phone: 1-800-561-3992
- Alberta Employment, Immigration and Industry  
For Office Location Call 1-866-644-5135 or 310-0000  
Visit: [www.alis.gov.ab.ca](http://www.alis.gov.ab.ca) or <http://employment.alberta.ca>
- Service Canada for EI Inquires or Service Centre closest to you  
1-800-622-6232 or 1-800-O-Canada  
Visit the following websites for Aboriginal Human Resources Development Holders  
[www.srv119.services.gc.ca/AHRDSInternet/agreementsAhrda/Agreements\\_e.asp](http://www.srv119.services.gc.ca/AHRDSInternet/agreementsAhrda/Agreements_e.asp)  
[www.srv119.services.gc.ca/AHRDSInternet/agreementsAhrda/Agreements\\_e.asp?SORT=0&Region=2&AgreementType=0](http://www.srv119.services.gc.ca/AHRDSInternet/agreementsAhrda/Agreements_e.asp?SORT=0&Region=2&AgreementType=0)







## Justice Rights

The criminal Justice system – the police and the courts – are responsible for enforcing your right to live in safety. It is a powerful institution, but it cannot treat people unfairly. You have rights whoever you are.

### **When the Police come to your door, it is your right to be treated with respect and without discrimination.**

**This right entitles you:**

- to deny police entry into your residence if they do not have a warrant;
  - Police do not need a warrant to enter your residence when they have grounds to arrest you for an indictable offence and if they are in hot pursuit or if someone is in immediate danger.
  - The police can also search any place other than a residence when there is reason to believe that there are illegal drugs or weapons on the premises;
- to demand to see a valid warrant before police can search your residence;
- to make sure the valid warrant is properly filled out and clearly indicates the address to be searched;
- to choose whether to give or withhold information from the

police until you are charged or arrested for an offence,  
*It is illegal to lie to the police or knowingly hide someone who has committed an offence;*

- to refuse to go anywhere with an officer until you are charged with an offence or arrested.

### **It is your right if you are arrested or charged with an offence to be treated with respect and without discrimination.**

**This right entitles you:**

- to be informed of the reason for your arrest;
- to be informed by the police of your right to get free legal advice immediately from duty counsel;
- to receive these rights without delay and to speak with your lawyer in private;
- to remain silent and to be informed that anything you do say may be used as evidence;
- to be treated without abuse or undue force by the police or the court,

*You can make a formal complaint to the Public Complaints Commission of the RCMP or local police forces if you feel you were mistreated by the police;*

- to get immediate medical assistance if needed;
- to apply for release from custody after being arrested,  
*You have the right when in custody after an arrest to get a hearing (bail application) within 24 hours of your arrest. In order for you to be released, the judge or magistrate must be convinced you can be counted on to come back for your court date and that you are not a danger to the public;  
If your bail application is approved, you sign a recognizance order, which is a promise to keep the peace and appear in court on the day specified. You may need a surety, someone with a*



job or assets who must promise to pay money to the court if you miss your court date. Cash bail may be required also and the court may impose other conditions for and during your release;

- to be brought back to court within a reasonable time;
- to get interpretations services if your lack of English or French prevents you from understanding the information about your charge or arrest;
- to ask the judge for remand/adjournment;
- to plead not guilty to a charge;
- to be presumed innocent until proven guilty or until you plead guilty;
- to apply to the Governor in Counsel for a pardon for a criminal offence,

*"An unconditional" pardon means that you are deemed and considered to never have committed the offence for which the pardon was granted.*

## It is your right to get legal help.

This right entitles you:

- to hire and instruct a lawyer to assist you when you have to appear before a judge on criminal matters,  
*Native Counseling Services of Alberta provides counselors who can assist and appear in court with Aboriginal persons who have to appear in court;*
- to apply to the local Legal Aid office when you need formal representation in court but cannot afford your own lawyer;
- to appeal Legal Aid's decision not to give you a lawyer.

## It is your right to be treated with respect and without discrimination by your lawyer.

This right entitles you:

- to be protected from abuse by your lawyer;
- to complain about any unfair treatment you get from your lawyer,  
*A person who feels they have been treated unfairly by their lawyer may lodge a complaint with the Law Society of Alberta which may investigate the claim;*
- to get another lawyer if you feel you are not being properly represented by your lawyer, if you are mistreated by your lawyer, or the trust between the two of you is broken;
- to decide what your plea should be. Your lawyer will advise you, but you cannot be forced to plead a certain way. Your plea is ultimately your decision.

## It is your right as a victim of crime to be treated with respect and without discrimination.

This right entitles you:

- to apply for compensation from the justice department if you are injured as a result of a crime or if someone you depend on dies as result of a crime;
- to apply for information from the police or justice department respecting any of the following:
  - (a) *status of a police investigation or prosecution,*
  - (b) *role of the victim in the prosecution,*
  - (c) *court procedures, and*
  - (d) *the right to provide "victim impact statements" in writing and to read it personally in court.*





## It is your right as a witness to a crime to be treated with respect and without discrimination.

### This right entitles you:

- to get witness assistance if you need to appear in court as a witness and have any questions or concerns about it;
- to choose whether to discuss the crime with lawyers outside of court.

## It's your right to question how the criminal justice system treats you.

### This right entitles you:

- to lodge a complaint against any on-duty police officer who treats you unfairly,  
*Both the RCMP and City police accepts complaints and have agencies in place to investigate them;*
- to appeal any decision on your complaint;
- to complain about court officials or judges (Contact Alberta Department of Justice or the Chief Judge of the Court).

### For more information...

- Your local Police Commission
- Commission for Public Complaints against RCMP  
Toll Free: 1-800-665-6878
- Native Counseling Services in your area  
  
Institute for the Advancement of Aboriginal Women (IAAW)  
Phone: (780) 479-8195
- John Howard Society  
Phone: 423-4878
- Elizabeth Fry Society  
Phone: (780) 421-1175
- Dial-a-law  
Toll Free: 1-800-332-1091
- Lawyer Referral Services  
Toll Free: 1-800-661-1095
- Student Legal Services  
Phone: (780) 492-8244
- National Parole Board  
Phone: (306) 975-4228
- Alberta Aboriginal Legal Education Centre  
Phone: (780) 482-7892  
[www.aalec.ca](http://www.aalec.ca)

If you are a victim of a crime, you can obtain a copy of the 'Victims Protocol' booklet for more information that can be of assistance to you. The 'Victims Protocol' booklet can be obtained, free of charge, at your local city police or RCMP station.





## Housing Rights

You have rights as a tenant. You cannot be refused housing for reasons based on any of the grounds listed in the *Alberta Human Rights, Citizenship and Multiculturalism Act*. This also includes sexual orientation as explained in an earlier section. And it is your right to have housing that allows you to feel reasonably safe.

The rights in this section apply to privately owned housing off-reserve. For information on your rights regarding band or Settlement owned housing, contact your local Council. Each council will likely have their own housing policies in place.

### Tenants have responsibilities.

The tenant has the responsibility to:

- pay the rent on time;
- be considerate of other tenants;
- not endanger other tenants;
- not perform illegal acts on the premises;
- keep the premises reasonably clean;
- prevent damages to the premises;
- move out when the rental agreement ends.

### It is your right when looking for housing to be treated with dignity and equality and without discrimination.

This right entitles you:

- to have your application considered without discrimination, *This includes discrimination based on source of income. Your application cannot be rejected simply because you are receiving some kind of social assistance or are on a pension;*
- to be free of discrimination when looking for housing or a rental unit. A landlord cannot discriminate against you as a tenant because of past experiences with tenants of a similar group. For example, if you have children, the owner can not refuse your application because the last tenant had noisy children;

This protection in no way prohibits landlords from doing reference checks and denying accommodation based on poor bill paying history, insufficient level of income or an unsatisfactory record as a tenant. Source of income protection protects responsible renters from being discriminated against because they receive a pension or are on welfare.

### It is your right as a tenant to have a safe well maintained residence.

This right entitles you:

- to demand the following from a landlord:
  - *safe and clear exits;*
  - *all required safety features in good working order (for example, fire alarms and fire escapes);*
  - *working plumbing, heat, electricity, lighting and kitchen appliances;*





- good fitting doors and windows with secure locks;
  - safe floors, walls and ceiling;
  - safe, well maintained sidewalks and yards;
  - a unit which is free of insects, rodents;
  - clean, safe furniture materials;
- to complain to city or provincial departments of health if these conditions are not met;
  - to have premises made available when the rental agreement takes effect;
  - to peaceful enjoyment of the premises.

## It is your right as a tenant to be treated with dignity and equality and without discrimination.

### This right entitles you:

- to fill out a condition report, which is mandatory for the landlord, prior to signing a lease;  
*A condition report describes the condition of your unit before you move in. This report can protect you in case the owner wants to charge you for damages to the unit, you are not responsible for. If the inspection report is not completed the landlord cannot make any deductions from the security deposit for damages when the tenant moves out;*
- to get a clear understanding of your lease before you sign;
- to live free of harassment by caretakers or owners.  
*For example, if an Aboriginal Women was being harassed by the landlord because she worked in the evenings and arrived home late, she can make a formal complaint to the Human Rights Commission;*
- to complain to the Landlord and Tenant Advisory board if you have a problem with the owner;

- to be informed of a rent increase 3 months in advance (6 months for mobile home site tenants). Before another rent increase can occur, 1 year must have passed since the tenancy began or the last rent increase, whichever is later.
- to get at least 24 hours notice in writing before anyone enters your suite to do repairs, inspect for damages or show the suite to prospective buyers, mortgagors or renters unless you give permission when asked;  
The owner or caretaker can only enter your suite without notice in case of an emergency or if there is reason to believe that the premises have been abandoned by the tenant.
- In addition, **Landlords must provide one-year's notice before ending a periodic tenancy for the purpose of converting a rental unit to a condominium or to undertake major renovations to a rental unit. No rent increases can occur during that one-year period. A year's notice is required for converting a mobile home site to a condominium unit or for other land uses.**

*Any notice to increase rent or end a tenancy that does not follow these laws is void and could result in a landlord facing fines of up to \$10,000 per tenant.*

## It is your right to have your special housing needs met.

### This right entitles you:

- to have owners take reasonable measures to accommodate the special needs of tenants;  
*(A ramp for wheel chairs may be reasonable, but installing an expensive elevator could be considered "undue hardship" on the owner.)*
- to get reasonable shelter even if you are on social assistance.



## It is your right when being evicted to be treated with dignity and equality and without discrimination.

### This right entitles you:

- to be given 3 months notice in writing of why you must move.  
*The landlord can terminate a tenancy under specific conditions or serve notice of eviction for a serious breach of the lease agreement, and can apply to the court to terminate the lease where the tenant is responsible for significant damage or physically assaults the landlord or their tenants.*
- to appeal the owner's decision to the Landlord and Tenant Advisory Board;  
*If you are late with rent, you can be served a 14 day notice for eviction. If you are not living up to your responsibilities as a tenant such as breaking important house rules or assaulting the landlord, the owner can give you a 14 day notice to vacate.*
- to keep all your possessions when leaving.  
*The owner has no right to seize any of your property when you are evicted unless you have refused to pay the rent owed, in which case, the landlord may have the right to seize your goods for the amount outstanding.*

### For more information...

If you live in Edmonton, Red Deer, or Fort McMurray you can contact the Landlord and Tenant Advisory Board for help if any of these problems described above occur. Anywhere else, you can contact Alberta Municipal Affairs and Housing or a lawyer.

As a tenant you are also a consumer and may encounter problems related to door-to-door sales, unfair business practices, or dealing with collection agencies and creditors. These issues are not covered in this booklet. You may want to contact a lawyer. If you cannot afford a lawyer, the following free services are available.

- Dial-a-Law  
Toll Free: 1-800-332-1091
- Lawyer Referral Services  
Toll Free: 1-800-661-1095
- Student Legal Services  
Phone: (780) 492-8244

For more information on landlord and tenant rights and responsibilities, or disputes, please call Service Alberta's Consumer Contact Centre at 1-877-427-4088 or visit [www.servicealberta.gov.ab.ca](http://www.servicealberta.gov.ab.ca)

If you feel that your human rights have been violated under Alberta Human Rights laws, contact the Alberta Human Rights, Citizenship Commission.

- Alberta Housing Services  
Phone: (780) 422-0122  
Toll Free: 310-0000 {enter} 780-422-0122  
Visit: [www.municipalaffairs.ab.ca](http://www.municipalaffairs.ab.ca)







## Health Rights

**Note:** The information that is provided in this section is of a general nature to which there are exceptions. Should you have concern with a specific situation please seek assistance from the appropriate authority. The organizations listed at the end of these sections may be of assistance in this regard.

Your doctor has a duty to respect your choices and to treat you with integrity. Your body belongs to you and ultimately you are responsible for seeking whatever medical care is available in the health care system.

When seeking medical care, always remember that you cannot be denied service on the basis of your race, ancestry, colour, religious belief, gender, sexual orientation, physical disability, mental disability, age, place of origin, marital status, source of income or family status. This means that you have the right to be treated without discrimination.

### **It's your right to complain about how the health care system treats you.**

**This right entitles you:**

- to file a complaint about the services of a doctor with the College of Physicians and Surgeons, which will examine the doctor's behaviour;
- to be protected from sexual harassment;

*Sexual harassment is sexually suggestive language, sexual advances, inappropriate physical contact or using sex as treatment. It is a breach of professional ethics for a doctor to have sex with a patient.*

- to be treated with dignity at all times and during a medical examination;
- to request a review of any decision with regard to your complaint;
- to have your personal property kept under reasonable care while receiving treatment;
- to request the presence of a nurse during a physical examination.

### **It is your right to have your choice of doctor, dentist or health professional.**

**This right entitles you:**

- to be informed by the College of Physicians and Surgeons of your doctor's credentials, background and qualifications if you inquire about them;
- to access reasonable health care and hospitalization in emergency situations;
- to have insured health services paid for by Alberta Health and Wellness;
- to seek medical services from outside the province/country. (You must ask Alberta Health and Wellness for prior approval).

### **It is your right to know everything about your treatment.**

**This right entitles you:**

- to be informed and understand exactly what the actual treatment is going to be, what the risks are and what benefits are expected;



- to be informed of any other reasonable alternative treatments;
- to be informed of the consequences of not having treatment;
- to be informed of who is going to deliver the treatment;
- to be informed of the medication you are to receive and whether it is necessary;
- to be informed of any major delays in receiving treatment;
- to know everything about your treatment;
- to have access and receive copies of your health information;
- to refuse medical treatment even if medical professionals tell you that you require treatment;
- to have your medical records kept confidential and to be informed whenever your records are discussed with anyone not directly involved in your care except for limited and specific purposes;
- to consent to having someone you trust get copies of your records;
- to be informed about the risk of being infected with HIV when you have to receive a blood transfusion;
- to ask before treatment whether a doctor, dentist or other health care provider treating you is infected with AIDS;
- to receive pre- and post-test counseling for HIV/AIDS;
- to be informed and agree to be tested for HIV/AIDS;
- to give birth and keep your baby if you are HIV positive.

## **It is your right to advocate for a loved one who has died or is dying.**

### **This right entitles you:**

- to allow a patient in a coma or a brain dead patient to die with dignity;
- to have the donor Rights of the patient respected. In the case of an unexpected or violent death, the Chief Medical Examiner will make an investigation. It's your right as next of kin to get the results of the investigation.

## **It's your right to be treated with a reasonable standard of care.**

### **This right entitles you:**

- to seek compensation if a doctor is negligent and you suffer an unexpected injury that the doctor could have prevented;
- to seek compensation if a doctor is negligent and your next of kin dies as a result of the negligence.

## **Your Specific Health Care Rights:**

### **Children**

A child has the right to consent to or refuse treatment without parental or guardian consent only if the child understands what the treatment means.

### **For more information...**

- Health Canada-Medical Services Branch
- Local Health Units
- Aboriginal Health Advisory Committee
- College of Physicians and Surgeons of Alberta  
General Inquiries -  
Toll Free: 1-800-561-3899
- Complaints about physicians/sexual exploitations Line  
Toll Free: 1-800-661-4689
- Senior Abuse Help Line  
Phone: (780) 454-8888  
Visit: [www.seniors.gov.ab.ca/services%5Fresources/](http://www.seniors.gov.ab.ca/services%5Fresources/)  
Toll Free: 1-800-232-7288 or  
call 310-0000 {enter} 780-422-5916
- Health Law Institute  
Phone: (780) 492-9575  
[www.law.ualberta.ca/centres/hli/](http://www.law.ualberta.ca/centres/hli/)







## Mental and Physical Disabilities Rights

Anyone who believes he or she has been discriminated against because of a disability may file a complaint with the Alberta Human Rights and Citizenship Commission. Physical or mental disabilities are protected grounds under the *Alberta Human Rights, Citizenship and Multiculturalism Act*.

**Note:** The information that is provided in this section is of a general nature to which there are exceptions. Should you have concern with a specific situation please seek assistance from the appropriate authority. The organizations listed at the end of these sections may be of assistance in this regard.

### What is a disability?

**Physical Disability** is defined in the Act as any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily 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 or wheelchair or other remedial appliance or device.

**Mental Disability** is defined in the Act as any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

In Alberta, employers, landlords and tenants and service providers are expected to make reasonable efforts to accommodate individuals with disabilities unless it would cause undue hardship. It may be possible to make adjustments to a building to accommodate disabled people. On the job, workloads may be rearranged, so that duties that cannot be performed by an employee with a disability are handled by another worker.

#### Examples:

- a ramp may be built to a building entrance to make it accessible to wheelchairs
- an employee suffering from a mental illness might require altered job responsibilities, on a partial or permanent basis.

### Health and Safety

Employers are not expected to hire or continue to employ anyone whose disabilities notably increases the probability of health and safety hazards to themselves, other employees and/or the public.

For example, someone subject to epileptic seizures could not be expected to safely perform a job working on a scaffold or driving a truck; or someone with a serious mental impairment may not be permitted to be responsible for children in a day care setting. It is up to the employer to demonstrate that the individual's disability would threaten the safety of that employee or others at the work site.



## Hiring a person with a Disability

Employers are not allowed (in job applications, interviews or ads) to ask about an applicant's present or past physical or mental conditions, disease, kinds of medication, treatments, worker's compensation claims or sick leave.

For example, if a job requires physical dexterity or the capacity to handle stress, these requirements should be clearly stated in the job's description or employment advertisement.

If a potential employee has the experience and skills for the job, there should be no "special tests" to see if he or she has the capacity to do the job. However, an employer may ask an applicant if he or she can safely complete the duties as outlined in the job description.

Any tests for dexterity, medical exams for physical ability or stress handling tests must be job-related. Applicants should be advised that once hired, passing such tests or exams would be required.

Contact the Alberta Human Rights and Citizenship Commission for advice regarding physical or mental disabilities or for more information on other agencies which may be able to assist.

### For more information...

- Premier's Council on the Status of Person's with Disabilities  
Toll Free: 1-800-272-8841  
Voice or TDD hearing impaired:  
(780) 422-1095
- Alberta Committee of Citizens with Disabilities Resource  
Development Line  
Phone: (780) 488-2713
- Alberta Committee of Citizens with Disabilities Association  
Phone: (780) 488-9088
- Services to Children with Disabilities  
Phone: (780) 427-4354
- Alberta Mental Health Board  
Public Information: 1-877-303-2642  
Edmonton: (780) 422-2233
- Mental Health Edmonton Clinic Appointments  
Phone: (780) 427-4444
- Mental Health Patient Advocate  
Phone: (780) 422-1812







## Sexual Orientation Rights

Discrimination based on sexual orientation is prohibited by the *Alberta Human Rights, Citizenship and Multiculturalism Act*. Although it is not expressly stated in the Act, as of April 2, 1998, sexual orientation is “read in” to the Act by the Supreme Court of Canada as a protected ground of discrimination in Alberta.

This includes protection from differential treatment based on a person’s actual or presumed sexual orientation or his or her association with a person who is homosexual, heterosexual or bisexual.

**Homosexual (gay or lesbian)** is defined as being a person who is sexually attracted to persons of his or her own sex.

**Heterosexual** is defined as being a person who is sexually attracted only to persons of the opposite sex.

**Bisexual** is defined as being a person who is sexually attracted to persons of both sexes.

Under the Act, discrimination based on **sexual orientation** is prohibited in all of the following **areas**:

- public statements, publications, notices, signs, symbols, emblems or other representations which indicate discrimination, or the intent to discriminate, or expose individuals or groups to hatred or contempt;
- goods, services, accommodation or facilities that are customarily available to the public;
- tenancy - (all tenants and prospective tenants have the right to equal treatment in the rental of any commercial unit or self-contained dwelling unit);

- employment practices - (refusing to hire, promote or provide equal treatment to someone because of his or her sexual orientation. Employees have the right to work in an environment free of harassment based on their sexual orientation);
- employment applications or advertisements;
- membership in trade unions, employer’s organizations or occupational associations.

Furthermore, the Supreme Court of Canada has ruled that same sex marriages (marriages between two men or two women) are “read in” to the legal definition of marriage and marital status, as defined by the *Canadian Charter of Rights and Freedoms*. Marriages of this type are now legally recognized in Alberta. However, this does **not** mean that a person or religious organization with the authority to perform marriages is legally obligated to perform a same sex-marriage. For instance, individuals or religious organizations can refuse to perform same sex marriages under the right to Freedom of Religion – a right that is also recognized under the *Charter*. If you are planning to enter a same sex marriage, it is up to you to find an authorized individual or religious organization that will perform same sex marriages.

### For more information...

- Pride Centre - Edmonton  
Phone: (780) 488-3234
- Parents, Friends, Lesbians and Gays (PFLAG)  
Phone: (780) 488-0564
- Support Group Edmonton  
Phone: (780) 462-5958  
Fax: (780) 482-2855

#### Two Spirit Circle of Edmonton Society

Visit: [www.glaad.org/poc/native/organizations.php](http://www.glaad.org/poc/native/organizations.php)

Email: [epslgbtq@yahoo.ca](mailto:epslgbtq@yahoo.ca)

All inquiries will be treated with confidentiality and respect. To report a hate or bias motivated crime, please contact the EPS Hate & Bias Crime Unit at (780) 421-3489



## Emerging Rights

Human rights are not given to you by another person, organization, or government; rather, they are yours on the simple grounds that you are a human being. New rights (or *emerging rights*) come to be recognized as society, politics and laws change. Since the printing of the second edition of the *Rights Path – Alberta*, some laws pertaining to human rights have changed. Others have remained the same, and are still recognized as basic rights by the different government jurisdictions.

In Canada, certain rights are recognized by the government dealing specifically with Aboriginal people. Aboriginal and Treaty rights are discussed under the *Indian Act* and/or section 35 of the *Constitution Act, 1982*. In this section of Canada's Constitution, the Aboriginal peoples of Canada include the Indian, Inuit and Métis peoples.

The laws and rights regarding each Aboriginal group are different, and one set of laws or recognized rights may affect you, while another may not. This might depend on whether you have legal Indian status, are a member of an Indian Band (First Nation), live on a Métis settlement or Indian Reserve, or were born (or are living) in a certain province or territory.

### Human Rights Exemption to the Indian Act

For instance, you may have noticed that some laws and rights in this booklet do not apply the same way on an Indian reserve as they do elsewhere. This is because the *Canadian Human Rights Act* contains a section that exempts the *Indian Act* from applying on the grounds of discrimination. This means that if you have legal Indian status and are living on an Indian reserve, your rights are not protected the same way under the *Canadian Human Rights Act*. As of the date of this third edition of the *Rights Path – Alberta*, this law is still in effect and still applies. The federal government is however, considering changes to the *Canadian Human Rights Act* under 'Bill C-44' that would allow human rights and discrimination cases to be heard that are based upon policies or laws authorized by the *Indian Act*.

### The Matrimonial Property Act

If this proposed change to the *Human Rights Act* is passed and made into law, this will seriously affect the way governments recognize human rights for First Nations people on reserves, and allow many human rights cases to go to court that previously could not. If this change does occur, it would be one example of an emerging right, and could change many of the laws and policies that are described in this booklet. For instance, these changes in the law would affect the *Matrimonial Property Act* (detailed in the 'Family Rights' section), as it applies on Indian reserves, and could affect how property is divided up between two people that are in a divorce, such as Indian interest in reserve lands.

### Métis Harvesting Rights

Another example of an emerging right pertains to Métis people who hunt or fish (harvest) for food. In 2003, the Supreme Court of Canada ruled that the Métis right to harvest for food is protected under the Canadian Constitution. Alberta's provincial government made legislation to recognize this Métis right (as it had for Indian hunting), but as of this booklet's printing, the legislation has been changed, and may not protect you from being fined if you are hunting or fishing without a permit or license. This legislation may change again in the future, and other emerging rights areas may arise for Métis people as these matters are discussed by governments and in the court system.

If right laws change, you will want to stay informed on the current laws and policies that affect your rights. Since this booklet cannot inform you on every possible situation that may arise, the more knowledge you have, the better you will be able to ensure that your rights are recognized and respected.

### For more information...

- Institute for the Advancement of Aboriginal Women  
Phone: (780) 479-8195
- Métis Nation of Alberta (Head Office - Edmonton)  
Phone: (780) 455-2200
- Alberta Ministry of International, Intergovernment, and Aboriginal Relations  
Phone: (780) 422-1510
- Indian and Northern Affairs Canada (and information on Federal Interlocutor for Métis and Non-status Indians)  
Phone: (780) 495-2773 (in Edmonton)





# HOW TO MAKE YOUR COMPLAINT

Does my complaint fall under Federal or Provincial human rights?

The best way to find out is to contact your local Human Rights Commissions. The numbers are listed on the preceding pages of this booklet. This section will briefly explain how to start your complaint under each jurisdiction. **There is no fee for filing a complaint.**

## CANADIAN HUMAN RIGHTS COMMISSION

### Filing your complaint:

- Be as specific as possible. The exact words, gestures, or other details help. You must have good reason to believe you were discriminated against because of your sex, disability, race, religion or any of the other grounds covered by the *Canadian Human Rights Act*.
- Keep a diary. Write down any incident you believe might be related to your complaint. Because memories can be vague, you should write down details about the incident, such as the date, time and place, while they're still fresh. A diary can be useful in another way too. An unpleasant incident may not look like discrimination in and of itself, but may fit into a pattern of discriminatory behaviour that shows up over time.
- List all possible witnesses. A witness can be someone you believe saw or heard the incident take place. A witness also can be someone who heard other people talking about the incident or someone who has experienced the same kind of discrimination.
- Save all physical evidence. Keeping all physical evidence, such as memos, notes, reports or offensive cartoons, is just as important as writing down the incidents. Such material is valuable evidence and could help prove your complaint.

- What happens to your complaint?
  - When you file a complaint with the CHRC, an investigation will be conducted. A human rights investigator will ask you for evidence to support your complaint.
  - The investigator may also gather more evidence from your colleagues or others who could shed some light on the case.
  - Even while the investigation is going on, we will try to settle your complaint. Sometimes, the employer, service provider or individual you are complaining about will offer to make amends. If that happens and you are satisfied, the investigation will end and the matter will be considered resolved.
- If your complaint is not settled, the investigator will put the evidence in a report that will go to the members of the commission for a decision. At this point, the Commissioners could appoint a conciliator to resolve the complaint, or refer the complaint to the Canadian Human Rights Tribunal. If there is not enough evidence of discrimination, the complaint may be dismissed.

## Protection against retaliation

- You should not be afraid of someone getting back at you if you file a complaint or act as a witness in an investigation  
*The Commission can investigate and deal with complaints of retaliation against persons who file a complaint. It may also be a criminal offence for anyone to threaten, intimidate or discriminate against a complainant or witness.*



## ALBERTA HUMAN RIGHTS AND CITIZENSHIP COMMISSION

**There is no fee for filing a complaint.** It is not always necessary to obtain outside assistance. If the parties to the complaint seek outside legal assistance, they are responsible for any costs incurred. The Commission will keep the parties informed of the steps and welcomes questions at any time during the process.

When reporting your complaint to the Alberta Human Rights Commission use the same steps set out in the federal process, but the complaint to the provincial commission must be in writing.

### The process may include the following:

- The Commission will serve the parties who are alleged to have discriminated against you. (Respondents)
- The Commission will share the respondent's response with you. During this stage, the parties may decide to settle.
- Conciliation: to have a third party attempt to have both parties agree to a settlement.
- Investigation: An investigation is done by the Commission to determine the facts and to decide if there is merit to the complaint.
- Dismissal: If the complaint is not found to have merit it may be dismissed. In some cases, there are no reasonable grounds to believe that a contravention has occurred.
- Discontinuance: The Director may discontinue a merit complaint if the Director is of the opinion that the complainant has refused to accept a proposed settlement that is fair and reasonable.
- If the complaint is dismissed or discontinued, an appeal can be made to the Chief Commissioner in writing within 30 days of the decision. The Chief Commissioner's decision is final unless it is taken to court for a judicial review by a judge within 6 months of the Chief Commissioner's decision.

- Referral to Human Rights Panel: Where there is an unsettled complaint with merit, it may be referred to a panel for a decision.
- Human Rights Panel: A panel hearing shall be heard before one or more Commissioners. The decision of the Panel, once filed with Court of Queen's Bench, has the same force and effect as the Court of Queen's Bench decision.
- A Panel decision may be appealed within 30 days to the Court of Queen's Bench.

## POSSIBLE OUTCOMES

- the Commission can order guilty parties to stop the discrimination or take action to prevent it from happening again;
- a change in existing policies
- an employment reference if you do not want to return to offending employer;
- a payment for emotional damage;
- a letter of apology;
- protection against any form of retaliation: for example, eviction or firing, intimidation or threats are not to be tolerated.

## WORKSHOP INFORMATION

The Aboriginal Commission on Human Rights is available to present workshop and seminars dealing with the Rights Path - Alberta. Call us for further information.





## Who you can talk to:

Please refer to contacts at the end of each section.

### Government and Community Organizations You Can Contact

#### Aboriginal Commission on Human Rights

Suite 300, 10256 - 112 Street, NW  
Edmonton, AB T5K 1M4  
Phone: (780) 479-8195  
Fax: (780) 471-2169  
Email: Rightspath@gmail.com

#### Institute for the Advancement of Aboriginal Women

Suite 300, 10256 - 112 Street, NW  
Edmonton, AB T5K 1M4  
Phone: (780) 479-8195  
Fax: (780) 471-2169  
Toll Free: 1-877-471-2171

#### The Alberta Human Rights and Citizenship Commission

Northern Regional Office  
Suite 800, 10405 Jasper Avenue  
Edmonton, AB T5J 4R7  
Phone: (780) 427-3116  
Fax: (780) 427-6013  
Toll Free: 310-0000 (within Alberta)  
Deaf or hearing impaired (Phone): (780) 427-1597  
Email: humanrights@gov.ab.ca

#### The Alberta Human Rights and Citizenship Commission

Southern Regional Office  
Suite 310, 525 - 11 Avenue SW  
Calgary, AB T2R 0C9  
Phone: (780) 279-6571  
Deaf or hearing impaired (Phone): (403) 297-5639  
**Note:** A complaint must be filed within 12 months.

#### The Canadian Human Rights Commission

Suite 1645 Canada Place  
9700 Jasper Avenue  
Edmonton, AB T5J 4C3  
Phone: (780) 495-4040  
Fax: (780) 495-4044

Note: A complaint must be filed within 12 months.

#### Special thanks to Legal Expertise:

Dennis Callihoo, B.A., LL.B.

#### Resource Persons

Muriel Stanley Venne, C.M.  
Lewis Cardinal, B.A., B.Sc., B.A. (hons), Ph.D. (cand.)  
Nathan Carlson, B.A. (hons)  
Victor Horseman

#### Human Rights Aboriginal Youth Task Force Committee:

Koren Lightning, Nathan Carlson, Cecil Tompkins, Flarry Tompkins, Carmen Severight, Mark Faithful, Lance Ironchild, Echo Twin, Angela LaRose, Nick Pashe, Tiffany Janvier, Charles Waskahat, Rheal Moosewah, Derrick Powder, Anthony & Joe Desmoulin and Grace Half.

#### Members of the Aboriginal Commission on Human Rights

Additional copies may be requested by contacting the **Aboriginal Commission on Human Rights**. See contact



Aboriginal Spirituality is accepted as a religion  
in the province of Alberta.



Published by the  
Institute for the Advancement of Aboriginal Women  
with funds provided by  
the Alberta Law Foundation

