

Protection of Aboriginal Peoples under the Alberta Human Rights Act

Does the *Alberta Human Rights Act* (the Act) protect Aboriginal people in Alberta?

- All Albertans, including Aboriginal people, can make a complaint to the Alberta Human Rights Commission if they meet the criteria i.e. protected area, protected ground(s), made within one year after the alleged discriminatory act, has reasonable grounds to believe the Act is being contravened and the discrimination happened in an organization under provincial jurisdiction.
- If someone believes they experienced discrimination because of being an Aboriginal person, or being perceived as being an Aboriginal person, then a complaint can be made on the grounds of race, ancestry and/or colour. For example, someone who believes they were denied a service because they are an Aboriginal person, or perceived as being an Aboriginal person, can make a complaint on the grounds of race, ancestry and/or colour in the area of services.
- An Aboriginal person may also make a complaint on other grounds of the Act, if the discrimination is not because of being an Aboriginal person. For example, an Aboriginal person with a physical disability requests an accommodation at work, but is not accommodated because the company is unaware of its legal obligation under the Act. In this case, the Aboriginal person will make a complaint on the ground of physical disability in the area of employment. The discrimination is based on the physical disability not on the race, ancestry and/or colour.
- Discrimination complaints are usually made in the province in which the discrimination occurred. An individual from another province or territory discriminated against in Alberta will make a complaint with the Alberta Human Rights Commission.
- Discrimination on the ground of age is not protected in tenancy, or goods and services in the Act. Employment and employment practices are protected from age discrimination except when there is a bona fide occupational requirement (BFOR). For example, a taxi company can refuse to hire a fifteen year old as a taxi driver.
- Many organizations on a reserve fall under federal jurisdiction. Complaints against them need to be made to the Canadian Human Rights Commission) under the *Canadian Human Rights Act* (CHRA). Other organizations that fall under federal jurisdiction include federal government departments, chartered banks, airlines, television and radio stations, First Nations governments and First Nations organizations.

- Not every organization run by First Nations people or located in a First Nations community is federally regulated. For example, a complaint against a band office in Alberta would fall under federal jurisdiction. A complaint against a gas station or corner store on a reserve would likely be handled by the Alberta Human Rights Commission.
- If an Aboriginal person living on a reserve is discriminated against by a business under federal jurisdiction, they should check with the Canadian Human Rights Commission to ensure they can file a complaint under the CHRA.
- The CHRA has specific provisions which add protection for Aboriginal and treaty rights, and First Nations legal traditions and customary laws, when a complaint of discrimination is being considered.
- More information on the *Alberta Human Rights Act* can be found at www.albertahumanrights.ab.ca
- More information on the *Canadian Human Rights Act* can be found at <http://www.doyouknowyourrights.ca/>
- If you have a specific situation and or want to make a human rights complaint with the Alberta Human Rights Commission, please phone the Commission's confidential inquiry line at:
 - 780-427-7661 Northern Regional Office
 - 403-297-6571 Southern Regional Office

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