Information Packet for Evacuees, Evacuation Supports & Service Providers

Information Packet for Evacuees, Evacuation Supports & Service Providers

This information packet was put together by the Alberta Human Rights Commission's Communications, Education and Engagement team in response to human rights issues that arose during previous emergency evacuations. This information is meant to support both evacuees and those providing support.

The Commission's resources provide information about the rights and responsibilities of individuals, organizations, and service providers that may be relevant during an evacuation or emergency.

In tandem with the Commission's information, we have included documents provided by organizations working directly with evacuees that can be adapted by any community.

This packet is not an exhaustive list of the Commission's Resources. Additional information, including information about making a human rights complaint, can be accessed at albertahumanrights.ab.ca.

E-learning resources for further information can be accessed https:// albertahumanrights.ab.ca/resources/?key=e-learning.

If you have questions about a specific situation, please contact our confidential inquiry line at 780-427-7661 to speak to a human rights officer or email AHRC.Registrar@gov.ab.ca.

For questions regarding this information package or in general about the Commission's programs and services, please email educationcommunityservices@gov.ab.ca.

Rights and Responsibilities Document for Individuals Evacuated During a Crisis

Introduction.

This document outlines the rights and responsibilities of individuals who are evacuated from their homes during a crisis on the G4 Nations. It is intended to ensure the dignity, safety, and well-being of all affected persons, while promoting a harmonious and respectful environment in the temporary housing facilities and communities.

Rights of Evacuated Individuals

1. Right to Safety and Security: Every individual has the right to personal safety and security during their stay in temporary housing facilities.

2. Right to Basic Needs: Evacuated individuals have the right to access necessities, including food, water, shelter, and medical care.

3. Right to Privacy: Individuals have the right to privacy and personal space to the *extent possible in temporary housing conditions.*

4. Right to Information: Individuals have the right to information about the crisis, available services, and the duration of their stay.

5. Right to Dignity and Respect: Every person has the right to be treated with dignity and respect, regardless of their background, beliefs, or circumstances.

Responsibilities of Evacuated Individuals

1. Conduct: Individuals are responsible for conducting themselves in a manner that is respectful, and responsible. This includes:

- Respecting the rights and privacy of other evacuees.

- Avoiding any form of discrimination, harassment, or violence.
- Complying with the rules and regulations of the temporary housing facility and the host community.

2. Community Engagement: Individuals are encouraged to participate positively in the temporary community, including:

- Assisting in communal activities when possible.
- Maintaining cleanliness and order in living spaces.
- Cooperating with facility staff and volunteers.

3. Adherence to Rules and Regulations: Individuals must adhere to all rules and regulations set by the temporary housing facility and the local authorities. This includes:

- Following safety protocols and emergency procedures.
- Respecting property and not causing damage.
- Complying with any legal obligations and instructions from authorities.

4.Implementation and Enforcement

- The temporary housing facility may ensure that the rights of evacuees are respected.
- Any breach of responsibilities by evacuees may result in appropriate actions, taken in a manner that respects the individual's rights and dignity.
- Evacuees are encouraged to report any violation of their rights.

Conclusion

This document serves as a guideline to promote a safe, respectful, and dignified environment for all individuals evacuated during a crisis. It is essential that everyone, both evacuees and those assisting them, work together to uphold these principles and guidelines.

This Document is not an official legal document of the G4 First Nations. This document is intended as a guide for those who may find themselves under G4 assistance in a time of Crisis.

Protected areas and grounds under the Alberta Human Rights Act

Alberta
Human Rights Commission

INFORMATION SHEET

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

Protected areas

The *Act* prohibits discrimination in the following areas:

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

Prohibitions regarding complaints

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

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

Protected grounds

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

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

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

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

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

Gender identity
Refers to a person's internal, individual experience of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both, or neither. Gender identity is not the same as sexual orientation, which is also protected under the *Act*.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Contact us

The Alberta Human Rights Commission is an independent commission of the Government of Alberta. Our mandate is to foster equality and reduce discrimination. We provide public information and education programs, and help Albertans resolve human rights complaints.

Hours of operation: 8:15 a.m. to 4:30 p.m.

Monday to Friday (holidays excluded)

Northern Regional Office (Edmonton)
800 – 10405 Jasper Avenue NW
Edmonton, Alberta T5J 4R7
780-427-7661 Confidential Inquiry Line
780-427-6013 Fax

Southern Regional Office (Calgary)
200 J.J. Bowlen Building
620 – 7 Avenue SW
Calgary, Alberta T2P 0Y8
403-297-6571 Confidential Inquiry Line
403-297-6567 Fax

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

Email: humanrights@gov.ab.ca

Website: albertahumanrights.ab.ca

Please note: The Commission must receive your completed complaint form or letter within one year after the alleged contravention of the *Alberta Human Rights Act.* The one-year period starts the day after the date on which the alleged contravention of the *Act* occurred. For help calculating the one-year period, contact the Commission.

The Commission will make this publication available in accessible formats upon request for people with disabilities who do not read conventional print.

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Human Rights in Tenancy

Alberta
Human Rights Commission

INFORMATION SHEET

The Alberta Human Rights Act (the *Act*) protects Albertans from discrimination in certain areas based on specific personal characteristics (also known as protected grounds). Tenancy is an area where people are protected from discrimination regardless of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status or sexual orientation. Everyone has a right to treatment free of discrimination when renting in Alberta.

Tip: For a detailed discussion of protected grounds in the area of tenancy, see the Commission's website page: **www.albertahumanrights.ab.ca/other/tenancy/what_to_know/pages/info_protected_grounds.aspx**

Also see the Commission's information sheet *Protected areas and grounds under the Alberta Human Rights Act.*

How does the Act protect Albertans from discrimination in tenancies?

Section 5 of the *Act* prohibits discrimination in both residential and commercial tenancy on the basis of 15 protected grounds. It covers rental commercial units and self-contained dwelling units (such as a rental apartment, house or townhouse). The following types of tenancy discrimination are covered by the *Act*:

- Denying a potential tenant the right to occupancy of an advertised unit based on a protected ground.
  For example: A landlord refuses to rent to a prospective tenant because of the tenant's race.
- Discriminating against a tenant or potential tenant regarding a tenancy term or condition based on a protected ground.
  For example: A landlord discovers that a tenant has a mental disability and starts treating the tenant poorly. The landlord makes derogatory comments about his disability and spreads rumours about him.

What is discrimination?

Discrimination is treating a person differently based on protected grounds under the *Act*. As explained by the Supreme Court of Canada in *Andrews v. Law Society of British Columbia*,[1] discrimination imposes burdens, obligations or disadvantages on individuals or limits their access to benefits or opportunities. A policy or practice resulting in negative treatment based on any of the protected grounds is discriminatory even if it appears to treat everyone equally (*Ont. Human Rights Comm. v. Simpsons-Sears*).[2]

[1] *Andrews v. Law Society of British Columbia*, [1989] 1 SCR 143, 1989 CanLII 2 (SCC).
[2] *Ont. Human Rights Comm. v. Simpsons-Sears*, [1985] 2 SCR 536, 1985 CanLII 18 (SCC).

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Age as a protected ground

Under the *Act*, age is a ground that is protected from discrimination. The *Act* defines age as **18 years of age or older**, which means that individuals 18 and older are protected from age discrimination. It is a contravention of the *Act* to discriminate against individuals based on their age (18 or older) in the protected areas listed above, with specified exceptions in the areas of services and tenancy.

Are people under 18 protected from discrimination?

People under 18 are protected from discrimination based on all of the protected grounds except for age. This means that they can make a discrimination complaint based on grounds such as race and gender, but not based on their age.

On January 1, 2018, age became a protected ground in the area of tenancy. This means that landlords or other service providers such as property managers cannot discriminate against people 18 years old or older when they are applying to rent or renting. However, the *Act* allows for age restrictions in seniors-only housing, which is housing for people who are 55 years old or older.

For example: A seniors-only housing complex has a minimum age restriction of 65 and up, meaning that the complex will allow only tenants aged 65 and older to live there. All of the units in the complex are reserved for one or more people, at least one of whom is aged 65 and older. This age restriction would be permitted under the *Act* and would not be considered discriminatory.

Section 5(2) of the *Act* also allows for condominium units, co-operative units and mobile home sites to continue with minimum age restrictions that were in existence before January 1, 2018. However, these types of housing must convert to all-ages housing or to seniors-only housing by January 1, 2033.

Tip: Condominium units (whether owner occupied or rented out) with minimum age restrictions that were in existence before January 1, 2018 are still allowed (with a 15-year transition period). For more information, refer to the Commission's information sheet *Human Rights in Condominiums*.

Under the *Alberta Human Rights Act Human Rights (Minimum Age for Occupancy) Regulation*, a person who does not meet the minimum age to occupy a unit or site may live with an occupant who does meet the minimum age if:

- They provide home-based personal or health care services to an occupant of the unit or site;
  For example: a tenant's live-in caregiver.
- They are a minor related to an occupant by blood, adoption or marriage, or by virtue of an adult interdependent partnership to an occupant, they are also allowed to reside in seniors-only housing, where due to an unforeseen event, the occupant becomes the primary caregiver to the minor after occupancy has commenced; and
  For example: a tenant's 16-year old grandchild who is now under their primary care.
- They are the surviving spouse or adult interdependent partner of a deceased former occupant of the unit or site who lived with the occupant at the time of death.
  For example: a tenant who meets the minimum age restriction dies, leaving their younger spouse. The younger spouse would not meet the minimum age restriction but under the legislation could stay in the unit.

Any other individual whose occupancy is reasonable and appropriate in the circumstances may be permitted to live in the unit or site.

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Section 5(5) of the *Act* also allows for "grandfathering" of existing occupants if a landlord adopts a "seniors only" minimum age restriction. This means that people under that minimum age restriction who occupied the premises before the change can continue to live there.

What information can a landlord require from prospective tenants?

When assessing prospective tenants, landlords usually ask for certain information such as rental history and references. While this is usually permissible, courts and human rights tribunals in Canada have found that not renting to tenants based on information about their personal characteristics could amount to discrimination.

Source of income

Landlords can ask prospective tenants for information on the amount of income they make but cannot refuse to rent to someone because of their source of income. For example, a landlord cannot refuse to rent to someone just because they are receiving income supports, rental subsidies, AISH (Assured Income for the Severely Handicapped) or other disability benefits if they otherwise qualify for the rental property.

Rental history

A landlord may ask about a prospective tenant's rental history but should be cautious about refusing people because they have no rental history. For example, certain people such as recent immigrants to Canada may not have a rental history in Canada.

Rent-to-income ratios

Some landlords have applied formulas, called rent-to-income ratios, to determine whether a tenant can afford a rental property. In these cases, a landlord will refuse to rent to people who would have to spend more than a particular percentage, usually 20 to 35 percent, of their income on rent. Courts have found that rent-to-income ratios unfairly disqualify groups based on race, gender, marital status, family status, place of origin, and source of income. These decisions have found that a rent-to-income ratio is not a reliable predictor that a person is likely to fail to pay their rent.

Credit checks and references

Landlords can ask for credit history and previous landlord references to determine if a person is a desirable tenant but cannot use this information in a discriminatory way. For example, a landlord who asks for credit information only from a particular ethnic group is using information in a discriminatory way. It is also important to note that new immigrants may not have previous Canadian landlord references.

Personal information

A landlord should not ask questions that can be used to discriminate against prospective tenants based on their personal characteristics, for example:

- Do you have children? Are you planning on having children?
- Where are you from?
- Are you single? Are you married? Are you divorced?
- Do you go to church?

Tip: If a landlord asks a person for information that can be used to discriminate against them, the person can tell the landlord that they do not feel comfortable answering the question or that the question is inappropriate. The person can also give the landlord information showing that they can be a good tenant who can pay rent on time. If a person believes that they have been discriminated against when finding a place to rent, they may contact the Alberta Human Rights Commission.

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Discrimination in residential tenancy

Discrimination in tenancy can occur when a person is looking for a place to rent. In *Fitzhenry v. Schemenauer,*[3] a disabled person with a guide dog tried renting the upper floor of a home. When the person called the landlord about renting the property, the landlord told him that dogs were not allowed and that he could not visit the property. The Alberta Human Rights Panel found that the landlord discriminated against the person on the ground of his physical disability.

In *Cunanan v. Boolean Development Ltd.,*[4] a single mother with three teenage sons viewed a three-bedroom apartment and filled out a rental application. The landlord refused to rent to the prospective tenant because he had an "unwritten" policy of renting three-bedroom units only to couples with two children. The Ontario Human Rights Tribunal found that there had been discrimination against the single mother based on family status, and the landlord had not provided a reasonable justification for the refusal.

Discrimination in tenancy can also occur when a person is already renting a place. For example, in *409205 Alberta Ltd. v. Alberta (Human Rights & Citizenship Commission),*[5] a tenant received various types of income support and a housing subsidy. To support the tenant's housing subsidy, the landlord agreed to apply annually for the subsidy and to keep the rent reasonable. During his tenancy, the landlord agreed that the tenant could have one cat. When the tenant acquired more cats, the landlord complained about problems with the cats in the hallway and tried to evict the tenant for alleged property damage done by his cats. After the eviction attempt was unsuccessful, the landlord increased the tenant's rent and did not renew the tenant's housing subsidy. The Court of Queen's Bench of Alberta affirmed the Alberta Human Rights Panel's finding that the alleged damage done by the tenant's cats was unsubstantiated and that the landlord discriminated against the tenant based on source of income by raising rent and not renewing the subsidy agreement.

Other examples of discrimination in residential tenancy include:

- Making derogatory comments about a potential tenant's ancestry and refusing to rent to her based on stereotypes of her family/marital status.
- Verbally and physically harassing tenants because of their sexual orientation.
- Ending a tenancy without making inquiries about a tenant's hearing loss and reliance on a service dog.
- Ending a tenancy without reasonably accommodating a tenant's mental disability.
- Refusing to rent to families with children.

Discrimination in commercial tenancy

Discrimination in tenancy can occur when a tenant is looking for a commercial space to rent or is already renting a commercial space. Some examples of discrimination in commercial tenancy include:

- Renting to people of a particular race to the exclusion of others.
- Sexually harassing a tenant.
- Refusing to renegotiate a lease renewal because of a tenant's race.

Duty to accommodate in tenancy

The duty to accommodate applies to tenancy situations. Accommodation means making changes to certain rules, standards, policies, and

[3] *Fitzhenry v. Schemenauer*, 2008 AHRC 8 (CanLII).
[4] *Cunanan v. Boolean Development Ltd.*, 2003 HRTO 17 (CanLII).
[5] *409205 Alberta Ltd. v. Alberta (Human Rights & Citizenship Commission)*, 2002 ABQB 681 (CanLII).

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physical environments to ensure that they don't have a negative effect on a person because of the person's mental or physical disability, religion, gender identity or any other protected ground.[6]

In accommodating a tenant, the landlord may need to make adjustments or provide alternative arrangements to ensure that there is no negative effect on tenants based on protected grounds. The landlord's accommodation of a tenant's needs to the point of undue hardship will be considered. Undue hardship occurs if accommodation would create onerous conditions for a landlord, for example, intolerable financial costs or serious disruption to business. Factors that may be considered in determining undue hardship include:[7]

- financial cost
- safety
- disruption
- significant interference with the rights of others (for example, other tenants)

Tenants who require accommodation based on a protected ground should let the landlord know of their needs.[8] This gives the landlord the opportunity to make any changes necessary to accommodate the individual requesting the accommodation.

For example: In *Dixon v. 930187 Ontario,*[9] a tenant moved into an apartment unit and had issues with access to the building. The building did not have a ramp or electronic door opener. The building had an elevator but it was unreliable and broke down often. The tenant was unable to enter or leave the building without assistance because he couldn't operate the doors from his wheelchair. The tenant made the landlord aware of the need for modifications to the doors of the building and requested to move to a unit on the ground floor of the building but the landlord did not make any changes, nor accommodate his request. To accommodate the tenant, the Ontario Human Rights Tribunal held that the landlord should:

- Offer the next available unit on the ground floor to the tenant.
- Request quotations for modifications to the building.
- Find out whether any permits for zoning changes would be needed.
- Take steps to ensure that the front doors and entryway of the apartment building are accessible to people in wheelchairs. For example, this could include:
  - Providing a ramp or appropriate grading so that the step is not a barrier; or
  - Installing electronic door opening devices on both doors.

Some other examples of accommodation in tenancy include:

- Asking for further information with respect to a tenant's service dog and disability-related needs upon learning that the dog assisted the tenant with hearing loss.
- Contacting a tenant's family members to intervene when the tenant's schizophrenic conduct disturbs or potentially disturbs the reasonable enjoyment of other tenants.
- Not prohibiting a tenant from cooking ethnic foods characteristic of her ancestry in her unit.

Tip: For more information on how to determine if accommodation is necessary and what a landlord needs to do to accommodate a tenant, see the Commission's human rights guide *Duty to Accommodate*, or contact the Commission.

[6] *British Columbia (Superintendent of Motor Vehicles) v. British Columbia (Council of Human Rights)*, [1999] 3 SCR 868, 1999 CanLII 646 (SCC).
[7] *Hydro-Québec v. Syndicat des employé-e-s de techniques professionnelles et de bureau d'Hydro-Québec, section locale 2000 (SCFP-FTQ)*, [2008] 2 SCR 561, 2008 SCC 43 (CanLII).
[8] *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970, 1992 CanLII 81 (SCC).
[9] *Dixon v. 930187 Ontario*, 2010 HRTO 256 (CanLII).

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Can discrimination be justified in tenancy?

Section 11 of the *Act* recognizes that, in some circumstances, there is a reasonable and justifiable defence to discrimination. A landlord may argue that there is a reasonable and justifiable defence to discrimination under section 11 of the *Act*. However, the landlord must be able to provide reasons for its argument that the contravention was reasonable and justifiable.

A landlord may also argue that their conduct was justified based on section 11. This defence cannot be successfully established unless the landlord has attempted to reasonably accommodate to the point of undue hardship. It's important to consider that the undue hardship standard is a very high standard, and as a result, in most situations, landlords will be required to provide some accommodation.

How to resolve a human rights complaint

Individuals who believe that a landlord has discriminated against them may first try to resolve the issue on their own. In some cases, the landlord may not be aware that they have done anything discriminatory. A landlord may stop the discrimination and correct any inequity they may have caused if they know about the problem or concern. Before making a complaint to the Alberta Human Rights Commission, both tenants and landlords can try to resolve a human rights matter using the following tips.

Dispute resolution tips for tenants

Try talking to the landlord and explaining the situation. It is important to notify the landlord of the cause of the discrimination. You may find that writing a letter to the landlord can help to clarify your thoughts. You can explain:

- what happened
- when it happened
- who you are complaining about
- how it made you feel
- what you would like to happen to fix the situation

Use non-accusatory language and assume your landlord wants to help with the situation. This will show your landlord that you are prepared to work out the issue together. You may also offer to get some information from the Commission so that you can work together to resolve the issue.

Dispute resolution tips for landlords

Tenants who come to you with a complaint may be considering making a human rights complaint to the Commission. By listening with an open mind to their complaint before they go to the Commission, you may prevent further legal action. As the landlord, you should:

- Try to get the entire story from the tenant. The more details you understand about the situation, the more likely you will be able to find a creative and mutually satisfying solution.
- Be respectful in discussing concerns with the tenant.
- Remember that you have a legal duty to accommodate a tenant's needs to the point of undue hardship. Review the Commission's human rights guide *Duty to accommodate*. This will help you decide what is required and how to resolve requests for accommodation.

Making a human rights complaint

When a tenant believes they have been discriminated against, they can make a complaint to the Alberta Human Rights Commission within one year of the alleged incident of discrimination. When a landlord or tenant is unsure if a dispute involves a human rights issue, they should contact the Commission.

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Important note on age-related complaints

The Commission can only accept age-related complaints in the area of goods, services, accommodation and facilities if the incidents occurred on or after **January 1, 2018**. Where there are multiple alleged incidents of discrimination that occurred before and after December 31, 2017, only the incidents that took place after December 31, 2017 will be covered under the *Act*.

Tip: In Alberta, the *Residential Tenancies Act* applies to most rental situations. There are different dispute resolution options available for landlords and tenants dealing with a tenancy law issue, for example, an eviction or security deposits. For more information, refer to the resources on tenancy law at the end of this publication.

Related resources

For more information on human rights law and the complaint process, refer to the following Alberta Human Rights Commission resources (available on **www.albertahumanrights.ab.ca**):

- *Protected areas and grounds under the Alberta Human Rights Act* information sheet
- *Duty to accommodate* human rights guide
- *Defences to human rights complaints* human rights guide
- *Notice of Changes to Alberta's Human Rights Legislation* (January 2018)
- *The human rights complaint process* information sheet
- *Information for complainants* information sheet
- *Information for respondents* information sheet
- **albertahumanrights.ab.ca/services/pages/condos.aspx** webpage

For general information and resources on tenancy law in Alberta:

- Service Alberta's Consumer Contact Centre **www.servicealberta.ca/file-a-complaint.cfm**
- Residential Tenancy Dispute Resolution Service **www.servicealberta.ca/landlord-tenant-disputes.cfm**
- Centre for Public Legal Education Alberta's Laws for Landlords and Tenants in Alberta **www.landlordandtenant.org**

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HUMAN RIGHTS IN THE HOSPITALITY INDUSTRY

Alberta
Human Rights Commission

ADR2013

INTERPRETIVE BULLETIN

Table of Contents

This publication discusses Alberta Human Rights Commission policies and guidelines. Commission policies and guidelines reflect the Commission's interpretation of certain sections of the *Alberta Human Rights Act (AHR Act)* as well as the Commission's interpretation of relevant case law. Case law includes legal decisions made by human rights tribunals and the courts. As the case law evolves, so do the Commission's policies and guidelines.

Commission policies and guidelines:

- help individuals, employers, service providers and policy makers understand their rights and responsibilities under Alberta's human rights law, and
- set standards for behaviour that complies with human rights law.

The information in this publication was current at the time of publication. If you have questions related to Commission policies and guidelines, please contact the Commission.

Introduction

The hospitality industry—made up of hotels,[1] restaurants, bars, and nightclubs—serves Albertans and visitors from around the world. Under the *Alberta Human Rights Act*, hospitality service providers must treat customers, guests and clients fairly and equitably. Among their legal responsibilities, the province's hospitality-industry operators have a responsibility to ensure that the services they provide are free of discrimination. By providing a service free of discrimination, hospitality operators help to protect both the dignity of their customers and their own business interests.

The *Alberta Human Rights Act* prohibits discrimination in many areas of public life, including the provision of services, facilities, goods, and accommodation that are customarily available to the public in the hospitality industry. The *AHR Act*[2] prohibits discrimination in Alberta on the basis of any of the following characteristics: race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status, source of income, family status, or sexual orientation.

Age is *not* a protected ground in the following areas:

- residential and commercial tenancy.
- goods, services, accommodation or facilities that are customarily available to the public. For example, a movie theatre offers lower ticket prices to seniors (people over 65 years of age) only. Because age is not protected in the area of services, a 55-year-old could not make a complaint of discrimination based on age in this case.

The *AHR Act* defines age as "18 years or older." Persons who are 18 years or older can make complaints on the ground of age in these areas:

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

Persons *under* the age of 18 can make complaints on all grounds *except the ground of age*. For example, a 16-year-old can make a complaint of discrimination in the area of services customarily available to the public based on the grounds of physical disability, race, gender, etc. but not on the ground of age.

1 Hotels provide temporary accommodation and include motels, inns, and bed and breakfast accommodation.

2 The *AHR Act* is available online at **http://www.qp.alberta.ca/documents/Acts/A25P5.pdf**.

The *Act* also prohibits discrimination based on age, but not in the area of services, facilities, goods and accommodation customarily available to the public, or in the area of tenancy.

This interpretive bulletin gives hospitality industry operators and their customers and guests:

- an overview of their rights and responsibilities under the *AHR Act*,
- examples of discriminatory practices and non-discriminatory alternatives,
- summaries of leading human rights cases involving the hospitality industry,
- a list of resources for the hospitality industry, and
- options for dispute resolution.

Rights and responsibilities under the *Alberta Human Rights Act*

A policy or practice may appear to treat everyone equally, but if it results in derogatory treatment based on any of the protected grounds, it is discriminatory.

The rights and responsibilities described in this interpretive bulletin flow from the *AHR Act* and also from decisions of human rights tribunals and courts, including the Supreme Court of Canada. The *AHR Act* prohibits discrimination, that is, treating a person differently based on the person's characteristics such as race, gender, or physical disability, or any of the other protected grounds listed above. The philosophy behind the law is that people should be considered on their individual strengths and shortcomings, not because they belong to a particular group of people. In other words, it is unacceptable to discriminate against individuals on the basis of characteristics that are protected under the *AHR Act*. For example, to deny a person a hotel room simply because he or she was born in a different country is discriminatory treatment, based on place of origin.

A policy or practice may appear to treat everyone equally, but if it results in derogatory treatment based on any of the protected grounds, it is discriminatory. For example, a restaurant that can only be reached by climbing a flight of stairs appears to treat all customers equally. But customers in wheelchairs won't be able to eat at the restaurant. The result is discriminatory treatment of people with physical disabilities. The Supreme Court of Canada has found that such a policy or practice, even if it appears to treat everyone equally, is discrimination under the law, unless the business can demonstrate that accommodating the person would be an undue hardship.

Determining if services or facilities are customarily available to the public

Some clubs and cultural organizations provide services to members only, or to members and their guests. The *AHR Act* applies to goods, services, accommodation and facilities, but only if they are "customarily available to the public." These factors can help you determine if a service would be considered customarily available to the public, and therefore included as a protected area under the *Act*:[3]

1. How does the club or organization define its membership? The more specific the membership criteria, the more likely the club is not a service customarily available to the public.
2. Who receives services? A club that limits its services only to members, for example, by excluding public guests from club events, is not a service customarily available to the public.
3. Is the service a commercial venture? Clubs that are engaged in commercial services are usually services customarily available to the public. However, clubs that are involved in non-commercial activities are not always available to the public.

The *AHR Act* covers nightclubs and bars, including those that require customers to become members with payment of a fee as the only requirement for membership. Any attempt to deny a person membership to this type of club based on a person's protected characteristics is discrimination under the *AHR Act*.

Accommodation aims to create equal access

The *AHR Act* recognizes that all persons are equal in dignity, rights, and responsibilities when it comes to the provision of public services. One aspect of the process of ensuring that all persons have equal access is **accommodation**. In accommodating customers or clients, the service provider may need to make adjustments or provide alternative arrangements to the service to ensure there is no negative effect on individuals based on their protected characteristics. For example, customers wearing a turban or other head covering for religious reasons should not be requested to remove these even if the restaurant has a dress code prohibiting the wearing of hats or other head coverings.

3 *Gould v. Yukon Order of Pioneers,* (1996) 1 S.C.R. 571; Singh v. Royal Canadian Legion, Jasper Place (Alb.), Branch No. 255 (1990), 11 D/357 C.H.R.R.

In providing discrimination-free services, employers, business owners and franchisors need to remember that they bear the responsibility for the actions of their employees and contracted staff.

Persons who require accommodation must also help, if they can, to facilitate the accommodation process. This might include:

- bringing the need for accommodation to the attention of the service provider,
- supporting a request for accommodation with medical or other related documentation if necessary,
- suggesting appropriate accommodation measures, and
- giving a service provider a reasonable amount of time to respond to the request for accommodation. For example, a person with an allergy to smoke is responsible for letting a hotel know that he or she needs a non-smoking room when making a reservation.

In providing discrimination-free services, employers, business owners and franchisors need to remember that they bear the responsibility for the actions of their employees and contracted staff. For example, if a desk clerk refuses to allow a guest with a visual impairment to bring a guide dog into a hotel room, the hotel owners, as a corporate entity or as individuals, are legally responsible. Or, if a bouncer refuses to allow a person to enter a nightclub based on the person's race, colour, ancestry, or place of origin, both the nightclub owner and the bouncer are legally responsible.

Discrimination may be reasonable and justifiable

The *AHR Act* recognizes that, in some circumstances, discrimination is reasonable and justifiable. A service provider, for instance, may refuse to offer services to some people based on one or more protected characteristics if that refusal is necessary for the provider to meet the objectives of its service. This could include a service provider's need to ensure a safe environment for employees and customers. For more information about reasonable and justifiable discrimination, see the Commission interpretive bulletin *When is discrimination not a contravention of the law?* or contact the Commission for more information.

Examples of prohibited discrimination in the hospitality industry

Lack of access for persons with physical disabilities in restaurants and hotels

1. The most common form of discrimination in the hospitality industry is lack of physical access for persons with physical disabilities that restrict their mobility, for example, people who use wheelchairs. While Alberta's *Safety Codes Act* requires barrier-free design of new buildings and premises, many older businesses remain less accessible for persons with physical disabilities that restrict their mobility than for other customers. Some common obstacles for persons with restricted mobility are the absence of a ramp to the building entrance, entrances that are too narrow, doors that are hard to open, counters that are too high, seating that does not include room for a wheelchair, and washrooms that are located at the end of poorly lit, narrow hallways at the back of the premises.
2. Hearing impairment is also a disability that is often poorly accommodated in the hospitality business. Common issues include restaurant background music loud enough to interfere with hearing aids, cash registers that do not provide a visual display, and the absence of a printed menu or menu board.
3. Persons with a visual impairment often find their needs are not accommodated as well. Some of the obstacles to accessibility for people with visual impairments are poorly lit signage, printing in menus or brochures that is difficult to read, and the absence of Braille or raised lettering on washroom doors and elevators.
4. Persons who depend upon service animals (usually dogs) to help with everyday activities find that some restaurant and hotel operators are reluctant to provide them with service. Common examples include being told that there are no tables or rooms available when in fact some are available, and being placed in an inferior seat or room when better ones are available and are being offered to persons without service animals. A person who needs a service dog for assistance has the right to have their service dog with them at all times within the restaurant or hotel.

The human rights principle of accommodation requires service providers in the hospitality industry to ensure that their premises are accessible. Even though the Alberta *Safety Codes Act* might not require that a business make its premises accessible to persons in wheelchairs, the business may still have that duty under human rights law. For example, a hotel constructed before ramped entrances were required must still provide ramp access for persons in wheelchairs unless it can demonstrate that it would be undue hardship do so.

Some buildings and establishments might not be fully accessible. This may be considered reasonable and justifiable discrimination if making the premises accessible would cause undue hardship for the business owner or operator. For example, it might be undue hardship for a small coffee bar to permanently remove stools to provide access for persons

in wheelchairs. For more information about undue hardship, see the Commission interpretive bulletin *Duty to Accommodate*.

There are a number of tools that hospitality service providers can use to assess the physical accessibility of their building or premises. The *Safety Codes Act*, the Canadian Standards Association (CSA) *Standard for Barrier Free Design*, and the Ontario Human Rights Commission checklist for identifying critical accessibility indicators (online at **http://www.ohrc.on.ca/en/resources/discussion_consultation/diningout/pdf**) all provide helpful information for understanding and assessing physical accessibility of facilities.

Refusing to rent hotel rooms based on protected characteristics

In the hotel industry, discrimination happens when a hotel operator refuses to rent a room based on a person's race, colour, ancestry, sexual orientation, family or marital status, disability or source of income. For example, a hotel operator might discriminate by:

- refusing to rent based on the pretext that the hotel is fully occupied;
- requiring hotel guests, based on their protected characteristics (such as race, colour, ancestry, or place of origin), to pay a higher deposit than other guests;
- quoting a higher room rate based on the guest's protected characteristics;
- refusing to rent to prospective guests, based on their sexual orientation—for example, a bed and breakfast operator refusing to rent to a same-sex couple;
- refusing to rent to a prospective guest, based on his or her source of income—for example, refusing to rent to persons who receive social assistance; and
- requiring a guest to vacate a hotel room on the assumption that he or she was responsible for a disturbance in the hotel, based on his or her protected characteristics.

Hotel operators can refuse to rent rooms to persons in order to maintain the safety of their customers and staff, as well as to protect hotel property from damage. But hotel operators may only do so based on their experience with the individual guest, and not on the basis of the guest's protected characteristics. For example, a hotel operator can refuse to provide service to a guest who previously damaged a hotel room, who previously left the hotel without paying for the room, who displays violent behaviour, or who harasses staff or other customers. Hotel operators may *not* refuse to rent a room based on a person's perceived relationship to another person or group, as defined by a protected characteristic. For example, it is illegal discrimination for a hotel operator to refuse to rent a room based on the violent reputation of the guest's brother, or based on the hotel operator's experience with other persons who come from the same part of the world as the guest comes from.

Denying restaurant service based on mental or physical disability

Persons with disabilities are sometimes refused service, or receive an inferior level of service, in restaurants. The most common examples of such discriminatory treatment are:

- refusing to seat a customer with mental or physical disabilities during busy periods of the day;

- asking a customer with mental or physical disabilities to leave the restaurant after spending a set period of time in the restaurant, while not making the same demand of other customers;
- asking a customer with mental or physical disabilities to make a minimum purchase, while not making the same demand of other customers; and
- seating a customer with mental or physical disabilities at the back of the restaurant, next to the washrooms, when there is more desirable seating available.

In some circumstances, it may be reasonable and justifiable for a restaurant operator to provide a differential level of service to someone with a disability if that person is seriously disrupting the quiet enjoyment of the restaurant by other customers. But the restaurant operator will have to be able to demonstrate such a customer was accommodated to the point of undue hardship. For example, should a customer with a disability cause a serious disruption due to their disability, the customer could be seated in a manner that reduced the impact on other customers.

The preference of other customers, however, is not sufficient reason for a restaurant operator to discriminate against persons based on a mental disability or any other protected characteristic. For example, it is not reasonable and justifiable for a restaurant operator to provide a differential level of service to a person with a disability based simply on comments from other customers that they do not want to eat at the restaurant because of that person's presence.

Refusing services to, discriminating against, or harassing a person based on their sexual orientation or gender

Some hotels, bars and restaurants deny services or give substandard service to customers because of their sexual orientation or because they are transgendered[4] (included under the protected ground of gender). The most common examples of this type of discrimination are:

- denying rental of a hotel, motel or bed and breakfast room to a same-sex couple;
- giving substandard service to a same-sex couple or a person who is presumed to be gay, lesbian, bisexual or transgendered;
- refusing entry to a bar for a same-sex couple because of their sexual orientation;
- allowing other customers to harass someone based on their sexual orientation or gender when the service provider would intervene in other cases of harassment;

4 In this publication, the words "transgender" and "transgendered" are used to refer to people who identify as either transgender or transsexual. The Ontario Human Rights Commission offers a helpful definition of gender identity on its website: "Gender identity is linked to a person's sense of self, and particularly the sense of being male or female. A person's gender identity is different from their sexual orientation, which is also protected under the [Ontario *Human Rights*] *Code*. People's gender identity may be different from their birth-assigned sex, and may include:

- **Transgender**: People whose life experience includes existing in more than one gender. This may include people who identify as transsexual, and people who describe themselves as being on a gender spectrum or as living outside the gender categories of 'man' or 'woman.'
- **Transsexual**: People who were identified at birth as one sex, but who identify themselves differently. They may seek or undergo one or more medical treatments to align their bodies with their internally felt identity, such as hormone therapy, sex-reassignment surgery or other procedures."

- refusing to accommodate a transgendered person who uses a washroom onsite—this is an issue of accommodation that could be resolved by supporting the transgendered person's decision to use a single stall washroom or to use the women's or men's washroom, depending on what gender they identify as.

Denying entrance to nightclubs and bars based on race, colour, ancestry, place of origin, or gender

Some nightclub and bar operators deny entrance to customers based on race, colour, place of origin, or gender. The most common examples of this type of discrimination are:

- only admitting one group of clientele—for example, only admitting persons originally from specific countries;
- effectively excluding some customers by some indirect method—for example, asking only some customers, based on their race, for multiple pieces of identification;
- explicitly excluding particular groups—for example, refusing entry to women but not men, or to groups of persons from specific parts of the world; and
- enforcing a dress code based on membership in one group, while not enforcing the code for other customers—for example, applying a "no jeans" rule to customers of a specific cultural background, but not to others.

Nightclub and bar operators do have a responsibility to protect their staff and customers from harassment and violence. They also have the right to protect their premises and equipment from being damaged. In addition, nightclub and bar owners have a duty under the *Gaming and Liquor Act* not to serve persons who are overly intoxicated. In maintaining a safe environment and meeting such legal obligations, club owners must target the behaviour of individuals rather than personal characteristics that are protected under human rights legislation such as their race, ancestry, colour, place of origin, or gender. For example, club owners can deny entrance to their premises to persons who have shown by wearing gang colours or tattoos that they are gang members.

Case law examples

Human rights case law is constantly evolving based on cases that come before the courts and human rights tribunals. The following case law examples may help those working in the hospitality industry to provide discrimination-free services.

A URL is provided when the decisions are available on public websites. The decisions are also published in various publications such as the Canadian Human Rights Reporter (C.H.R.R.), which can be obtained at the Law Society Library, which has various locations throughout Alberta. To find the Law Society Library nearest you, visit **http://www.lawlibrary.ab.ca**.

1. **Discrimination will be found where hotel guests are treated differently than other guests are treated, and such differential treatment is based on a ground protected by human rights legislation.**

   After six Aboriginal guests were evicted from the Highland Park Motor Lodge because they used hotel towels to mop up their wet motor vehicle, the owner engaged in a physical confrontation with some of the guests and spoke to them in a derogatory fashion. The Manitoba Court of Appeal held that derogatory language was not, in itself, discriminatory. Further, in the absence of evidence that the owner would have treated other guests differently in the same circumstances, no discrimination was established.

   Bewza, Kotyk and Highland Park Motor Lodge v. Dakota Ojibway Tribal Council (1985), 7 C.H.R.R. D/3225 (Manitoba Court of Appeal) (Leave to Appeal to the Supreme Court of Canada refused June 12, 1986)

2. **Services offered by a club, where there is a private relationship between the club and its members, are not protected under the area of services customarily available to the public.**

   The complainants were women who were members of the Marine Drive Golf Club or had attended the golf club as guests of members. These women filed a complaint that they had been denied access to the men's-only lounge at the golf club, known as the "Bullpen." The British Columbia Court of Appeal found:

   > The Golf Club and its members have come together as a result of a private selection process based on attributes personal to the members. Thus, the nature of the service-provider and the service-user indicate a private, not a public, relationship. The Golf Club is closer to the "purely social" rather than "purely economic" end of the organizational spectrum. It is entitled to discriminate at the initial stage of admission to its organization. Since the [B.C. *Human Rights Code*] does not apply at the initial stage of admission to membership, it does not apply within the private organization.

   The court went on to say that members knew of the club rules that certain areas of the club were restricted by gender. The Marine Drive Golf Club was not a "service customarily available to the public" and therefore did not fall within the B.C. *Human Rights Code*.

   Marine Drive Golf Club v. Buntain (2007), 58 C.H.R.R. D/471BC Court of Appeal, (Application for leave to appeal to Supreme Court of Canada dismissed without reasons [2007] S.C.C.A. No. 112); online at **http://www.courts.gov.bc.ca/jdb-txt/ca/07/00/2007bcca0017.htm**

3. Dress code cannot be used to hide discrimination based on race, colour, and ancestry.

Ms. Carpenter was a member of the Nuchanlet First Nation, and was refused entry to a nightclub in Victoria, B.C., because she did not meet the dress code. The British Columbia Human Rights Tribunal concluded that Ms. Carpenter's First Nations ancestry was a factor in the nightclub's refusal to allow her entry, and, therefore, the refusal was discriminatory.

Carpenter v. Limelight Entertainment Ltd. (1999), C.H.R.R. Doc. 99-197 B.C. Human Rights Tribunal; online at **http://www.bchrt.bc.ca/decisions/1999/pdf/carpenter_vs_limelight_entertainment_ltd_d.b.a._limit_nigh.pdf**

4. Differential treatment of persons with mental disabilities is discriminatory.

Members of a group called People First gathered at the North Burnaby Inn for coffee before attending their regular meeting elsewhere. The group was served in a discriminatory way, and was told by the waitress several times that the manager did not want "retarded people" in his establishment. The British Columbia Human Rights Board of Inquiry found that the inn discriminated against persons with mental disabilities when staff did not serve them in the coffee shop or provided substandard service, and repeatedly indicated that they were not welcome.

Cavallin v. North Burnaby Inn (1984), 6 C.H.R.R. D/2496 B.C. Human Rights Board of Inquiry

5. Refusal to serve a patron because of the patron's apparent intoxication must be based on reasonable evidence and belief.

As a result of childhood polio, Harold Johnston was unsteady on his feet and required a leg brace. He also suffered from brain damage after childhood surgery, leaving him with slurred speech. Mr. Johnston was refused entry into a restaurant because the owner thought he was intoxicated. While the owner had a statutory duty to refuse service to an intoxicated person, he was found liable for discrimination because he failed to make reasonable efforts to determine whether Mr. Johnston was intoxicated. At the time of the refusal of service, Mr. Johnston's leg brace was readily visible and the reason for his slurred speech was explained to the restaurant owner.

Johnston v. Levin and Midtown Hotel Limited (1996), 25 C.H.R.R. D/82 (Ontario Board of Inquiry)

6. Differential treatment based on sexual orientation is discriminatory.

The manager of JMG Pub called C.L. an offensive name and told her that lesbians were not welcome in the pub. The tribunal found that while this did not constitute a denial of service, it did constitute discrimination regarding a service or facility.

C.L. v. Badyal (1998), 34 C.H.R.R. D/41 B.C. Human Rights Tribunal; online at **http://www.bchrt.bc.ca/decisions/1998/pdf/cl_vs._badyal_d.b.a._amrit_investments_dec_11_98.pdf**

7. Differential treatment based on a physical disability is discriminatory.

Ms. Leong is a diabetic who injects insulin into her abdomen before breakfast and dinner each day. She must eat within thirty minutes of taking her insulin or risk passing out or going into a coma. Ms. Leong and two friends went for dinner at the Knight and Day restaurant and were seated in a semi-private booth. Ms. Leong proceeded to inject herself discreetly but was observed by a server. The server came over to the table and said that Ms. Leong's actions were disgusting. The manager agreed with the server that injecting insulin at the table was disgusting. He would not confirm that the restaurant was going to serve Ms. Leong and her friends, so they left the restaurant. The restaurant did not participate in the hearing and as a result the tribunal did not hear any evidence that the respondent had a bona fide reasonable justification for its actions. The tribunal found that the restaurant discriminated against Ms. Leong based on her disability.

Leong v. Knight & Day Restaurants Corp. (2004), C.H.R.R. Doc 04-193 B.C. Human Rights Tribunal; online at **http://www.bchrt.bc.ca/decisions/2004/pdf/Leong_v_Knight_&_Day_Restaurants_and_another_2004_BCHRT_84.pdf**

8. Customer preference for services without the presence of children is not reasonable and justifiable discrimination.

Mr. Micallef, his wife, and three children aged seven, two, and six months went for dinner in the main dining room of the Glacier Park Lodge. When they entered the dining room, they were directed by a server to the cafeteria and told that it was better suited to families with small children. They went to the cafeteria, but decided they did not want to eat there, and returned to the dining room. Once more they were told to leave, this time by the president of the Glacier Park Lodge. After a conversation they were seated in the dining room. Mr. Micallef made a human rights complaint, alleging that the lodge discriminated against his family by denying them a service customarily available to the public because of their family status. The tribunal found that the fact that some diners might be disturbed by the presence of young children was not a bona fide and reasonable justification for a policy of discouraging families from eating in the dining room.

Micallef v. Glacier Park Lodge Ltd. (1998), 33 C.H.R.R. D/249 B.C. Human Rights Tribunal; online at **http://www.bchrt.bc.ca/decisions/1998/pdf/micallef_vs._glacier_park_lodge_ltd._april_21_98.pdf**

9. Business has a duty to accommodate transgendered customers.

Ms. Sheridan was a pre-operative male-to-female transsexual who was denied the use of the women's washroom in B.J.'s Lounge in Victoria, B.C. The British Columbia Human Rights Tribunal found that the lounge's treatment of Ms. Sheridan was discriminatory on the basis of gender and disability.

Sheridan v. Sanctuary Investments Ltd. (No.3) (1999), 33 C.H.R.R. D/467 BC Human Rights Tribunal; online at **http://www.bchrt.bc.ca/decisions/1999/pdf/sheridan_vs_sanctuary_investments_ltd_dba_b.j.%27s_lounge_jan_8_99.pdf**

10. Differential treatment based on race is discriminatory.

Mr. Randhawa made a human rights complaint alleging discrimination on the grounds of race, colour, ancestry, place of origin and religious beliefs when he was denied entry to the Tequila Nightclub. He alleged that when he and some friends tried to enter the nightclub, a doorman told them that the lineup was under surveillance by management, and that when they reached the entrance, another doorman would be instructed to ask them for several pieces of identification. Even though the complainant and his friends responded that they had appropriate identification, the doorman stated they would then ask for additional identification until Mr. Randhawa and his friends could not meet the requirement. The doorman stated that management had a certain image for the bar and did not want the clients to say that there were a lot of "brown people" inside. The respondent nightclub denied using racist policies to determine entrance to the club. The panel found merit to the complaint, ordering the respondent to implement a specific anti-racism policy and to participate in a commission human rights education workshop. The panel awarded $5,000 in general damages for injury to dignity and self respect, as well as travel expenses and interest.

Randhawa v. Tequilla Bar and Grill Ltd. (2008), 62 C.H.R.R. D/350, online at **http://www.albertahumanrights.ab.ca/RandhawaJaspal031708.pdf**

11. Private club is not exempt from human rights law; dress code is not reasonable and justifiable discrimination.

Mr. Singh was a member of the Sikh faith and wore a turban as a requirement of his religion. Mr. Singh was to attend a Christmas party at the Jasper Place Legion in Edmonton, Alberta, but was informed ahead of time that the legion's dress code prohibited him from wearing his turban. The Alberta Human Rights Board of Inquiry determined that the legion was not a limited social club, but rather a service customarily available to the public, because so many non-legion events were held there and because the legion didn't enforce sign-in requirements for non-members. The Board of Inquiry also determined that upholding the legion's dress code was not sufficient justification for discriminating against Mr. Singh based on his religion.

Singh v. Royal Canadian Legion, Jasper Place (Alta.), Branch No. 255 (1990), 11 C.H.R.R. D/357 (Board of Inquiry)

How hospitality industry service providers can deal with human rights issues

Owners, managers, and employees in the hospitality industry have a responsibility to take steps to make their establishments discrimination-free and deal fairly with human rights concerns raised by customers, clients and guests. The following strategies are options to consider.

Preventive strategies

- Educate all staff about how Alberta's human rights legislation prohibits discrimination, and make them aware of their obligations.
- Promote corporate pride in providing accessible services to a diverse clientele.
- Contact the Alberta Human Rights Commission to arrange for an educational workshop on rights and responsibilities related to human rights in the hospitality industry.
- Designate a manager or staff member to be the contact for issues related to human rights, and advise staff to direct human rights issues to that person.
- Audit your establishment's human rights performance by reviewing the physical accessibility of your facilities and identifying policies that restrict service.
- Put in place a policy on accommodating customers' special needs arising from protected characteristics such as physical or mental disability.
- Seek expert input about accessibility from community groups that represent persons with disabilities.
- Educate staff about the unique aspects of people with diverse backgrounds. You can find ideas on how to learn more about diversity in the *Help Make a Difference* tip sheet. Visit **http://www.helpmakeadifference.com** or contact the Commission to get a copy.
- Consider the benefits of hiring a qualified and diverse staff, particularly in positions that deal with the public.
- Provide staff with conflict resolution training.

Customer complaint strategy

Even when preventive strategies are in place, problems may arise. The following strategies provide ideas for dealing with customer complaints.

- Designate a manager or staff person to deal with problems promptly. The designated person should be available to meet with the customer, in a private setting if possible.
- In the absence of an immediate verbal resolution, ask the customer to write a description of the issue and make an appointment to speak or meet with a manager as soon as possible.
- Investigate the customer's complaint.
- Attempt to resolve the complaint with the customer.

- Contact the Alberta Human Rights Commission to get a free confidential consultation regarding the human rights issue.
- Inform the customer that he or she may contact the Commission for a free confidential consultation.

How customers can deal with human rights issues

Customers, clients and guests can look for constructive ways to deal with issues of discrimination and accommodation if they encounter them in hospitality-industry establishments. Here are some options:

- Take immediate action by seeking out a supervisor and explaining your human rights issue. If you need accommodation, clearly state what your needs are.
- If taking immediate action is not appropriate or possible, write a detailed description of the human rights issue and make an appointment to speak or meet with a manager as soon as possible.
- Contact the Alberta Human Rights Commission to get a free confidential consultation regarding your human rights issue.
- Make a human rights complaint to the Commission. (For more information, see the Commission's information sheet *Complaint process*.)

Related resources

For more information about the *Alberta Human Rights Act*, contact the Alberta Human Rights Commission.

For suggestions on how to build more inclusive businesses, see "34 ways to build stronger, better relationships between people of all backgrounds" at **http://www.helpmakeadifference.com**.

For more information about the *Gaming and Liquor Act*, contact the Alberta Gaming and Liquor Commission. To find the office nearest you, call Service Alberta toll-free within Alberta at 310-0000. Visit the AGLC website at **http://www.aglc.ca**.

Please note: Persons with hearing disabilities can get toll-free TTY/TDD access to Government of Alberta offices by calling 1-800-232-7215.

For province-wide free phone calls to Alberta government offices from a cellular phone, enter *310 (for Rogers) or #310 (for Telus and Bell), wait for the message and then enter the area code and phone number. Public and government callers can phone without paying long distance or airtime charges.

For more information about the *Safety Codes Act*, contact Safety Services at Alberta Municipal Affairs. Call 1-866-421-6929 toll-free within Alberta. (Note that all callers must dial 1-866.) Visit the Safety Services website at **http://www.municipalaffairs.alberta.ca/am_safety_services.cfm**.

For more information about the *Personal Information Protection Act*, contact the Access and Privacy Branch of Alberta Government Services. Call 780-644-PIPA (7472) in Edmonton. To call toll-free from Alberta locations outside Edmonton, first dial 310-0000. Visit the PIPA website at **http://pipa.alberta.ca**.

Harassment as a form of discrimination

Alberta
Human Rights Commission

INFORMATION SHEET

What is harassment?

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

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

Unwanted physical contact, attention, demands, jokes or insults are harassment when they occur in any of the **areas** protected under the *Alberta Human Rights Act.* The protected areas are statements, publications, notices, signs, symbols, emblems or other representations that are published, issued or displayed before the public; goods, services, accommodation or facilities customarily available to the public; tenancy; employment practices; employment applications or advertisements; and membership in trade unions, employers' organizations or occupational associations.

Discrimination has occurred if:

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

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

Examples of harassment

Examples of harassment include:

- Verbal or physical abuse, threats, derogatory remarks, jokes, innuendo or taunts about appearance or beliefs.
- The display of pornographic, racist or offensive images.
- Practical jokes that result in awkwardness or embarrassment.

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- Unwelcome invitations or requests, either indirect or explicit.
- Intimidation, leering or other objectionable gestures.
- Condescension or paternalism that undermines self-confidence.
- Unwanted physical contact such as touching, patting, pinching, punching and outright physical assault.

Workplace harassment

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

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

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

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

Harassment based on race and religious beliefs

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

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

Sexual harassment

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

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

For more information

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

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

Q3G-1707

Racial profiling

Alberta
Human Rights Commission

INFORMATION SHEET

ADR2013

What is racial profiling?

Racial profiling occurs when an individual is subjected to differential treatment or greater scrutiny because of negative stereotypes related to their race or other grounds such as religious beliefs, colour, ancestry or place of origin or a combination of these. For example, a Muslim may experience racial profiling on the basis of stereotypes about his or her religion. Racial profiling can also involve other factors such as gender and age. For example, a young black man may experience racial profiling on the basis of stereotypes about his age, colour and gender.

Typically, but not always, the reasons given for racial profiling carried out by people in authority are safety, security and public protection.

Racial profiling can occur in any of the following areas:

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

Racial profiling and the *Alberta Human Rights Act*

Racial profiling is not specified as a protected ground in the *Alberta Human Rights Act*. However, when racial profiling results in discrimination, affected individuals are protected under the *Act* because discrimination based on race or other protected grounds such as religious beliefs, colour, ancestry and place of origin is prohibited under the *Act*. Discrimination based on gender and age is also prohibited under the *Act*.

Examples of racial profiling that can result in discrimination

Examples include:

- A law enforcement officer stops and searches vehicles driven by young black males more frequently than vehicles driven by other people because of an assumption that young black males are more likely to be engaged in criminal activity.
- A store owner refuses to sell an Aboriginal patron a paint thinner based on stereotypes about Aboriginal people as solvent abusers.

- A youth of South East Asian heritage is refused entry to a bar because of the belief that youth of South East Asian heritage are associated with gangs.
- An employer wants a stricter security clearance for a Muslim employee after September 11th because of assumptions that Muslims are involved in terrorist activity.

Consequences of racial profiling

Being discriminated against as a result of racial profiling is a degrading and humiliating experience and can take an emotional, financial and social toll on the individual and the community. Racial profiling may:

- result in an individual's loss of dignity and self confidence.
- erode individuals' confidence in businesses, organizations and institutions. Individuals who are discriminated against as a result of racial profiling lose confidence in the ability of the institutions to serve them in a fair manner.
- disempower individuals. Individuals who are discriminated against as a result of racial profiling may feel that they should not aspire to positions of power or authority in society as they may perceive that they are seen as undesirable by others.

What can you do if you are discriminated against as a result of racial profiling?

Customers, clients and guests can look for constructive ways to deal with racial profiling when it has led to unfair treatment. Here are some options:

- Take immediate action by seeking out a manager and explaining your human rights issue.
- If taking immediate action is not appropriate or possible, write a detailed description of the human rights issue and make an appointment to speak or meet with a manager as soon as possible.
- Contact the Alberta Human Rights Commission to get a free confidential consultation regarding your human rights issue.
- Make a human rights complaint to the Alberta Human Rights Commission. If you believe you have experienced discrimination as a result of racial profiling based on your race alone or in combination with other grounds, you can make a complaint to the Commission based on one or more of the grounds of race, religious beliefs, colour, ancestry and place of origin. In addition to making a complaint based on race or related grounds, you may also report discrimination on other grounds such as age and gender if you believe they are related to your experience of racial profiling. For more information about the protected grounds, see the Commission information sheet *Protected areas and grounds under the Alberta Human Rights Act*.

What can organizations do to prevent racial profiling?

Public and private businesses as well as organizations and institutions have a responsibility to ensure that they operate without discrimination and that they deal fairly with human rights concerns raised by employees, customers, clients, guests and members of the public.

For more information

Read the Commission's interpretive bulletin *Human rights in the hospitality industry.*

Contact us

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Sexual harassment

Alberta
Human Rights Commission

INFORMATION SHEET

What is sexual harassment?

Sexual harassment is a form of discrimination based on the ground of gender, including transgender, which is prohibited under the *Alberta Human Rights Act*.[1] Sexual harassment is any unwelcome sexual behaviour that adversely affects, or threatens to affect, directly or indirectly, a person's job security, working conditions or prospects for promotion or earnings; or prevents a person from getting a job, living accommodations or any kind of public service.

Sexual harassment is usually an attempt by one person to exert power over another person. It can be perpetrated by a supervisor, a co-worker, a landlord or a service provider.

Sexual harassment is unwanted, often coercive, sexual behaviour directed by one person toward another. It is emotionally abusive and creates an unhealthy, unproductive atmosphere in the workplace. Sexual harassment in the workplace can be costly for employers in terms of financial costs and employee morale, particularly for employers who do not have an effective sexual harassment policy and who do not treat such complaints seriously.

[1] Gender identity and gender expression are also protected grounds under the *Alberta Human Rights Act*. Gender identity refers to a person's internal, individual experiences of gender, which may not coincide with the sex assigned to them at birth. A person may have a sense of being a woman, a man, both, or neither. Gender identity is not the same as sexual orientation, which is also protected under the *Alberta Human Rights Act*. Gender expression refers to the varied ways in which a person expresses their gender, which can include a combination of dress, demeanour, social behaviour and other factors.

Employees, customers or clients can make sexual harassment complaints to the Alberta Human Rights Commission.

Who is affected?

All individuals can experience sexual harassment. Sexual harassment can occur between individuals of different genders (for example, male to female) or between individuals of the same gender (for example, female to female).

What constitutes sexual harassment?

Sexual harassment can be expressed in many ways, from very subtle to very obvious, through any of the following:

- suggestive remarks, sexual jokes or compromising invitations;
- verbal abuse;
- visual display of suggestive sexual images;
- leering or whistling;
- patting, rubbing or other unwanted physical contact;
- outright demands for sexual favours; and
- physical assault.

Q3H-1710

Sexual harassment and workplace romance

Mutually acceptable workplace flirtation is not sexual harassment.

Who is legally responsible?

The Supreme Court of Canada has decided that in cases of proven sexual harassment, employers are responsible for the actions of their employees.

Lack of awareness by management does not necessarily eliminate this liability.

Employer responsibilities

In Alberta, employers are responsible for maintaining a work environment free from sexual harassment for all employees, customers and clients.

An employer who neglects to follow up on a complaint of sexual harassment may be liable under the *Alberta Human Rights Act* for failing to take prompt and appropriate action.

Having an effective sexual harassment policy in place can decrease an employer's liability if a human rights complaint is made. Prompt and appropriate action on sexual harassment complaints can reduce an employer's liability still further.

Sexual harassment policy development

Commission staff can help employers develop sexual harassment policies that are designed to identify discouraged or prohibited conduct by employees and outline the process for responding to concerns and complaints from staff. The Commission can also provide educational workshops to help employers, management and employees understand their rights and responsibilities related to sexual harassment in the workplace. Please contact the Commission for more information about these services. Also see the Commission information sheet *Sample Harassment Prevention Policy*, which is available on the Commission website or by calling the Commission for a print version.

What to do about sexual harassment

Anyone who believes they have been sexually harassed should first make it clear to the offender and/or to a person in authority that such action has occurred and is unwanted. Employees who are harassed may also wish to contact their union or employee association.

If the behaviour persists, or corrective action is not taken, a complaint may be made to the Alberta Human Rights Commission. A complaint must be made within one year of the alleged incident or the Commission does not have the authority to accept the complaint.

For the purposes of investigation, a record should be kept of when the alleged incidents occurred, the nature of the behaviour, the names of any witnesses and any other information relevant to the investigation.

It is unlawful to retaliate against anyone who has made a complaint of discrimination in good faith or who has given evidence in support of or against a complaint.

Source of income

Alberta
Human Rights Commission

INFORMATION SHEET

ADR2013

The *Alberta Human Rights Act* prohibits discrimination based on source of income. The intent of human rights legislation is to protect people who historically have been disadvantaged because they have experienced discrimination based on specific personal characteristics such as race, colour, gender and disability.[1] In keeping with this aim, only lawful income that commonly attracts a social stigma to its recipients is protected under the *Act*. Such income typically includes social assistance, disability pension, and income supplements for seniors. Income that does not result in social stigma is not protected.

Source of income is protected under all these areas identified in the *Act*:

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

[1] For the complete list of grounds protected under Alberta's human rights legislation, see the Commission information sheet *Protected areas and grounds under the Alberta Human Rights Act*.

Although discrimination based on source of income may arise in a variety of areas, it usually occurs in the area of tenancy. For example, a landlord would contravene the *Act* if they refuse to rent an apartment to someone who receives social assistance, a disability pension, or an income supplement provided to low-income seniors by government. The *Act* does not prevent landlords from making business-related inquiries about a person's credit or rental history, or asking for references, and then making a decision whether to accept the person as a tenant based on the information.

Case examples

***Glenn Miller v. 409205 Alberta Ltd. and Voco Property Group* (2001)**

In this Alberta case, Mr. Miller made a human rights complaint based on the ground of source of income in the area of tenancy. Mr. Miller received Alberta Assured Income for the Severely Handicapped, and his rent was subsidized through an agreement that his landlord signed with the Capital Region Housing Corporation (CRHC). The landlord, who was the respondent in the complaint, argued that Mr. Miller's four cats were damaging the property and, for that reason, Mr. Miller was given notice to vacate the premises. After the eviction attempt was unsuccessful, the landlord increased Mr. Miller's rent and refused to sign a subsidy

renewal agreement with CRHC, which would have maintained the rent subsidy payments for Mr. Miller's apartment. As a result, the rent subsidy was terminated. Mr. Miller argued that the landlord discriminated against him on the basis of physical disability and source of income.

An Alberta human rights panel[2] found discrimination on the basis of source of income and ordered the landlord to pay $3,300 in damages for injury to Mr. Miller's dignity and self-respect, and $5,890 in specific damages arising from his loss of rent subsidy and rent increase. Liability was apportioned 60 - 40 between the landlord and Mr. Miller. The landlord appealed the panel decision in the Court of Queen's Bench. The court upheld the panel decision. The complete panel decision is on the CanLII (Canadian Legal Information Institute) website at **www.canlii.org/en/ab/abhrc**. The court decision *409205 Alberta Ltd. v. Alberta (Human Rights & Citizenship Commission), 2002 ABQB 681* is on the provincial courts website at **www.albertacourts.ab.ca.** Search the judgment database for "Glenn Miller."

***Willis v. David Anthony Phillips Properties* (1987)**

In Ontario, human rights legislation prohibits discrimination based on receipt of public assistance. In *Willis v. David Anthony Phillips Properties* (1987), a board of inquiry found there was discrimination when a landlord denied a rental accommodation to a single mother who was living on mother's allowance.

***Spence v. Kalstar Properties* (1986)**

Source of income was at issue in this decision from Manitoba. A board of inquiry held that the complainant Mr. Spence was discriminated against when the landlord refused to rent him an apartment because he was on welfare.

[2] Effective October 1, 2009, Alberta's human rights panels were renamed human rights tribunals.

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Mental or physical disabilities and discrimination

Alberta
Human Rights Commission

INFORMATION SHEET

ADR2013

The *Alberta Human Rights Act* prohibits discrimination based on physical and mental disabilities.

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, service 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, 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 people with disabilities. 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 in a wheelchair may find filing impossible. However, another employee could do the filing, and the worker with the disability could assume responsibility for a larger volume of work on the computer.

An employee suffering from a mental illness might require altered job responsibilities, on a partial or permanent basis.

For more information about accommodating people with disabilities, see the Commission information sheet *Employment: Duty to accommodate* and interpretive bulletin *Duty to accommodate.*

Health and safety

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

For example, someone subject to epileptic seizures that are not fully controlled with medication could not be expected to safely perform a job working on a scaffold or driving a truck. 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 worksite.

Hiring a person with a disability

In job applications, interviews or ads, employers are not allowed to ask about an applicant's present or past physical or mental conditions, diseases, medications, treatments, workers' compensation claims or sick leave.

However, if a job requires physical dexterity or the capacity to handle stress, for example, 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 test 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 Commission for advice regarding physical or mental disabilities or for information on other agencies that may be able to assist, such as the Premier's Council on the Status of Persons with Disabilities. For more information, see the Commission information sheet *Pre-employment inquiries.*

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DUTY TO ACCOMMODATE

Alberta
Human Rights Commission

Q6A-0421

HUMAN RIGHTS GUIDE

This guide is produced by the Alberta Human Rights Commission (the Commission). It discusses the principles of human rights law and is based on decisions made by human rights panels,[1] tribunals, and courts. These decision-makers have interpreted certain sections of the *Alberta Human Rights Act* (the *Act*) based on the facts of relevant cases. As this case law evolves, so does the Commission's application of the *Act*.

This human rights guide will:

- Help individuals, employers, service providers, and policy-makers understand their rights and responsibilities under Alberta's human rights law, particularly as it relates to the duty to accommodate
- Help individuals and groups understand their rights and responsibilities under Alberta's human rights law, particularly as it relates to acquiring accommodation
- Assist organizations and individuals in setting standards for behaviour that complies with human rights law, particularly as it relates to identifying and implementing accommodations or determining whether an action meets an exception to Alberta's human rights law

The information in this guide was current at the time of publication. If you have questions related to this guide, please contact the Commission.

This guide does not provide legal advice. Should you require legal advice, please consult legal counsel.

Introduction

The *Act* recognizes that all people are equal in dignity, rights and responsibilities, regardless of race, religious beliefs, colour, gender, gender identity, gender expression, physical disability, mental disability, age, ancestry, place of origin, marital status, source of income, family status, or sexual orientation. Each of the categories in this list is referred to as a protected ground.

Accommodation means making changes to certain rules, standards, policies, workplace cultures, and physical environments to eliminate or reduce the negative impact that a person or group faces because of a characteristic that falls within a protected ground or grounds.

The duty to accommodate is a responsibility of the employer, service provider, or landlord to adjust the conditions of employment or service in order to address any prima facie (on its face) discrimination.

The person who needs accommodation must participate in the accommodation process, cooperate with the employer, service provider, or landlord, and accept reasonable accommodation efforts.

[1] In October 2009, as part of the amendments to Alberta's human rights legislation, panels were renamed human rights tribunals. In this publication, the word "tribunal" should be interpreted to include panels.

In all situations where there is a duty to accommodate, the employer, service provider, or landlord must provide accommodation to the point of undue hardship.

This publication explores the above concepts, and the duty to accommodate in various contexts.

Accommodation

The goal of accommodation is to provide an equal opportunity to participate in any of the areas protected by the *Act*, including:

- goods, services, accommodation or facilities customarily available to the public (for example, restaurants, stores, hotels, or municipal and provincial government services) (section 4)
- residential or commercial tenancy (section 5)
- employment practices (section 7)
- employment applications and advertisements (section 8)
- membership in trade unions, employers' organizations, or occupational associations (section 9)

In addition, the *Act* protects Albertans in the area of equal pay. Section 6(1) of the *Act* states: "Where employees of both sexes perform the same or substantially similar work for an employer in an establishment the employer shall pay the employees at the same rate of pay."

Accommodation is a way to balance the diverse needs of individuals and groups with the needs of organizations and businesses in our society. It may cause a degree of inconvenience, disruption, and expense to the employer, union, or service provider. However, accommodation to the point of undue hardship is required by law.

The accommodation process is most successful when everyone participates and communicates effectively together to come up with creative and flexible solutions. Effective accommodation is most often the result of good communication, creativity, and flexibility. While the accommodation process may involve challenges and costs, it helps to create an inclusive society that respects diversity and human rights.

Duty to accommodate

The legal duty to accommodate a person's needs based on certain protected grounds is well established in Canadian human rights law. One of the primary exceptions to the duty to accommodate a person or group with a characteristic protected under the *Act* is when the organization providing the accommodation can establish that its decision not to accommodate was reasonable and justifiable in the circumstances. This includes situations in which an accommodation would cause the person or group providing accommodation to incur undue hardship.

The duty to accommodate has both a substantive and procedural component.[2] The substantive aspect of accommodation refers to the accommodation that was offered to a person or group. To create an appropriate substantive accommodation, the employer or service provider must undertake an individualized assessment of the person's or group's needs and try to be flexible and creative in the search for an accommodation that meets those needs. This process of assessing a person's or group's needs and finding an accommodation is part of the procedural aspect of accommodation, which essentially refers to the process used to find a substantive accommodation. The employer or service provider must engage the individual or group and the union (if applicable) during the process of finding and implementing an accommodation. In order to fulfill this obligation, the employer or service provider must provide notice that the process of assessing accommodation will take place, and then consult with the person or group and union about appropriate accommodation methods.[3]

Some examples of accommodations include:

- time off for extended illness
- modifying work environments to provide better access for service dogs
- ensuring that places of business and workplaces are accessible for persons who use wheelchairs, or modifying work environments to provide that access
- modifying work duties/responsibilities
- purchasing adaptive equipment such as chair lifts
- providing space and time for employees to observe religious practices at set times during the workday

Who has a duty to accommodate?

The duty to accommodate applies to employers, landlords, business owners, public service providers, educational institutions, professional associations, trade unions, and other individuals and groups (as set out in the *Act*). For ease of reference, this guide refers to those who have a duty to accommodate as employers and service providers, as the duty to accommodate arises most commonly in these areas.

Who can request accommodation?

People who need accommodation to overcome a disadvantage caused by the application of a rule or a practice may include employees, prospective employees, union members, tenants, students, and customers, among others. The reason for the accommodation must be based on a need related to a ground that is protected under the *Act*.

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[2] *Canadian National Railway Company v Teamsters Canada Rail Conference*, 2018 ABQB 405, [2018] AWLD 2437 [*CNR v Teamsters*].

[3] *CNR v Teamsters* at para 36.

To what extent is accommodation required?

The Supreme Court of Canada has ruled that employers and service providers have a legal duty to take reasonable steps to accommodate individual needs to the point of undue hardship. To substantiate a claim of undue hardship, an employer or service provider must show that they would experience a significant inconvenience or expense. In many cases, accommodation measures are simple and affordable and do not create undue hardship.

What is undue hardship?

Undue hardship occurs if accommodation would create significantly onerous conditions for an employer or service provider, for example, intolerable financial costs or serious disruption to business. An employer or service provider must make every effort to make a reasonable accommodation for an employee or client/customer. Some hardship may be necessary in making an accommodation; only when the point of undue hardship is reached is the employer's or service provider's duty to accommodate fulfilled.

To determine if undue hardship would occur, the employer or service provider should review factors such as:

- **Financial costs:** Financial costs must be substantial in order to be found to cause undue hardship. They must be so significant that they would substantially affect productivity or efficiency of the employer or service provider responsible for the accommodation. Accommodation measures could result in lost revenue, which should be taken into account when assessing undue hardship. However, if lost revenue due to accommodation would be offset by increased productivity, tax exemptions, grants, subsidies, or other gains, then undue hardship may not be a factor. Financial costs do not include the expense of complying with other legislation or regulations (for example, providing wheelchair accessible washrooms or all gender washrooms for employees or customers).
- **Size and resources of the employer or service provider:** The cost of modifying premises or equipment and the ability to pay those costs in installments will be taken into consideration when assessing if there is undue hardship. The larger the operation, the more likely it is that it can afford to support a wider range of accommodations without undue hardship.
- **Disruption of operations:** The extent to which the inconvenience would prevent the employer or service provider from carrying out essential business activities will be a factor when assessing undue hardship. For example, modifying a workspace in a way that substantially interferes with workflow may be considered too disruptive to the workplace. Also, where there is no productive work available to offer to the employee, accommodation may be an undue hardship.
- **Morale problems of other employees brought about by the accommodation:** Morale problems could be due to the negative impact of increased workload on other employees due to an accommodation. For example, in a warehouse environment, if employees begin to quit because they are frustrated or overwhelmed by taking on more heavy lifting responsibilities due to an employer accommodating a person who cannot lift heavy objects,

this situation may amount to undue hardship for the employer. However, the Supreme Court has stated that morale should be considered in the context of undue hardship with caution.[4] Objections related to morale that are based on attitudes inconsistent with human rights law will not amount to undue hardship.

- **Substantial interference with the rights of other individuals or groups:** A proposed accommodation should not interfere significantly with the rights of others or discriminate against them. For example, a substantial departure from the terms of a collective agreement could be a serious concern to other employees. However, the objections of other employees must be based on well-grounded concerns that their rights will be affected.
- **Interchangeability of work force and facilities:** Whether an employer or service provider could relocate employees to other positions or work environments on a temporary or permanent basis is a factor in determining undue hardship. This may be easier for a larger company.
- **Health and safety concerns:** Where safety is a concern, consider the level of risk and who bears that risk. For example, consider if the accommodation would violate health and safety regulations. There would be an undue hardship if accommodation sacrificed safety for either the employee or others. The employer or service provider may need to gather more information before making the determination that the accommodation would compromise safety, as the decision cannot be based solely on the assumptions or arbitrary beliefs of the person or organization responsible for making the accommodation.[5]

These factors serve as a great starting point for assessing whether accommodating a person or group would cause an employer or service provider to experience undue hardship. It is important to keep in mind, however, that Canadian courts have been very clear that undue hardship is unique to every situation. There is no complete list of factors for undue hardship. Instead, the factors mentioned above should be applied with common sense and flexibility in each situation, and new factors may emerge depending on the circumstances.

While certain accommodation measures may create an undue hardship for one employer or service provider, the same measures may not pose an undue hardship for a different employer or service provider. For example, the manager of a business with three employees may not be able to accommodate a request for revised work hours as easily as a manager who has 25 employees.

Measures that do not cause an employer or service provider undue hardship now, may do so in the future if its circumstances change. For example, a company that has recently laid off 50 per cent of their staff due to an economic downturn may no longer be able to accommodate a new request for a change in job duties from an employee with a disability, although the company may have accommodated such requests in the past. If there is already an accommodation in place, the company and employee may need to review the accommodation agreement and make changes that work in the new company structure.

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[4] *Renaud v Central Okanagan School District No 23*, [1992] 2 SCR 970 at para 37, 71 BCLR (2d) 145.

[5] For a Supreme Court of Canada summary of factors that constitute undue hardship see *Renaud v Central Okanagan School district No 23*, [1992] 2 SCR 970 or *Chambly (Commission solaire regionale) v Bergevin*, [1994] 2 SCR 525.

Absenteeism

The Supreme Court of Canada also examined undue hardship in a case involving the duty to accommodate an employee who had significant absences over many years due to a disability.[6] The Court found that situations of chronic absenteeism, where the employee is unable to resume work in the foreseeable future, may cause the employer to incur undue hardship by continuing to accommodate the employee, depending on the facts of the case. This will be determined by two factors: whether the employee's absenteeism is excessive, and whether there is a reasonable likelihood that the employee's attendance will improve in the foreseeable future.[7]

According to the Alberta Court of Queen's Bench, before these factors can establish undue hardship, the employer must attempt to accommodate the employee and warn the employee that continued excessive absences may result in a termination of employment.[8] To fulfill the procedural aspect of the duty to accommodate, the employer is required to give notice to the employee and the employee's union (if any) that the process of assessing possible accommodations will take place. Then the employer must meaningfully consult with the employee and union to identify the employee's needs and possible means of accommodating those needs. Only after the employer has participated in this consultation process and the parties have determined that there are no means of accommodating the employee without the employer incurring undue hardship has the employer fulfilled its duty to accommodate. At that point, the employer may lawfully dismiss the employee.

The employer maintains the duty to accommodate an employee who is absent due to a characteristic protected by the *Act*, such as physical disability, even if the absence is long.[9]

Accommodating people with disabilities

Many complaints about accommodation relate to the grounds of physical disability and mental disability.

The *Act* says that **physical disability** means "any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness." Some of the disabilities that have been established as protected under human rights law are: epilepsy/seizures, heart attack/heart condition, cancer, severe seasonal allergies, shoulder or back injury, asthma, Crohn's disease, hypertension, hysterectomy, spinal malformation,

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6 *Hydro-Québec v Syndicat des employé-e-s de techniques professionnelles et de bureau d'Hydro Québec*, section locale 2000 (SCFP-FTQ), 2008 SCC 43, [2008] 2 SCR 561. For clauses in a collective agreement regarding maximum sick leave, see *McGill University Health Centre (Montreal General Hospital) c Syndicat des employés de l'Hôpital général de Montréal*, 2007 SCC 4, [2007] 1 SCR 161.

7 It is important to note that the decision regarding whether an employee's attendance is likely to improve should be based on available medical information, not the employer's or employee's subjective beliefs about future attendance.

8 *CNR v Teamsters*.

9 *CNR v Teamsters*.

visual acuity, colour blindness, loss of body parts such as fingers, speech impediments, arthritis, muscular atrophy, cerebral palsy, and alcoholism. Drug dependence and other addictions may be captured under physical and/or mental disability.

Some common conditions, such as colds and flus, which do not last long and have no long-term effects, are not normally considered to be physical disabilities. However, just because a given condition is common, this does not mean that it is automatically not considered a disability. Some disabilities occur regularly in the general population.

Mental disabilities are defined by the *Act* as "any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder." Some examples of mental disabilities include: dyslexia, depression, schizophrenia, obsessive compulsive disorder, and anxiety disorders.

It is not possible to provide a complete list of conditions normally considered to fit in these definitions. The disabilities listed above are examples only.

Rights and responsibilities in the accommodation process

Both the person seeking accommodation and the employer or service provider have rights and responsibilities in the accommodation process. The most effective accommodation measures are a result of cooperation and clear communication between both parties. For more information on accommodations that require medical information, refer to the Commission's human rights guide *Obtaining and responding to medical information in the workplace*.

Rights and responsibilities of the person seeking accommodation

A person who is seeking accommodation should take the following actions/steps when making the request:

1. Bring the need for accommodation to the attention of the employer or service provider, preferably in writing. Include the following information:
   - Explain why accommodation is required (for example, because of disability, religious belief, pregnancy, family status, etc.).
   - Support the request for accommodation with evidence or documents (for example, a written statement from a doctor or health care provider, or written information about specific religious practices). For mental and physical disabilities, employees are often required to provide documentation from medical professionals. However, the employee is not obligated to disclose a specific diagnosis to the employer.
   - Provide medical information that explains the employee's functional limitations and necessary accommodations (for example, medical information that the employee cannot lift more than 20 pounds for the next three months). See the **Related resources** section at the end of this guide for more information on obtaining and responding to medical information in the workplace.
   - Suggest appropriate accommodation measures.
   - Indicate how long accommodation will be required.

2. Allow a reasonable amount of time for the employer or service provider to reply to the request for accommodation.
3. Listen to and consider any reasonable accommodation options that the employer or service provider proposes. A person seeking accommodation has a duty to accept a reasonable accommodation, even if it is not the one that the person suggested or prefers.
4. Discuss the factors creating undue hardship if the employer or service provider indicates that accommodation would pose an undue hardship. Provide more details about your needs if such information is helpful.
5. Cooperate to make the agreement work.
6. Advise the employer or service provider when accommodation needs have changed. Provide medical documentation to support these changes and assist the employer in the process of modifying the accommodation.
7. Be willing to review and modify the accommodation agreement if circumstances or needs change and the agreement is no longer working.
8. Tell the employer or service provider if the need for accommodation ends.

Rights and responsibilities of the employer or service provider

An employer or service provider who receives an accommodation request, must:

1. Determine if the request falls under any of the areas and grounds protected under the *Act*.
2. Be aware that, once a request is received, the onus to accommodate is on the employer or service provider.
3. Respect the dignity of the person or group requesting accommodation.
4. Respect the privacy of the person requesting accommodation. Medical information is considered personal information, and employers and service providers[10] must abide by applicable privacy legislation when they collect, use, or disclose an employee's medical information.
5. Listen to and consider the needs of the person seeking accommodation and their suggestions for accommodation.
6. Review medical or other information that the person seeking accommodation provides to support the request for accommodation.
7. Be willing to take substantial and meaningful measures to accommodate the needs of the person seeking accommodation.
8. Consult an expert such as a human resources professional or lawyer if more information is needed to assess the request.
9. Be flexible and creative when considering and developing options.

[10] For more information on the service providers that are obligated to protect personal information and how, see the *Alberta Personal Information Protection Act*, SA 2003, c P-6.5.

10. Discuss options with the person who needs accommodation.
11. Take reasonable steps to accommodate the person seeking accommodation to the point of undue hardship. If full accommodation is not possible without undue hardship, try to suggest options that may partially meet the needs of the person seeking accommodation.
12. Reply to the request for accommodation within a reasonable period of time.
13. Make a formal written accommodation agreement with the person being accommodated and ensure that the accommodation is given a fair opportunity to work.
14. Follow up to ensure that the accommodation meets the needs of the person seeking accommodation.
15. Provide details that explain why accommodation is not possible because it poses undue hardship or because of a bona fide occupational requirement.
16. Be willing to review and modify the accommodation agreement if circumstances or needs change and the agreement is no longer working.

Potential consequences of failing to accommodate

If the employer or service provider fails to provide accommodation to the point of undue hardship, then the employer or service provider may be in contravention of the *Act*. The person seeking accommodation should discuss this with human resources and ultimately may file a complaint with the Commission. If the person seeking accommodation chooses to file a human rights complaint, the person must do so within one year of the date of the event that they believe contravened the *Act*. If, on the other hand, the person seeking accommodation refuses a reasonable and appropriate accommodation, the employer or service provider has likely met their legal responsibilities.

Visit the Commission's website for information about the complaint process and remedies.

Reasonable and justifiable contravention

The *Act* recognizes that certain limitations on individual rights are not a contravention of the law. Section 11 states, "A contravention of this *Act* shall be deemed not to have occurred if the person who is alleged to have contravened the *Act* shows that the alleged contravention was reasonable and justifiable in the circumstances."[11] This section applies to the entire *Act*, and allows a person or organization responding to a human rights complaint to argue that their standards or policies do not amount to discrimination under the *Act*. For more information on when policies or standards do not amount to discrimination, please see the Commission human rights guide *Defences to human rights complaints*.

In human rights statutes across Canada, a variety of terms describe the "reasonable and justifiable" exemption. In employment practices, a reasonable and justifiable practice that

[11] See **Appendix 3** for full text of sections 7, 8, and 11.

would otherwise be discriminatory is referred to as a bona fide **occupational requirement.** In the areas of services customarily available to the public and tenancy, such a practice is called a bona fide **reasonable justification**.

The Supreme Court of Canada has, over the years, established a comprehensive set of requirements that employers, service providers, and landlords must meet in order to show that, while it may appear on its face that there is discrimination (referred to as "prima facie discrimination"), there is a reasonable and justifiable rationale for contravening the *Act*. When this occurs, the *Act* allows a defence to, or an exemption from, a finding of prima facie discrimination.

The two fundamental cases that set out the test for reasonable and justifiable discrimination in the area of employment (*Meiorin*) and in the other protected areas of services, accommodation, facilities, and tenancy (*Grismer*) are outlined below.

Duty to accommodate in employment

The duty to accommodate in employment refers to an employer's obligation to take appropriate steps to eliminate discrimination against employees and potential employees. Discrimination may result from a rule, practice, or standard that has a negative effect on a person due to one of the protected grounds under the *Act*. An employer's duty to accommodate employees or potential employees is far reaching. It can begin when a job is first advertised and finish when the employee requiring accommodation leaves the job.

Accommodation in employment most often involves the protected grounds of physical or mental disability. It may also involve the other protected grounds, including religious beliefs, gender (including pregnancy), gender identity, gender expression, family status, and marital status.

Examples of accommodation measures in the employment context include:

- purchasing or modifying tools, equipment or aids, as necessary
- altering the premises to make them accessible
- altering aspects of the job, such as job duties
- offering flexible work schedules
- offering time off to attend rehabilitation programs
- allowing time off for recuperation
- transferring employees to different jobs
- using temporary employees
- adjusting policies (for example, relaxing the requirement to wear a uniform)

Generally, an appropriate method of accommodating an employee will be based on open communication between the employee and employer. The employee must also provide enough information or documentation to allow an employer to understand what type of accommodation that person needs. For mental and physical disabilities, employees often are

required to provide documentation from medical professionals. However, the employee is not obligated to disclose a specific diagnosis to the employer.

Large employers may be required to look for reasonable accommodations in other departments or locations. However, an organization need only look at accommodating the employee within the areas it has control over.

Bona fide occupational requirement

The law recognizes that, in certain circumstances, a limitation on individual rights may be reasonable and justifiable. Discrimination or exclusion may be allowed if an employer can show that a discriminatory standard, policy, or rule is a necessary requirement of a job (referred to as a bona fide occupational requirement). For example, in *McKale v Lamont Auxiliary Hospital*, a senior's residence was only hiring male nursing attendants for male residents who had requested an attendant of the same sex.[12] This was held by the Alberta Court of Queen's Bench to be a bona fide occupational requirement, as it was reasonable that residents have their requests met to preserve their sense of personal dignity and privacy.

The *Meiorin* test helps employers determine if a particular standard, policy, or rule is a bona fide occupational requirement

In 1999, the Supreme Court of Canada released a decision that provides direction to employers as to whether a particular occupational requirement is a bona fide occupational requirement.[13] The Government of British Columbia had created minimum fitness standards that applied to forest firefighters. A female firefighter did not meet the requirements of a running test designed to measure aerobic fitness. Consequently, even though she had worked as a forest firefighter for three years, her employment was terminated. In grieving her dismissal, the firefighter argued that the aerobic standard discriminated against women because women generally have lower aerobic capacity than men. The Court held that the Government had not provided evidence that the aerobic standard was reasonably necessary to provide effective forest firefighting.

In its decision, the Court outlined a three-part test. The *Meiorin* test, named after the female firefighter, sets out an analysis for determining if an occupational requirement is justified. Once the complainant has shown that the standard, policy, or rule has caused prima facie discrimination,[14] the employer must prove, on a balance of probabilities, that:[15]

1. A workplace standard is rationally connected to the functions of the job performed
2. The standard was established honestly and in the good-faith belief that it was necessary to fulfill a legitimate work-related objective

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[12] *McKale v Lamont Auxiliary Hospital* (1987), 37 DLR (4th) 47, 51 Alta LR (2d) 1.

[13] *British Columbia (Public Service Employee Relations Commission) v British Columbia Government and Service Employees' Union* (BCGSEU), [1999] 3 SCR 3, 176 DLR (4th) (SCC).

[14] For more information on prima facie discrimination, see the *Evaluation of a bona fide occupational requirement* section (below).

[15] The term "balance of probabilities" essentially means more likely than not.

3. The standard itself is reasonably necessary to accomplish the work-related goal or purpose. In demonstrating if the standard is reasonably necessary the employer must show that they have accommodated the employee to the point of undue hardship[16]

The test requires employers to consider the capabilities of different members of society and whether individual needs can be accommodated while determining if a standard, policy, or rule is a bona fide occupational requirement. For example, some women have lower aerobic capacity than men. Before setting a fitness standard so high that many women would be unable to achieve it, an employer must be certain that such a high level of fitness is necessary to do the job. This does not mean that the employer cannot set standards, but it does mean that the standards should reflect the requirements of the job.

Evaluation of a bona fide occupational requirement

To determine whether a policy or standard is discriminatory, the Commission will first ask:

- Does the person have a characteristic protected from discrimination under the *Act*?
- Has the person making the complaint been treated in a differential manner that results in a negative situation?
- Was the protected characteristic a factor in the differential treatment?[17]

If the answer to these questions is **yes**, then a prima facie case of discrimination is established. It is the employer's responsibility to provide evidence that the standard, policy, or rule is a bona fide occupational requirement or that there is a reasonable justification for the discrimination.

Using the *Meiorin* test *(British Columbia (Public Service Employee Relations Commission) v BCGSEU*, [1999] at page 65), the following considerations may be used throughout this analysis:

a. Has the employer investigated alternative approaches that do not have a discriminatory effect, such as individual testing against a more individually sensitive standard?

b. If alternative standards were investigated and found to be capable of fulfilling the employer's purpose, why were they not implemented?

c. Is it necessary to have all employees meet the single standard for the employer to accomplish its legitimate purpose or could standards reflective of group or individual differences and capabilities be established?

d. Is there a way to do the job that is less discriminatory while still accomplishing the employer's legitimate purpose?

e. Is the standard properly designed to ensure that the desired qualification is met without placing an undue burden on those to whom the standard applies?

f. Have other parties who are obliged to assist in the search for possible accommodation fulfilled their roles?

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[16] *British Columbia (Public Service Employee Relations Commission) v BCGSEU*, [1999] 3 SCR 3 at para 54 [*Meiorin*]

[17] *Moore v British Columbia*, 2012 SCC 61, 3 SCR 360.

An employer who makes a successful defence based on the *Meiorin* test in one instance may not necessarily be able to rely on the defence in similar situations in the future. Each situation is assessed based on the facts of the individual case.

Employee privacy

While the person seeking accommodation has a right to privacy, the employer or service provider has a right to, and a need for, information that can help determine appropriate accommodation measures. The privacy issue most often arises when an employee with a disability requests accommodation from an employer. See the **Related resources** section at the end of this publication for more information on privacy.

Employers seeking medical information about an employee with a disability are rarely entitled to a diagnosis of the employee's illness or disability, or to information about the employee's specific medical treatment. Employers may request information about:

- The expected length of disability and absence (prognosis for recovery)
- The employee's fitness to return to work
- The employee's fitness to perform specific components of the pre-injury job and ability to perform modified work
- The likely duration of any physical or mental restrictions or limitations following the employee's return to work

It is the employee's responsibility to provide information that will help the employer or service provider assess an accommodation request.

Do changes to an employee's duties affect rate of pay?

An employee should continue to receive the same rate of pay they received before the accommodation, unless:

- Their duties have changed significantly, or
- The employer would experience undue hardship to maintain their rate of pay

Questions about the duty to accommodate employees

Physical disability

Q: An employee of a large moving company has developed seizures as a result of a car accident. His doctor has diagnosed mild epilepsy and has recommended that the employee take at least one month of leave from work to stabilize on medication. The employee has heard the owner of the company expressing negative views about employing people who have seizures. The employee is concerned that he will be laid off or fired. Can the employer lay off the employee because the employee has epilepsy?

A: No, the employer cannot lay off the employee because the employee has epilepsy, unless retaining the employee in their original position would cause undue hardship and there are no other methods of accommodation short of undue hardship. Epilepsy is a physical disability. Physical disability is a protected ground under the *Act*. If the employee requests time off work, the employer must try to accommodate him to the point of undue hardship. The employer should not make decisions about the employee's future capabilities based on assumptions about epilepsy or on stereotypical views of people with epilepsy.

Initially, the employer could accommodate the employee by agreeing to the recommended time off. If the employer feels that the employee's absence will cause undue hardship by interfering with operations, the onus is on the employer to prove undue hardship. Options such as having other employees work more hours with overtime pay or hiring a temporary employee could be considered.

Until the requested time off has passed and the employee has returned to work, the employer should not assume that the employee will need further accommodation. If the employee returns to work with medical restrictions or limitations, the employer and employee need to discuss further accommodation requests. For more information, see the Commission's human rights guide *Obtaining and responding to medical information in the workplace*, which includes two sample medical information forms, a *Medical Absence Form* and a *Medical Ability to Work Form*.

Q: Following a heart attack, an employee of a small business asked her employer to install a stair lift because she was no longer able to climb the stairs that join the three floors on the business premises. The employer feels that she should not have to accommodate the employee because of the small size of the business. Does the employer have to install a stair lift for the employee?

A: Every employer, large or small, must make real efforts to accommodate and make their workplaces physically accessible to the point of undue hardship. Even though a business is small, it may have the financial or other resources to accommodate an individual's needs. In some cases, the costs of accommodating an employee are not significant when compared with offsetting costs such as hiring and training a new employee. Ensuring access for other employees and clients with mobility problems may financially benefit the company by increasing staff retention and business. A large cost may amount to undue hardship for a small business, but employers must still make efforts to make their workplaces accessible or to offer modified work for the employee.

Whether the employer must accommodate this employee by installing a chairlift depends on the circumstances. The employer is obligated to provide reasonable accommodation to the point of undue hardship, but is not required to provide a perfect accommodation or the exact accommodation that an individual has requested. If the cost of a chairlift would result in undue hardship for the employer, the employer may still be able to provide a reasonable accommodation and should consider alternative options. One possible alternative is providing the employee with a workspace on the ground floor, which may be a particularly reasonable accommodation if the employee is only temporarily unable to use the stairs. However, if the employer can afford the chairlift and installing it would not cause any other

type of undue hardship, the employer could accommodate the employee by installing the lift, particularly if the employee's disability is long-term. As noted, there may also be other reasonable accommodations under these circumstances. The employer can choose a less expensive accommodation than installing a lift, as long as the alternative is reasonable.

The duty to accommodate is largely fact-specific. Accordingly, it is important for the employer and employee to maintain open lines of communication during the process of identifying the employee's barriers to the workplace and implementing reasonable accommodation that likely will resolve those barriers, provided there are accommodation measures that would not impose undue hardship on the employer.

Gender, gender identity, and gender expression

Q: After an employee told her employer that she was pregnant, the employer advised her that the company was restructuring and that she would be laid off. Can an employer lay off this employee?

A: An employee cannot be arbitrarily fired or laid off simply because she is pregnant. If pregnancy is a factor in the decision to lay off or terminate an employee, the employer is in contravention of the *Act*. Discrimination on the basis of pregnancy is prohibited because gender, which includes pregnancy, is one of the protected grounds under the *Act*. Employees who are breastfeeding are also covered under this ground and are entitled to accommodation.

An employer must accommodate a pregnant employee who needs accommodation for medical reasons, to the point of undue hardship. Depending on the circumstances of the case, some ways to accommodate needs based on pregnancy include:

- altering work and break schedules
- reassigning jobs or duties
- providing protective clothing
- allowing the employee to work while seated if duties are normally performed while standing

An employer is, however, permitted to dismiss a pregnant employee if the termination of that person's employment is entirely unrelated to her pregnancy or eligibility for maternity or parental leave. The existence of a protected ground—such as gender, which includes pregnancy—does not obligate an employer to prioritize that employee. Employers are entitled to make business decisions and terminate a particular employee's position, so long as a protected ground is not a factor in those decisions. In this scenario, if the employer is legitimately restructuring and no longer requires this pregnant employee's position, terminating her employment, even after being notified of her pregnancy, would not contravene the *Act*.[18]

[18] For an example of a case in which an employer terminated a pregnant employee's position for unrelated reasons after being notified of her pregnancy and the dismissal was found not to be discriminatory, see *Burgess v Stephen W Huk Professional Corporation*, 2010 ABQB 424, 30 Alta LR (5th) 262 (Alberta Court of Queen's Bench).

However, under the *Alberta Employment Standards Code*,[19] an employer cannot terminate an employee while that person is on maternity or parental leave. Employers are also prohibited from providing notice that effectively terminates employment while an employee is on maternity or parental leave, even if the employer has legitimate reasons that are entirely separate from the employee's leave.[20]

Q: An employee is transgender and requires time off for recovery after their surgery. Does the employee have a right to accommodation?

A: Gender identity and gender expression are both protected under the *Act*. Employees who request medical time off for reasons involving gender identity or gender expression must be accommodated to the point of undue hardship, just like any other employee. The employee will need to provide sufficient doctor's notes for medical procedures, for instance when needing time off. However, the employee is not obligated to provide their employer any private medical information that is not relevant to the employee's need for accommodation. The employee's privacy must be respected. For example, if the gender marked on some of the employee's private documents does not match their presenting gender, this should not be shared with the rest of the organization. Transgender employees also have the right to use the washroom that corresponds to their identified gender, and some employers have incorporated all gender and single stall washrooms into their workplaces. Communication with the employee will assist in these transitions.

Religious beliefs

Q: An employee's religious practice requires the employee to pray at set times during the day. Does the employee have a right to accommodation?

A: Religious belief is a protected ground under the *Act*. Although religious belief is not precisely defined in the *Act*, it has been the subject of case law. Religious belief refers to a system of belief, worship, and conduct. Religion has been defined as being "about freely and deeply held personal convictions or beliefs connected to an individual's spiritual faith and integrally linked to his or her self-definition and spiritual fulfillment, the practices of which allow individuals to foster a connection with the divine or with the subject or object of that spiritual faith."[21] When the Commission receives an inquiry or complaint that involves a religious belief, the Commission reviews information concerning the faith on a case-by-case basis.

For the employee who needs to pray at set times, break schedules may be modified to coincide with prayer times or to accommodate religious fasting. When requesting accommodation, the employee should provide information about the guidelines and rules of their faith or religion so that the employer can assess and respond to the request.

Some other examples of accommodation of religious beliefs include:

[19] RSA 2000, c E-9.

[20] *Jayman Masterbuilt Inc, Re*, [2013] AWLD 2237 (Alberta Umpire under Employment Standards Code).

[21] *Syndicat Northcrest v Amselem*, 2004 SCC 47, [2004] 2 SCR 551 (SCC).

- **Dress code:** An employer may exempt the employee from wearing standard headgear for the job and permitting certain head or facial hair or dress that are part of the religious observance, even though the hair or dress conflict with uniform requirements or dress codes for the job.
- **Religious leave:** An employee may be granted time off to observe a religious holiday.
- **Work schedule:** By modifying a shift or work schedule, an employer may be able to accommodate an employee who cannot work on a particular day of the week for religious reasons.
- **Modified work duties:** An employer may modify work duties to accommodate an employee who is fasting for religious reasons (if required by the employee).

Family status

Q: An employee needs to drop their child off at school at 8:00 a.m., but is required by their job to be in the office at 7:30 a.m. Does their employer have to accommodate their childcare schedule?

A: Family status is defined in the *Act* as "the status of being related to another person by blood, marriage, or adoption."[22] Under the *Act*'s protected ground of family status, employers have a duty to accommodate parents' and caregivers' childcare obligations to the point of undue hardship. The duty to accommodate childcare obligations, however, only applies to commitments that arise from the parent's or caregiver's legal responsibility to meet the needs of the child, and not to activities that arise from personal choice (such as attending dance classes and sporting events). An employee must make an effort to reconcile childcare obligations with work obligations by finding appropriate childcare. When no suitable alternative options for childcare are available, the employer must work with the employee to adjust work requirements in a manner that allows the employee to fulfill childcare obligations, provided the accommodation required does not impose undue hardship on the employer. However, there are no legal precedents that hold that the start time of childcare dictates when an employee starts work. As with all protected grounds, a person that needs an accommodation based on the protected ground of family status is required to communicate and cooperate with their employer to find a reasonable accommodation.

In the situation detailed above, the employee must try to find suitable alternative means of dropping their child at school, so that the person can be at work for the 7:30 a.m. start time. If the person cannot find an appropriate alternative option for getting the child to school at 8:00 a.m., the employee and employer are required to cooperate in an effort to identify and implement a reasonable accommodation. The employee, however, is not entitled to insist on a particular accommodation measure. The employee must be willing to participate in facilitative discussions with the employer, in which the employee and employer may consider various accommodation options.[23]

Employers may also have requests for accommodation from more than one employee (all of whom have the same right to be accommodated). This can require all parties to be flexible so that the employer is able to offer accommodation to the point of undue hardship to as

[22] Section 44(1)(f).

[23] For an example of a case in which an employee requesting a work schedule accommodation was required to cooperate with her employer in the accommodation process, see *Wisdom v Air Canada*, 2017 FC 440, 280 ACWS (3d) 120 (Federal Court).

many employees as possible. The employer might find is useful to create a policy about family status accommodations so that all staff are aware of the employer's approach and the limitations they may encounter.

Ultimately, this employer is only required to provide an accommodation measure if the parties can create an accommodation that meets the employee's needs and does not cause the employer undue hardship. For example, in this scenario, a reasonable accommodation may be adjusting the employee's shift to begin and end an hour later, so that the employee is able to drop the child at school before their scheduled workday begins. However, if the employer's operations require that the office open at 7:30 a.m. and no other employee is able to open the office, an accommodation that would require adjusting this employee's hours may cause the employer undue hardship.

Duty to accommodate in services, accommodation, facilities, and tenancy

The *Grismer* case helps service providers determine if policies and standards have bona fide and reasonable justification

While the *Meiorin* decision set out a new test for assessing policies or standards in employment, questions remained as to whether the test would apply equally in non-employment areas such as services, accommodation, facilities, and tenancy. (For ease of reference in the remainder of this guide, the areas of services, accommodation, facilities, and tenancy will be collectively referred to as services.) These questions were answered when the Supreme Court of Canada decided the *Grismer*[24] case, which was released very soon after the *Meiorin* decision. The *Grismer* case clarified that the tests used in the *Meiorin* case do apply when evaluating discriminatory practices in the area of services.

In the *Grismer* case, the complainant (*Grismer*) had homonymous hemianopia (commonly known as HH), which affected his peripheral vision. The British Columbia Superintendent of Motor Vehicles cancelled *Grismer*'s driver's licence because his vision no longer met the standard of a minimum field of 120 degrees. Motor Vehicles allowed certain exceptions to the 120-degree standard, but individuals with HH were never permitted to drive in British Columbia.

Grismer reapplied for his licence several times, passing all the tests except field of vision. Motor Vehicles did not allow *Grismer* to be individually assessed to establish that he was able to compensate for his limited peripheral vision.

[24] *British Columbia (Superintendent of Motor Vehicles) v British Columbia (Council of Human Rights)*, [1999] 3 SCR 868, 181 DLR (4th) 385 [*Grismer*].

Grismer filed a complaint with the British Columbia Council of Human Rights, alleging discrimination on the grounds of physical disability in the area of services. The Tribunal ruled that Motor Vehicles had not proven that there was justification for the rigid vision standard applied to people with HH. In fact, other people with less peripheral vision were granted licences.

On appeal, the Supreme Court of Canada made it clear that the approach that it had outlined in the *Meiorin* case applied to service provision cases too. The Court concluded that the Superintendent of Motor Vehicles had not provided the Court with sufficient evidence that *Grismer* could not be assessed individually.

The *Grismer* case clarified that the principles in the *Meiorin* test can be applied in the area of services, and slightly adapted the wording of the test to suit the services context. The elements of the **bona fide and reasonable justification test** from *Grismer* are:

1. It adopted the standard for a purpose or goal that is rationally connected to the function being performed
2. It adopted the standard with a good faith belief that it is necessary for the fulfillment of the purpose or goal, and
3. The standard is reasonably necessary to accomplish its purpose or goal, in the sense that the defendant cannot accommodate persons with the characteristic of the claimant without incurring undue hardship[25]

To illustrate, a mandatory attendance policy for a university course could meet the bona fide and reasonable justification test if the policy was implemented because a core objective of the course is to develop students' interpersonal skills by requiring students to engage in in-class discussion groups to talk about what they are learning in the class.[26]

A policy or standard will not meet the requirements of the *Grismer* test if the service provider can modify conditions or practices without undue hardship. In the case of *Grismer*, the Superintendent of Motor Vehicles failed to show that individual testing of applicants with HH imposed undue hardship on Motor Vehicles.

The importance of duty to accommodate in services, accommodation, facilities, and tenancy

The duty to accommodate in the area of services is important if all members of society are to enjoy full and equal participation in society. For example, discrimination may result from the outright refusal to rent premises or provide a service, or it may result from the imposition of unreasonable or unnecessary requirements based on criteria such as customer or staff preferences.

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[25] *Grismer* at para 20

[26] For an example of a case in which a court found that a mandatory attendance policy met the requirements of the **bona fide and reasonable justification test**, see *Harris v Camosun College*, 2000 BCHRT 51, 39 CHRR D/36 (British Columbia Human Rights Tribunal).

Conclusion

In order to fulfill the requirement to accommodate to the point of undue hardship, a service provider may be required to modify premises or equipment, or the manner in which a service is delivered.

The duty to accommodate in the area of services may arise in a variety of circumstances. Some examples of accommodation include:

- A recreational complex making changes to the building entrance so that individuals with reduced mobility can enter
- A service provider providing access to an individual with a service animal
- A service provider changing a requirement that people who want to rent a hall, costume, or video need to provide a driver's licence as identification

  For various reasons, many individuals do not have a driver's licence or have reasons for not providing it. The service provider could consider accepting other forms of identification.

Related resources

Commission human rights guides

- *Defences to human rights complaints*
- *Obtaining and responding to medical information in the workplace*, which includes the sample medical information forms, *Medical Absence Form* and *Medical Ability to Work Form*
- *Duty to accommodate students with disabilities in post-secondary educational institutions*
- *Rights and responsibilities related to pregnancy, breastfeeding, adoption, maternity and parental leave, and childcare obligations*.
- *Human rights in the hospitality industry*

Commission information sheets

- *Employment: Duty to accommodate*
- *Obtaining and responding to medical information in the workplace: A summary for employers*
- *Obtaining and responding to medical information in the workplace: A summary for employees*
- *Obtaining and responding to medical information in the workplace: A summary for doctors*

Other Commission resources

You can access Commission human rights guides and information sheets, as well as other resources, online at **albertahumanrights.ab.ca**.

Privacy resources

Contact the Office of the Information and Privacy Commission at **oipc.ab.ca**.

Appendix: Cases on the duty to accommodate

Hansen v Big Dog Express Ltd,
2002 AHRC 18, 45 CHRR D/266
Duty to accommodate—employment—gender

The complainant worked for the respondent in the shipping and receiving department, where she often had to lift freight weighing over 20 pounds. The complainant became pregnant and informed her employer that she could no longer lift items over 20 pounds, along with requesting a few other work modifications. The respondent told the complainant that he would be cutting back her hours because he thought it was unfair to continue to employ her despite her not being able to do the entirety of her duties. The complainant alleged that her employer thereafter often glared at her and yelled at her for mistakes that were not her own. The employer also thereafter changed the dress code of the workplace to a uniform that was not designed to fit a pregnant woman. The dress code was not enforced for all employees, but the complainant was consistently reprimanded if she did not comply with the uniform. Eventually, the complainant was dismissed after a gradual decline in her scheduled hours. The complainant could not find further full-time work and had not accumulated enough hours to qualify for unemployment insurance. The Panel held that the respondent did not attempt to accommodate the complainant to the point of undue hardship, nor did the respondent try to work with her and other employees to implement acceptable accommodation initiatives. The complainant was awarded her lost wages, as well as an additional sum for injury to her dignity and self-respect.

Cooper v 133668899 Ltd,
2015 AHRC 6, [2016] AWLD 3178
Accommodation—undue hardship—employment—mental disability

The complainant had been put on temporary medical leave from her job at a hotel by her doctor for depression and stress. When she communicated to her employer that she would need to leave work on a temporary basis, but would return in the future, the complainant alleged that her employer fired her and told her not to return to the property. The respondent employer stated that he had not fired the complainant, but that she had in fact quit, as the complainant had stated that she would not be completing her remaining work shifts. The respondent accordingly told the complainant to pack her things and not return to the property. The complainant filed a complaint with the Alberta Human Rights Commission, stating that she had been discriminated against on the ground of mental disability. The respondent argued that because the complainant had quit, they had not had a reasonable opportunity to accommodate her. However, the Tribunal held that it was unreasonable for the respondent to interpret the complainant's medical leave as quitting, and that the respondent did in fact fire the complainant because of her request for medical leave on the basis of her mental illness. The Tribunal also held that, while it was understandable that the respondent would initially react unfavourably to the inconvenience of losing an employee temporarily, they still had a duty to consider her request for accommodation. Because the employer did not sufficiently

consider this employee's request or other potential accommodation measures, the Tribunal held that the respondent had not accommodated the employee to the point of undue hardship. The complainant was awarded damages for her pain and suffering, in addition to lost wages.

Horvath v Rocky View School Division No 41,
2016 AHRC 19
Duty to accommodate—employment—physical injury

The complainant was employed as a part-time caretaker with a school in Alberta. While cleaning a desk at the school, she dislocated her shoulder. She had had issues with her shoulder prior to the injury, but had never suffered from a full dislocation. Prior to her injury, she had received a performance review indicating that her work performance had been "exceptional." Two weeks after her injury, she was advised by the physician that she could return to work, as long as the work itself was modified for her injury—specifically, she would be limited to light and sedentary activity. Her physician also stated that the complainant would eventually recover with physiotherapy and surgery. In the meantime, the complainant's employer stated that they could not find work for the complainant, and did not attempt to allow her to do modified work duties. The complainant applied to other positions within the school district that would have been commensurate with her capabilities, but was refused. The complainant began a return to work program, which would allow her to return to her pre-accident physical capabilities, but shortly after she was terminated by the employer. The stated reason was that the employer was unable to accommodate her work restrictions in her position as caretaker. Her Record of Employment indicated that the reason for termination was shortage of work or end of season, both of which the Tribunal held were incorrect. Horvath applied for a number of other jobs for which she was qualified with the same employer. The Alberta Human Rights Tribunal held that the employer had failed in their duty to accommodate the employee's physical injury. The employer had not considered alternative work situations for the employee, modifying her duties, or the employee's future potential to return to work. Because the employer refused to assess whether the employee had the ability to fill other types of positions, despite evidence indicating that she had the proper qualifications, the Tribunal held that the employer had not accommodated the employee to the point of undue hardship.

Kovacevic v City of Red Deer,
2016 AHRC 18, [2017] AWLD 1441
Duty to accommodate—mental disability

The complainant was head custodian with the City of Red Deer. In May 2012, she gave her employer a doctor's note indicating that she had been diagnosed with major depressive disorder and panic disorder. In September 2012, the complainant gave another doctor's note to her employer stating that she could not lift items heavier than five pounds because of a back injury. In December, her doctor put her on extended medical leave, which would include a gradual return to work by February. This medical leave was extended three times by the complainant's medical practitioners to give her more time to attend to her health needs. Each time, a medical note was provided. In addition to this, the complainant requested time off from work the following May to visit her father's gravesite in Serbia on

the one-year anniversary of his death, which was important to the complainant for religious reasons. This was initially granted. Meanwhile, OHI, an independent agency that the City had contracted to administer its Disability Support Plan, had been requesting a specific medical form from the complainant's doctor to support her medical leave, and had yet to receive it. After OHI failed to receive this form after a few months, the City sent a letter to the complainant stating that she could no longer go on vacation, since she hadn't provided the company with proper medical documentation, and therefore her long-term absence had been improper. Her employer informed her that she would be dismissed if she left for Serbia. When the complainant and her doctor confirmed that she would be returning to Serbia for the week in May, the complainant was dismissed.

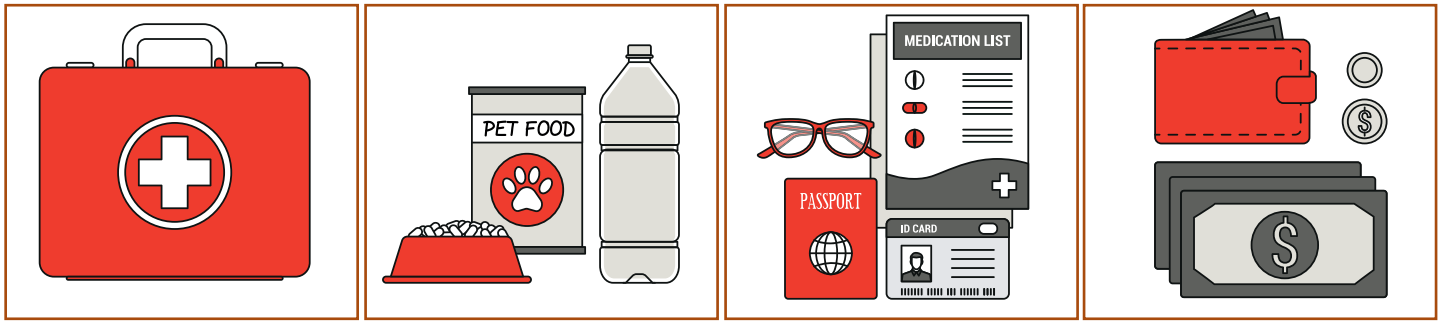
The complainant made a complaint to the Alberta Human Rights Commission that she had been discriminated against on the basis of religion, physical disability, and mental disability. The Tribunal held that there was prima facie discrimination on the basis of mental disability only. The City had known that the complainant was visiting her father's gravesite for religious reasons, and her physical disability did not account for her medical leave. Her depressive and panic disorders, on the other hand, accounted for her extended absences, and this was the reason for her dismissal. The Tribunal found that while the need for the particular medical documentation was made in good faith by the City and was rationally connected to their purpose of determining eligibility for leave, it was not reasonably necessary. Once the complainant's doctors had put the complainant on medical leave, the City should have turned their mind to this and not to the documentation. The City's insistence on very specific documentation exceeded what was reasonable for an employer to request in an accommodation process.

Custer v Bow Valley Ford Ltd,
2017 AHRC 21
Undue hardship—physical disability

The complainant worked as a parts person for the respondent. He required two surgeries for carpal tunnel syndrome. After his first surgery, however, the complainant's employer informed him that that employer could not accommodate the employee's absence for the second surgery. According to the respondent, the surgery was putting stress on other employees to make up for the complainant's absence. Furthermore, the respondent was under the impression that the second surgery was optional and not medically necessary, and therefore did not need to be accommodated. The respondent made no attempt to discuss the possibility of modified work. When the complainant indicated that he would still go through with the second surgery, he was dismissed.

The Tribunal found that an inconvenience to other employees, without further evidence, did not amount to undue hardship. In addition, the employer indicated that he would have accommodated the complainant if the surgery had been necessary, which supported the conclusion that the employer would not have incurred undue hardship by accommodating the employee. As such, the respondent did not meet his duty to provide accommodation.

EMERGENCY DISASTER PLANNING



Emergency Preparedness Planning

Evacuation Checklist

It's always good to be prepared to leave your home on short notice. During an emergency or major disaster is not the time to gather up what you need. Take stock of items and vehicles that you need to take with you if you need to evacuate.

Apart from personal items, pack enough supplies to sustain yourself/your family for up to a 72-hour period. Make sure you have sufficient fuel.

Items to take with you: Have a grab-and-go kit. Include essential supplies, such as water, food, and first-aid supplies. See a full list of items on the back.

PLEASE NOTE: If the order for evacuation is given, a reception centre and an emergency update line will be set-up.

All evacuees will need to check in, even if they plan to leave the area and not stay at the reception centre. Evacuees can call the emergency update line.

Stay tuned to updates which will be available through local media and posted on the Yellowhead County Website and Facebook page:

www.yhcounty.ca

on Facebook at: @YellowheadCounty

For wildfire updates, see the Alberta Wildfire website: *http://srd.web.alberta.ca/edson-area-update*

72-Hour Emergency Preparedness Kits for 4 people or 2 people an be purchased from our Family and Community Support Services (FCSS) or directly from Red Cross Canada.

For a more comprehensive list and other evacuation tips go to ***www.yhcounty.ca/evacprep***

Emergency Kit Storage Locations:

Since you do not know where you will be when an emergency occurs, prepare supplies for home, work and vehicles.

Home: Keep this kit in a designated place and have it ready in case you have to leave your home quickly. Make sure all family members know where the kit is kept.

Work: Be prepared to shelter at work for at least 24 hours. Your work kit should include food, water and other necessities like medicines, as well as comfortable walking shoes, stored in a "grab and go" case.

Vehicle: In case you are stranded, keep a kit of emergency supplies in your car.

Know your utility shutoffs. Learn now how to safely shut off all utility services in your home. Note: To turn off gas you may need a special wrench.

Wildfire & Disaster EVACUATION CHECKLIST

Food	Medical	Documents
☐ Food, at least a three-day supply of non-perishable food ☐ Six litres of water per person (2 litres/day)	☐ Medications and a copy of prescriptions ☐ Spare eyeglasses ☐ Hearing aids and batteries ☐ Small first aid kit ☐ Dust mask	☐ Identification ☐ Family emergency contact list ☐ Care cards ☐ Insurance papers & pictures of house and contents ☐ Passport ☐ House deed

Toiletries	Other	Clothing & Comfort Items
☐ Toothbrush and toothpaste ☐ Soap and/or hand sanitizer ☐ Comb or brush ☐ Toilet paper ☐ Feminine hygiene products	☐ Spare keys for house/car ☐ Hand-crank flashlight ☐ Radio ☐ Orange garbage bag (use for poncho or garbage) ☐ A good whistle ☐ Cash ☐ Cell phone and charger	☐ Jacket and sweater ☐ Emergency blankets, and/or sleeping bags ☐ Books, small games or stuffy for children ☐ Change of clothing, including a long sleeve shirt, long pants and sturdy shoes

Pets & Livestock	Vehicle Preparation	House Security
☐ Kennel ☐ Water ☐ Medications ☐ Leash, collar, and ID Tag ☐ Food & Treats ☐ Muzzle	☐ Minimum half tank of gas ☐ Make evacuation plans if you do not drive ☐ Place vehicles pointing out ☐ Roll up windows ☐ Place essential items in car ☐ Emergency supply kit	☐ Close and lock all doors and windows ☐ Turn off pilot lights, propane and gas tanks ☐ Turn on outside lights ☐ Turn off water ☐ Leave a note on your door saying where you have evacuated to

Do you have livestock? Check out our Livestock Evacuation Preparation list.
Request one from Yellowhead County or download it online at www.yhcounty.ca

Organization	Contact	Website	Supports Offered
211	211 Text INFO to 211	https://ab.211.ca/ *online chat option.	-Contacts & referrals to wide range of supports.
Alberta Advocate for Person's with Disabilities	(780) 422-1095 advocate.disability@gov.ab.ca	https://www.alberta.ca/advocate-persons-disabilities#jumplinks-1	-Can help guide or refer evacuees with disabilities.
Alberta Association of Native Friendship Centres	(780) 423-3138	https://anfca.com/	-Program support and referrals to local Friendship Centres that can provide support to Indigenous evacuees. -List of provincial friendship centres.
Alberta Council of Women's Shelters	(780) 456-7000 (866) 331-3933	https://acws.ca/contact/	-Contacts and referrals to Alberta women's shelters. -Domestic violence supports.
Alberta Human Rights Commission Inquiry Line	(780) 427-7661 AHRC.Registrar@gov.ab.ca	https://albertahumanrights.ab.ca/	-Connection to Human Rights Officer to discuss human rights concerns. -Referral to outside supports.
Alberta 511		https://511.alberta.ca/	-Information on Road Closures and traffic updates.
Alberta Supports Contact Centre	(877) 644-9992 css.ascc@gov.ab.ca	https://www.alberta.ca/emergency-financial-assistance	-Emergency Income Supports
Alberta Wildfire	310-FIRE *Android/ios app also available.	https://www.alberta.ca/wildfire-status	-Report a wildfire. -Wildfire status updates.
Briteline 2SLGBTQIA+ 24/7 Support Line	(844) 70-BRITE (844-702-7483)	https://www.briteline.ca/	-Support for 2SLGBTQIA+ folks in crisis.
Calgary Legal Guidance	(403) 234-9266 clg@clg.ab.ca	https://clg.ab.ca/	-Legal supports and information based out of Calgary & Southern Alberta.
Community Legal Centre (Edmonton)	(780) 702-1725	https://www.eclc.ca/	-Legal supports and information based out of Edmonton. -Provincial wide referral line.
Esquao (Institute for the Advancement of Aboriginal Women)	(780) 479-8195 (877) 471-2171 laaw@iaaw.ca	https://iaaw.ca/about-us/	-Cultural and court supports. -Provincial wide support referrals for Indigenous women.
Food Banks	(780)459-4598 (866)251-2326 contact@goodbanksalberta.ca	https://foodbanksalberta.ca/	-Referrals to food insecurity programs provincially.

Health Link	811 (866) 408-5465	https://myhealth.alberta.ca/	-Referrals & Supports for healthcare in Alberta.
Mental Health Help Line	(877) 303-2642	https://www.albertahealthservices.ca/findhealth/Service.aspx?id=6810&serviceAtFacilityID=1047134	-Alberta wide 24-7 mental health support.
Native Counselling & Bearpaw Legal	(780) 451-4002 info@ncsa.ca	https://ncsa.ca/	-Court, health/wellness, and housing supports. -Provincial wide referrals.

*Please note that this is not an exhaustive list of available referrals. However, many of these organizations are able to offer acute support or can provide referrals to both evacuees and service providers.