

2015 Bill 208

Third Session, 28th Legislature, 64 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 208

**ALBERTA HUMAN RIGHTS (COMMISSION ACCOUNTABILITY)
AMENDMENT ACT, 2015**

MR. SASKIW

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

Bill 208
Mr. Saskiw

BILL 208

2015

ALBERTA HUMAN RIGHTS (COMMISSION ACCOUNTABILITY) AMENDMENT ACT, 2015

(Assented to _____, 2015)

Preamble

WHEREAS the Alberta Human Rights Commission must be accountable to Albertans;

WHEREAS the right of every individual to freedom of speech is enjoyed by all Canadians; and

WHEREAS the protections offered by the *Alberta Human Rights Act* must be balanced with the right of every individual to freedom of speech;

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

Amends RSA 2000 cA-25.5

1 The *Alberta Human Rights Act* is amended by this Act.

2 Section 11 is repealed and the following is substituted:

11(1) A contravention of this Act shall be deemed not to have occurred if the alleged contravention was reasonable and justifiable in the circumstances.

(2) An alleged contravention is presumed to be reasonable and justifiable in the circumstances unless the contrary is shown.

Explanatory Notes

1 Amends chapter A-25.5 of the Revised Statutes of Alberta 2000.

2 Section 11 presently reads:

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

3 Section 30(2) is repealed and the following is substituted:

(2) Evidence given before a human rights tribunal shall be given in accordance with the rules of law respecting evidence in judicial proceedings.

4 Section 32 is amended by adding the following after subsection (2):

(2.1) If a human rights tribunal determines that a complaint is frivolous, vexatious or made in bad faith, the tribunal shall order the complainant to pay to the person who was alleged by the complainant to have contravened this Act all costs and expenses incurred in responding to the complaint in addition to any other award of costs it considers reasonable under subsection (2).

5 This Act does not apply to complaints and any related proceedings under the *Alberta Human Rights Act* if the relevant complaint was made prior to the coming into force of this Act.

3 Section 30(2) presently reads:

30(2) Evidence may be given before a human rights tribunal in any manner that the tribunal considers appropriate, and the tribunal is not bound by the rules of law respecting evidence in judicial proceedings.

4 Section 32 presently reads:

32(1) A human rights tribunal

- (a) shall, if it finds that a complaint is without merit, order that the complaint be dismissed, and*
- (b) may, if it finds that a complaint has merit in whole or in part, order the person against whom the finding was made to do any or all of the following:*
 - (i) to cease the contravention complained of;*
 - (ii) to refrain in the future from committing the same or any similar contravention;*
 - (iii) to make available to the person dealt with contrary to this Act the rights, opportunities or privileges that person was denied contrary to this Act;*
 - (iv) to compensate the person dealt with contrary to this Act for all or any part of any wages or income lost or expenses incurred by reason of the contravention of this Act;*
 - (v) to take any other action the tribunal considers proper to place the person dealt with contrary to this Act in the position the person would have been in but for the contravention of this Act.*

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

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

5 Transitional provision.

