

Resolving Disputes

If you think you have a human rights issue at work, you have options.

How to resolve the issue?

1. Say something to the person causing the issue, if you feel safe and comfortable doing so.

Does your employer have a policy to deal with the issue? If yes, follow the process in the policy.

2. Report the issue to management.

You may want report the issue to management if:

- you do not feel safe and comfortable addressing the person causing the issue, or
- you have said something to the person causing the issue, but the issue is still unresolved, or
- your workplace policy says you must report all issues to management.

Management should investigate your concerns and take corrective action as needed. This may mean disciplining the harassers, changing a policy, or correcting a mistake.

3. Report the issue to your employee association or union (if applicable).

4. File a complaint.

There are options for filing a complaint, depending on the situation.

The **Canadian Human Rights Commission** accepts complaints about human rights

issues in federally regulated workplaces across Canada. The **Alberta Human Rights Commission** accepts complaints about all other workers in Alberta. You can also call for more help. You must file a complaint within one year of the human rights incident.

Occupational Health & Safety is a government office that accepts complaints about workplace safety concerns, including workplace harassment and violence. You should file the complaint as soon as possible.

Another choice may be to sue your employer or the person causing harm in **civil court**. The purpose of doing so is to claim damages (money) to compensate you for the negative effects, such as a wrongful dismissal. Usually, you have two years from the date of the incident to file a civil claim.

Some behaviours, such as harassment or assault, may be criminal. Talk to the **police**.

Employer Responses to Human Rights Issues

Employers have a duty to accommodate an employee's protected grounds to the point of undue hardship.

This duty requires an employer to take reasonable steps to accommodate an employee's needs, such as changing a policy or physical working condition. The employer and employee must work together to find a solution. The employer must accommodate the employee to the point of undue hardship. Undue hardship exists when accommodation means high financial costs or a serious disruption to business.

An employer can claim that a discriminatory practice is a bona fide occupational requirement (a necessary job requirement). The employer must show it would be impossible to accommodate the employee without undue hardship. For example, a truck driver must have good vision. This would discriminate against people with poor vision, and physical disability is a protected ground. But the discriminatory practice is necessary for the worker to safely perform their job.

SPOTLIGHT: Sexual Harassment at Work

If you are experiencing sexual harassment at work, help is available.

If you are witnessing sexual harassment at work, do something. You could say something to the harasser, support the person experiencing the harassment, or report the incident to management.

How is your workplace preventing sexual harassment at work? Employers should create a healthy work environment that encourages workers. Another tool is to implement and enforce a harassment policy.

Learn more about how #momentsmatter at work at www.momentsmatter.info

If you are experiencing sexual harassment, it is your choice how you want to respond.

HELP IS AVAILABLE.

Workers' Resource Centre

Helping workers in Alberta
www.helpwrc.org

Your Rights at Work

Reliable legal information
www.cplea.ca/rightsatwork/

Alberta Human Rights Commission

Resolving complaints of discrimination
www.albertahumanrights.ab.ca

www.cplea.ca



www.helpwrc.org



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