

The Rights Path - *Alberta*

Fourth Edition

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



Credit to the Artists

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

Jaret Sinclair-Gibson is a gifted Métis Artist living in Edmonton, Alberta. He is President/Manager of the youth-owned *Sun & Moon*

Visionaries Aboriginal Artisan Gallery & Studio. Jaret created the “Mental and Physical Disabilities” and “Sexual Orientation, Gender Identity, and Gender Expression Rights” icons.

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



Ready to know your Rights?

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

The Rights Path – Alberta has been adapted from a booklet produced by the *Manitoba Friendship Centres Association*. The first Aboriginal Human Rights Seminar was held in Edmonton at the Canadian Native Friendship Centre in November 1995. At the request of the participants, **The Rights Path – Alberta** was created. The *Institute for the Advancement of Aboriginal Women (IAAW)*, in co-operation with the *Alberta Human Rights, Citizenship Commission* and the *Canadian Human Rights Commission*, and relevant Alberta Government departments, has produced this booklet to explain your human rights and to show you where to turn if you are treated unfairly.

This document is prepared for the Indigenous people in Alberta. If you are living on a Reserve or Settlement, some of this information may not apply.

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

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

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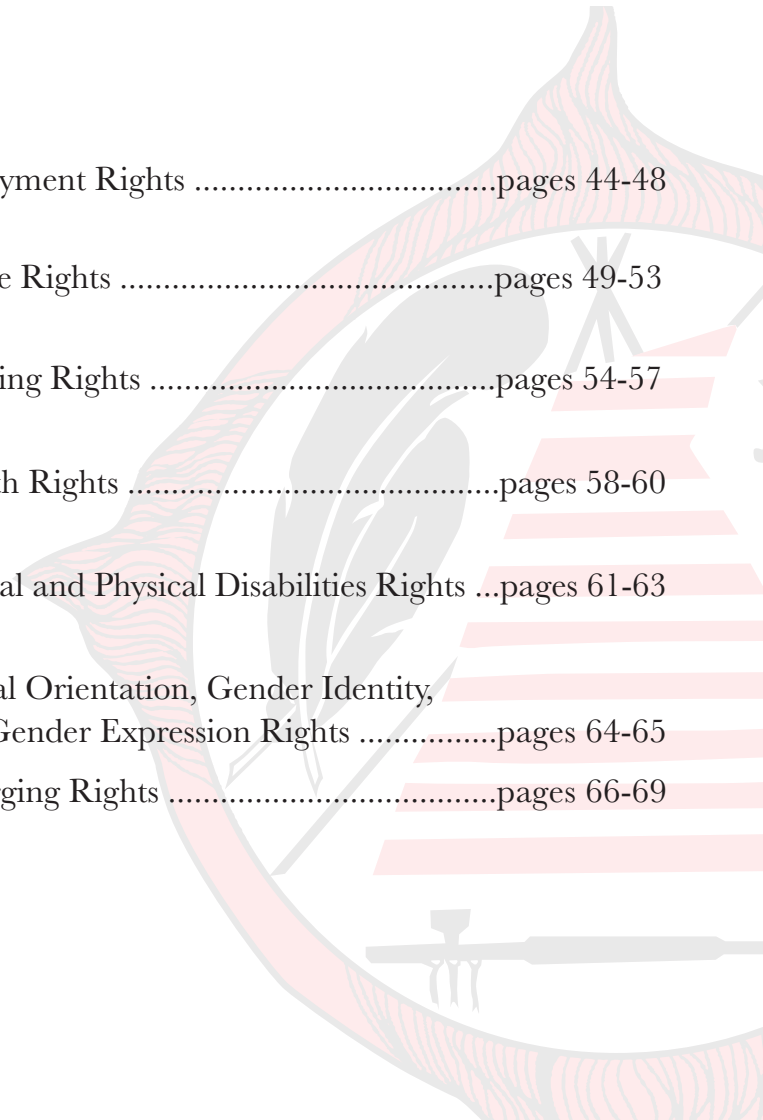
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Your Rights in 15 Important Areas

What kind of rights do you want to know more about?
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Foreword

The *Institute for the Advancement of Aboriginal Women (IAAW)* has a long history and continues to support advocacy for Indigenous women and Human Rights in Alberta and across Canada. **The Rights Path – Alberta** has been a continuous resource tool that has been published and distributed by the *IAAW* to help create awareness on human rights.

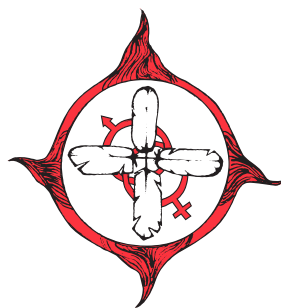
The *IAAW* is proud to present **The Rights Path – Alberta Fourth Edition**, updated with most recent information on the available resources in Alberta as of 2019.

In the wake of the **National Inquiry into Missing and Murdered Indigenous Women and Girls** (National Inquiry) *IAAW*, as a party with standing recognizes and supports the Calls for Justice for Indigenous women, girls and 2SLGBTQQIA people in Canada.

The National Inquiry investigated the insights into the stories of the systems in Canada, including the Justice System, that affect and impact Indigenous women. The findings of the National Inquiry prove that in order to stop the violence Indigenous peoples face daily, structural change is required for many Canadian and provincial institutions, including the justice system.

The Rights Path – Alberta is a guide for Indigenous people to become familiar with the fundamental rights under the laws of Alberta and Canada. Each section is designed to raise awareness of what rights exist where discrimination may occur. Don't forget, everyone in Canada, regardless of race, color, sexual orientation, gender expression, country of origin, and many other grounds, are equal in every respect, as guaranteed by section 15 of the **Canadian Charter of Rights and Freedoms**.

The Institute for the Advancement of Aboriginal Women (IAAW)
August 2019



Introduction and Summary of Your Rights

This booklet describes human rights that federal and provincial laws protect. If you, or someone close to you, has experienced discrimination you have several ways to address it. Both federal and provincial courts have heard cases where human rights have been violated. Their decisions strengthen human rights in Canada and Alberta. The Acts listed below are the main laws that deal with discrimination.

Generally, all three Acts are applicable to Canadians; however, differences will arise when a person's circumstances are better addressed

by federal law rather than by provincial law. This booklet explains those differences and assists you in choosing the proper path to fight discrimination.

CANADIAN HUMAN RIGHTS ACT (Federal)

THE CHARTER OF RIGHTS AND FREEDOMS (Federal)

ALBERTA HUMAN RIGHTS ACT (Provincial)

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



Human Rights Laws

The Charter of Rights and Freedoms and Canadian and Alberta Human Rights Laws

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

What is discrimination?

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

What is jurisdiction?

As noted earlier, the differences between federal and provincial human rights laws lie mainly in jurisdiction. Jurisdiction means having official power to make legal decisions and judgements. Federal law has the legal power in certain cases, where other matters are left to provincial jurisdiction (or legal power).

Several Alberta businesses and organizations come under the jurisdiction of the *Canadian Human Rights Commission*. These include federal crown corporations (such as CN Rail, Canada Post), federal government departments and any businesses in the federally regulated private sector, such as chartered banks (not trust companies), airlines,

railways, interprovincial transportation and trucking, and broadcasting and telecommunications. The *Alberta Human Rights Commission* has jurisdiction over the remaining businesses in the province.

Section 15 of the Charter says:

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

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

Canadian Human Rights Laws

Canadian Human Rights Act

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

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

What are the protected grounds?

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

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

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

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

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

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

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

Human Rights Act of Alberta

Provincial

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

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

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

Protected Areas and Grounds

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

- public statements, publications, notices, signs, symbols, emblems or other representation
- goods, services, accommodation or facilities customarily available to the public
- tenancy
- employment practices
- employment advertisements or applications
- membership in trade unions, employer's organizations or occupational associations. (One important note: Remember that you may have certain rights under collective agreements with your employer. Check with your union representative to see what protection is available.)

The Act provides protection from discrimination under the following grounds:

Race: Belonging to a group of people related by a common heritage.

Religious Belief: System of belief, worship and conduct, including Indigenous Spirituality.

Colour: The colour of a person's skin.

Gender Identity: Refers to a person's internal, individual experience of gender, which may not coincide with the sex assigned at birth. A person may have a sense of gender. These genders may include, but are not limited to, Two-Spirit, woman, man.

Gender Expression: Refers to the variety of ways in which a person expresses their gender, which can include a combination of dress, demeanor, social behavior or other factors. Also includes pregnancy and being free from sexual harassment.

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

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

Marital Status: The state of being married, single, widowed, divorced or separated or living with a person (different or same sex) in a common-law relationship outside marriage.

Age: The Act defines age as 18 years of age or older, which means that individuals 18 and older are protected from discrimination. There are three exceptions that allow for age restrictions that include benefits for minors and seniors, seniors only housing and age restricted

condominiums, cooperative housing and mobile home sites. The *Alberta Human Rights Commission* can accept complaints about discrimination by a person under 18 years of age if the alleged discrimination is based on any other protected grounds.

Ancestry: Belonging to a group related by a common heritage.

Place of Origin: Place of birth and usually refers to a country or province.

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

Source of Income: Any lawful source of income. This protected ground includes any income that attracts a social stigma to its recipients, for example social assistance, disability pension, and income supplements for seniors.

Sexual Orientation: Includes being sexually attracted to persons of the same sex, the opposite sex, intersex, or some variation (gay, lesbian, bisexual, asexual, ect.). It also protects against discrimination based on a presumption of sexuality. E.g. if someone is discriminating against another because they suspect that person is gay.

More Information On Your Rights

If you feel that you are subjected to these types of discrimination, report them at once to your nearest *Human Rights Commission* Office.

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

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

Watch Out For All Kinds Of Discrimination.

Discrimination can be obvious. It also takes hidden forms that are hard to pick up but are just as damaging to experience, if not more.

How do I recognize discrimination?

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

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

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

- Differential treatment of an individual or a group of individuals based on a prohibited ground;
- Harassment;
- **Systemic discrimination:** a seemingly neutral policy or practice that is in fact discriminatory. For example, at one time police forces had height requirements that excluded most women and people of certain races.
- **Employment:** A person cannot be denied a job because of a disability that does not affect job performance or can be accommodated.
- **Accommodation:** An individual unable to work certain days for religious reasons may not be denied employment unless the employer can demonstrate that it would cause undue hardship. (For example, this means that the employer, working around your religious days-off, would be able to continue only with severe financial loss).

Exceptions

The Act provides for exceptions such as:

- **Bona fide Occupational Requirement** - A job may be refused to a person who cannot perform it safely, efficiently and reliably.
- **Bona fide Justification** - A service may be refused to a person when it cannot be offered without undue costs or hardships.
- **Mandatory Retirement** - A worker can be retired at the age that is normal for that kind of work.
- **Accessibility** - the *Canadian Human Rights Act* recognizes that persons with disabilities must have access to premises, services and facilities. Employers and those who offer goods, services, facilities and accommodation are encouraged to draw up plans for adapting to the needs of persons with disabilities. Such a plan could include wheelchair accessibility.

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

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

Open Discrimination

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

Hidden Discrimination

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


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

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

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

Nobody Gives You Your Human Rights

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



No one gives you the power to
exercise your rights - *it is you who
takes the power.*

How To Contact the Alberta Human Rights Commission:

To inquire about making a complaint, contact the Commission's Northern Regional Office Confidential Inquiry Line or Southern Regional Office Confidential Inquiry Line. See below for the phone numbers.

Alberta Human Rights Commission

Northern Regional Office

800 - 10405 Jasper Avenue NW

Edmonton, Alberta T5J 4R7

Office hours 8:15 am. to 4:30 pm

Phone: Confidential Inquiry Line 780-427-7661

Southern Regional Office

200 J.J. Bowlen Building

620 - 7 Avenue SW

Calgary, Alberta T2P 0Y8

Office hours 8:15 am. to 4:30 pm

Phone: Confidential Inquiry Line 403-297-6571

Communication, Education and Engagement

To inquire about the Commission's education and engagement activities, contact the Communication, Education and Engagement team.

Phone: 403-297-8407

E-mail educationcommunityservices@gov.ab.ca

How To Contact the Federal Human Rights Commission:

Canadian Human Rights Commission

Suite 1645, Canada Place

9700 Jasper Avenue

Edmonton, AB T5J 4C3

Phone: 780-495-4040

TTY: 780-495-4108

Fax: 780-495-4044

www.chrc-ccdp.ca



Child Protection Rights

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

Alberta Children's Services (CS) is delegated by the minister to provide child intervention (CI) services for the Province of Alberta. In Alberta, the following acts govern CI practitioners in their work with children, youth and families:

- **Child, Youth and Family Enhancement Act (CYFEA);**
- **Protection of Sexually Exploited Children Act;** and
- **Drug-Endangered Children Act.**

The above acts allow CI practitioners to become involved with a child and family to help keep children and youth safe. Families can also be supported with another act:

- **Protection Against Family Violence Act.**

CI practitioners work for the Government of Alberta through a regional office or with a *Delegated First Nations Agency (DFNA)* to provide CI services.

CI services are provided through seven service delivery regions and through 17 *DFNAs*, which provide services on 39 of 48 First Nation Reserves in Alberta.

What is the Child, Youth and Family Enhancement Act (CYFEA)?

The *CYFEA* is the law in Alberta that ensures all children and youth are safe from abuse and neglect. Every reasonable effort is made to assist and support families in their own homes and communities.

When a Child's safety is at risk, CS is mandated to assess the child's risk, well-being and best interests. Any decisions relating to a child receiving intervention services must consider the matters to be as per *CYFEA*, which includes:

- A. Family is Primary;
- B. Child's Opinion;
- C. Indigenous Identity;
- D. Enduring Connections;
- E. Cultural Connection;
- F. Child's Identity;
- G. Stability and Continuity;
- H. Impact of Removal;
- I. Family Violence;
- J. Placement Consideration;
- K. Support Those with Disabilities
- L. Support Transitions to Adulthood; and
- M. Prevent Any Unnecessary Delays.

CS supports the health and well-being of children and families. It provides services and support that help make it possible for children to grow up in safe, nurturing homes where they are cared for, loved, encouraged and provided with opportunities to achieve their potential. While some children and youth may not be able to live at home and decisions are made about the services and care they need, it is important for them to understand what is happening and what role they can play.

Children and youth need to know what to expect while involved with CS under this legislation. All children and youth have rights,

regardless of age. However, within *CYFEA*, special rights called procedural rights are given to children who are 12 years of age or older. Youth worker will tell you about how things work so you can better follow through on your responsibilities!

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

1. **To be wanted and valued member of a family.** Families come in different sizes and shapes. For example, some children live with their birth families; others live with kinship, foster or adoptive families. Some youth live on their own. Regardless of where they live, they need to feel “connected”, to feel that someone cares about them and will be there for them as they grow up.
 2. **To state your views and opinions and to have them considered by people who make decisions about you.** Your ideas and thoughts about things that you would like to see happen in your life are important. People involved making decisions about you should listen to what you have to say.
 3. **To have your cultural, social, and religious heritage considered in decisions which affect you and your placement.** Your family or the community or cultural group you were raised in may have special values, beliefs and ways of doing things need to be considered in the planning you and your worker do.
 4. **If you are Indigenous, to have your unique culture and heritage respected.** Indigenous families and communities have unique cultural values, beliefs and ways of doing things that need to be respected when decisions are being made.
- When you are receiving services under the *CYFEA* you can expect:
1. To have your worker talk to you about information from your personal files that is about you (you can't read information about other people). If you would like to know what information about you is on your file, ask your worker. Some information cannot be shared because it would be against the law or harmful to you. If your worker does not share information, you can ask to speak to the workers' supervisor.
 2. To be treated with respect and dignity.
 3. To be able to express your opinions, thoughts or worries.
 4. For you and your family to have regular and timely contact with your caseworker.
 5. That you can express opinions to your caseworker about where you should live.
 6. That you have the right to question any decisions that you don't agree with.
 7. If you don't agree with a decision, you have the right to request an Administrative Review. Talk to your caseworker to learn more.
 8. You have the right to contact a lawyer about your involvement with CI. Simply call Legal Aid Alberta.
 9. That you also have the right to contact the Office of the Child and Youth Advocate about any decision that you believe isn't in your best interest.
 10. To have a plan for your care. A plan for your care is developed in partnership with you and your family. Decisions like where you are going to live, where you are going to go to school, what supports you can expect to receive and what responsibilities your family and worker may be included in this plan.
 11. To have stability and continuity of relationships with other people considered when your case plan is being developed and when decisions about your placements are being made. Where you live and whom you would like to stay in touch with when you cannot live at

home are very important decisions. Talk to your worker about the people, activities and places that important to you, as connections in your life are vital to your development and self-esteem.

12. To be told about the following procedural rights under *CYFEA* (when appropriate): the word “procedural” means the way of doing things. In this legislation, procedural means certain actions that must be taken when a judge becomes involved in making decisions. There are different courts in Alberta. In this document, court means the court, which makes decisions related to *CYFEA*.

- To have your confidentiality protected and to have privacy with respect to your personal information. A file is a record about you and your family. It will have information about people who have cared for you in the past. It will also have notes about meetings and any papers that a worker completed to take to court. Workers have rules to follow about sharing information. For example, information may need to be shared with doctors, teachers, kinship providers, foster parents, guardians and group care workers who are involved in your life. However, file information is kept private unless sharing information assists in making good decisions.
- If you are 12 years of age or older, you have the right to have a lawyer represent you in court. If you are under the age of 12, your worker will fill out a request for a lawyer on your behalf so you have representation in court.
- If you are 12 years of age or older, you have the right to be told the date, time, and place of every court hearing which is about you. You have a right to go to court if you want to and tell what you want to happen for you.
- If you are 12 years of age or older, you have the right to request a court review of any supervision or temporary guardianship order that is about you. You can request this when the court order has been in

effect for 30 days or longer. Both procedures, reviewing and appealing court orders, give you the opportunity to ask the judge to reconsider the decision. The judge makes the final decision.

- If you are 12 years of age or older and you are receiving support thoughts a temporary or permanent guardianship order, you have the right to say yes or no to an access order, and the right to ask the court to review the order. An access order is an order that a judge makes to ensure you have ongoing contact with important people in your life, unless the contact is not safe for you. You can ask the judge to review and make changes to the order.
- Children and youth who are receiving CI services under a Secure Services Order have the right to:
 - * Receive a copy of the order and written statement explaining why you were secured.
 - * Have representation at the hearing for a Secure Service Order.
 - * Be told for how long you will be under secure services.
 - * Know when and how the order may be reviewed or appealed.

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

- If you are 12 years of age or older, you have the right to say yes or no to an adoption or private guardianship order being made about you. The judge will consider all information and then make final decision.
- If you are 12 years of age or older, you have the right to receive a copy of the private guardianship order that is made about you.
- If you are 16 years of age or older and you are living independently you have the right to sign your own agreements for services, including

a place to live. Some older youth are not able to live at home or with other families. Youth who are living independently who need help to meet their goals, such as going to school, can ask a worker to sign an agreement that describes what services will be provided. Make sure to tell the worker what your plans are and what help you need to achieve your goals.

- If you are 18 years of age and are receiving services under this act, you can ask for ongoing supports until you are 20 years of age. Some youth who are 18 years of age are not ready to live independently. Youth who have received supports under this act can ask for ongoing support to help them meet their goals until they are 20 years of age.
- If you are adopted and 16 years of age or older and living independently of your guardians, you can apply to be placed on the passive registry. If other members of your birth family also register with the passive registry, you will have the opportunity to be put in contact with each other. Once you are 18, you may request identifying information from your adoption record.
- If you disagree with decisions that are made about you, you have the right to have the decisions reviewed by:
 - * A mediation or some other dispute resolution process.
 - * An administrative review of the decision.
 - * An appeal to the Appeal panel, in certain situations.

First, talk to your workers, your workers' supervisor or your kinship/foster caregiver. If you feel you are not being heard, ask your worker to explain what steps you can take to have the decision reviewed.

- When participating in dispute resolution process, review or appeal, you can ask the Child and Youth Advocate to help you.

Other questions?

Depending on your circumstances, there may be other things you can reasonably expect as a child or youth receiving service under the act. If your questions about visits, spending allowance, education, graduation, health care, recreation, clothing or anything else, you are encouraged to ask your worker.

You are also encouraged to ask questions if you do not understand any words people are using to describe your plan or decisions that are being made about you.

Tell an adult you trust if you are having problems, especially if you are being abused or mistreated. Tell someone if you feel your cultural values are not being respected. In order to help you, people need to know that you are unhappy.

If you do not understand or if you need more information about your rights or responsibilities, ask your worker, your caregiver, the Child and Youth Advocate or your lawyer, if you have one.

Contact List

Alberta Children's Services

Child abuse hotline: 1-800-387-5437

Website: www.alberta.ca/ministry-childrens-services.aspx

Alberta Post Adoption Registry

10th Floor, Sterling Place

9940 – 106 Street

Edmonton, Alberta T5K 2N2

Hours: 8:15 am to 4:30 pm (Monday to Friday, closed statutory holidays)

Phone: 780-427-6387 (if you are within Alberta, dial 310-0000 and then 780-427-6387 to make the call toll-free)

Email: postadoption.registry@gov.ab.ca

Appeals Secretariat

201, Argonomey Centre

6903 – 116 Street

Edmonton, AB T6H 5Z2

Phone: 780-424-2709

Information and Privacy Office

Information Access and Protection

Service Alberta

3rd Floor, Commerce Place

10155 – 102 Street NW

Edmonton, Alberta

Canada T5J 4L4

Hours: 8:15 am to 4:30 pm (Monday to Friday, closed statutory holidays)

Phone: 780-422-2657

Fax: 780-427-1120

FOIP-PIPA help Desk: 780-427-5848 (if you are with Alberta, dial 310-0000 and then 780-4247-5848 to make the call toll-free)

Children Services Regional offices and DFNAs

Please visit www.alberta.ca/ministry-childrens-services.aspx and click on the Children's Services Offices.

Office of the Child and Youth Advocate

Phone: 1-800-661-3446

Email: ca.information@OCYA.alberta.ca

Northern Alberta

Call: 780-422-6056

Southern Alberta

Call: 403-297-8435

If you aren't sure which region you are in, it's okay; they will help you no matter which number you call.

Jordan's Principle

First Nations Child & Family Caring Society

Suite 401 – 309 Cooper Street,

Ottawa ON K2P 0G5

Phone: 613-230-5885

Website: info@fncaringsociety.com

Aboriginal Counselling Services Association of Alberta

#204 10010 – 105 Street

Edmonton, AB T5J 1C4

Phone: 780-448-0378



Youth Advocacy Rights

Indigenous youth in the Province of Alberta are protected by federal and provincial laws. The first area is the CI legislation, which guides the CS to support and assist you in achieving your goals. The second is your rights in the justice system, [see section on Youth Justice Rights for more information](#).

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

Child, Youth and Family Enhancement Act (CYFEA)

It is clear from *CYFEA* that if you are abused or in a relationship at home that is harmful, this legislation will come into action.

The well-being of children is everyone's job. Parents are primarily responsible for the safety and well-being of their children, but everyone has a role to play. Families, community members or professionals should make a report if they are concerned about a child's safety and well-being. CS staff assess every call and referral to determine if a child is in need of intervention.

If a child doesn't need intervention but the family is facing challenges, the family can be referred to other services in, or near, their community. If a child needs intervention, CS staff work with the family, community partners, and other supports. They help parents identify what they're doing that is helping their child and what needs improvement so their children will be safe.

The Child and Youth Advocate can act as a spokesperson for children and youth and looks out for your needs. The role of the Child and Youth Advocate is to provide advocacy for children or youth who are receiving services under *CYFEA* and require the assistance of the advocate's office to ensure their views, rights and interests are considered when decisions

are made on their behalf. Further, sections 67 and 107 of the Act provide words that reflect definitions of "Indian Child", "band", and "reserve" that are consistent with the **Indian Act**; therefore, if you are receiving services under the **Indian Act**, the director (person who administers the act) will ensure that your band exercises their rights to be involved in decision making.

For more information

www.alberta.ca/ministry-children's-services.aspx

Child and Family Services Authorities in your area

Call Toll Free: 310-0000

Child Abuse Hotline

Toll Free: 1-800-387-5437 Alberta (excluding Calgary)

Phone: 403-297-2995 (Calgary)

Visit <https://www.childgate.ca/alberta/> for more resources.

Office of the Child and Youth Advocate Alberta

10011 109 St NW

Edmonton AB T5J 3S8

Toll-free: 1-800-661-3446

Email: ca.information@OCYA.alberta.ca

Northern Alberta

Phone: 780-422-6056

Southern Alberta

Phone: 403-297-8435

Kids Help Phone 1-800-668-6868

Bullying Hotline 1-888-456-2323 (*Will provide referrals for emotional support for anyone being bullied*)

Bullying Chat www.alberta.ca/bullyingchat.ca or www.bullyfreealberta.ca

The Child and Family Services Authorities Act shows commitment by the Alberta Government to develop and provide programs and services to First Nations, Métis and other Indigenous peoples which are mentally or physically abused at home by family or by others reflect their values, beliefs and customs in a respectful and collaborative manner.

For more information

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

Office of the Child and Youth Advocate Alberta

10011 109 St NW

Edmonton AB T5J 3S8

Toll-free: 1-800-661-3446

Email: ca.information@OCYA.alberta.ca

Northern Alberta

Phone: 780-422-6056

Southern Alberta

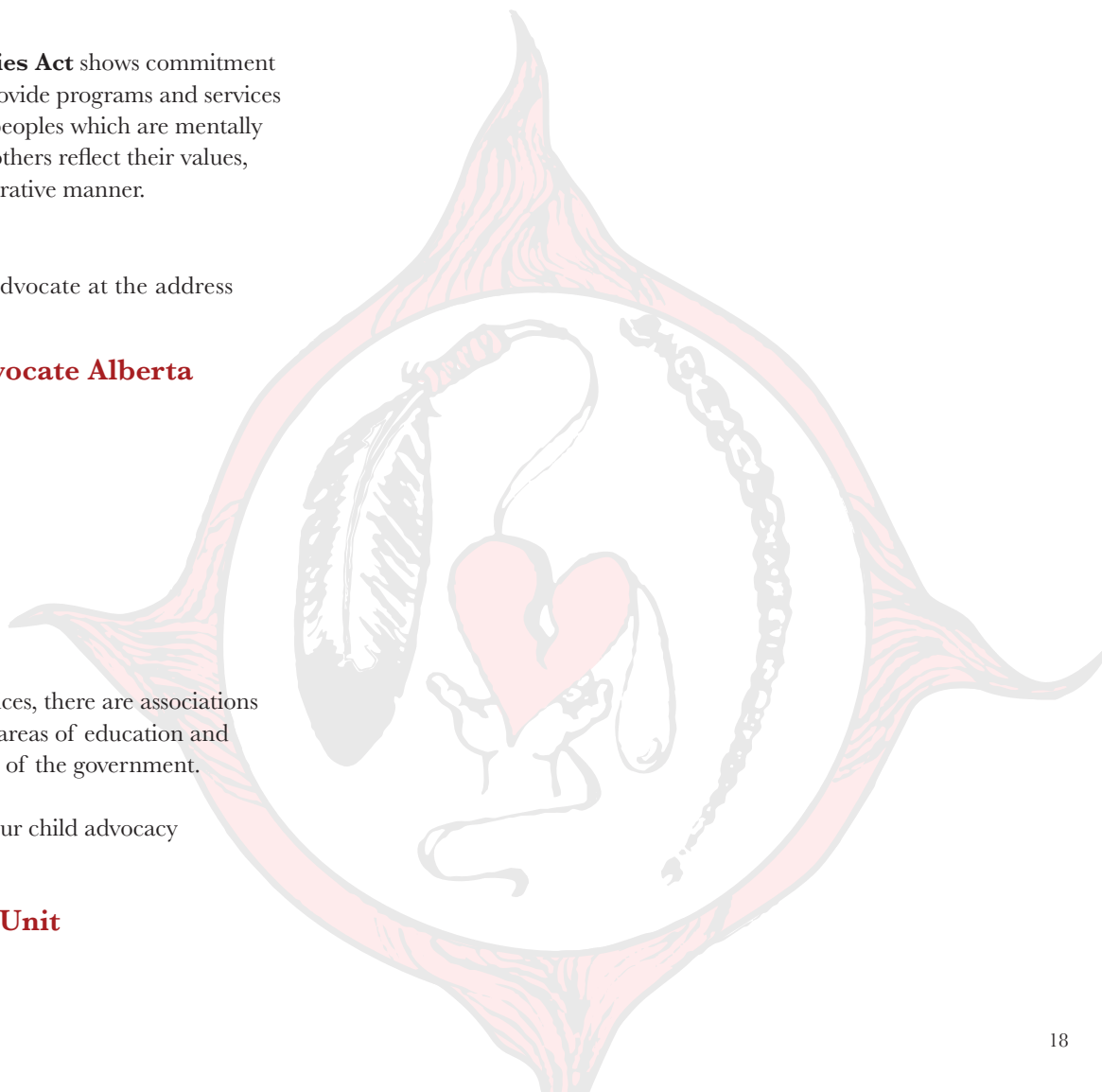
Phone: 403-297-8435

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

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

Child and Family Services Crisis Unit

Phone: 780-422-2001





Youth Justice Rights

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

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

Right to Counsel

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

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

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

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

Separate Custody from Adults

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

Release from Custody

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

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

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

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

Summary of Justice Rights

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

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

For more information

For Young Offenders:

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

Youth Offenders Probation-Community Corrections (Edmonton)

Northside

2088 Northgate Centre
9499 - 137 Avenue
Phone: 780-427-3371

Southside

500, 10044 - 82 Avenue
Phone: 780-427-3380

Youth Empowerment & Support Services (formerly Youth Emergency Shelter Society)

Phone: 780-468-7070

Student Legal Services of Edmonton

U of A Campus
11011 - 88 Avenue
Phone: 780-492-2226

Native Counseling Services of Alberta

2nd Floor, 9636 - 102 Avenue
Phone: 780-423-2141

Métis Child & Family Services

10437 - 123 Street
Phone: 780-452-6100

Legal Aid Youth Office

6th Floor, 10310 Jasper Avenue

Phone: 780-422-8383

Visit: <https://www.childgate.ca/alberta/> for even more resources.

Legal Aid Alberta

Edmonton

400 Revillon Building
10320 102 Ave,
Edmonton, AB T5J 4A1
Phone: 780-422-8383
Fax: 780-427-9367

Legal Aid Alberta

Calgary

1120 Dominion Centre
665 - 8 Street SW
Calgary, AB T2P 3K7
Phone: 403-297-4400
Fax: 403-297-4201



Education Rights

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

Students Rights

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

- Access a public education program;
- A safe & caring school environment that fosters and maintains respectful and responsible behaviours;
- Education programs and instructional materials that:
- Positively reflect your heritage and promote understanding and respect for others, and
- Do not promote or foster doctrines of racial or ethnic superiority or persecution, religious intolerance or persecution, social change through violent action or disobedience of laws.
- Request (if you are 16 years or older) to meet with your principal and your guardians to discuss the need of a decision to suspend you;
- Make representations to the school board regarding your principal's recommendation to expel you from school;
- Know that information in your student records will only be disclosed where it is required or allowed by legislation;
- Review your own student records and challenge the accuracy or completion of any information contained in them.

Student Responsibilities

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

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

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

Disciplinary Actions

Suspension

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

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

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

You have the right to:

- Meet with the principal and your guardian(s) regarding a suspension if you are 16 years of age or older.
- Return to school after the suspension without being subjected to harassment or ridicule; however, your behaviour, must:
 - * conform with the code of conduct; and
 - * must not be harmful to others.

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

Expulsion

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

The principal may recommend expulsion if:

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

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

Code of Conduct Violations

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

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

- You failed to comply with the code of conduct requirements;

Or

- Your conduct was harmful to the physical or mental well-being of others in the school.

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

Discrimination at School

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

School counselors are available in most schools in the province and are specifically trained to deal with issues that affect a student's school life. If you experience what you feel is discrimination, you should speak to your school counselor. Your school counselor will assist you in alerting the

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

Rights of Guardians of Students

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

This right entitles you:

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

you may have; and

- To appeal any decision concerning your child's education to the school superintendent or elected officials of the school board.

Teachers' Responsibility

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

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

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

This right entitles you:

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

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

- Post-secondary institutions are autonomous (self-governing);
- Students are advised to communicate with the institution first if there is an issue;
- Policies, codes of conduct or procedures addressing students' rights

and responsibilities may be available on the institution's website or in the institution's academic calendar;

- Assistance may also be available from institution instructors, faculty or student support service centers.

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

This right entitles you:

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

Advanced Education is committed to reducing financial barriers for Indigenous post-secondary students in Alberta. Indigenous students at public post-secondary institutions and First Nations Colleges (FNCs) can access the Indigenous Awards, which encourage Indigenous students to pursue and complete post-secondary studies in high-demand careers (Indigenous Careers Award), and to pursue graduate studies in Alberta (Indigenous Graduate Award). Student loans, grants and scholarships are available for Indigenous students at all student aid designated institutions. Looking towards the future, Advanced Education hopes to further strengthen its commitments to removing financial barriers for Indigenous students by working with FNCs to designate programs that will enable their students to be eligible to access student loans and grants.

For more information

Alberta Education

First Nations, Métis and Inuit Education Directorate

Phone: 780-427-8501

For toll-free access within Alberta, first dial 310-0000.

Alberta Advanced Education

Phone: 780-422-1263

Toll Free 310-0000 {enter} 780-422-5400

Visit: www.alberta.ca/ministry-advanced-education.aspx **or**
<https://www.alberta.ca/Indigenous-learning-providers.aspx>

Visit: www.education.gov.ab.ca/FMNI Aboriginal Liaison Worker with your School Board Guardians **or** School Councils School Board in your area

Alberta Student Aid Service Centre

Phone: 1-855-606-2096

Website: <https://studentaid.alberta.ca/contacts>

Institute for the Advancement of Aboriginal Women (IAAW)

Toll Free: 1-877-471-2171

Phone: 780-479-8195

Fax: 780-471-2169

Information on Financial Assistance:

Learner Income Support Office at **780-427-3722** or toll free from anywhere in Canada, at **1-855-606-2096** or the Awards Officer at the institution you plan to attend.

Website: www.alis.gov.ab.ca/studentsfinance

Alberta Supports Contact Centre

Phone: 780-644-9992 (in Edmonton)

Toll Free: 1-877-644-9992

Website: www.albertasupports.ca



Women's Rights

It is your right to be treated with respect

Indigenous Women face discrimination in all areas of their lives. According to a 2017 Stats Can Report, Indigenous women are 2.7 times more likely to have reported being violently targeted than non-Indigenous women. If you are refused a job or programs and services because you are Indigenous, that is discrimination. It is your right to be treated with respect and without discrimination.

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

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

You have the right to control your body

No one, including a partner, doctor or social worker, can make medical decisions for you or without your consent. You can accept or refuse medical treatment (**note: see section on health rights**). This includes decisions about taking birth control or having an abortion. You have a right to be treated with respect when seeking medical information, counseling or support services.

This includes the right to:

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

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

This right entitles you:

- To full participation in the workplace when pregnant.
- To get maternity leave. Employees are eligible for maternity and paternity leave if they have been employed for at least 90 days with the same employer.
- Employees must give employers written notice at least 6 weeks before starting maternity or parental leave.
- If employees fail to give notice for medical reasons, or a situation related to the birth or adoption, parents are still eligible for the leave:
 - * Maternity – provide written notice and a medical certificate to the employer within 2 weeks of mother's last day at work, or as soon as possible.
 - * Parental – provide written notice to the employer as soon as possible.
- If you are pregnant and not working, you are entitled to the maximum numbers of insurable weeks.

Your Specific Health Care Rights

Abortion

Abortion is not a criminal act. You have the right to an insured abortion if it is medically necessary. You do not need the consent of the father.

Sterilization

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

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

You have a right to be free from violence

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

You have a right:

- To be free from violence;
- To safety, for you and your children;
- To get protection from the police and courts;
- To emergency accommodation and other support services such as counselling.

You have rights in the workplace

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

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

Under the Employment Standards Code, an employee who has worked for an employer for 90 days is entitled to take maternity or parental leave. An employer may not terminate an employee's employment while the employee is on maternity or parental leave or because they have taken this leave and must reinstate the employee at the end of the leave.

While employment standards officer can investigate complaints by employees that they have been terminated during maternity or parental leave or because they have taken these leaves, complaints about discrimination on the basis of pregnancy or family status should be made to the *Human Rights Commission*.

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

Employers have the responsibility to protect workers from harassment and violence at the worksite by developing and implementing harassment and violence prevention plans and ensure workers do not participate in harassment and violence. Workers must not cause, or participate in, harassment or violence in the workplace.

Workplace harassment

- Workplace harassment is defined as a single or repeated incident of objectionable or unwelcome conduct, comment, bullying or action intended to intimidate, offend, degrade or humiliate a particular person or group. It includes sexual solicitation or advance.
- It does not include any reasonable conduct of an employer or supervisor related to the normal management of workers or a work site.
 - * Differences of opinion or minor disagreements between coworkers are also not generally considered to be workplace harassment if steps are taken to resolve the conflict.

Workplace violence

Violence, whether at a work site or work related, is defined as the threatened, attempted or actual conduct of a person that causes or is likely to cause physical or psychological injury or harm. It can include:

- Physical attack or aggression
- Threatening behaviour,
- Verbal or written threats,
- Domestic violence, and
- Sexual violence.

Employers must offer support to workers who are affected by an incident of harassment or violence in the workplace. An employer must ensure that a worker reporting an injury or adverse symptom resulting from an incident of harassment or violence is advised to consult a health professional (of the worker's choice) for treatment or referral. When a worker is treated or referred by a physician for treatment relating to harassment or violence that occurred at the work site, and if the treatment sessions occur during regular work hours, the employer cannot make any deduction from the worker's wages and benefits.

Occupational Health and Safety (OHS) legislation outlines workers' rights and responsibilities as well as the responsibilities of employers and others at the work site. The OHS Act sets minimum standards to protect and promote the health and safety of workers throughout Alberta.

1. The Worker's Compensation Regulations lists the following as Exempted Industries:
2. "any industry carried on by an Indian or Band on a Reserve except where the industry is carried on by a corporation or by a partnership in which one or more of the partners is not an Indian or a Band;"
3. Further information can be found in Alberta WCB Policies & Information: https://www.wcb.ab.ca/assets/pdfs/public/policy/manual/printable_pdfs/0602_2_app1.pdf

If you are faced with harassment:

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

You have the right to your name.

This right entitles you to:

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

Bullying

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

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

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

Contact Family and Community Services Division of Alberta Children's Services for advice, information, and resources on bullying prevention.

For more information:

Association of Alberta Sexual Assault Services

Phone: 1-866-403-8000 (9:00 am – 9:00 pm) You can text or call this number.

Website: <https://aasas.ca/> for an online chat or more information.

Sexual Assault Centre Edmonton (SACE)

Phone: 780-432-4102

For a listing of all shelters in Alberta

Website: <https://www.alberta.ca/find-shelters.aspx>

Ministry of Culture, Multiculturalism and Status of Women:

Phone: 780-644-7559 (toll-free, dial 310-0000 prior to dialing area code and telephone number.

Family Violence Information Line:

Phone: 780-310-1818

Website: <https://www.alberta.ca/family-violence-prevention-resources.aspx>

Institute for the Advancement of Aboriginal Women (IAAW) Toll-Free:

18104 102 Avenue

Edmonton, Alberta T5S 1S7

Phone: 1-877-471-2171 or 780-479-8195

Fax: 780-471-2169

Alberta Human Rights Commission

Northern Regional Office

800 - 10405 Jasper Avenue NW

Edmonton, Alberta T5J 4R7

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

Phone: 780-427-7661

Fax: 780-427-6013

Southern Regional Office

200 J.J. Bowlen Building

620 - 7 Avenue SW

Calgary, Alberta T2P 0Y8

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

Phone: 403-297-6571

Fax 403-297-6567



Family Rights

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

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

This right entitles you:

- to participate fully in decisions affecting your children;
- to get financial support or maintenance from your spouse. Maintenance can be in the form of money for basic needs or helping to run the household.
- to live and enjoy the home during the marriage, even if the home is owned by your spouse. The Dower Act gives a spouse an interest in the matrimonial home so that it cannot be sold without their consent or release. The Matrimonial Property Act provides for a right to obtain an order for exclusive possession of the matrimonial home in certain situations. This Act is only partially applicable on Indian reserves. The Act can be applied to personal property of residents on reserves but cannot be applied to an Indian's interest in lands. Please see 'Matrimonial Property Act' in the Emerging Right section (section 15) for more information, as this legislation may be changed in the future.
- to use and enjoy family assets (the home, furniture, family car) The Matrimonial Property Act provides for relief in situations of divorce, judicial separation for a period over a year. For example, where proceedings have begun under the Matrimonial Property Act, a spouse can obtain an order prohibiting selling or transferring of property or household goods during the proceedings.
- to ask for and receive financial information from your (former) spouse.

It is your right to be protected from abuse and neglect

This right entitles you:

- to call police or authorities for protection from abuse and neglect;
- Abuse and neglect take the following forms:
 - * physical abuse – hitting, unwanted physical contact, violence;
 - * sexual abuse – unwanted sexual contact, suggestions or show of sexual materials;
 - * Emotional abuse – insults, intimidation, threats; and
 - * Neglect – not being provided with your basic needs;
- to apply for a temporary restraining order in case of immediate danger.
- to get protection from stalking, by asking police to lay a charge against the person stalking you.
- to appeal any decision by a judge providing grounds exist.
- to apply to a court for restraining orders or peace bonds, whether you are married or common-law.

Restraining orders – are order from the Court of Queens Bench to forbid any person from contact or harassing you. There are two kinds. Non-molestation order - your spouse cannot molest, annoy or harass you or your children in your care.

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

Queen's Bench Protection Order - are like EPO's except that they come from criminal court, civil court or family court. This can be a lengthy process, and your spouse must be present when you apply. Please see **Family Violence Legislation** for more information.

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

This right entitles you:

- to separate from your spouse.
- to enter into a Separation Agreement. A separation agreement is a legal contract to deal with custody and access to children, property, financial and family support - maintenance matters.
- to ask the court for custody of any children upon separation. You can apply for a court order called an Interim Custody, which gives you temporary care and control of your children.
- to get help from police to get your children back if they are abducted by your spouse. The police may not get involved unless you have a court order which has granted you custody of the children.
- to get information about your children if you are the parent without custody. It is your right to be informed about your children's education, physical and mental health. You lose this right when it is not in the children's best interest for you to know.
- to seek a divorce if you have a marriage breakdown . A marriage breakdown occurs when:
 - * you have been separated for a year or more;
 - * your spouse commits adultery;
 - * your spouse commits mental or physical cruelty;
- it is also your right to seek and obtain services from the Alberta Family Mediation Society to assist you and your spouse sort through a marriage breakup;
 - * **The Society may be able to help you directly or refer you to someone else who can help. The Government of Alberta sponsors no-cost mediation to couples meeting certain requirements. Call 310-0000 and ask to be transferred to Family Mediation Services**

- to seek distribution of property under the Matrimonial Property Act The Court of Queen's Bench may make an order for the distribution of all the property owned by both spouses and by each of them. Note: This does not apply to the distribution of Indian interest in reserve lands. **See Emerging Rights for more details.**

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

This right entitles you:

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

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

This right entitles you:

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

Common-law Relationships

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

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

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

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

Family Violence Legislation

Alberta's Protection Against Family Violence Act (PAFVA)

was enacted in 1999 to address family violence* in Alberta. This Act is designed to protect you and gives you the entitlement and empowerment to:

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

**Family Violence is defined as "The abuse of power within a relationship of family, trust or dependency that endangers the survival, security, or well-being of another person. Forms include intimate partner abuse, sexual assault, child abuse/neglect, child sexual abuse, elder abuse, and witnessing the abuse of others in the family. Behaviors include physical abuse, criminal harassment/stalking, verbal and emotional abuse, sexual violence, financial abuse, and spiritual abuse.*

Sexual violence is an act committed against someone's consent. It can be physical and/or non-contact, affects all ages and genders. Often the person committing the act knows the person they are targeting. It is against law. <https://www.alberta.ca/commitment-to-end-sexual-violence.aspx>.

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

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

1. **Emergency Protection Order (EPO):** An EPO is a way to address your immediate safety if you have been exposed to family violence. An EPO can order an abuser not to go to places where you regularly go and not to communicate with you. The EPO can allow you to stay in the home and order the abuser to leave. It can also address other conditions necessary to provide for your immediate protection. You can apply for an EPO 24 hours a day, seven days a week. There is no cost to obtain an EPO. Victims, Children's Services caseworkers and police can all apply for an EPO. You can apply for an EPO directly at provincial court. An EPO must be scheduled for review in the Court of Queen's Bench no later than nine working days after it is granted to review the information related to the order.

2. **Queen's Bench Protection Order:** A Queen's Bench Protection Order covers the same types of things that an EPO does. Where an EPO is for your immediate safety as a victim of family violence, a Queen's Bench Protection Order provides for longer term planning and protection. A Queen's Bench Protection Order can be issued for up to one year. Additional conditions can be added to a Queen's Bench Protection Order.

For example, it can order the abuser to reimburse you for loss of money or finances resulting from the family violence, it can say which party can temporarily possess personal property, it can order counseling for the abuser and authorize counseling for a child without the consent of

the abuser. A Queen's Bench Protection Order can be granted when an EPO is reviewed. It can only be applied for by a victim.

3. **Warrant Permitting Entry:** A Warrant Permitting Entry allows a police officer to enter a location named in the warrant to search for, assist, or examine a family member and, with their consent, remove a victim for their safety. A Warrant Permitting Entry can only be applied for by the police.

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

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

For more information

Maintenance Enforcement Program

Family Support Order Services (FSOS)

7th Floor John E. Brownlee Building

10365 97 Street

Edmonton, Alberta T5J 3W7

MEP Main Line Phone: 780-422-5555

Toll free: 310-0000 before the phone number (in Alberta)

Hours: 8:00 am to 11:00 am and 12:00 pm to 4:00 pm

(Monday, Tuesday, Thursday and Friday) and 9:00 am to 11:00 am and 12:00 pm to 4:00 pm (Wednesday)

Website: www.gov.ab.ca/justmep

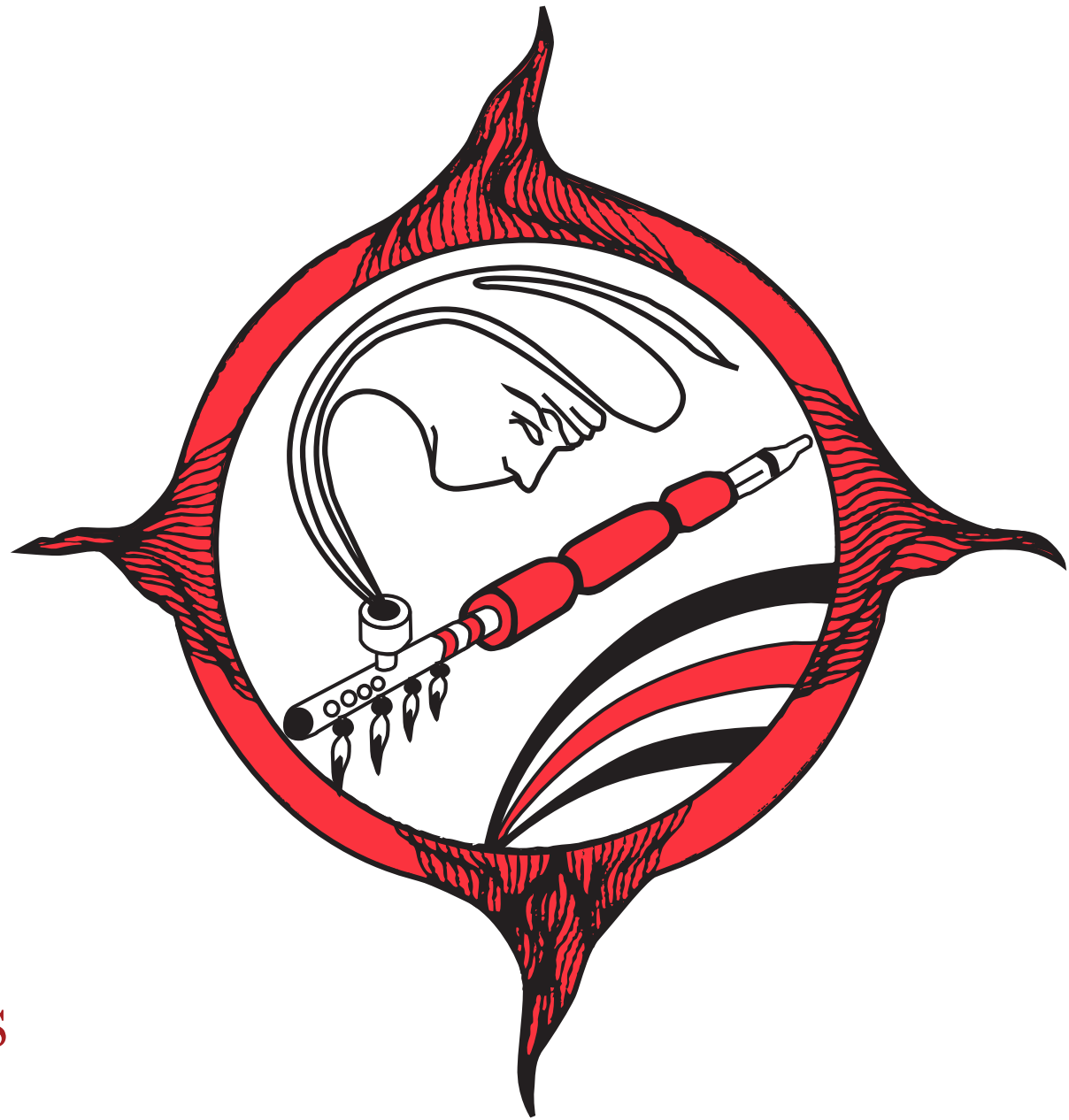
Family Violence Help Line

Toll Free: 780-310-1818

Website: www.child.alberta.ca/home/839.cfm

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

<http://www.humanservices.alberta.ca/documents/family-violence-hurts-everyone.pdf>



Elder Rights

In Indigenous communities, Elders and seniors are to be recognized and respected. They know, live and teach our traditions and values. They are the bridge between the present and the past. Indigenous Elders invaluable assets to their communities. Yet, Elders and senior citizens are sometimes abused and neglected.

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

You have the right:

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

You have the right to accept or refuse medical treatment

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

You have the right to be free from abuse.

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

improper control of your activities.

You have the right:

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

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

You have a right to control your money and property

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

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

For more information on elder abuse

Contact the Family Violence Info Line at 310-1818.

Additional resources are available at www.alberta.ca/get-help-elder-abuse.aspx.

Grandparents

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

For more information

Alberta Seniors Advocate

Phone: 780-644-0682 (in Edmonton)

Toll-free: 1-844-644-0682

Website: <https://seniorsadvocateab.ca>

Edmonton Indigenous Seniors Centre

10107 134 Ave NW,

Edmonton, AB

Phone: 587-525-8969

College of Physicians and Surgeons of Alberta

2700 - 10020 100 Street NW

Edmonton, AB T5J 0N3 Canada

Phone: 780-423-4764

Compliant Line: 1-800-661-4689 (in Canada)

Fax: 780-420-0651

Old Age Security Pension and Guaranteed Income Supplement Contact Services Canada

Canada and the United States: Toll-free: 1-800-277-9914

Canada and the United States TTY: 1-800-255-4786

Hours of operation are 8:30 a.m. to 4:30 p.m. local time,
Monday to Friday.

Outside Canada and the United States: **1-613-957-1954**
(Call collect)

Hours of operation are 8:30 a.m. to 4:30 p.m. Eastern time,
Monday to Friday

Contact Services Canada:

Toll-free: 1-800-277-9914 for service in English

Toll-free: 1-800-277-9915 for service in French

“Old Age Security Pension” Website: www.canada.ca

If your rights as an elder (senior citizen) have been violated by a federal department call the Canadian Human Rights Commission. For example, if your application for benefits has been unfairly processed you have rights under the federal laws of Canada. www.chrc-ccdp.ca

Family Violence Info Line (24 Hours)

Toll-free: 780-310-1818



Social, Economic
& Cultural Rights

Social Assistance/Income Support Rights

It's your right in this society to have your basic needs met. Income Support, and other kinds of social assistance, are available to those who are eligible and whose basic needs are not being met.

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

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

This entitles you:

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

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

Additional needs may include:

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

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

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

This right entitles you:

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

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

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

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

This right entitles you:

- to appeal to social assistance authorities if:
 - * your income support is not enough to meet your basic needs
 - * your income support is decreased or stopped immediately
 - * there are unreasonable delays in getting a decision
 - * your application is refused
 - * you were not allowed to apply;

- to bring supporter for the appeal – a friend, a lawyer or someone from a social agency.

For more information

Alberta Supports Contact Centre

Phone: 780-644-9992 (in Edmonton)

Toll free: 1-877-644-9992

Website: www.albertasupports.ca

Local office of the Métis Child and Family Services

Friendship Centres

Band or Settlement Offices

Institute for the Advancement of Aboriginal Women:

Phone: (780) 479-8195

Alberta Native Friendship Centres Association

10336 121 St NW,

Edmonton, AB T5N 1K8

Phone: 780-423-3138

Website: www.anfca.com

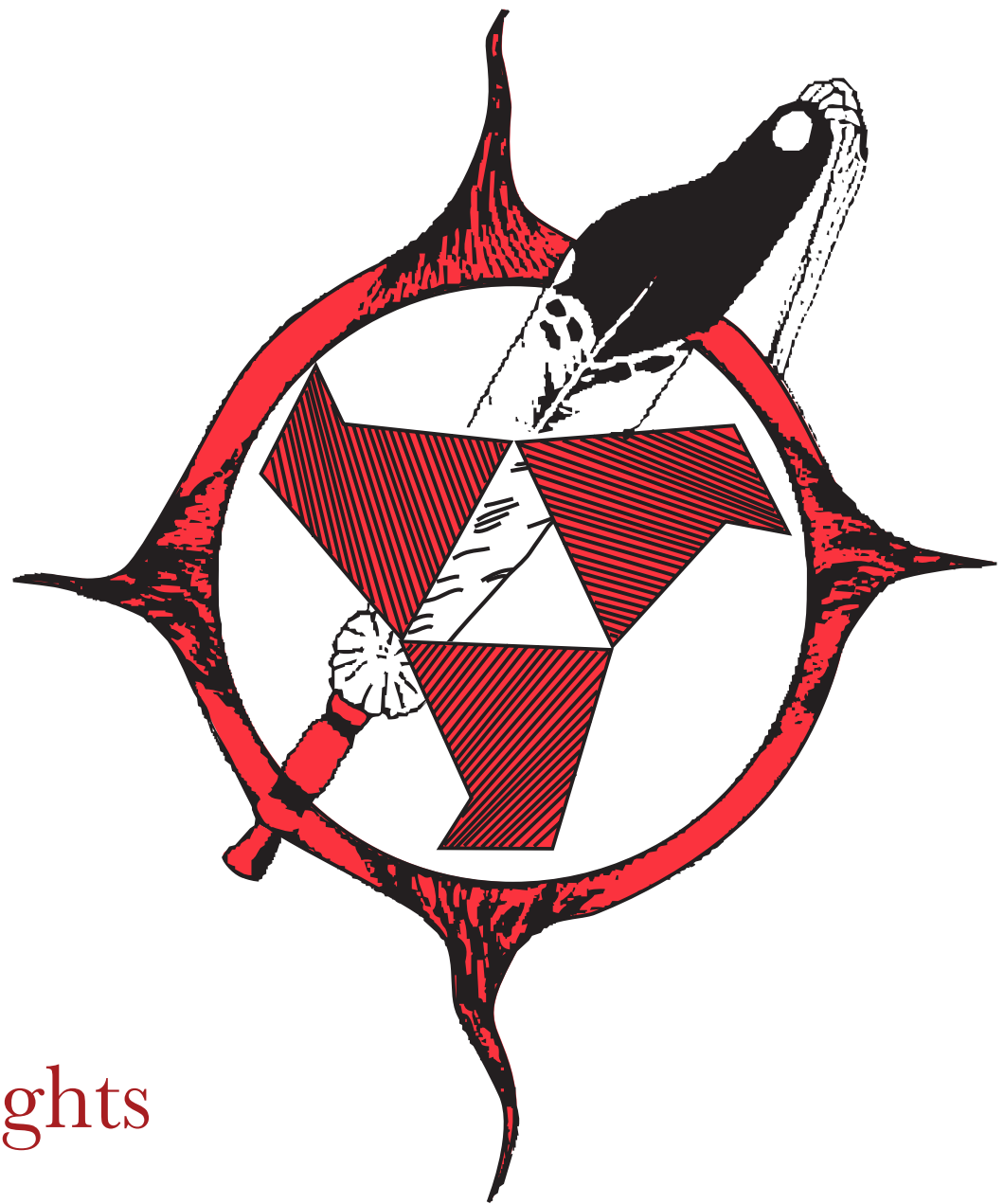
Government of Alberta Seniors Financial Assistance Programs

Alberta Support Centre

Phone: 780-644-9992 (in Edmonton)

Toll-free: 1-877-664-9992

Website: www.alberta.ca/seniors-financial-assistance.aspx



Employment Rights

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

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

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

The **Worker's Compensation Act** applies to a company operating on a reserve. Although it is not compulsory, an employee on a reserve may apply for personal or voluntary coverage under the WCA. The rules set out in the **Canada Labour Code** establishes standards of employment for federal employees in relation to employment standards, labour relations, and occupational health and safety. While these laws cover the same areas, as provincial standards, the standards themselves are often significantly different. It is important for employees to determine whether they are working under provincial or federal legislation and find out which standards, rights and obligations apply to them.

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

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

This right entitles you:

- to full participation in the workplace when pregnant.
- to get maternity leave. Employees are eligible for maternity and paternity leave if they have been employed for at least 90 days with the same employer.
- Employees must give employers written notice at least 6 weeks before starting maternity or parental leave.

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

It's up to you to watch out for all forms of discrimination.

Discrimination can be open or hidden and can be targeted at one person or a whole community.

This right allows you:

- to be judged on your personal and professional merit; For example, qualified Indigenous University graduates may be employed as teachers anywhere in Alberta.
- to ask if the company has an Employment Equity program
- to withhold personal information that does not apply to the job; Employers have the right to ask for information that applies to the job. Certain jobs may have bona fide occupational requirements. For example, requiring an employee to have a strong back for a fire fighting position is a bona fide occupational requirement or having a degree or diploma is required to work as a social worker. **Note:** *Check with a lawyer if you are not sure if the position you are applying for fits these criteria.*

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

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

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

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

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

This right entitles you:

- to refuse to do demeaning and discriminatory work, such as having to wear 'skimpy' clothing;
- to work in a harassment-free environment. This includes sexual harassment, and this can be defined as unwanted physical or verbal conduct that offends or humiliates you such as sexually suggestive comments,
 - * inappropriate sexual language, sexual material posted in the work place;
 - * unwanted physical contact.
 - * it is considered harassment when a reasonable person ought to know the behaviour was unwelcome;

- to quit a job after giving notice;
- to get notice before your job is terminated if you have been employed there for 3 months or more;
- to get proper meal breaks, days off and vacation time. Please Note: Domestic and Farm Workers are now protected under Alberta Human Rights legislation but are not covered by all the provisions of the Employment Standard's provisions.

Contact Alberta Labour to receive specific details as to your rights under this Code.

It is your right to speak out against discrimination.

This right entitles you:

- to file a human rights complaint when you believe:
 - * you are qualified but don't get the job or a promotion because of discrimination;
 - * you are paid less for doing the same work as others because of discrimination.

Your employer cannot penalize you in any way for going to a human rights office. Retaliation is against the law.

It is your right to work in a safe place.

This right entitles you:

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

There are specific rules for domestic and farm workers.

- * Domestic: www.alberta.ca/es-exceptions-domestic-employees.aspx
- * Farm and ranch: www.alberta.ca/es-exceptions-farm-and-ranch.aspx
- Workers have a right to a safe and healthy workplace. Workers have three fundamental rights under the OHS Act:
 1. Right to know – workers have the right to know about workplace hazards, and to have access to health and safety information at the work site.
 2. Right to participate – workers have the right to meaningful participation in health and safety activities related to their work and the work site.
 3. Right to refuse dangerous work – worker have the right to refuse to do work they believe presents a real danger to the worker's health and safety or the health and safety of others at the work site. Work involving health and safety hazards that are not normal for the job is considered a dangerous condition that could trigger a work refusal.
- Workers cannot be disciplined or fired for following the rules of the OHS legislation. An employer cannot take discriminatory action (such as termination, layoff, demotion, transfer, change in job location, etc.) against workers for exercising their rights and duties under the law.

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

This right entitles you:

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

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

This right entitles you:

- to apply for assistance from the government to help you find a job;
- to apply for Employment Insurance benefits if you lose your job or quit for a good reason. A good reason can be discrimination, dangerous work conditions, unfair labour practices or poor health;
- to get full information on your employment insurance claims;
- to appeal a decision on your claim if you think you should get more money.

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

For more Information

Alberta Community and Social Services:

Website: <https://www.alberta.ca/ministry-community-social-services.aspx>

Alberta Labour:

Website: <https://www.alberta.ca/ministry-labour.aspx>

Employment Standards Contact Centre Phone:

Phone: 1-877-427-3731

Worker's Compensation Board Phone:

Phone: 780-498-3999

As of December 1, 2018, the WCB has a Fair Practices Office (FPO). The FPO is an independent agency, separate from the WCB, the Appeals Commission, and the Medical Panels Office. It exists to help Albertans who have questions or concerns about Alberta's workers' compensation system.

Employment Insurance Services Phone:

Phone: 1-800-561-3992

Human Resources Development of Canada Phone:

Phone: 1-800-561-3992

Occupational Health and Safety Contact Centre:

Phone: 780-415-8690 (Edmonton)

Toll free: 1-866-415-8690

TTY: 780-427-9999 (Edmonton)

TTY: 1-800-232-7215 or 1-866-644-5135

Website: www.alis.gov.ab.ca

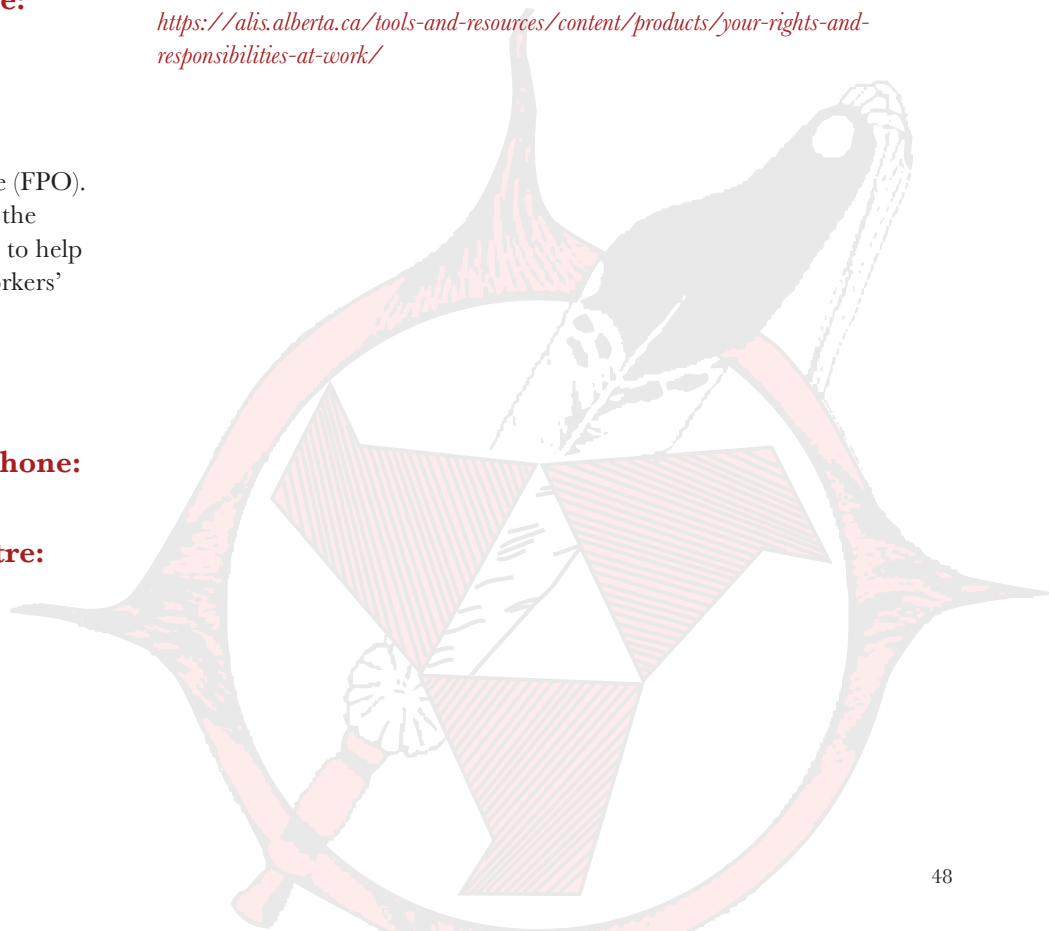
Service Canada for EI Inquires or Service Centre closest to you

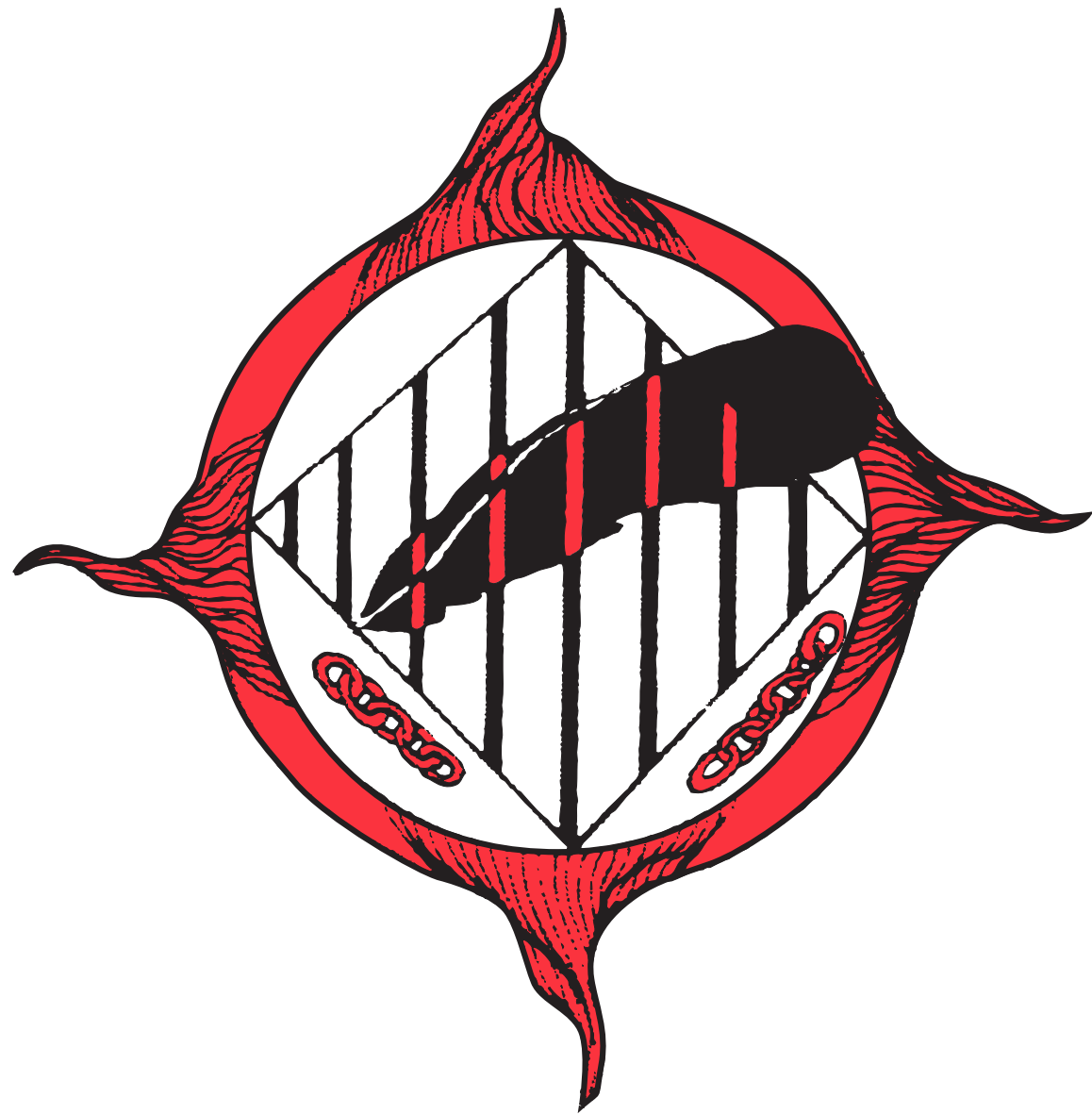
Phone: 1-800-622-6232 or 1-800-O-Canada

Further information about the FPO and the services offered can be found at: <https://fpoalberta.ca/>

For Your Rights and Responsibilities at Work, Visit:

<https://alis.alberta.ca/tools-and-resources/content/products/your-rights-and-responsibilities-at-work/>





Justice Rights

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

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

This right entitles you:

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

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

This right entitles you:

- to be informed of the reason for your arrest;
- to be informed by the police of your right to get free legal advice immediately from duty counsel;
- to receive these rights without delay and to speak with your lawyer

in private;

- to remain silent and to be informed that anything you do say may be used as evidence;
- to be treated without abuse or undue force by the police or the court,
You can make a formal complaint to the Public Complaints Commission of the RCMP or local police forces if you feel you were mistreated by the police;
- to get immediate medical assistance if needed;
- to apply for release from custody after being arrested,
You have the right when in custody after an arrest to get a hearing (bail application) within 24 hours of your arrest. In order for you to be released, the judge or magistrate must be convinced you can be counted on to come back for your court date and that you are not a danger to the public; If your bail application is approved, you sign a recognizance order, which is a promise to keep the peace and appear in court on the day specified. You may need a surety, someone with a job or assets who must promise to pay money to the court if you miss your court date. Cash bail may be required also and the court may impose other conditions for and during your release;
- to be brought back to court within a reasonable time;
- to get interpretations services if you lack English or French prevents you from understanding the information about your charge or arrest;
- to ask the judge for remand/adjournment;
- to plead not guilty to a charge;
- to be presumed innocent until proven guilty or until you plead guilty;
- to apply to the Governor in Council for a pardon for a criminal offence,
“An unconditional” pardon means that you are deemed and considered to never have committed the offence for which the pardon was granted.

It is your right to get legal help.

This right entitles you:

- to hire and instruct a lawyer to assist you when you have to appear

before a judge on criminal matters,

Native Counseling Services of Alberta provides counselors who can assist and appear in court with Aboriginal persons who have to appear in court;

- to apply to the local Legal Aid office when you need formal representation in court but cannot afford your own lawyer;
- to appeal Legal Aid's decision not to give you a lawyer.

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

The right entitles you:

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

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

This right entitles you:

- to apply for compensation from the justice department if you are injured as a result of a crime, or, if someone you depend on dies as result of a crime;
- to apply for information from the police or justice department respecting any of the following:
 - a) *status of a police investigation or prosecution,*
 - b) *role of the victim in the prosecution,*

c) *court procedures, and*

d) *the right to provide "victim impact statements" in writing and to read it personally in court.*

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

This right entitles you:

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

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

This right entitles you:

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

For more information

Your local Police Commission

Commission for Public Complaints against RCMP:

Toll Free: 1-800-665-6878

Native Counseling Services of Alberta:

Courtworkers:

Central Region:

Edmonton: 780-423-2141

Stony Plain: 780-963-5975

Wetaskiwin: 780-352-2461

Hinton: 780-467-8858

South Region:

Calgary: 403-237-7850

Brocket: 403-965-3933

Lethbridge: 403-329-6140

Red Deer: 403-347-4377

403-347-4385

Northwest Region:

Grande Prairie: 780-532-9359

Athabasca: 780-675-9495

Grande Cache: 780-827-3800

High Level: 780-926-3159

High Prairie: 780-523-3282

Peace River: 780-624-4622

Slave Lake: 780-849-4914

Valleyview: 780-524-4449

Wabasca: 780-891-3818

Northeast Region

St. Paul: 780-645-5250

Cold Lake: 780-594-1914

Fort McMurray: 780-743-1888

Lac La Biche: 780-623-9640

Lloydminster: 780-875-2551

Institute for the Advancement of Aboriginal Women (IAAW):

Phone: 780-479-8195

John Howard Society Phone:

Phone: 780-423-4878

Elizabeth Fry Society Phone:

Phone: 780-421-1175

Dial-a-law Toll Free:

Phone: 1-800-332-1091

Lawyer Referral Services Toll Free:

Phone: 1-800-661-1095

Student Legal Services Phone:

Phone: 780-492-8244

Edmonton Community Legal Centre

Telus House, South Tower

Second Floor, 10020 – 100 Street

Edmonton T5J0N3

Phone: 780-702-1725

Fax: 780-702-1726

E-mail: Intake@eclc.ca

National Parole Board Phone:

Phone: 306-975-4228

Alberta Aboriginal Legal Education Centre Phone:

Phone: 780-482-7892

Website: www.aaalec.ca

Legal Aid Alberta

Edmonton

400 Revillon Building
10320 102 Ave,
Edmonton, AB T5J 4A1

Phone: 780.422.8383

Fax: 780.427.9367

Legal Aid Alberta

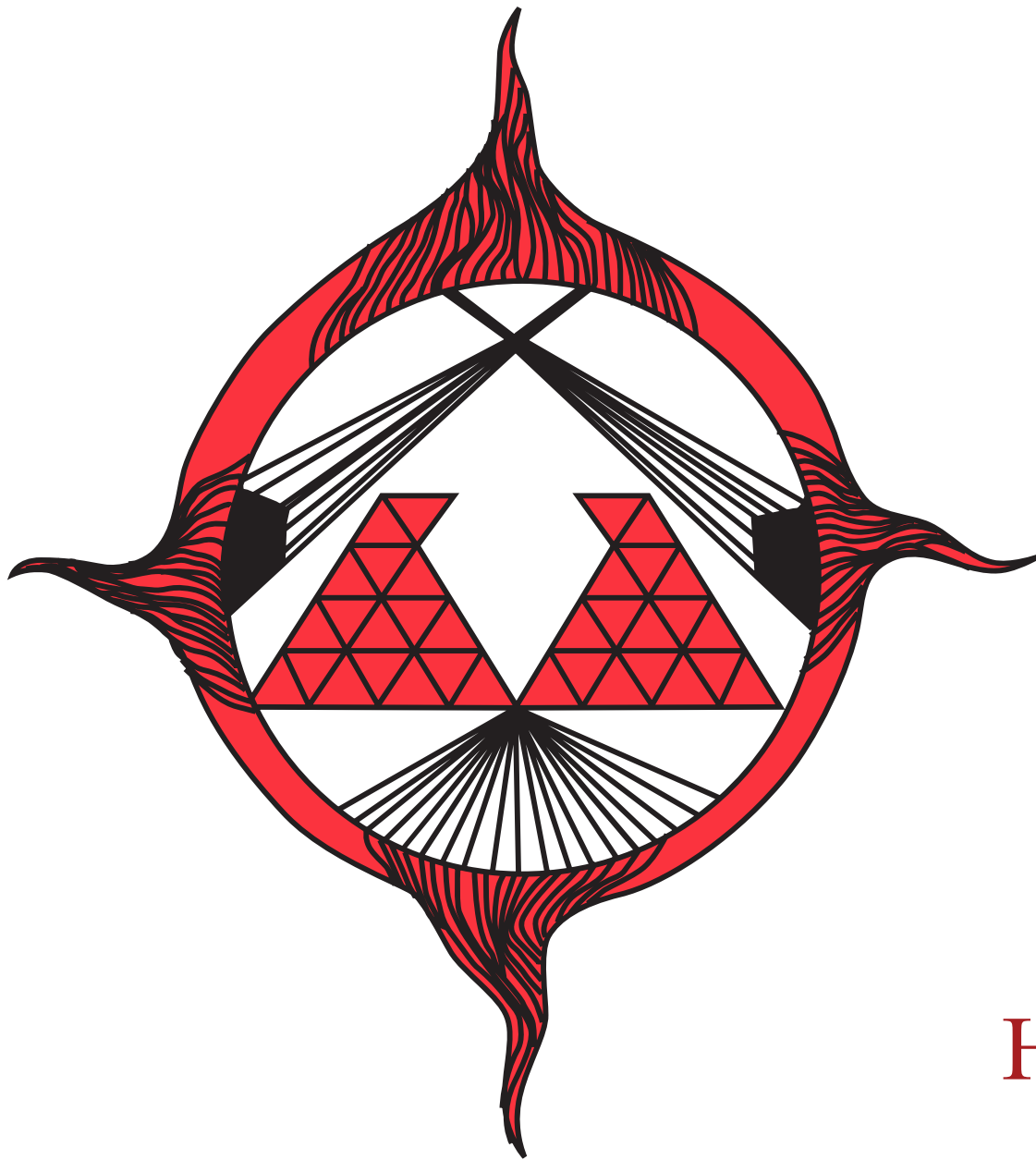
Calgary

1120 Dominion Centre
665 - 8 Street SW
Calgary, AB T2P 3K7

Phone: 403.297.4400

Fax: 403.297.4201

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



Housing Rights

You have rights as a tenant. You cannot be refused housing for reasons based on any of the grounds listed in the Alberta Human Rights Act. It is your right to have housing that allows you to feel reasonably safe.

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

Tenants have responsibilities.

The tenant has the responsibility to:

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

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

This right entitles you:

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

This protection in no way prohibits landlords from doing reference checks and denying accommodation based on poor bill paying history, insufficient

level of income or an unsatisfactory record as a tenant. Source of income protection protects responsible renters from being discriminated against because they receive a pension or are on welfare.

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

This right entitles you:

- to demand the following:
 - * all required safety features in good working order (for example, fire alarms and fire escapes);
 - * working plumbing, heat, electricity, lighting and kitchen appliances;
 - * good fitting doors and windows with secure locks;
 - * safe floors, walls and ceiling;
 - * safe, well maintained sidewalks and yards;
 - * a unit that is free of insects, rodents;
 - * clean, safe furniture materials;
- to complain to city or provincial departments of health if these conditions are not met;
- to have premises made available when the rental agreement takes effect;
- to peaceful enjoyment of the premises.

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

This right entitles you:

- to fill out a condition report, which is mandatory for the landlord, prior to signing a lease;

A condition report describes the condition of your unit before you move in and at the end of a tenancy. This report can protect you in case the owner wants to charge you for damages to the unit, you are not responsible for. If the inspection report is not completed the landlord cannot make any deductions from the security deposit for damages when the tenant moves out;

- to get clear understanding of your lease before you sign;
- to live free of harassment by caretakers or owners. For example, if an Indigenous woman was being harassed by the landlord because she worked in the evenings and arrived home late, she can make a formal complaint to the Human Rights Commission;
- to complain to the Landlord and Tenant Advisory board if you have a problem with the owner;
- to have notice before having your rent increased. The **Residential Tenancies Act (RTA)** outlines the required timelines.
 - * Under the **RTA**, notice requirements for a rent increase are:
 - * 12 full weeks in a week-to-week periodic tenancy;
 - * three full months for a month-to-month periodic tenancy; and
 - * 90 days for any other periodic tenancy.
 - * Before another rent increase can occur, 1 year must have passed since the tenancy began or the last rent increase, whichever is later.
 - * Under the **Mobile Home Sites Tenancy Act (MHSTA)**, 180 days' notice is required to increase the rent of a periodic tenant.
- to get at least 24 hours' notice in writing before any one enters your suite to do repairs, inspect for damages or show the suit to prospective buyers, mortgagors or renters unless you give permission when asked; The owner or caretaker can only enter your suite without notice in case of an emergency or if there is reason to believe that the premises have been abandoned by the tenant.
- in addition, landlords must provide one-years notice before ending a periodic tenancy for the purpose of converting a rental unit to a condominium or to undertake major renovations to a rental unit. No rent increase can occur during that one-year period. A year's notice is required for converting a mobile home site to a condominium unit or for other land uses. Any notice to increase or end a tenancy that does

not follow these laws is void and could result in a landlord facing fines up to \$10,000 per tenant.

It is your right to have special housing needs met.

This right entitles you:

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

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

This right entitles you:

- to be given 3 months' notice in writing of why you must move.
- The landlord can terminate a tenancy under specific conditions or serve notice of eviction for a serious breach of the lease agreement under 14 days' notice.
- The landlord can apply to the court to terminate the lease in 24 hours where the tenant is responsible for significant damage or physically assaults the landlord or their tenants.
- To appeal the owner's decision to the Landlord and Tenant Advisory Board;

If you are late with rent, you can be served a 14-day notice for eviction. If you are not living up to your responsibilities as a tenant such as breaking important house rules or assaulting the landlord, the owner can give you a 14-day notice to vacate.
- to keep all your possessions when leaving. The owner has no right to seize any of your property when you are evicted unless you have refused to pay the rent owed, in which case, the landlord may have the right to seize your goods for the amount outstanding. This seizure can only happen when tenant is living on the residence.

It is your right to end a tenancy agreement when leaving violence.

- In 2016, the Residential Tenancies Amendment Act was enacted to allow victims of family violence to end a residential tenancy agreement without financial penalty.
- To do this, tenants must get a Certificate Confirming Grounds to Terminate Tenancy and use it to give at least 28 days' notice to their landlord. The tenant is still required to pay rent during the notice period, visit <https://www.alberta.ca/safer-spaces-certificate.aspx> to get step by step instructions.

For more Information

If you live in Edmonton, you can contact the Landlord and Tenant Advisory Board for help if any of these problems described above occur. Anywhere else, you can contact

Service Alberta Consumer Contact Centre

Phone: 780-427-4088 (Edmonton and area) or

Toll free: 1-877-427-4088 (rest of Alberta)

Alberta Supports:

Phone: 780-422-0122

Toll Free: 310-0000 {enter} 780-422-0122

Website: www.municipalaffairs.ab.ca

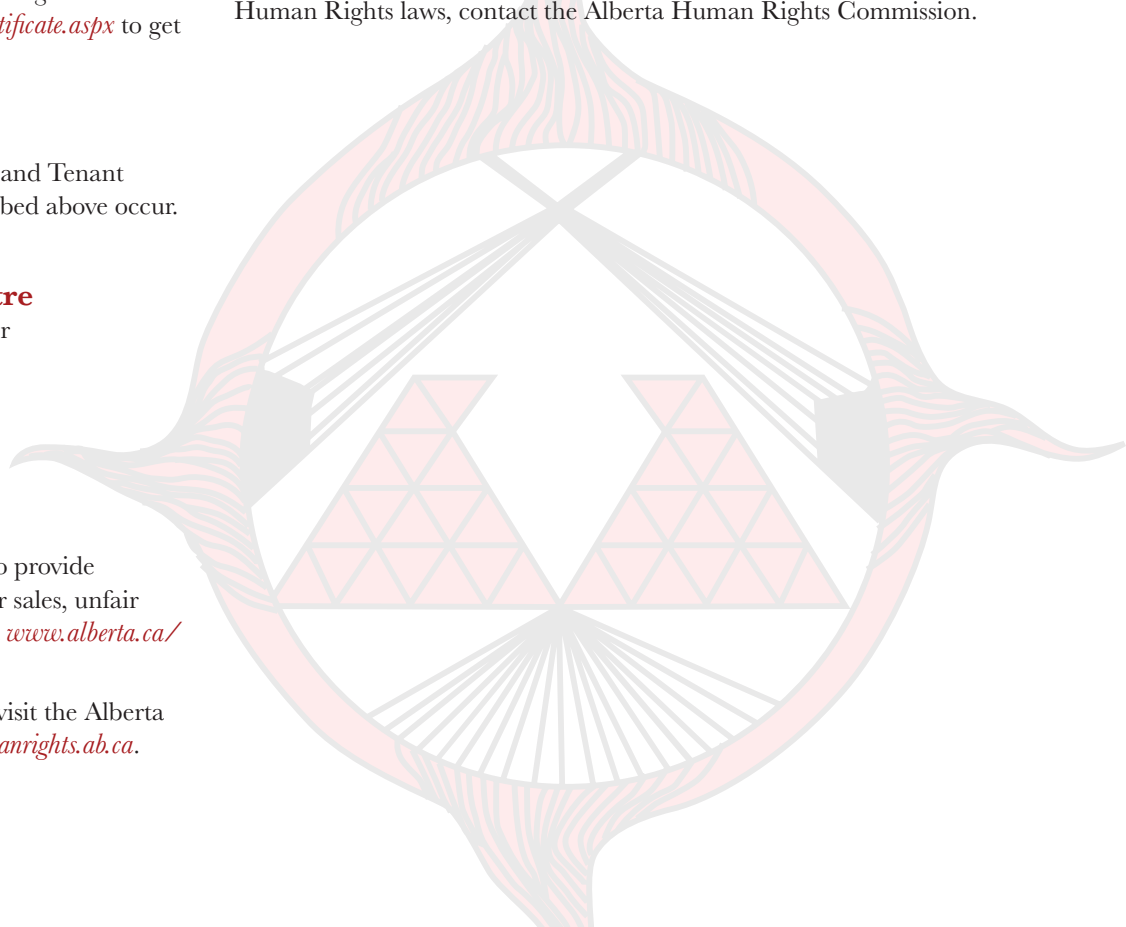
The **Service Alberta Consumer Contact Centre** can also provide information about consumer issues such as door-to-door sales, unfair business practices, or dealing with collection agencies at www.alberta.ca/consumer-protection.aspx or the number above.

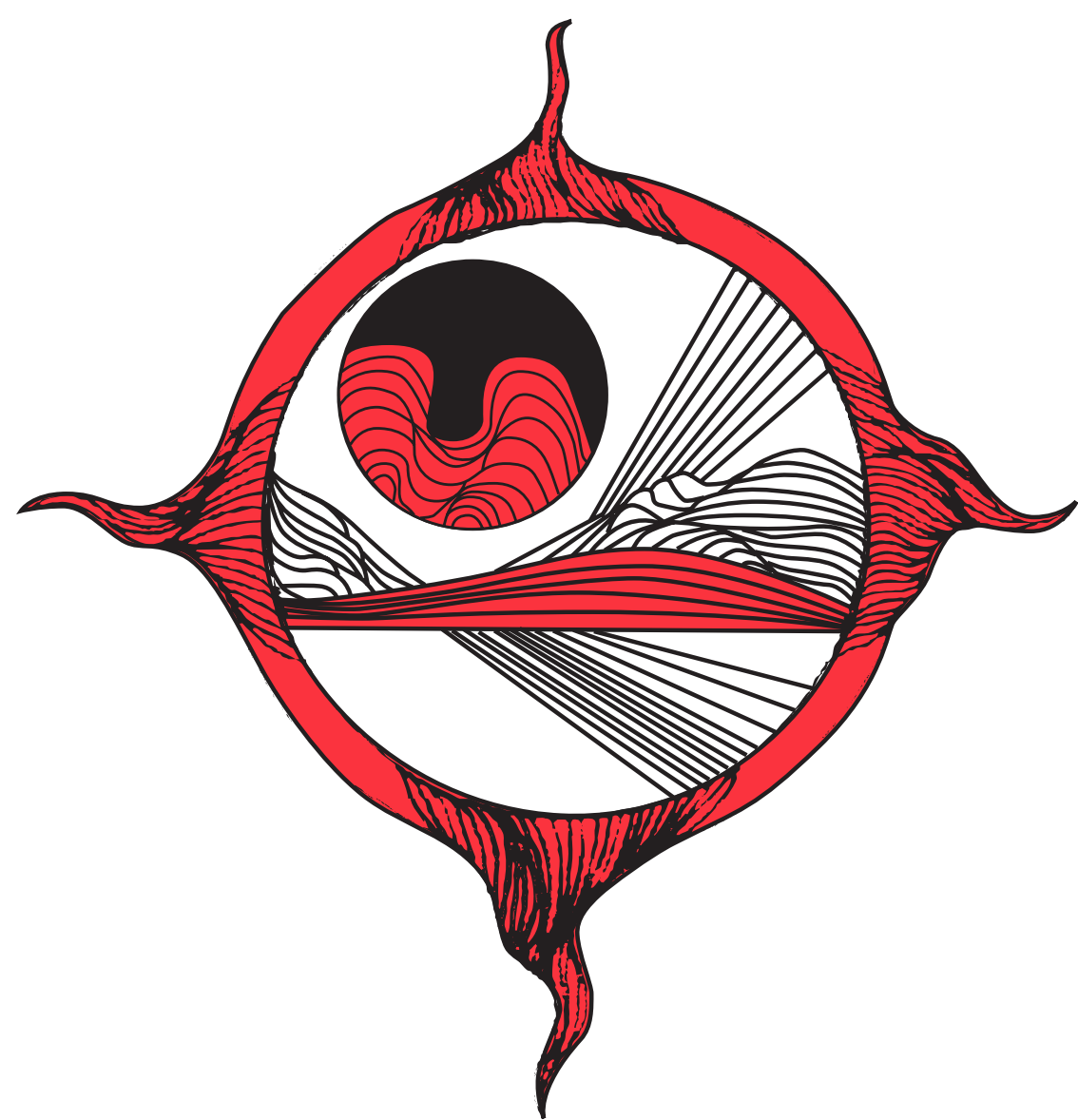
For information about the Alberta Human Rights Act, visit the Alberta Human Rights Commission website at www.albertahumanrights.ab.ca.

Regarding the Alberta Housing Services listing, Seniors and Housing provides information about affordable housing programs at www.alberta.ca/affordable-housing-programs.aspx

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

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





Health Rights

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

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

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

This right entitles you:

- to file a complaint about the services of a doctor with the College of Physicians and Surgeons, which will examine the doctor's behaviour;
- to be protected from sexual harassment;
- Sexual harassment is sexually suggestive language, sexual advances, inappropriate physical contact or using sex as treatment. It is a breach of professional ethics for a doctor to have sex with a patient.
- to be always treated with dignity during a medical examination;
- to request a review of any decision regarding your complaint;
- to have your personal property kept under reasonable care;
- to request the presence of a nurse during a physical examination.

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

This right entitles you:

- to be informed by the College of Physicians and Surgeons of your doctor's credentials, background and qualifications if you inquire

about them;

- to access reasonable health care and hospitalization in emergency situations;
- to have insured health services paid for by Alberta Health and Wellness;
- to seek medical services from outside the province/country. (You must ask Alberta Health and Wellness for prior approval).

It is your right to know everything about your treatment.

This right entitles you:

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

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

This right entitles you:

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

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

This right entitles you:

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

Your Specific Health Care Rights:

Children

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

For more information

Local Health Units

College of Physicians and Surgeons of Alberta General Inquiries

Toll Free: 1-800-561-3899

Complaints about physicians/sexual exploitations Line

Toll Free: 1-800-661-4689

Family Violence Info Line (24 Hours)

Toll-free: 310-1818

Health Law Institute:

Office 470

Faculty of Law

University of Alberta

Edmonton AB T6G 2H5

Phone: 780-492-6127

Website: <https://www.ualberta.ca/health-law-institute/contact>

Jordan's Principle

First Nations Child & Family Caring Society

Suite 401 – 309 Cooper Street,

Ottawa ON K2P 0G5

Phone: 613-230-5885

Email: info@fncaringsociety.com

Alberta Non-Insured Health Benefits

Canada Place

9700 Jasper Avenue Suite 730

Edmonton AB T5J 4C3

General NIHB inquiries

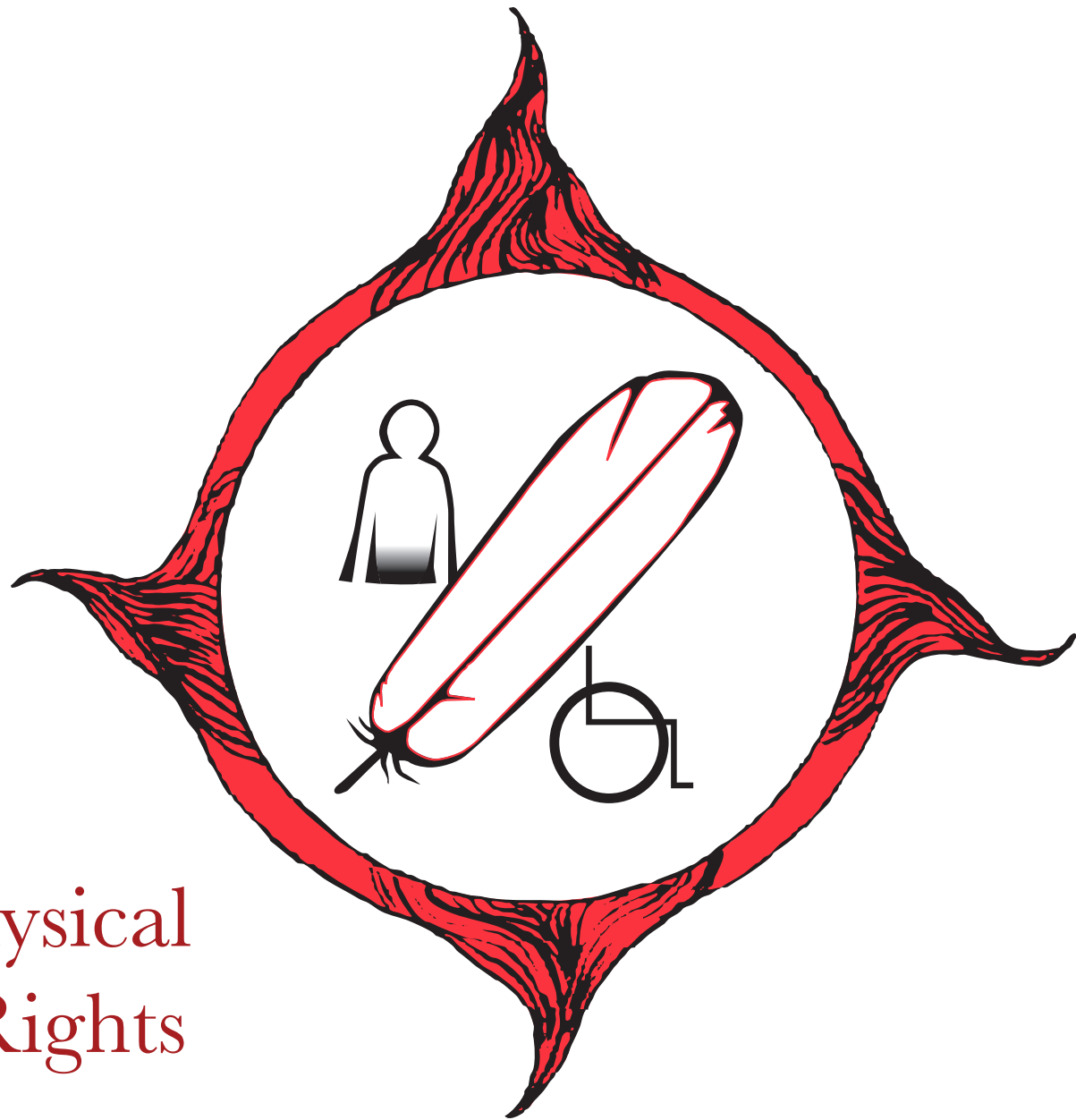
Telephone: 780-495-2694

Toll-free: 1-800-232-7301

Medical transportation

Telephone: 780-495-2708

Toll-free: 1-800-514-7106



Mental & Physical
Disabilities Rights

Anyone who believes they have been discriminated against because of a disability may file a complaint with the *Alberta Human Rights Commission*. Physical or mental disabilities are protected grounds under the **Alberta Human Rights Act**.

What is a disability?

Physical Disability is defined in the Act as any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness. This includes, but is not limited to, epilepsy, paralysis, amputation, lack of physical coordination, visual, hearing and speech impediments and physical reliance on a guide dog or wheelchair or other remedial appliance or device.

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

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

Examples:

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

Health and Safety

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

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

Hiring a person with a Disability

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

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

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

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

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

For more information

Office of the Advocate for Persons with Disabilities

Phone: 1-800-272-8841

Email: advocate.disability@gov.ab.ca

Information on Supports Available to Albertans with Disabilities Alberta Supports

Phone: 1-877-644-9992

TTY Line for voice or hearing impaired: 1-800-232-7215

Website: www.alberta.ca/alberta-supports

Mental Health Helpline

Phone: 1-877-303-2642

Premier's Council on the Status of Person's with Disabilities

Toll Free: 1-800-272-8841 or **TTY Line for voice or hearing
impaired:** 780-422-1095

Voice of Albertans with Disabilities Society

Phone: 780-488-2713

Alberta Committee of Citizens with Disabilities Association:

Phone: 780-488-9088

Mental Health Edmonton Clinic:

Phone: 780-342-7600

Mental Health Patient Advocate:

Phone: 780-422-1812

Government of Alberta Disability Office:

Phone: 780-427-4354



Sexual Orientation,
Gender Identity &
Gender Expression Rights

Discrimination based on sexual orientation, gender identity, and gender expression are prohibited by the **Alberta Human Rights Act**.

This includes protection from differential treatment based on a person's sexual orientation and/or gender identity, gender expression or their association with someone.

Your sexual orientation, gender identity, and gender expression are your rights.

This prohibits the following discrimination based on those factors:

- refusing to hire, promote or provide equal treatment to someone;
- harassment in the work environment;
- refusing membership in trade unions, employer's organizations or occupational associations;
- refusing to rent any commercial unit, including housing; and
- refusing goods, services, accommodation or facilities that are customarily available to the public, such as the adoption process.

In addition to harassment and exclusion, the Act also prohibits exposing individuals to discrimination and hate.

This prohibits persons from publishing or making information public about others gender identity or sexual orientation if it is likely to expose them to hatred or contempt. Making information public can take many forms, including:

- statements;
- publications;
- notices;
- signs;
- symbols;
- emblems; or
- or other representations that indicate discrimination, or intent to discriminate.

As of 2005, The **Civil Marriage Act** protects the rights of same sex couples to marry across Canada. This right protects the union of two persons and cannot be considered void by reasons of the spouses being the same sex.

For more Information

Pride Centre - Edmonton:

Phone: (780) 488-3234

Two Spirit Circle of Edmonton Society

Website: www.glaad.org/podnative/organizations.php

Email: epslgbtq@yahoo.ca

All inquiries will be treated with confidentiality and respect.

The Rainbow Alliance for Youth in Edmonton (RAYE)

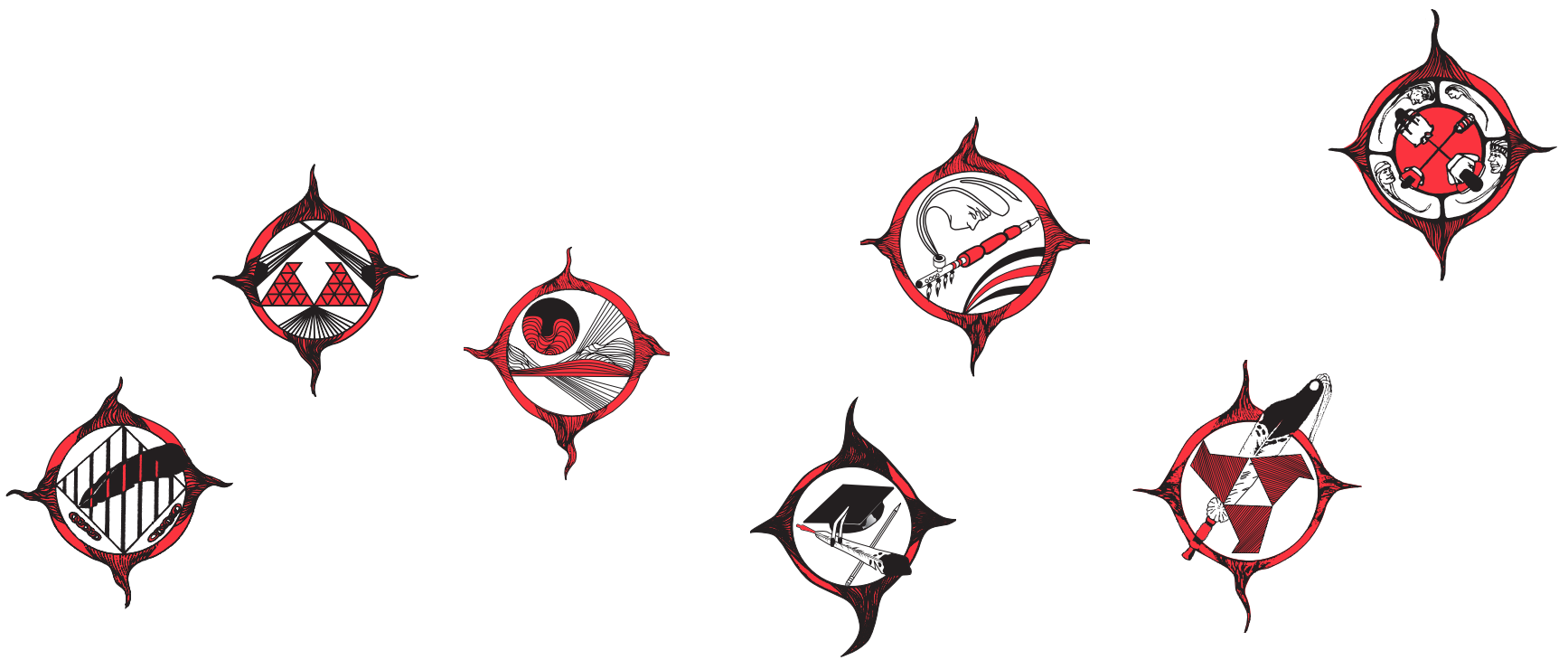
Email: rainbowallianceyouthedmonton@gmail.com

Sexual Assault Centre of Edmonton (SACE)

Phone: (780) 423 - 4102

Email: info@sace.ca

To report a hate or bias motivated crime, please contact the EPS Hate & Bias Crime Unit at (780) 421-3489



Emerging Rights

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

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

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

Human Rights Exemption to the Indian Act

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

human rights and discrimination cases to be heard that are based upon policies or laws authorized by the **Indian Act**.

The Matrimonial Property Act

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

Métis Harvesting Rights

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

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

Language Rights

Indigenous Languages Act has been tabled in the House of Commons and has undergone First Reading. The impact of this legislation, should it pass, is centralized authority in funding Indigenous Language Indigenous Initiatives, Recognition of Indigenous Languages as affirmed by section 35 of the Constitution Act, 1982.

National Inquiry into the Missing and Murdered Indigenous Women and Girls

The **National Inquiry into the Missing and Murdered Indigenous Women and Girls (MMIWG)** provides overarching findings which refer to the Human Rights:

- “The significant, persistent, and deliberate pattern of systemic racial and gendered human rights and Indigenous rights violations and abuses – perpetuated historically and maintained today by the Canadian state, designed to displace Indigenous Peoples from their land, social structures, and governance and to eradicate their existence as Nations, communities, families, and individuals – is the cause of disappearances, murders, and violence experienced by Indigenous women, girls, and 2SLGBTQQIA people. An absolute paradigm shift is required to dismantle colonialism within Canadian society, and all levels of government and public institutions. Ideologies and instruments of colonialism, racism, and misogyny, past and present, must be rejected”; and
- “Canada has signed and ratified many international declarations and treaties that affect Indigenous women’s, girls’, and 2SLGBTQQIA people’s rights, protection, security, and safety. Canada has failed to meaningfully implement the provisions of these legal instruments:
 - * *Convention on the Prevention and Punishment of the Crime of Genocide (PPCG)*,
 - * *International Covenant on Economic, Social, and Cultural Rights (ICESCR)*,

- * *International Covenant on Civil and Political Rights (ICCPR)*,
- * *United Nations Convention on the Rights of the Child (UNCRC)*,
- * *Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*,
- * *United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)*

Further, the Canadian state has enacted domestic laws, including but not limited to section 35 of the Constitution, the Charter of Rights and Freedoms, and human rights legislation, to ensure the legal protection of human rights and Indigenous rights. All governments, including Indigenous governments, have an obligation to uphold and protect the Indigenous and human rights of all Indigenous women, girls, and 2SLGBTQQIA people as outlined in these laws. Canada has failed to protect these rights and to acknowledge and remedy the human rights violations and abuses that have been consistently perpetrated against Indigenous women, girls, and 2SLGBTQQIA people. There is no accessible and reliable mechanism within the Canadian state for Indigenous women, girls, and 2SLGBTQQIA people to seek recourse and remedies for the violations of their domestic and international human rights and Indigenous rights. The Canadian legal system fails to hold the state and state actors accountable for their failure to meet domestic and international human rights and Indigenous rights obligations” (Executive Summary, p.61, 2019).

As a party with standing to the National Inquiry, *IAAW* supports the overarching findings and the 231 Calls for Justice. Human Rights are rights you are born with, as a Canadian they apply to Indigenous women just like other Canadians. For more information on the **National Inquiry into the Missing and Murdered Indigenous Women and Girls** please visit: <http://www.mmiwg-ffada.ca/> website for all content and available resources.

For more information

Institute for the Advancement of Aboriginal Women

Phone: (780) 479-8195

Métis Nation of Alberta (Head Office - Edmonton)

Phone: (780) 455-2200

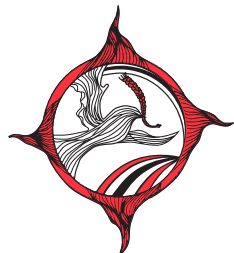
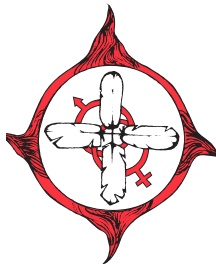
Indigenous Relations:

Toll free: 310-0000 (in Alberta)

Phone: 780-427-2711 (outside Alberta long distance charges apply)

Indian and Northern Affairs Canada (and information on Federal Interlocutor for Métis and Non-status Indians):

Phone: (780) 495-2773 (in Edmonton)



HOW TO MAKE YOUR COMPLAINT

Does my complaint fall under Federal or Provincial human rights?

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

CANADIAN HUMAN RIGHTS COMMISSION

Filing your complaint:

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

memos, notes, reports or offensive cartoons, is just as important as writing down the incidents. Such material is valuable evidence and could help prove your complaint.

• What happens to your complaint?

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

Protection against retaliation

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

THE ALBERTA HUMAN RIGHTS COMMISSION

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

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

The process may include the following:

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

decision. The Chief Commissioner's decision is final unless it is taken to court for a judicial review by a judge within 6 months of the Chief Commissioner's decision.

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

Possible Outcomes

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

Workshop information

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

Who you can talk to:

Please refer to contacts at the end of each section.

Government and Community Organizations You Can Contact

Institute for the Advancement of Aboriginal Women

18104 102 Avenue NW

Edmonton, AB T5S 1S7

Phone: (780) 479-8195

Toll Free: 1-877-471-2171

Fax: (780) 471-2169

Alberta Human Rights Commission

Northern Regional Office

800 - 10405 Jasper Avenue NW

Edmonton, Alberta T5J 4R7

Confidential Inquiry Line 780-427-7661

Office hours 8:15 a.m. to 4:30 p.m.

Fax 780-427-6013

Southern Regional Office

200 J.J. Bowlen Building

620 - 7 Avenue SW

Calgary, Alberta T2P 0Y8

Confidential Inquiry Line 403-297-6571

Office hours 8:15 a.m. to 4:30 p.m.

Fax 403-297-6567

Communication, Education and Engagement

To inquire about the Commission's education and engagement activities, contact the Communication, Education and Engagement team.

Phone: 403-297-8407

E-mail: educationcommunityservices@gov.ab.ca

The Canadian Human Rights Commission

Phone: 780-4985-4040

Fax: 780-495-4044

Note: A compliant must be filed within 12 months.



Dedication

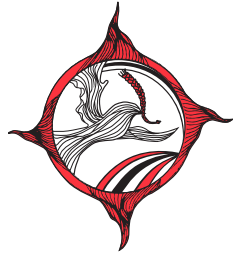
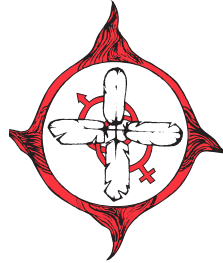
This edition is dedicated to Muriel Stanley Venne B.A (Hon), AOE, C.M., President and Founder of the Institute for the Advancement of Aboriginal Women. She tirelessly promoted this booklet to community members to know and exercise their rights.



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Alberta
Government



The Rights Path - *Alberta*

Fourth Edition