

# Human Rights at Work

Human rights are rights we have simply for being humans. We have human rights at work under the *Alberta Human Rights Act* and the *Canadian Human Rights Act*.

The *Canadian Human Rights Act* applies only to federally regulated workers while the *Alberta Human Rights Act* applies to all other workers in Alberta.

## What is discrimination?

Human rights laws prohibit **discrimination** at work based on **protected grounds**. This applies to all aspects of work, from recruiting and hiring to workplace terms and conditions and ending employment. Discrimination exists when you experience a negative effect because of a protected ground.

### Protected grounds

- race
- religious beliefs
- colour
- gender or sex
- gender identity and expression
- sexual orientation
- physical and mental disability
- age
- ancestry
- place of origin
- marital status
- family status
- source of income  
(*Alberta Human Rights Act* only)
- genetic characteristics  
(*Canadian Human Rights Act* only)
- conviction for an offence for which a pardon was granted or record suspension ordered  
(*Canadian Human Rights Act* only)

### Negative effects

- not getting a job
- negative changes to employment terms and conditions
- reduced pay
- not being promoted
- unsafe work conditions
- denial of benefits
- denial of leave or accommodation
- quitting because of discrimination
- being terminated

## Protected ground + Negative effect = Discrimination

### Example

You are pregnant and can no longer lift heavy boxes. Your boss refuses to change your work and instead ends your employment. This is discrimination based on the protected ground of gender or sex.

## Spotlight: Sexual harassment

Sexual harassment is any unwanted or unwelcome behaviour that is sexual in nature and negatively affects you. It is a type of discrimination based on the protected grounds of gender, gender identity, gender expression or sexual orientation. The person causing harm at work might be a coworker, boss, client, customer, contractor or student.

### Sexual harassment includes:

- inappropriate looks or touches
- sexual comments or teasing
- unwanted physical contact or closeness
- unwanted sexual requests or demands
- jokes about gender or sexual orientation
- talk about sexual activities
- suggestive photos or drawings

### Sexual harassment is not okay.

## Duty to accommodate

Employers have a legal duty to accommodate your needs based on a protected ground to the point of undue hardship. This may mean changing a workplace policy or physical working condition. You and your employer must work together to find a reasonable solution.

The **point of undue hardship** is where accommodation becomes a high financial cost for your employer or seriously disrupts their business. This point is different for every employer.

Sometimes discrimination at work is reasonable and justifiable because of a **bona fide occupational requirement** (BFOR). BFORs are job requirements that are necessary for the job such that an employer cannot provide any accommodation.

### Example

A home builder must be able to climb scaffolding. This requirement discriminates against potential employees who may have a disability requiring mobility aids. However, being able to climb scaffolding is a necessary part of the job, and an employer cannot accommodate anyone who does not meet this requirement.

## Deal with human rights issues

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

**Say something.** If you feel safe and comfortable doing so, speak to the person causing the issue.

**Review your workplace policies.** If there is a process to deal with the issue, follow the policy.

**Report the issue to management.** This may be a good idea if:

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

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

**Report to your employee association or union.** Follow the process in your collective agreement.

**Make a complaint.** The Canadian Human Rights Commission accepts complaints about human rights in federally regulated workplaces. The Alberta Human Rights Commission accepts complaints from all other workers in Alberta.

**You must make a complaint to the Human Rights Commission within one year of your human rights being violated.**

## Know your legal rights

In addition to human rights at work, you have rights about minimum employment standards, health and safety, termination pay and more.



Learn more about your rights in our **Worker Rights 101** booklet:  
[www.cplea.ca/worker-rights-101.pdf](http://www.cplea.ca/worker-rights-101.pdf)

## Help is available

### Workers' Resource Centre

Helping workers in Alberta

[www.helpwrc.org](http://www.helpwrc.org)

### Your Rights at Work

Reliable legal information from CPLEA

[www.cplea.ca/work](http://www.cplea.ca/work)

### Alberta Human Rights Commission

Human rights information and resolving discrimination complaints in most Alberta workplaces

[www.albertahumanrights.ab.ca](http://www.albertahumanrights.ab.ca)

### Canadian Human Rights Commission

Human rights information and resolving discrimination complaints in federally regulated workplaces

[www.chrc-ccdp.gc.ca](http://www.chrc-ccdp.gc.ca)

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