



Alberta Human Rights Act Age Amendments

Discussion Guide

July, 2017



Background

As of January 6, 2018, age will be added as a prohibited ground of discrimination in sections 4 and 5 of the *Alberta Human Rights Act* (the Act).

On January 6, 2017, the Government of Alberta agreed to a Court Order making this change. The one year delay between the date of the Order and the date of implementation is to allow time to ensure that including age in these sections will not have any unintended consequences for other legislation, government programs, and the general public. It provides time for stakeholders to share their perspectives and views on the matter and for government to consider what, if any, exceptions would be appropriate.

Generally, the Act protects against discrimination in various specified areas. **Section 4** of the Act protects against discrimination when any goods, services, accommodation or facilities normally available to the public are provided. **Section 5** prohibits discrimination regarding tenancy.

The Act prohibits discrimination on specified grounds, such as race, religious beliefs, colour, gender, and so on. Age is currently a prohibited ground of discrimination in areas other than sections 4 and 5.¹

Age is defined in the Act to mean “18 years of age or older”. Given this, adding age to sections 4 and 5 of the Act will not, for example, require bars to admit minors, or young children to be given drivers licences.

Finally, section 11 of the Act provides a defence to conduct that would otherwise violate the Act, provided that the conduct in question is shown to be reasonable and justifiable in the circumstances.

Why are we seeking input?

We are asking stakeholders to provide their input on proposed changes to the Act respecting age discrimination. We want to hear your perspectives and ideas that will help inform changes made.

Information and questions in this guide are designed to help participants focus their thoughts and responses. All responses related to age discrimination under the Act will be considered.

¹ For more information on the *Alberta Human Rights Act*, and the procedures of the Alberta Human Rights Commission, see the Commission’s website: www.albertahumanrights.ab.ca

Scope

We are seeking specific input on:

- Should the Act include provisions to allow:
 - programs and activities that provide a protection or benefit to minors and seniors, and if so how should “seniors” be defined (relevant to section 4)?
 - **seniors-only housing**, and if so what should be the relevant age restriction (relevant to sections 4 and 5)?
- Are there unintended consequences to the addition of “age” to sections 4 and 5 that should be taken into account?

Share your input.

Please submit your written response to the questions below, by **August 31, 2017**, to the Alberta Human Rights Act – Age Amendments Team by email, or mail:

E-mail: JSG.ageexceptions@gov.ab.ca

Mail: Alberta Justice and Solicitor General,
Age Amendments Team,
4th Floor, Bowker Building,
9833-109 Street,
Edmonton, AB,
T5K 2E8

We are always open to feedback from Albertans on important issues like this one and encourage you to share this discussion guide with your network or other relevant stakeholders for feedback. This will all be considered as the government evaluates its options.

FOIP NOTICE

Information you provide to Alberta Justice and Solicitor General (JSG) is collected under the authority of section 33(c) of the Freedom of Information and Protection of Privacy Act and is managed in accordance with Part 2 of the FOIP Act. Your name, email, and organization will be collected as part of your submission to the Alberta Human Rights Act – Age Amendments consultation (and any statements you provide will be used for the purpose of assessing future human rights initiatives). Please refrain from providing any personal information as part of the submission on behalf of your organization. JSG will not use or disclose your information for any other purpose without your written consent or unless required to do so by law. If there are any questions, further feedback, or you wish to request a change to the information you provided, please contact us by email at JSG.ageexceptions@gov.ab.ca.

Please identify the stakeholder group(s) you represent [Select one or more that apply]:

<input type="checkbox"/>	Condominium-related Group	<input type="checkbox"/>	Individual
<input type="checkbox"/>	Tenancy-related Group	<input type="checkbox"/>	Senior
<input type="checkbox"/>	Non-profit Group (please specify type)	<input type="checkbox"/>	Condominium Owner
<input type="checkbox"/>	Industry Group (please specify type)	<input type="checkbox"/>	Landlord
<input type="checkbox"/>	Municipality	<input type="checkbox"/>	Renter
<input type="checkbox"/>	Indigenous Group	<input type="checkbox"/>	Other _____

Discussion Questions

Protections and benefits for seniors and minors:

Seniors and child benefit programs (such as enhanced health care coverage), seniors and child pricing (such as reduced movie admission prices for seniors and children, and discounted coffee for seniors at restaurants), and other similar activities and programs, are common practice in Alberta, and are widely accepted as reasonable and appropriate. One consequence of adding “age” to section 4 of the Act is the prospect of human rights challenges to benefits for seniors and minors (meaning people 17 and under). In consideration of this, Alberta Justice and Solicitor General is interested in ensuring such programs and activities that are important to Albertans can continue, without risk of challenge under section 4 of the Act.

Questions to consider:

- 1. Should the Act ensure that programs and activities that provide a protection or benefit to minors or seniors continue? Please comment on why. Include rationale and considerations based on your experiences.**
- 2. From the perspective of you or your organization, what do you think are the key considerations in determining a minimum age for the purpose of protections or benefits for seniors? What do you think the minimum age should be? If you currently provide a service or program that offers seniors protections or benefits please include this information as well.**



Seniors-only buildings:

Age restrictions currently exist in some rental properties and condominium complexes. In rental properties, age restrictions reflect a decision by a landlord to only rent to those who meet a preferred age cut-off. In condominium complexes, age restrictions reflect limitations in the bylaws for the condominium complex as to who can live in the condominiums (whether a resident owner, their tenant, a roommate, or a family member).

Alberta Justice and Solicitor General seeks your views on whether provisions should ensure that buildings that are **reserved for seniors** do not violate the Act.

This approach would ensure that older Albertans can choose to live together in a community of people at a similar stage in life. At the same time, it is recognized that seniors-only buildings may limit housing choices for younger Albertans.

British Columbia, Saskatchewan and Newfoundland each have a specific exception in their human rights legislation for rental property reserved for those who are 55 or older. In British Columbia and Newfoundland, when a housing unit is for two or more people, the exception applies if just one of those people has reached age 55.

Ontario has a general provision in its legislation that protects preferential treatment for those 65 or older from challenge under the legislation. This protects buildings reserved for those 65 and older from challenge under their legislation, while buildings with an age-restriction lower than 65 would violate the legislation.

Questions to consider:

- 3. Should the Act include provisions for seniors-only buildings? What is the rationale for or against including provisions for seniors-only housing? Please explain.**
- 4. If so, what is the lowest age-restriction for seniors-only buildings – 55+, 60+, 65+, or some other age? Please explain or include rationale for your response.**

Unintended consequences:

The Act applies to activities and actions in the private sector, government activities and actions, and provincial enactments. Section 5 of the Act prohibits discrimination in both commercial and residential tenancy (rental accommodation). Section 4 is a very broad provision in the Act, prohibiting discrimination when providing goods, services, accommodation or facilities. This is relevant to the activities of a broad range of private sector entities including retail stores, restaurants, insurance providers, contractors, hotels, non-profit entities, municipalities and many others. Given the broad scope of sections 4 and 5, it is important that any potential unintended consequences of adding age to these provisions are well understood, so that adverse consequences can be addressed as appropriate.



Questions to consider:

- 5. What are potential consequences/implications that government should consider when adding age to sections 4 and 5, in addition to those identified above? Please be specific.**
- 6. In relation to these age amendments to the Alberta Human Rights Act, what are you most concerned about? Unclear about?**

Thank you. Your input is valuable.

Thank you for taking the time to provide input on some or all of the questions outlined in this discussion guide. We will be reviewing all input received. It will be considered as we assess options, and will inform decisions that will be made.