

December 08, 2020

Complaint #: S2020/12/0301

David Dickson

REDACTED

Dear David Dickson:

Re: David Dickson v. Costco Wholesale Canada Ltd.

This is to advise you that we have sent your accepted Complaint to the Respondent(s) and a response has been requested. Your Complaint will now wait until we receive the Response. We will keep you informed of when that happens.

You are expected to make every reasonable effort to minimize any losses that may be occurring as a result of the alleged discrimination being complained about. Please keep a written record of everything done to minimize losses or improve the situation.

Next Steps

The Commission will share the Respondent's Response with you, after which the Commission will assess the complaint and response and do one of the following:

1. **Attempt to resolve.** The human rights officer reviewing the complaint at this stage may contact the parties to see if the complaint can be resolved without further steps.
2. **Send the complaint to the AHRC Director with a recommendation to dismiss the complaint.** The *Alberta Human Rights Act* says that, at any time, the AHRC Director may dismiss or discontinue the complaint or continue the complaint, including asking that it be referred to Tribunal.
3. **Defer the complaint.** Where a complaint is being addressed in another forum or under another *Act*, the AHRC Director may dismiss the complaint or defer it pending the outcome in the other forum.
4. **Send the complaint to the AHRC Director for a decision under the Director's Referral process.** See attached information.
5. **Assign the complaint to conciliation service to help the parties resolve the complaint.** If complaints assigned to conciliation do not resolve, the human rights officer assigned to the complaint may make a recommendation to the AHRC Director.
6. **Assign the complaint to investigation.** The investigation will generally be conducted primarily through written correspondence between the Commission and the parties.

The Commission offices are scent free.

Thank you for your co-operation when attending our offices.
An independent commission created by the Government of Alberta

Following investigation, the human rights officer will either assist the parties in resolving complaints where the information supports proceeding or will recommend to the AHRC Director that the complaint be dismissed.

7. **Send the complaint to the AHRC Director after conciliation or investigation.** The AHRC Director will review recommendations and decide whether to dismiss the complaint, discontinue it, or report to the Chief of the Commission and Tribunals that the parties could not resolve it.

After receiving the response, or at any time during the complaint process, you may choose to withdraw your Complaint by contacting us at the email address below.

Communicating with the Commission

You are responsible for informing us in writing of any change in your contact information, including your email address. If we are unable to contact you, your Complaint may be closed.

Where possible, please communicate with the Commission by email at ahrc.registrar@gov.ab.ca.

If you are the designated contact for the Complainant, it is your responsibility to inform the Complainant of this information and all future communication from the Commission.

You will find information about the Commission and our processes for complaint resolution on our website at www.albertahumanrights.ab.ca.

If you have any questions not answered by the website about this letter, the process, or the Commission itself, please feel free to contact the Commission using the email address above.

Encl.

The Commission offices are scent-free.
Thank you for your co-operation when attending our offices.
An independent commission created by the Government of Alberta

Overview of the Director's Referral Process

Once the Respondent's response has been received by the Commission, the complaint may be scheduled for conciliation and/or investigation. Alternatively, a file may be dealt with by way of a Director's Referral, if it meets certain criteria including:

- a) Compassionate reasons – where the declining health of any party significantly impacts their ability to participate in the full complaint resolution process, or there are other urgent factors that would significantly impact the Complainant or Respondent.
- b) High public importance – where resolution may help address a wide-reaching or systemic human rights issue, or help develop or clarify human rights jurisprudence.
- c) Credibility in harassment complaints – where there are significant, directly conflicting accounts of events between the parties, and little supporting documentation or information from other witnesses which strongly supports one version of events over another version of events.
- d) Where sufficient information has already been gathered such that an investigation is not required – including where information gathered indicates that the complaint may be outside the jurisdiction of the Commission, out of time, has been dealt with in another appropriate forum, where the complaint may be frivolous or vexatious, or where the allegations have no connection to a protected ground under the *Act*.

If any party (or the Regional Director) requests a Director's Referral, you will be asked to provide all information and documentation (e.g., medical notes, WCB reports, letters, emails, text messages, drawings, time records, records of employment, signed witness statements) you consider important to the complaint.

You will also be asked to provide in writing your rationale and supporting information to support your request.

Information provided by the parties during the Director's Referral process will be shared among the parties, but rebuttals to the information will not be requested or accepted.

Under a Director's Referral, the complaint and supporting information will be sent to the AHRC Director for a decision under section 22 of the *Act*, based on the AHRC Director's documentary review of all information provided by both parties, but without the benefit of a human rights officer's analysis, normally available after the Commission's investigation process.

The AHRC Director will review the complaint and other materials submitted by the parties, and will also request a review of the complaint by Director's legal counsel. The AHRC Director will then assess whether or not the complaint should be referred to tribunal on a reasonable basis to proceed test. The AHRC Director may also attempt settlement; send the complaint back to the regional office for regular processing; or dismiss or discontinue the complaint if the AHRC Director believes there is no reasonable basis to proceed. Dismissals and discontinuances can be appealed to the Chief of the Commission and Tribunals.

If a complaint is referred to tribunal, the AHRC Director will have carriage of the complaint before the tribunal. Parties who wish to be represented by legal counsel at tribunal or at any time in the complaint resolution process may choose to have legal counsel, at their own cost, rather than remain self-represented.

The Commission offices are scent-free.

Thank you for your co-operation when attending our offices.
An independent commission created by the Government of Alberta