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Mezzanine Level, J.J. Bowlen Building
620 – 7th Avenue SW
Calgary, AB T2P 0Y8
Telephone: 403-476-4939
Fax: 403-476-4945

VIA EMAIL

email: ahrctribunal@gov.ab.ca

January 4, 2022

REDACTED

Respondent Legal Counsel

Dear **REDACTED**

RE: David Dickson v. Costco Wholesale Canada Ltd. – S2020/12/0301

The Office of the Chief of the Commission and Tribunals has received a Request for Review for the dismissal of this complaint. This Request for Review falls under section 26(1) of the *Alberta Human Rights Act*. I have enclosed a copy of the letter received from the complainant on **December 21, 2021**. Section 22.2 of the *Alberta Human Rights Commission Bylaws* requires that if you wish to submit a response, it must not be later than 30 days after receiving this notice of the Request for Review. Please file and serve your response with the Tribunal Registrar and the complainant.

After the 30 day time frame has elapsed, the Request for Review will be forwarded to the Chief of the Commission and Tribunals for his documentary review and written decision. The material will include:

- the Complaint, the Response, all correspondence and documents sent between the Regional Office and the parties, Investigation memo, the Letter of Dismissal, all correspondence and documents sent from the Director to the parties, all correspondence and documents sent from the parties to the Director,
- the Request for Review and any attachments provided by the complainant,
- your response to the Request for Review and any attachments you wish to provide.

Yours truly,

REDACTED

Acting Registrar

Enc.

cc: David Dickson

Anita Murray

From: Director's Office of Alberta Human Rights Commission
Sent: Tuesday, December 21, 2021 1:51 PM
To: David Dickson; Tribunal Office, Alberta Human Rights Commission
Subject: FW: REQUEST FOR A REVIEW re: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation
Attachments: Mask Exemption Dec 9 2021.pdf
Importance: High
Sensitivity: Confidential

Good Afternoon David:

This message confirms receipt of your email and attachment.

Your request for review email has been forwarded to the Office of the Chief of the Commission and Tribunals.

Thank you.

JSG.AHRCDirectorsOffice@gov.ab.ca

Office Of The Chief Of The
Commission And Tribunals
Edmonton

DEC 20 2021

Received
Alberta Human Rights
Commission

Classification: Protected A

From: David Dickson <david.dickson@dksdata.com>
Sent: Tuesday, December 21, 2021 1:39 PM
To: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: REQUEST FOR A REVIEW re: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation
Importance: High
Sensitivity: Confidential

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Good afternoon,

As per the below, please find my request for an appeal/review. This file appears to have been handled with a level of gross negligence that is hard to fathom. From factual errors, constant unexplained time delays and flip flopping on approaches without explanation. How did a sixty day process take more than a year and still fail the disabled it was designed to protect?

I will assume that your office will have full access to ALL material in the file. However, I will list the items below (and attached) that you should have as part of the Complaint material.

The reasons for the appeal/review are outlined in the response to the initial recommendation that the Director's Office appears to have completely ignored.

Dismissal Response

Please note that most of the errors made in the dismissal response were a repeat of the recommendation document. These errors and omissions create a huge concern in the quality and commitment to disabled persons by the AHRC office.

In addition, the Respondent has apparently not addressed anything since the original Complaint despite other relevant factual material being provided. That lack of response demonstrates either a contempt of myself (and disabled people), or of the AHRC process. It also leaves the responses I have made unchallenged and therefore they should have been accepted by the AHRC as written. If the Respondent disagreed with my additional material, they had their opportunity to respond but actively chose not. Note that they have had at least two direct opportunities to address both my responses and the fact that their accommodations were not genuine. Note COSTCO had all the information to know their accommodations were not genuine. This included but may not be limited to the City Bylaw and my own extensive Costco history (address, buying patterns, type of card etc.)

The Director states the Complaint has no merit but provides no reasoning nor does she address my response to the Officer's recommendation (which was replete with factual errors). The Respondent is required to accommodate my disability to the point of 'undue hardship', yet the AHRC have ensured that the only person who suffered undue hardship throughout this process is myself.

The Director and person recommending the dismissal refused to acknowledge the facts that Costco was not 'protecting its staff and customers' as they wilfully ignored Provincial guidelines and Orders on cleaning and also allowed others in without a mask. In fact, in recent months, Costco have welcomed me into multiple stores without a mask and not offered a face shield as is outlined in my response which the Director has clearly ignored (despite referencing it).

In fact, it looks like the Officer and the Director took all of their cues in the response from Costco's original legal department letter and ignored all the other facts they were presented. This borders on gross negligence and is immensely disrespectful to disabled people like myself. The obvious bias to Costco in the handling of this complaint along with the constant delays and flip flopping in responses goes beyond my complaint and should be cause for a full investigation of the Department.

The dismissal of the points relating to other infractions by Costco is also alarming as they were there to highlight the hypocrisy of Costco's alleged defence. I am aware that the AHRC is not the enforcement arm for these Bylaws and Provincial Orders, but the lack of adherence to them by Costco shows that a defence of 'protecting its staff and customers' is not applicable here.

I am also attaching a copy of my renewed Mask Exemption letter, which was not required at the time (even though I did have one which has been produced). However, due to changes in the Provincial Orders, that letter required replacement with the new format letter. Note that in recent months I have not been asked to show a letter by Costco, which again removes their alleged defence.

I would hope that in your position you would bring some honour, credibility, and trust back to the AHRC in this matter. Right now it appears that the AHRC are not only failing disabled people like myself but are acting in a manner that brings the whole organisation into disrepute which would be a matter of public interest.

Contents of file (excluding email communications outlining unreasonable delays in handling the complaint).

History

- November 16th, 2020 – Refused entry or accommodation by COSTCO (accommodations suggested were either illegal or not available as COSTCO would have known).
- November 17th, 2020 - Human rights complaint filed.
- November 25th, 2020 – Medical exemption letter re disability provided to AHRC as requested.
- December 8th, 2021 – AHRC accepts complaint.
- December 18th, 2021 – AHRC grants an extension to Respondent to February 9th, 2021 (no reason provided why).

- February 11th, 2021 – AHRC states that they are waiting for an Officer to be assigned the Complaint (after they received a response from COSTCO).
- February 11th, 2021 – AHRC provided response from COSTCO. Primarily an ad hominem attack which reinforces issues outlined in the complaint. Offers accommodations that are not available to me. This is due (in part) to the type of COSTCO Card I have and my address. COSTCO are aware of these issues and the lack of accommodation as they are the actual cause of the issues.
- February 16th, 2021 – Response sent to AHRC regarding COSTCO position (ad hominem attack on a disabled person) (Unencrypted copy resent on February 17th 2021 at the request of AHRC).
- March 18th, 2021 – Request for update on complaint.
- March 19th, 2021 – AHRC states they are still waiting for an Officer to be assigned Complaint.
- April 22nd, 2021 – Request for update on Complaint.
- April 22nd, 2021 – AHRC states the file has been sent to Regional Director and I will get a call soon.
- May 10th, 2021 – Request for update on Complaint.
- May 13th, 2021 – Request for update on Complaint and reference to COSTCO still not following Provincial Orders re operating/cleaning requirements.
- May 14th, 2021 – AHRC Acting Regional Director states that although matter has been recommended for Conciliation, she has determined they have enough information to make a decision which will be made 'shortly'.
- May 18th, 2021 – Email to AHRC regarding the confusion and delays. Also reference as to how COSTCO continues to ignore Provincial Guidelines/Orders (including images of packed Costco stores).
- June 17th, 2021 – Request for update on Complaint and pointing out continual unexplained delays.
- June 28th, 2021 – AHRC now assigned Compliant to a Officer, despite the Acting Regional Director stating that she had enough information to make a decision in April and that she was not assigning an Officer. Told to expect a recommendation memo within a month.
- August 16th, 2021 – Request for update on Complaint, pointing out continual unexplained delays and the multiple flip flops on managing the Complaint.
- August 19th, 2021 – AHRC Officer states that a recommendation memo is being drafted.
- September 16th, 2021 – Request for update on Complaint.
- September 17th, 2021 – Recommendation memo from AHRC recommending the Complaint be dismissed.
- October 7th, 2021 – Response to recommendation memo sent to AHRC Director's Office.
- November 19th, 2021 – Now over a year since the initial Complaint. Request for update on Complaint.
- November 22nd, 2021 – AHRC responds that the Director has not made a decision on the file and it is still being reviewed.
- November 23rd, 2021 - AHRC email stating that a letter had been sent to me from the Director by registered mail. This letter was collected but was written November 16th, 2021 which begs the question, why I received the response on November 22nd, 2021.
- December 21st 2021 - Appeal filed in response to dismissal.

Complaint material from David Dickson

- Complaint Form.pdf
 - *Original Complaint (November 17th, 2021)*
- Costco Human Rights Complaint.pdf
 - *Original complaint letter (November 17th, 2021)*
- DAVIDDICKSON_Letterhead DMC_20200506_1034.pdf
 - *Medical exemption letter presented to Costco at time of incident.*
- Additional Information Complaint S2020 12 0301.pdf
 - *Response to Costco's ad hominem response. (February 16th, 2021)*
- **Mask Exemption Dec 9 2021.pdf (included with this email). - CONFIDENTIAL**
 - *Copy of new updated Mask Exemption letter due to disability.*

Costco Response

- Response.pdf

- *Ad hominem attack by Costco lawyers in response to the complaint.*

Other material

- Complaint accepted Complainant.pdf
 - *Official acceptance of complaint by AHRC.*
- Awaiting Assign Concil C.pdf
 - *AHRC awaiting Conciliation Officer (February 10th, 2021)*
- ConciliationProcess.pdf
 - *AHRC form*
- Dismissal.pdf
 - *Dismissal response from AHRC Director.*

Yours,

David

David T. Dickson

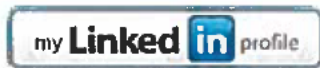
C.E.O. DKS DATA (www.dksdata.com)

Consulting C.I.O.

Management/Legal Consultant

Privacy and Cybersecurity Expert.

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From: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Sent: November 24, 2021 8:58 AM

To: David Dickson <david.dickson@dksdata.com>; Tribunal Office, Alberta Human Rights Commission <AHRCTribunal@gov.ab.ca>

Cc: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Subject: RE: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation

Sensitivity: Confidential

Good Morning David:

This confirms your email of November 23, 2021.

Kindly forward the request for review to the Tribunal Office's email addressed in this email.

Thank you.

JSG.AHRCDirectorsOffice@gov.ab.ca

Classification: Protected A

From: David Dickson <david.dickson@dksdata.com>

Sent: Tuesday, November 23, 2021 12:24 PM

To: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Subject: RE: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation

Importance: High
Sensitivity: Confidential

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To whom this may concern.

We are on an acreage so mail does not come direct to our address (hence the issues with Costco's alleged accommodations).

I must say I am a bit confused here. Yesterday you stated the Director was still looking at this.

“The Director has not made a decision on your file.”

Today you say something had already been sent and delivered by registered mail (on the 16th November, 2021).

Due to my health issues, my wife went to collect the letter, in response to your email below. This letter completely contradicts your first reply below. It was incorrect to state that the Director was reviewing the matter. She has improperly dismissed the matter and clearly did not review my response to the recommendation which very clearly covered the points raised. I am concerned that this is now a overt indication of gross negligence in the Office of Alberta Human Rights Commission. The pattern of failures in this department, and now the Director's Office, is a matter of Public concern.

I will be filing an appeal and considering other options available to me for the behaviour and failings of your office.

Yours,

David

David T. Dickson
C.E.O. DKS DATA (www.dksdata.com)
Consulting C.I.O.
Management/Legal Consultant
Privacy and Cybersecurity Expert.
Email: david.dickson@dksdata.com



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From: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Sent: November 23, 2021 10:10 AM
To: David Dickson <david.dickson@dksdata.com>
Cc: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: FW: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation
Sensitivity: Confidential

Good Morning David:

The Director has sent out correspondence to your address:

REDACTED

This correspondence was sent out via registered mail and Canada Post indicates a registered mail pick up card was left at that address.

Thank you.

JSG.AHRCDirectorsOffice@gov.ab.ca

Classification: Protected A

From: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Sent: Monday, November 22, 2021 10:33 AM

To: David Dickson <david.dickson@dksdata.com>; Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Subject: RE: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation

Sensitivity: Confidential

Good Morning David:

Thank you for your email of today's date. The Director has not made a decision on your file. At this stage of the process, the Director will do her best to review the information on file and make a decision as to whether or not:

- Dismiss or discontinue the complaint,
- Refer the complaint to Tribunal.

The parties will be contacted when that decision has been made. We are not able to provide any timelines at this time and the Director considers each file individually.

Thank you for your patience.

JSG.AHRCDirectorsOffice@gov.ab.ca

Classification: Protected A

From: David Dickson <david.dickson@dksdata.com>

Sent: Friday, November 19, 2021 7:48 PM

To: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>

Subject: RE: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation

Importance: High

Sensitivity: Confidential

Good evening,

It has now been over 1 year since my initial complaint. It has also been 42 days since the last communication from your office. What ever happened to the expedited 30 day process?

It only appears I receive responses when I chase the Office of Alberta Human Rights Commission (AHRC). Even then, they have been anything but helpful as I continue to battle for my rights.

As a disabled person who has been stressed and significantly impacted by this whole ordeal that never seems to end, I cannot express how disappointed I am in the AHRC right now.

Looking forward to your prompt response.

Yours,

David

David T. Dickson
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Consulting C.I.O.
Management/Legal Consultant
Privacy and Cybersecurity Expert.
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From: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Sent: , 2021 9:14 AM
To: David Dickson <david.dickson@dksdata.com>
Cc: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: FW: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation
Importance: High
Sensitivity: Confidential

Good Morning David:

Your cover email and attachment will be added to your file.

Thank you.

JSG.AHRCDirectorsOffice@gov.ab.ca

Classification: Protected A

From: David Dickson <david.dickson@dksdata.com>
Sent: Thursday, October 07, 2021 10:59 PM

To: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: RE: Recommendation Memo Complaint : S2020/12/0301 - Final response to recommendation
Importance: High
Sensitivity: Confidential

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Many thanks,

As I am still within the timeline, I would like to substitute the response from earlier with a minor update having managed to go shopping again in the same Costco I was refused entry to on November 16th, 2020. This is clearly very relevant to the complaint and contrary to the position in the recommendation and that of Costco itself.

Many thanks for your understanding in these trying times.

David

David T. Dickson
C.E.O. DKS DATA (www.dksdata.com)
Consulting C.I.O.
Management/Legal Consultant
Privacy and Cybersecurity Expert.
Email: david.dickson@dksdata.com



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From: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Sent: October 7, 2021 2:50 PM
To: David Dickson <david.dickson@dksdata.com>
Cc: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: RE: Recommendation Memo Complaint : S2020/12/0301
Sensitivity: Confidential

Good Afternoon David:

This message confirms receipt of your cover email together with your attached response.

Thank you.

JSG.AHRCDirectorsOffice@gov.ab.ca

Classification: Protected A

From: David Dickson <david.dickson@dksdata.com>
Sent: Thursday, October 07, 2021 1:46 PM
To: Director's Office of Alberta Human Rights Commission <JSG.AHRCDirectorsOffice@gov.ab.ca>
Subject: FW: Recommendation Memo Complaint : S2020/12/0301

Importance: High
Sensitivity: Confidential

CAUTION: This email has been sent from an external source. Treat hyperlinks and attachments in this email with care.

Re the attached and below. Please find my response in 10 pages as required. "Response to recommendation S2020 12 0301.PDF"

At this time I am very concerned at the handling of this complaint by the AHRC and hope that this mismanagement is addressed outside of this complaint against Costco.

David

David T. Dickson
C.E.O. DKS DATA (www.dksdata.com)
Consulting C.I.O.
Management/Legal Consultant
Privacy and Cybersecurity Expert.
Email: david.dickson@dksdata.com



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From: AHRC Registrar <AHRC.Registrar@gov.ab.ca>
Sent: September 17, 2021 8:56 AM
Subject: Recommendation Memo Complaint : S2020/12/0301
Importance: High

Good Day,

I have attached correspondence and the recommendation memo for David Dickson v. Costco Wholesale Canada Ltd. from Zahra Ismail for your review and action.

The file is now out of the hands of the region and all further communication should be with the Office of the Director. The contact information for any rebuttal or submission of additional information is on the letter attached.

Thank you and have a nice day.

Best,

AHRC Registrar

This communication is intended for the use of the recipient to whom it is addressed, and may contain confidential, personal and or privileged information. Please immediately contact the sender by return email or phone the Alberta Human Rights Commission at (780)427-7661 if you believe you are not the intended recipient of this communication, and then delete this email from your system. Do not copy, share, or take any action relying on it. For long distance calls within Alberta, you are welcome to call toll-free at 310-0000.

Classification: Protected A

MEDICAL NOTE FOR MASK EXCEPTION

Patient Name: DICKSON, DAVID

Mask Exceptions for Health Conditions

A person who is unable to wear a face mask due to a qualifying health condition as determined by an authorizing health professional defined in CMOH Order 22-2021, is excepted from wearing a face mask while attending an indoor public place.

List of qualifying health conditions:

- Sensory processing disorders
- Developmental delay
- Cognitive impairment
- Mental illness including:
 - Anxiety disorders
 - Psychotic disorders
 - Dissociative identity disorders
 - Depressive disorders
- Facial trauma or recent oral maxillofacial surgery
- Contact dermatitis or allergic reactions to mask components
- Clinically significant acute respiratory distress

It is important to continue practicing good hand hygiene and maintain 2 metres of physical distance from others to reduce the spread of COVID-19.

It is strongly recommended that individuals who qualify for a masking exception avoid indoor public spaces and circumstances where physical distancing is not possible.

By signing below, I confirm that:

- I am one of the following authorized health professionals:
 - Nurse practitioner
 - Physician
 - Psychologist
- The individual named above has been assessed and confirmed to have one of the medical conditions listed above

Additional comments:

Healthcare Provider Name (printed):
REDACTED

Professional Registration Number:
REDACTED

Devon Medical Clinic
REDACTED

Phone Number:
REDACTED

Signature: REDACTED

Date:
2021-Dec-09

