

NON-MANAGEMENT JOB DESCRIPTION POINT RATING EVALUATION PLAN

Working Title Human Rights Officer (PS4)		Name	
Position Number	Reports to Position No., Class & Level	Division, Branch/Unit Alberta Human Rights Commission	Ministry Justice and Solicitor General
Present Classification Program Services 4		Requested Classification	
Dept ID	Program Code	Project Code (if applicable)	

PURPOSE: Give a brief summary of the job, covering the main responsibilities, the framework within which the job has to operate and the main contribution to the organization (see Section 2.3).

The incumbent plays a key role in the advancement and protection of human rights for Albertans and the development of inclusive communities in which all Albertans have the opportunity to participate in the social, economic and cultural life of the province without discrimination. Within the context provided by human rights concepts and principles, case law, the principles of natural justice, broad policies and procedures and sound professional practice, the incumbent is responsible for obtaining voluntary resolution of formal human rights complaints made under the *Alberta Rights Act*, and for providing recommendations for action on human rights complaints to the parties to the complaint and to the regional director. The incumbent is also responsible for providing education and information services that help Albertans prevent human rights disputes from occurring in the first place, resolve human rights disputes without having to make a formal complaint to the Alberta Human Rights Commission and, most importantly, integrate human rights principles into their work and lives. In addition, the incumbent is responsible for ensuring that only complaints that are properly within the jurisdiction of the *Act* are accepted by the Commission, and for making other contributions to achieving the goals of the Commission and the ministry of Justice and Solicitor General.

The incumbent must have a high level of interpersonal skills in order to provide high-quality, neutral and timely alternative dispute resolution services, as well as fact finding and recommendation services, to a wide variety of clients in situations that are often emotionally charged. The incumbent must also be able to apply complex theoretical knowledge to human rights disputes and issues in order to define the problem and develop new and creative solutions that lead to voluntary settlement of human rights complaints. In addition, the incumbent must have the ability to provide services within an ever changing environment and to function with a heavy case load and under severe time pressure.

RESPONSIBILITIES AND ACTIVITIES: The purpose of the job can be broken down in different responsibilities and end results. Each end result shows what the job is accountable for, within what framework and what the added value is. Normally a job has 4-8 core end results. For each end result, approximately 3 major activities should be described (see Sections 2.1 and 2.2).

1. Through the provision of alternative dispute resolution services, facilitate the voluntary settlement and closure of formal human rights complaints made under the *Alberta Human Rights Act*.

Once individual files are assigned to the incumbent by the regional director for the alternative dispute resolution service, the incumbent has broad scope to act independently but will seek guidance as required, to provide high-quality, timely, neutral service to the parties to a complaint with the end result that the parties reach a fair and voluntary agreement to settle the complaint so that the Commission can close the file. Given the volatile nature of human rights disputes and the wide variety of complainants and respondents in these disputes, the incumbent must operate at a high level of interpersonal skill in order to achieve this end result. The incumbent must also interpret and apply evolving theoretical human rights concepts and principles, case law, and principles of natural justice to the unique facts and circumstances of each case. The work is carried out in the context of high case loads and severe time pressure, and often under public and media scrutiny. Resolving files through the alternative dispute resolution service is a critically important end result for the parties and the Commission. Complaint files that are resolved at this early stage allow the parties to move on with their lives more quickly, and result in much lower processing costs for the Commission. This responsibility may require travelling to, and meeting with, legal counsel, complainants, respondents, or witnesses to mediate, investigate and resolve human rights complaints. Off-site travel may be required 10 or more times a month; may be outside normal working hours; or be called on short notice, depending on the

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availability of other parties – many of whom are vulnerable Albertans.

Activities:

- **Obtain agreement from all parties to participate in the alternative dispute resolution service.** Because this process is voluntary, the incumbent must first gain the confidence and commitment of the parties to proceed.
- **Select and implement an alternative dispute resolution process.** The incumbent must select a process that is appropriate to the unique issues of the case and the unique needs of the parties, and, if necessary, adapt the approach used to better meet the needs of the parties as the process evolves.
- **Manage the entire alternative dispute resolution process.** This activity includes: identifying the information required by the parties to help them achieve a voluntary settlement, providing this information in a form and at a time appropriate to the needs of the parties, coaching and educating the parties about their human rights and responsibilities and what would constitute a fair settlement given the unique facts and circumstances of the case, clarifying misunderstandings and ambiguities, providing a new perspective on disputed issues, and exploring options for mutual wins as well as realistic tradeoffs. The incumbent provides the parties a safe forum for reviewing options prior to a commitment, and enables the parties to develop their own fair settlement terms. This process requires the incumbent to manage interpersonal dynamics in order to help the parties focus on their desired outcomes and the steps required to achieve those outcomes. For example, the incumbent identifies and manages power imbalances and other impediments to a mutually satisfactory and fair settlement such as blaming, attacking, interrupting, and emotional outbursts.
- **Document the settlement.** If a settlement has been reached, the incumbent assists the parties in ensuring a mutual understanding and commitment to the resolution agreed upon by formally documenting the terms of the settlement and obtaining the signatures of the parties. The incumbent also coordinates settlement activities, such as arranging for the transfer of settlement monies between the parties or coordinating the provision of education sessions that form part of an agreement. If a settlement is not reached, the incumbent forwards the file to the regional director with a recommendation for further action.

2. **Through fact finding and analysis, develop recommendations for the parties and for the regional director regarding the proper disposition of formal human rights complaints made under the *Alberta Human Rights Act*.** Complaint files that have not been resolved through the alternative dispute resolution service, or that are not appropriate for that service, are assigned to the incumbent by the regional director. The incumbent is responsible for acting with a broad scope of independence, while seeking guidance from the regional director and senior officers, as necessary, to provide high quality, timely and neutral service to the parties to the complaint. The incumbent develops well reasoned, fair and legally sound recommendations regarding the disposition of the file with the desired end results that: (a) the parties to the complaint fully understand the nature of the particular human rights complaint (including the likelihood of success at a human rights tribunal) so that they can make informed decisions about the next steps they wish to take; and, (b) the regional director has the information required to take immediate further action on the complaint. As with responsibility number one above, the responsibility of developing recommendations requires the incumbent to analyze the facts by interpreting and applying theoretical human rights concepts and principles, case law, and principles of natural justice. The incumbent must also employ a high level of human relations skills. This responsibility is carried out in the context of high case loads and severe time pressure, and often under public and media scrutiny. The end results are critically important for the parties and the Commission. Because, willing or not, both parties are involved in the Commission complaint process, they must have a clear understanding of how the Commission views the case in order that they can make the decisions about next steps that are best for them. From the Commission's perspective, the regional director must have complete confidence in the recommendations and analysis provided by the incumbent. The volume of cases is so great that the regional director can not repeat the fact finding and analysis steps undertaken by the incumbent.

Activities:

- **Plan and conduct impartial fact-finding investigations.** The incumbent must tailor this process to the circumstances of the case and the parties involved in order to determine exactly what happened, when, where, and how, as well as who was involved. The incumbent determines with consultation as may be required appropriate

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methods for gathering the relevant facts, such as interviews with the parties to the dispute, interviews with third parties who may have relevant information, collection and review of documents from a variety of sources, and so on. This activity requires the incumbent to act with a broad scope of independence, while seeking guidance, as necessary, to deal effectively with challenges to the fact-finding process and with the many difficult interpersonal matters that arise during the process. For example, the parties to the complaint may refuse to provide the information requested, or to provide it in a timely fashion. They may be uncooperative and hostile, or traumatized and fearful. Witnesses and third parties may be reluctant to become involved. Overcoming these obstacles requires the incumbent to operate at a high level of interpersonal skill including demonstration of the ability to know when consultation is required.

- **Analyze the facts collected.** The incumbent selects and applies relevant theoretical human rights concepts and principles. The incumbent also searches for, selects and applies relevant case law as required. An important aspect of this activity is to assess whether or not the facts uncover a systemic human rights problem, that is, a problem that exists beyond the individual case and affects more than just the one complainant.
- **Provide a recommendation.** In all cases, the incumbent consults with the parties about the facts gathered and the analysis to ensure that they understand them. If the incumbent's analysis of the facts indicates that there is merit to the complaint, the incumbent formulates a recommendation for a fair remedy for consideration by the parties. If the incumbent identifies a systemic issue, the incumbent also recommends, with consultation as required, a remedy in the public interest that applies to a broader group than the single complainant. The incumbent negotiates with the parties to try and achieve their acceptance of the remedy recommended or another mutually acceptable remedy. If the parties accept the recommended remedy, the incumbent formally documents the settlement, obtains the signature of the parties, and coordinates settlement activities, such as transfer of settlement monies. If the incumbent's analysis of the facts indicates that there is no merit to the complaint, or if the parties are unable to settle a complaint where there is merit, the incumbent provides the regional director with a recommendation for further action.
- **Produce a written report.** A major activity in this responsibility area is the timely production, with consultation as required, of concise and accurate written reports that document the facts found, the analysis of these facts, the incumbent's recommendation for remedy where appropriate, or the recommendation that the complaint be dismissed or discontinued by the Director. The incumbent uses these reports as one of the tools to assist the parties in understanding the nature of the particular human rights complaint, and as the primary vehicle for relaying recommendations for further action to the regional director.

3. Provide Education and Information Services

The desired end results are that recipients of the service are better able to: (a) prevent human rights disputes from occurring in the first place, (b) resolve human rights disputes themselves without a formal complaint being filed with the Commission; and, (c) integrate human rights principles into their lives and work. The long term goal is that recipients of the service, including recipients in the private and public sectors, will be able to make changes to policies and practices that are consistent with human rights principles. Note that providing education and information is also an integral part of responsibilities #1 and #2 described above, but in those two responsibility areas, the service is provided within the context of dealing with formal human rights complaints that have been accepted by the Commission. All education and information services provided by the incumbent are a critically important tool for achieving the Commission's goal to: *"Increase awareness, understanding and appreciation of multiculturalism, and diversity; foster equality and help prevent discrimination"*

Activities:

- **Respond to requests from the public for assistance.** The incumbent provides confidential advice, information and consultation about human rights and diversity issues to a wide range of clients including the general public and members of groups protected by human rights legislation, as well as employers, service providers (educators, government services, retail businesses, insurers, etc), landlords, unions and other potential respondents. Services are provided primarily via the Commission's confidential telephone inquiry line, but are also provided in writing

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and in person where appropriate. Incumbent consults, only as needed, while performing this activity.

- **Provide referral services.** The incumbent refers inquirers with concerns not within the Commission's jurisdiction to alternate services within the community. This service requires the incumbent to be familiar with a wide range of services in order to select the appropriate one.
- **Assist with the development of Commission education and information tools.** As assigned by the regional director, the incumbent collaborates with Commission education personnel by providing content expertise in the development of education and information tools such as information sheets, interpretive bulletins, videos, workshops, and content for the Commission's website.

4. Determine whether or not the Commission has jurisdiction to deal with potential formal human rights complaints, that is, provide assessment services for potential complaints.

The *Alberta Human Rights Act* lays out the general circumstances in which a formal complaint can be made. The *Act* also requires that potential complainants demonstrate that they have "...reasonable grounds for believing that a person has contravened this Act..." Whether or not the potential complainant has demonstrated reasonable grounds is open to interpretation. The incumbent acts with a broad scope of independence, while seeking guidance, as necessary, to determine, whether or not reasonable grounds have been presented and advising the potential complainant accordingly. The desired end results are that: (a) all complaints that are within the Commission's jurisdiction are accepted, and (b) all complaints that are outside jurisdiction are rejected. The decision is a critically important one. Rejecting complaints that are actually within the Commission's jurisdiction is extremely unfair to the complainant. Accepting complaints that are not within jurisdiction uses limited Commission resources in ways not intended by the legislature and is extremely unfair to respondents.

Activities:

- **Assess complaint forms and provide decision.** The incumbent assesses complaint forms and accepts those submissions that in his or her opinion meet the test of "reasonable grounds". Where the submission is not clear, the incumbent provides verbal, written, or in-person guidance regarding changes required and why they are required. Where the submitted complaint form does not provide reasonable grounds, the incumbent issues rejection letters with an explanation and, where appropriate, provides referrals to alternate services in the community, and information on internal appeal processes.
- **Assess respondent replies to accepted complaints.** The incumbent also assesses respondents' replies to complaints that have been accepted by the Commission, and provides advice and direction to respondents as required. This assessment often requires checking the material submitted by the respondent in order to protect the privacy of third parties.
- **Identify complaint files appropriate for expedited service.** The incumbent uses experience and judgement to report to the regional director those complaints that might be amenable to expedited alternative dispute resolution services, or early dismissal.

5. Make other contributions to achieving Commission and Alberta Justice and Attorney General goals

The incumbent contributes to ongoing policy development, issues management, and staff learning/training needs, and to effective operation of the regional office and Commission. The desired end results are that: needs for policy development and issues management are satisfactorily anticipated and addressed; learning/training needs are met; the regional office and Commission policies, programs and services are relevant, effective, efficient, accessible and aligned with Ministry priorities, and; that administrative needs and accountability requirements are met.

Activities:

- **Assist with administrative-related projects, policy development and issues management.** The incumbent assists with policy development and issues management tasks as assigned. The incumbent may be asked to lead on

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administrative related projects such as: service assessments, branch-meeting co-ordination, select inter-regional projects and feedback on branch-wide issues.

- **Participate in business planning and personal performance planning and reporting.** The incumbent assists with business planning, business reporting, development of performance measures, benchmarking, operational planning, process improvements, and identification of future trends and emerging issues. The incumbent also identifies and plans for own learning/development needs and contributes to learning/development activities of other officers as appropriate. This responsibility includes supporting ad hoc working groups/committees as assigned.
- **Provide support to regional director and director.** As required, the incumbent provides support to the regional director and director for media inquiries, service complaints, and any other issues as may be required.

SCOPE: List specific information that illustrates what internal or external areas the job impacts, and the diversity, complexity, and creativity of the job (see **Section 2.4**).

The work done by the incumbent is carried out on behalf of the Alberta Human Rights Commission. The Commission is an independent, arms length commission created by the Government of Alberta that reports through the Ministry of Justice and Solicitor General, and provides services across the province.

The incumbent's work is primarily focused outside the Commission. The incumbent has broad scope to act independently and may seek guidance from senior officers with respect to: the education and information services provided to Albertans; the manner in which alternative dispute resolution, fact finding, and analysis services are provided, and; whether or not potential complaints are within the Commission's jurisdiction.

The incumbent plays a key role in the achievement of the Commission's and the Ministry's goals respecting human rights. In particular, the incumbent's responsibilities and end results are clearly directed at achieving the long term goal of ensuring that Albertans have the opportunity to participate in the social, economic and cultural life of the province without discrimination. In striving for this goal, the incumbent provides a wide range of services to a diverse clientele. These services are carried out within the context provided by theoretical human rights concepts and principles, case law, principles of natural justice, broad policies and procedures, sound professional practice and the *Alberta Human Rights Act*.

The situations the incumbent encounters in advancing and promoting human rights for Albertans are varied and often highly complex. Although some problems are known, the proper solution is not known. Many problems or issues are emergent or are unique to the particular case. There are numerous combinations of protected grounds and areas, and the facts and circumstances of each case are unique. The incumbent must apply a diversity of skills and knowledge to define the problems and issues, to develop new and creative solutions, and to encourage parties to voluntarily accept these solutions. To achieve the desired end results for this position, the incumbent must also keep up with constantly changing case law and evolving principles of human rights. It is particularly important to note that while the *Alberta Human Rights Act* provides a framework for the making and processing of human rights complaints and conveys a vision for a society that is free of discrimination where everyone can fully participate, it does not provide prescriptive guidelines for analyzing fact situations or determining appropriate solutions.

Fact-finding investigation and recommendation reports are reviewed and approved by the regional director prior to distribution to the parties. These reports are produced in consultation with senior officers or the Regional Director as needed. However, due to the complexity of the issues and the number of reports that need to be reviewed, the incumbent is expected to produce a professional well-reasoned report that contains recommendations for action that are suitable for the unique facts and circumstances of the case and that are in keeping with human rights concepts and principles, case law and the principles of natural justice. The reports are subject to public scrutiny and are signed by the incumbent.

The nature of human rights adds to the complexity of the incumbent's role. Human rights are quasi-constitutional rights and address basic human needs for dignity and respect. A person's human rights are an integral part of who they are. This

SCOPE: List specific information that illustrates what internal or external areas the job impacts, and the diversity, complexity, and creativity of the job (see [Section 2.4](#)).

special nature of human rights combined with the adversarial environment in which complaints are lodged frequently leads to highly charged situations. The incumbent must use interpersonal skills at a high level to regularly manage disputes involving multiple parties and multiple issues, power imbalances, and parties who are uncooperative, hostile and volatile. Disputes are at times politically sensitive and high profile.

The diversity of clientele also adds to the complexity of the work. For example, the incumbent must:

- tailor the approach to meet the needs of all segments of the Alberta public—from the most highly educated and powerful members of society to the most marginalized and helpless members of society;
- interact with people from multiple cultures and with a wide range of disabilities;
- deal with large and small employers; public service providers, such as educational institutions, regional health authorities, municipal governments and provincial government departments; private service providers, such as retail stores and insurance companies, professional associations and unions; and landlords and others; and
- deal with the legal counsel for this varied clientele as well as advocacy groups.

In addition to the incumbent's ongoing contributions to building a more inclusive Alberta over the long term, the incumbent's work has a direct and immediate impact on individual Albertans as well as large groups of Albertans. Through the alternative dispute resolution and fact finding and analysis services provided by the incumbent, individual complainants can regain what was lost because of the discrimination they faced. Monetary settlements are common. As a group, the incumbents of this position typically regain a total of over \$1,000,000 annually in lost wages or in money for injury to dignity and self-respect suffered by complainants. Settlements also involve access to denied services, accommodation that allows the complainant to continue working, a deserved job promotion, and so on. More significantly, where appropriate, the incumbent's recommended remedies in individual complaints include remedies in the public interest. Such remedies can lead to the respondent voluntarily changing policies, programs, and practices thereby benefiting large groups of Albertans. Individual respondents receive direct and immediate benefits too, as they are assured of neutral and cost effective services that help them prevent and deal with human rights complaints efficiently and in confidence.

KNOWLEDGE, SKILLS & ABILITIES: Provide a list of the most important knowledge factors, skills and abilities including knowledge about practical procedures, specialized techniques, etc.; analytical and conceptual skills and abilities; and skills needed for direct interaction with others not only diplomas and degrees. Specific training if it is an occupational certification/registration required for the job.

The incumbent must have interpersonal skills at a high level, advanced ability to interpret and apply complex theories and concepts to unique fact situations, and excellent project management skills to manage heavy case loads and severe time pressures. These skill requirements include:

- Advanced skills in conciliation, mediation, conflict resolution and negotiation, including exceptional ability to manage power imbalances and to de-escalate stressful, difficult situations, including managing blaming, attacking, interrupting and emotional outbursts.
- Strong ability to work with and communicate complex information to a wide variety of clientele, including those with barriers to communication due to cultural differences, language barriers, and mental or physical disabilities, as well as those who are powerful and acknowledged leaders in their fields and highly skilled at representing their own interests and those of others.
- Advanced ability to be tactful and diplomatic and to exhibit sound judgement.
- Advanced ability to maintain, and appear to others to maintain, neutrality and fairness.
- Advanced skills in conceptual, creative, and logical thinking, including problem solving, fact finding, researching, analyzing, synthesizing, and assessing.
- Advanced skills in timely decision making.
- Advanced ability to write complex matters in plain and understandable language that will move the reader to voluntarily take the recommended action.

Knowledge requirements for the position include:

- Post-secondary education in social sciences, humanities, law or related field.

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- In depth knowledge of the *Alberta Human Rights Act* and related jurisprudence. Note that the *Act* provides a framework for the making and processing of human rights complaints and conveys a vision for a society that is free of discrimination where everyone can fully participate. The *Act* does not provide prescriptive guidelines for analyzing fact situations or determining appropriate remedies.
- In depth knowledge of human rights principles and principles of full inclusion.
- Knowledge of other legislation and related jurisprudence that impacts, or may impact, human rights issues, and knowledge of where to find and how to read/interpret/apply this legislation and jurisprudence.
- Knowledge of principles of natural justice and the principles of fair administrative process.
- Awareness of a broad spectrum of alternative dispute resolution strategies.
- Knowledge of fact-finding techniques and practices.
- Knowledge of a broad cross-section of industries, employers, unions, service providers and other organizations in Alberta.

The incumbent also requires computer skills for word-processing and operating the Commission's electronic case management system.

CONTACTS: The main contacts of this position and the purpose of those contacts.

For the purpose of delivering the services they provide, the incumbent has contact with a diverse range of clientele including:

- people from all segments of the public—from the most highly educated and powerful members of society to the most marginalized and helpless members of society;
- representatives from all levels of large and small employers; public service providers, such as educational institutions, regional health authorities, municipal governments and provincial government departments; private service providers, such as retail stores and insurance companies, professional associations and unions; and landlords;
- legal counsel for this varied clientele; and
- representatives of advocacy groups.

The incumbent has ongoing contact with the regional director for purposes of receiving assignments, direction, consultation, and support. However, the incumbent acts with a broad scope of independence as, for example, in the preparation of investigation and conciliation plans, interview questions and draft investigation reports therefore the incumbent's judgement is routinely upon in managing his or her own work.

The incumbent has occasional contact with the Director of the Commission when the Director requires the assistance of the officer for particular files or issues.