

Reasonable Settlement Offer Leads To Dismissal Of Human Rights Complaint



The Alberta Human Rights Commission recently upheld a Director's decision to dismiss a former employee's complaint as a result of the employee refusing to accept a fair and reasonable settlement offer.

Successful application to dismiss

The employer twice offered the complainant \$80,000 to resolve the complaint. On both occasions the complainant refused to accept the offer. The employer then successfully applied pursuant to the provisions of the *Alberta Human Rights Act* to have the complaint against them dismissed.

The Commission agreed that the settlement offer of \$80,000 was well within the range of possible outcomes and was fair and reasonable. The Commission stated that a reasonable settlement offer does not have to be the maximum that a complainant could receive.

Importance for employers

This decision is a reminder to employers that the *Alberta Human Rights Act* allows employers to apply to the Commission to dismiss a complaint where a reasonable settlement offer has been refused by the complainant.

Employers are encouraged to make fair and reasonable offers to resolve the dispute. If the complainant refuses to accept a fair and reasonable offer, employers may then apply to dismiss the complaint.

Employers faced with a human rights complaint should seek legal advice well in advance of a hearing. [MLT Aikins Labour and Employment](#) team has extensive experience advising on discrimination and human rights-related matters both prior to a complaint being filed and throughout the hearing process. To learn more about how this decision could impact you and your organization, contact a member of our team today.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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