

## Alberta

# Proposal calls for fine in false harassment claims

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People who make false claims of sexual harassment or discrimination could end up paying hefty penalties under a new human rights law being considered by the Alberta government.

A draft bill set to go before the legislature this spring sets fines of up to \$10,000 for those who make frivolous, vexatious or malicious complaints to the Alberta Human Rights Commission.

One human rights advocate fears it will discourage people from making legitimate complaints.

"I think it's going to have a chilling

effect," said Shirish Chotalia, a human rights lawyer. "The last thing a person usually wants to do is complain to the commission. When they finally get the courage to do so, they may very well decide not to go ahead with it when they are advised they might be open to a fine."

But Albertans with legitimate complaints have no reason to fear, said Charlach Mackintosh, chief commissioner for rights commission.

"It shouldn't, under any circumstances, deter anyone from filing a complaint," he said.

"All I can say is we have a damn good system here with professional people doing the investigations and

examining things. There just simply won't be mistakes."

The draft bill has quietly been included among a number of changes proposed to the Individual's Rights Protection Act.

Most proposals came from an \$80,000 report by former chief commissioner Jack O'Neil. But the one dealing with false complaints was added by members of the all-Tory standing policy committee on community services, which reviewed the proposed changes before they went to cabinet.

Macintosh said it was put there to balance out a provision for increased protection from retaliation. Government MLAs reasoned

that if an employer should face a hefty fine for taking action against an employee who has made a charge, there should also be hefty fines for making false accusations, Mackintosh said. "You could have a disgruntled employee who filed something completely false and create a frightful problem for the manager. You can see that shouldn't happen."

The fine would be imposed by a court, not by the commission, he added.

Chotalia said she doesn't see any need for it.

She said frivolous and vexatious complaints haven't been a problem and no other province has similar