

DRAFT — COMPLAINT TO THE ALBERTA HUMAN RIGHTS COMMISSION

Under the *Alberta Human Rights Act*, RSA 2000, c A-25.5

This draft complaint can be filed by an individual affected person and/or advanced as a **systemic** complaint. The Commission's complaint form must be completed within the limitation period (**one year** from the last incident of alleged contravention — file promptly and treat each reassessment demand, benefit reduction, or denial as a fresh incident). This is a working draft for completion and review by counsel or an advocate; it is not legal advice.

1. Complainant

- **Name:** [Full name]
- **Contact:** [Address, phone, email]
- **Represented by:** [if applicable]

2. Respondent

- **Primary:** His Majesty the King in right of Alberta, as represented by the **Minister of Assisted Living and Social Services** (the ministry administering AISH and ADAP), [address].
- **In the alternative / additionally:** the contracted service providers administering ADAP assessment and employment services, **AKG Canada** and **Serco Canada**, to the extent they deliver the “service” complained of. [Confirm proper respondent naming with the Commission; the Crown is the principal respondent.]

3. Ground of discrimination

Physical disability and **mental disability** (protected grounds under the *Alberta Human Rights Act*).

4. Area of discrimination

Goods, services, accommodation or facilities customarily available to the public — section 4 of the *Act*. The administration of a public disability income-support program (AISH/ADAP), including intake, assessment, communications, deadlines, and appeal processes, is a service customarily available to the public.

5. What happened (statement of the complaint)

5.1 The Complainant is a person with a [describe] disability and was determined eligible for AISH on the basis that a permanent disability prevents [him/her/them] from earning a living.

5.2 On **July 2, 2026**, the Government of Alberta **automatically transferred the Complainant** (and tens of thousands of other AISH recipients) onto the lower-benefit Alberta Disability Assistance Program (ADAP), **without any individual reassessment** and without reviewing the Complainant's file.

5.3 The transfer:

- a. **reduced** the Complainant's monthly benefit by \$200 (from \$1,940 to \$1,740, cushioned by a temporary \$200/month top-up payable from August 2026 to December 2027);
- b. **required the Complainant to reapply** to AISH and to obtain — and initially pay for — a **new medical assessment** in order to retain the benefit [he/she/they] had already been found to qualify for; and
- c. **removed the independent right of appeal**: medical eligibility is now decided by an internal AISH Medical Review Panel whose decision is final and cannot be appealed.

5.4 The Complainant [describe personal impact: cost and difficulty of obtaining specialist assessments; inability to navigate a call-centre-only system; distress, anxiety, financial hardship; housing impact; whether in continuing care / requires round-the-clock care].

6. Why this is discrimination in the provision of a service

6.1 Adverse-effect (indirect) discrimination

A facially neutral “everyone reapplies” requirement produces a **disproportionate adverse impact** on persons with disabilities — and, within that group, on the most severely disabled, cognitively impaired, institutionalized, and unhoused, who are least able to obtain assessments, meet deadlines, and navigate the process. Adverse-effect discrimination in the delivery of a public service is prohibited: *Ontario Human Rights Commission v. Simpsons-Sears* (O'Malley), [1985] 2 SCR 536; *Eldridge v. British Columbia (AG)*, [1997] 3 SCR 624 (equal benefit of a public service requires accounting for disability).

6.2 Failure to accommodate to the point of undue hardship

Once a service provider knows a service rule adversely affects persons with disabilities, it must **accommodate to the point of undue hardship**: *British Columbia (PSERC) v. BCGSEU* (Meiorin), [1999] 3 SCR 3; *British Columbia (Superintendent of Motor Vehicles) v. BC (Council of Human Rights)* (Grismer), [1999] 3 SCR 868; *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970. The Respondent failed to accommodate by:

- imposing reassessment on people already medically determined unable to work, including continuing-care residents and persons needing round-the-clock care (a requirement Alberta's own physicians called defiant of “logic and compassion”);
- requiring self-directed procurement of specialist medical assessments as a condition of retaining subsistence income;

- operating a call-centre-only system with no assigned worker to assist applicants with disabilities; and
- removing the accessible, independent appeal that previously accommodated contested medical determinations.

6.3 Systemic discrimination

The complaint is not confined to one decision; it concerns the **design and delivery** of the ADAP transition as it affects the whole disabled population subject to it, including the reasonably foreseeable risk of serious harm evidenced by comparable regimes in the United Kingdom (2,650 claimants died after being found “fit for work”; coroners linked deaths to the assessment process; the UN found “grave or systematic” disability-rights violations), Australia (the Robodebt Royal Commission’s finding of an unlawful, onus-reversing automated scheme), and the United States (Arkansas Medicaid work requirements stripped coverage from 18,000+ eligible people without raising employment). This record is set out in the accompanying *Comparative Evidence of Harm* dossier. **In Alberta, the harm has begun:** on June 8, 2026, Bruce Johnson, 57, of Empress, Alberta, is believed to have died by suicide, attributing his deterioration in a written message to the AISH-to-ADAP transition and the prospect of forced employment activity. Systemic remedies are available.

7. Response to “there is no proof of harm yet”

7.1 The Complainant has already suffered [distress / financial loss / loss of appeal rights]. Beyond the individual harm, the **foreseeability** of serious collective harm is established by the United Kingdom experience with the same model and contractors of the same character, and by peer-reviewed evidence. Human-rights law protects against **reasonably foreseeable adverse effects** in service delivery; a complainant need not wait for catastrophic outcomes before seeking a remedy.

8. Remedy sought

8.1 The Complainant asks the Commission/Tribunal to order that the Respondent:

- cease** requiring reassessment of persons already determined unable to work, at minimum for continuing-care residents and persons with severe and profound disabilities;
 - restore** the Complainant to AISH and reimburse any benefit lost, plus the cost of any assessment obtained;
 - implement accommodations:** assisted, accessible reassessment; assigned support; covered assessment costs; extended deadlines; and an accessible, independent appeal;
 - restore an independent right of appeal** on medical eligibility;
 - adopt a **systemic remedy:** a disability-inclusive review and human-rights impact assessment of the ADAP transition, developed in consultation with persons with disabilities; and
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- f. **general damages** for injury to dignity, feelings and self-respect, and any special damages.
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9. Documents to attach

- AISH approval / prior determination; ADAP transfer notice; any reassessment demand and correspondence
 - Evidence of assessment costs and access barriers; medical letters
 - Government of Alberta ADAP materials and Bill 12
 - Alberta Medical Association / Alberta Doctors' Digest statements
 - Barr et al. (2016), *J Epidemiol Community Health* 70(4):339-345; U.K. DWP mortality data
 - Procurement documents identifying AKG Canada and Serco Canada
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Authorities

Ontario Human Rights Commission v. Simpsons-Sears (O'Malley), [1985] 2 SCR 536 · *Eldridge v. British Columbia (AG)*, [1997] 3 SCR 624 · *BC (PSERC) v. BCGSEU* (Meiorin), [1999] 3 SCR 3 · *BC (Superintendent of Motor Vehicles) v. BC (Council of Human Rights)* (Grismer), [1999] 3 SCR 868 · *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970 · *Alberta Human Rights Act*, RSA 2000, c A-25.5, ss. 4, 44

This is a working draft for review and completion. It is not legal advice. Confirm the current complaint form, the one-year limitation period, and proper respondent naming with the Alberta Human Rights Commission or an advocate before filing.

Source Index

Statute

- Alberta Human Rights Act, RSA 2000, c A-25.5 (ss. 4, 44) — <https://albertahumanrights.ab.ca/media/1utjxb3e/alberta-human-rights-act.pdf>

Case authorities (verified on CanLII)

- *Ontario Human Rights Commission v. Simpsons-Sears* (O'Malley), [1985] 2 SCR 536 — <https://www.canlii.org/en/ca/scc/doc/1985/1985canlii18/1985canlii18.html>
 - *Eldridge v. British Columbia (AG)*, [1997] 3 SCR 624 — <https://www.canlii.org/en/ca/scc/doc/1997/1997canlii327/1997canlii327.html>
 - *BC (PSERC) v. BCGSEU* (Meiorin), [1999] 3 SCR 3 — <https://www.canlii.org/en/ca/scc/doc/1999/1999canlii652/1999canlii652.html>
 - *BC (Superintendent of Motor Vehicles) v. BC (Council of Human Rights)* (Grismer), [1999] 3 SCR 868 — <https://www.canlii.org/en/ca/scc/doc/1999/1999canlii646/1999canlii646.html>
 - *Central Okanagan School District No. 23 v. Renaud*, [1992] 2 SCR 970 — <https://www.canlii.org/en/ca/scc/doc/1992/1992canlii81/1992canlii81.html>
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- Fraser v. Canada (AG), 2020 SCC 28 (adverse-effects framework) — <https://www.canlii.org/en/ca/scc/doc/2020/2020scc28/2020scc28.html>

Alberta ADAP / AISH — program and facts

- Alberta Disability Assistance Program (ADAP) — <https://www.alberta.ca/alberta-disability-assistance-program> ; How to apply — <https://www.alberta.ca/how-to-apply-for-aish-and-adap>
- Multinational contractors (AKG Canada; Serco Canada) — CBC News — <https://www.cbc.ca/news/canada/edmonton/adap-multinational-contractor-aish-alberta-changes-9.7249421>
- Alberta Doctors’ Digest (AMA) — <https://add.albertadoctors.org/issues/november-december-2025/pushing-back-against-changes-make-life-harder-disabled-albertans/>
- Bruce Johnson — Global News <https://globalnews.ca/news/11906553/alberta-suicide-aish-adap/> ; CTV News <https://www.ctvnews.ca/calgary/article/danielle-smith-addresses-disability-benefits-following-death-of-aish-recipient/>

Comparative evidence — complete source list

United Kingdom

- UN CRPD inquiry into the UK, CRPD/C/15/R.2/Rev.1 (2016) — <https://www.ohchr.org/Documents/HRBodies/CRPD/CRPD.C.15.R.2.Rev.1-ENG.doc>
- Coroner finding, Michael O’Sullivan (WCA “trigger” for suicide) — <https://politicsandinsights.org/2015/09/22/fit-for-work-assessment-was-trigger-for-suicide-coroner-says/>
- Coroner Prevention of Future Deaths warning, Stephen Carré (2010) — <https://www.disabilitynewsservice.com/wca-death-scandal-dwp-and-atos-killed-my-son/>
- Jodey Whiting (Independent Case Examiner 2019; second inquest 2025) — <https://www.leighday.co.uk/news/press-releases/2025-news/coroner-finds-stopping-benefits-triggered-the-death-of-jodey-whiting-following-second-inquest/>
- Errol Graham (starvation after ESA stopped) — <https://www.disabilityrightsuk.org/news/2020/january/disabled-man-starved-death-after-dwp-wrongly-stopped-his-benefits>
- Philippa Day inquest (Regulation 28 reports to DWP and Capita) — <https://www.disabilityrightsuk.org/news/2021/june/dwp-responds-coroner%E2%80%99s-prevention-death-notice-following-tragic-death-philippa-day>
- DWP mortality statistics (ESA/IB/SDA claimants), 2015 — <https://www.gov.uk/government/statistics/mortality-statistics-esa-ib-and-sda-claimants>
- Full Fact correction (the discredited “2,380 within weeks” figure) — <https://fullfact.org/news/statistics-authority-calls-research-fit-work-deaths/>
- National Audit Office, Benefit Sanctions (2016) — <https://www.nao.org.uk/insights/benefit-sanctions/>
- Barr et al., “First, do no harm,” J Epidemiol Community Health 2016;70(4):339-345 — <https://pmc.ncbi.nlm.nih.gov/articles/PMC4819657/>

- Welfare Conditionality Project, Final Findings (2018) — <https://eprints.whiterose.ac.uk/id/eprint/154305/>
- Williams (2021), Social Policy & Administration — <https://eprints.gla.ac.uk/215868/>
- Pattaro et al. (2022), Journal of Social Policy (scoping review) — <https://pmc.ncbi.nlm.nih.gov/articles/PMC7613403/>

Australia

- Royal Commission into the Robodebt Scheme, Final Report (2023) — <https://robodebt.royalcommission.gov.au/publications/report>
- RMIT FactLab (Robodebt “2,030 deaths” figure corrected) — <https://www.rmit.edu.au/news/factlab-meta/robodebt-not-directly-responsible-for-more-than-2000-deaths>
- Senate inquiry, Disability Support Pension (2022) — <https://www.sbs.com.au/news/article/disability-support-pension-applicants-are-being-forced-into-poverty-inquiry-hears/kkmob0fsd>
- Senate inquiry, ParentsNext (2019) — https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/ParentsNext/Report
- Community Development Program penalties (NSSRN/NAAJA, 2020) — <https://www.ejaustralia.org.au/cdppenalties/>

New Zealand

- Welfare Expert Advisory Group, Whakamana Tāngata (2019) — <https://www.msd.govt.nz/about-msd-and-our-work/publications-resources/research/weag/index.html>
- Understanding Welfare Sanctions in Aotearoa New Zealand (2021) — <https://communityresearch.org.nz/wp-content/uploads/2021/08/Understanding-Welfare-Sanctions-in-Aotearoa-New-Zealand-July-2021.pdf>

United States

- Sommers et al., Arkansas Medicaid work requirements, NEJM 2019 — <https://www.nejm.org/doi/full/10.1056/NEJMSr1901772>
- Sommers et al., two-year impacts, Health Affairs 2020 — <https://pmc.ncbi.nlm.nih.gov/articles/PMC7497731/>
- Gresham v. Azar, 950 F.3d 93 (D.C. Cir. 2020) — <https://law.justia.com/cases/federal/appellate-courts/cadc/19-5094/19-5094-2020-02-14.html>
- Congressional Budget Office (2022), Work Requirements and Work Supports — <https://www.cbo.gov/publication/58199>
- Gelber et al. (2023), Journal of Public Economics (disability insurance and mortality) — <https://www.sciencedirect.com/science/article/pii/S0047272723002153>

Principle

- “The implementation of welfare policies are not held to the same ethical standards as research,” *Frontiers in Public Health* (2021) — <https://www.frontiersin.org/journals/public-health/articles/10.3389/fpubh.2021.764559/full>
- WHO Commission on Social Determinants of Health, *Closing the Gap in a Generation* (2008) — <https://www.who.int/publications/i/item/WHO-IER-CSDH-08.1>