

(3) payment by the Respondent of \$200.00 to the Human Rights Branch for expenses incurred in setting up a Board of Inquiry;

a demonstration of good faith and without admission of liability;

(4) payment to the Complainant of \$800.00, as

(5) an agreement to keep on file for six months all applications for employment.

MAY 1977  
APRIL 19

## HUMAN RIGHTS CODE — BOARD OF INQUIRY DECISION

Kathleen Ruff  
(Complainant)

vs.

A.A.A. Rentagard Canada Limited  
(Respondent)

Board: Leon Getz

A Human Rights Board of Inquiry was appointed in December 1977 to hear an allegation by the Director, Human Rights Code, that A.A.A. Rentagard Canada Ltd. was in breach of Section 7(b) of the Human Rights Code of BC. Specifically, it was alleged that A.A.A. Rentagard required all applicants for employment as security guards to complete an application form which asks the applicant's place of birth as well as the place of birth of his spouse.

The Relevant section of the Human Rights Code reads:

"No person shall use or circulate any form of application for employment, publish or cause to be published any advertisement in connection with employment or prospective employment, or make any written or oral inquiry of an applicant that  
(b) requires an applicant to furnish any information concerning race, religion, colour, ancestry, place of origin, or political belief."

The respondent was represented by Mr. R. Sterzer, President of A.A.A. Rentagard Canada Ltd. He did not dispute that the inquiry into place of birth was used on the application form. He took the position, however, that the information related to an applicant's place of birth was necessary to determine a candidate's fitness to work in his business as a security guard. He specifically expressed the view that unless he made the inquiry, he would not be able to check the criminal record of an applicant born outside Canada.

The Director argued that Section 7 clearly prohibits any inquiry into an applicant's place of origin and that, in addition, any person employed as a security guard must be licensed pursuant to

the provisions of the Private Investigators Licensing act which includes an independent background check by the RCMP.

The Board determined that the provisions of Section 7(b) are absolute in application and stated: "I would not be within my jurisdiction therefore to grant dispensation from the operation of that Section."

The Board's conclusion was that a violation of Section 7(b) had taken place, and ordered that the respondent

- (1) Do cease contravening Section 7(b) of the Human Rights Code of British Columbia and do refrain from committing the same or any similar contravention in the future;
- (2) Do supply to the Director, Human Rights Code, a copy of the revised application form for employment as a security guard which complies with the provisions of the Code, and is acceptable to the Director.