

CIVIL RIGHTS PROTECTION ACT**CHAPTER 12**

[Assented to July 7, 1981.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Prohibited act is actionable

1. (1) In this Act, "prohibited act" means any conduct or communication by a person that has as its purpose interference with the civil rights of a person or class of persons by promoting

- (a) hatred or contempt of a person or class of persons, or
- (b) the superiority or inferiority of a person or class of persons in comparison with another or others,

on the basis of colour, race, religion, ethnic origin or place of origin.

(2) A prohibited act is a tort actionable without proof of damage,

- (a) by any person against whom the prohibited act was directed, or
- (b) where the prohibited act was directed against a class of persons, by any member of that class.

(3) Where a corporation or society engages in a prohibited act, every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act may be sued by the persons referred to in subsection (2) and is liable in the same manner as the corporation or society.

(4) In an action brought under this section, the commission of a prohibited act by any director or officer of a corporation or society shall be presumed, unless the contrary is shown, to be done, authorized or concurred in by the corporation or society.

(5) An action under this section shall be commenced in the Supreme Court.

Attorney General may intervene in action

2. (1) The Attorney General may intervene in an action commenced under section 1, and where the Attorney General intervenes, he becomes a party to the proceedings.

(2) Where a person commences an action under section 1, he shall serve the Attorney General with a copy of the writ of summons within 30 days after commencing the action.

Remedies

3. (1) A party to an action brought under section 1 may be awarded damages or exemplary damages.

(2) Where the court awards damages or exemplary damages in an action brought by a member of a class of persons under section 1, the court may order payment of the damages to any person, organization or society that, in the court's opinion, represents the interests of the class of persons.

(3) In an action brought under section 1, the court may, in addition to any other relief, grant an injunction.

Offence

4. (1) A person who engages in a prohibited act commits an offence and is liable to a fine of not more than \$2 000 or to imprisonment for not more than 6 months, or to both.

(2) A corporation or society that commits an offence under subsection (1) is liable to a fine of not more than \$10 000.

(3) Where a corporation or society commits an offence under subsection (1), every director or officer of the corporation or society who authorized, permitted or acquiesced in the commission of the prohibited act commits an offence and is liable to the penalties under subsection (1).

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