

ANTI-DISCRIMINATION LAWS

Nine years prior to the passing of the federal Fair Employment Practices Act, *Ontario* enacted the *Racial Discrimination Act*, which made it an offence to display or publish any notice, sign, symbol or other representation expressing racial or religious discrimination.

In 1947, *Saskatchewan* passed a *Bill of Rights Act* laying down certain civil rights to be enjoyed by all people regardless of race, creed, colour, religion or ethnic or national origin. These included the right to obtain and retain employment.

Between 1950 and 1960 *Parliament* and six provincial legislatures passed *Fair Employment Practices Acts*. *British Columbia*, *Manitoba*, *New Brunswick*, *Nova Scotia*, *Ontario* and *Saskatchewan*. During the same period *Parliament* and these same provinces, together with *Alberta* and *Prince Edward Island*, passed legislation prohibiting lower rates of pay for women doing the same work as men.

The *Canadian Bill of Rights*, a federal Act of *Parliament*, was passed in 1960. It recognizes individual

rights and freedoms, including the right to employment without regard to race, national origin, colour, religion or sex.

In 1962 *Ontario* codified its existing anti-discrimination legislation in the areas of employment, public accommodation and multiple dwellings into the *Ontario Human Rights Code*. The following year, *Nova Scotia* also codified its *anti-discrimination* legislation.

Acts governing employment in the federal, *Nova Scotia* and *Prince Edward Island* Civil Services include anti-discrimination clauses. The *Fair Employment Practices* legislation applies to the provincial government in the case of *Alberta*, *Manitoba*, *New Brunswick*, *Ontario*, *Quebec* and *Saskatchewan*.

Two provinces, *British Columbia* and *Ontario*, have enacted legislation banning *employment discrimination on the grounds of age*; the legislation is designed to provide equality of opportunity for capable older workers (those aged from 45 in *British Columbia* and from 40 in *Ontario*) who are denied work because of their age.

In 1966, *Alberta* passed a *Human Rights Act* which forbids discrimination in employment, union membership, employment advertising and public accommodation.

Quebec passed similar legislation in 1964. This additionally prohibited *discrimination on the grounds of sex*.

Territorial Fair Practices Ordinances (The *Yukon* in 1963 and the *Northwest Territories* in 1966) prohibit discrimination in employment, in trade union membership, and in public accommodation and multiple housing on grounds of race, colour, religion or national origin. The N.W.T. Ordinance also contains an equal pay clause for female employees.

In the administration of these laws penalties are generally invoked only as a last resort, and only after

discussion, conciliation and persuasion have failed. Most of these laws carry penalties of a fine not exceeding \$100 for an individual, and not exceeding \$500 for a corporation, trade union or other organization.

(A list of all Federal and Provincial Acts bearing on anti-discrimination appears at the back of this publication.)

A result of these laws is that nearly all Canadians have some legal protection against discrimination in employment. Complementing these laws was the ratification by the Government of Canada in 1964 of the previously mentioned International Labour Convention designed to promote equality of opportunity in employment on a national scale

APPENDIX

Federal and Provincial Acts Bearing on Anti-Discrimination

FEDERAL LEGISLATION

- Canada Fair Employment Practices Act, 1953, c 19
- Unemployment Insurance Act, 1955, c 50, s 22
- Female Employees Equal Pay Act, 1956, c 38
- Fair Wages Policy of the Government of Canada, 1954, P.C. 1954-2029
- Canadian Bill of Rights, 1960, c 44
- Vocational Rehabilitation of Disabled Persons Act, 1960-61, c 26
- Public Service Employment Act, 1967

PROVINCIAL LEGISLATION

- Alberta* - The Alberta Labour Act, Part VI, R.S.A., 1955, c 157 as amended by 1957, c 38, s 41 (Equal Pay Legislation)
- The Alberta Human Rights Act, 1966, c 55
- British Columbia* - Equal Pay Act, R.S.B.C., 1960, c 131
- Fair Employment Practices Act, R.S.B.C., 1960, c 137
- Labour Relations Act, R.S.B.C., 1960, c 205, s 12(8) as amended by 1961, c 31
- Public Accommodation Practices Act, 1961, c 50

Manitoba - The Equal Pay Act, 1956, c 18

The Fair Employment Practices Act, R.S.M., 1954, c 81, as amended by 1956, c 20

Fair Accommodation Practices Act, 1960, c 14.

New Brunswick - Female Employees Fair Remuneration Act, 1960-61, c 7

Fair Employment Practices Act, 1956, c 9

Fair Accommodation Practices Act, 1959, c 6.

Nova Scotia - Human Rights Act, 1963, c 5,

(This is a codification of all previous Nova Scotia enactments on discrimination, namely the Fair Employment Practices Act, the Equal Pay Act, and the Fair Accommodation Act.)

Ontario - The Ontario Human Rights Code, 1961-62, c 93, as amended by 1965, c 85

(This is a codification of all previous Ontario enactments on discrimination, namely the Fair Employment Practices Act, the Female Employees Fair Remuneration Act, the Fair Accommodation Act and the Ontario Human Rights Commission Act.)

Prince Edward Island - The Equal Pay Act, 1959, c 11, as amended by 1962, c 14

Saskatchewan — The Equal Pay Act, R S S 1965 c 294

The Fair Employment Practices Act 1956 c 69, as amended
by 1959, c. 28

The Saskatchewan Bill of Rights Act R S S 1953, c 345 as
amended by 1956, c 67

Fair Accommodation Practices Act, 1956, c 68

Quebec - The Hotels Act, 1963, s 8(a) (b)

An Act Respecting Discrimination in Employment, 1964

c 46