

1966

CHAPTER 39

An Act respecting Human Rights

(Assented to April 15, 1966)

Preamble

WHEREAS the Legislative Assembly of Alberta affirms that our Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the person and the position of the family as the foundations of freedom and justice in a democratic society; and

WHEREAS it is recognized in Alberta as a fundamental principle that all persons are equal in dignity and human rights without regard to race, religious beliefs, colour, ancestry or place of origin; and

WHEREAS it is fitting that this principle be reaffirmed by the enactment of a measure whereby the rights of the individual may be safeguarded:

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

Short title

1. This Act may be cited as "*The Human Rights Act*".

Effect on other Acts

2. Nothing in this Act shall be construed as enlarging or restricting or otherwise altering the force and effect of any provision in any other Act.

PART 1

CODE OF CONDUCT

Discrimination prohibited

3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall

(a) deny to any person or class of persons the accommodation, services or facilities available in any place to which the public is customarily admitted, or

(b) discriminate against any person or class of persons with respect to the accommodation, services or facilities available in any place to which the public is customarily admitted,

because of the race, religious beliefs, colour, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

Discrimination by employer prohibited

4. No employer or person acting on behalf of an employer shall

- (a) refuse to employ or refuse to continue to employ any person, or
- (b) discriminate against any person with regard to employment or any term or condition of employment,

because of his race, religious beliefs, colour, ancestry or place of origin.

Advertisements and applications for employment

5. No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make any written or oral inquiry of an applicant,

- (a) that expresses either directly or indirectly any limitation, specification or preference as to the race, religious beliefs, colour, ancestry or place of origin of any person, or
- (b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, ancestry or place of origin.

Exceptions to prohibitions

6. Sections 4 and 5 do not apply with respect to

- (a) a domestic employed in a private home, or
- (b) an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit or any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit, or
- (c) a refusal, limitation, specification or preference based on a *bona fide* occupational qualification.

Membership in trade unions

7. No trade union or employers' organization shall

- (a) exclude any person from membership therein, or
- (b) expel or suspend any member thereof, or
- (c) discriminate against any person or member,

because of race, religious beliefs, colour, ancestry or place of origin.

Protection to persons giving evidence

8. No person shall evict, discharge, suspend, expel or otherwise discriminate against any person because he has made a complaint or given evidence or assisted in any way in respect of the initiation or prosecution of a complaint or other proceeding under this Act.

Act applies to Crown

9. The prohibitions contained in this Act apply to and bind the Crown in right of Alberta and every agency thereof.

PART 2

COMPLAINTS OF DISCRIMINATION

Complaint
re discrim-
ination

10. Any person who believes he has been discriminated against contrary to this Act may make a complaint in writing to the Administrator.

Inquiry by
Adminis-
trator

11. The Administrator shall cause an inquiry to be made into each complaint received by him and shall endeavour to effect a settlement of the matter complained of.

Board of
inquiry

12. (1) If the Administrator is unable to effect a settlement of the matter complained of, the Minister may, on the recommendation of the Administrator, appoint a board of inquiry composed of one or more persons to investigate the matter.

(2) The Minister shall forthwith communicate the names of the members of the board of inquiry to the parties to the complaint.

Inquiry
by board

13. As soon as possible after its appointment a board of inquiry shall inquire into the matters referred to it.

Evidence
at inquiry

14. A board of inquiry shall give the parties to the complaint full opportunity to present evidence and to make submissions.

Report re
inquiry

15. (1) A board of inquiry shall submit a report of its inquiry to the Administrator within fourteen days, exclusive of Saturdays and holidays, after its appointment or within such longer period as the Minister may approve.

(2) In its report a board of inquiry shall state whether it found the complaint to be justified or not.

(3) Where a board of inquiry finds a complaint to be justified, in whole or in part, it shall in the report recommend the course of action it thinks ought to be taken with respect to the complaint.

Order after
inquiry

16. (1) Upon receipt of the recommendations of a board of inquiry, the Administrator shall furnish a copy thereof to each of the persons affected and, if he considers it advisable, shall publish the recommendations in such manner as he considers fit.

(2) The Minister may issue whatever order he considers necessary to carry the recommendations of a board of inquiry into effect.

(3) Every person in respect of whom an order is made under subsection (2) shall comply with the order.

Appeal

17.(1) Where a board of inquiry finds a complaint to be justified, in whole or in part, the person against whom the finding was made may appeal therefrom to the district court within the time limited by subsection (2).

(2) The person appealing

(a) shall file a notice of appeal, naming the Administrator as respondent, with the clerk of the court of the judicial district wherein the inquiry was held, and

(b) shall serve a copy of the notice of appeal upon the Administrator

within thirty days of the date he was furnished with a copy of the recommendations of the board of inquiry.

(3) The district court shall hear and determine the appeal by holding an inquiry *de novo* and may confirm, reverse or vary the findings and recommendations of the board of inquiry.

PART 3

PROSECUTIONS

Offences
and penalties

18. (1) A person who contravenes this Act is guilty of an offence and is liable upon summary conviction,

(a) if an individual, to a fine of not more than one hundred dollars for a first offence and of not more than two hundred dollars for a second or subsequent offence, or

(b) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than five hundred dollars for a first offence and of not more than one thousand dollars for a second or subsequent offence.

(2) Where an employer is convicted by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting magistrate

(a) may, in addition to any other penalty, order the employer to pay to the employee compensation for loss of employment not exceeding the sum that in the opinion of the magistrate is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of the conviction but for the suspension, transfer, lay-off or discharge, and

(b) may order the employer to reinstate the employee in his employ, at such date as in the opinion of the magistrate is just and proper and in the position the employee would have held but for the suspension, transfer, lay-off or discharge.

Consent to prosecution

19. No prosecution for an offence under this Act shall be commenced except with the consent in writing of the Minister.

Prosecution of trade unions

20. (1) A prosecution for an offence under this Act may be instituted against a trade union or employers' organization in the name of the union or organization.

(2) Any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

Injunctions

21. (1) Where a person has been convicted of a contravention of this Act, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining the person from continuing the contravention.

(2) The judge in his discretion may make the order and the order may be entered and enforced in the same manner as any other order of the Supreme Court.

PART 4

ADMINISTRATION

Appointment of Administrator

22. In accordance with *The Public Service Act, 1962* there may be appointed an Administrator and such other employees as are required for the proper administration of this Act.

Duties of Administrator

23. (1) The Administrator is responsible to the Minister for the administration of this Act.

(2) The Administrator has power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Administrator,

- (a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, ancestry or place of origin,
- (b) to promote an understanding of, acceptance of and compliance with this Act, and
- (c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, ancestry or place of origin.

Powers of board of inquiry

24. (1) A board of inquiry appointed under section 12 has all the powers of a commissioner appointed under *The Public Inquiries Act*.

(2) If a board of inquiry is composed of more than one person, the recommendations of the majority are the recommendations of the board.

(3) After a board of inquiry has made its recommendations, the Administrator may direct it to clarify or amplify any of them, and they shall be deemed not to have been received by the Administrator until they have been so clarified or amplified.

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairman and members of boards of inquiry.

Regulations

25. The Lieutenant Governor in Council may make regulations adding to or extending the functions of the Administrator and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Interpretation

26. In this Act,

"Administrator"

(a) "Administrator" means the person appointed under section 22 to administer this Act;

"employers' organization"

(b) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;

"employment agency"

(c) "employment agency" includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

"Minister"

(d) "Minister" means the member of the Executive Council charged with the administration of this Act;

"person"

(e) "person", in addition to the extended meaning given it by *The Interpretation Act, 1958*, includes an employment agency, an employers' organization and a trade union;

"trade union"

(f) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

Coming into force

27. This Act comes into force upon a date to be fixed by proclamation.