

CHAPTER 16.

An Act to prevent Discrimination in regard to Employment and in regard to Membership in Trade-unions by Reason of Race, Religion, Colour, Nationality, Ancestry, or Place of Origin.

[Assented to 2nd March, 1956.]

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

Short title.

1. This Act may be cited as the " Fair Employment Practices Act."

Interpretation.

2. (1) In this Act, unless the context otherwise requires:-

" Board" means the Board of Industrial Relations constituted under the "Male Minimum Wage Act":

" Director" means the officer of the Department of Labour designated by the Minister to receive and deal with complaints under this Act:

" Employer" means a person who employs five or more employees, and includes any person acting on behalf of an employer, but does not include any exclusively charitable, philanthropic, educational, fraternal, religious, or social organization or corporation that is not operated for profit, or any organization that is operated primarily to foster the welfare of a religious or racial group and is not operated for profit: Provided, however, that institutions operating under the provisions of the " Public Schools Act" shall not be exempted by this definition:

"Employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees:

" 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" means the Minister of Labour:

" Person " includes employment agency, trade-union, and employers' organization:

" Trade-union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

(2) This Act does not apply to the employment or prospective employment of a domestic servant in a private home.

Employers not to discriminate in employment practices.

3. No employer shall refuse to employ or refuse to continue to employ any person or discriminate against any person in regard to employment or any term or condition of employment because of his race, religion, colour, nationality, ancestry, or place of origin.

Membership in trade-union.

4. No trade-union shall exclude from membership or expel or suspend any person or member, or discriminate against any person or member, because of his race, religion, colour, nationality, ancestry, or place of origin.

Employment applications and advertisements not to discriminate.

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 in connection with employment which expresses either directly or indirectly any limitation, specification, or preference as to the race, religion, colour, nationality, ancestry, or place of origin of any person, unless the limitation, specification, or preference is based upon a bona fide occupational qualification.

Complaint procedure.

6. (1) The Director may designate an officer of the Department of Labour to inquire into the complaint of any person that he has been refused employment, discharged or discriminated against contrary to section 3, or that he has been excluded, expelled, suspended, or discriminated against contrary to section 4, or that any person has used or circulated any form or published any advertisement or made any inquiry contrary to section 5.

(2) Every such complaint shall be in writing on the form prescribed by the Director, and shan be mailed or delivered to him at his office.

(3) The officer designated pursuant to subsection (1) shall inquire into the complaint and endeavour to effect a settlement of the matter complained of, and shall report the results of his inquiry and endeavours to the Director.

Proceedings before Board on reference by Director.

7. (1) If the officer designated pursuant to subsection (1) of section 6 is unable to effect a settlement of the matter complained of, the Director may refer the matter to the Board, and no order shan be made

or process entered or proceeding taken in any Court, whether by way of injunction, declaratory judgment, certiorari, mandamus, prohibition, quo warranto, or otherwise, to question the appointment of the Board, or to review, prohibit, or restrain any of its proceedings.

(2) The Board and each member thereof shall have the powers of a Commissioner under the "Public Inquiries Act."

(3) The Board may delegate to one or more of its members any of the functions or duties of the Board.

(4) The Board shall give the parties full opportunity to present evidence and to make submissions; and if it finds that the complaint is supported by the evidence, it shall recommend to the Director the course that ought to be taken with respect to the complaint, which may include reinstatement with or without compensation for loss of earnings and other benefits.

(5) After the Board has made its recommendations, the Director may direct it to clarify or amplify any of its recommendations, and they shall not be deemed to have been received by the Director until they have been so clarified or amplified.

(6) The Minister, on the recommendation of the Director, may issue such order as he deems necessary to carry the recommendations of the Board into effect, and the order shall be final and shall be complied with in accordance with its terms.

Offences.

8. Every person who fails to comply with any provision of this Act, or with any order made under this Act, is guilty of an offence and liable, on summary conviction, to a fine not exceeding one hundred dollars.

Prosecutions.

9. 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, and 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 union or organization shall be deemed to be an act or thing done or omitted by the union or organization.

Minister to consent to prosecution.

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