

C H A P T E R 14

An Act to prevent Discrimination against any Person with respect to the Provision of Accommodation, by reason of Race, Religion, religious Creed, Colour, Ancestry, ethnic or national Origin.

[Assented to March 26th, 1960]

Preamble.

WHEREAS it is public policy in Manitoba that places to which the public is customarily admitted be open to all without regard to race, religion, religious creed, colour, ancestry, ethnic or national origin;

AND WHEREAS it is desirable to enact a measure to promote observance of this principle;

THEREFORE HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Manitoba, enacts as follows:

Short title.

1. This Act may be cited as: "The Fair Accommodation Practices Act".

Definitions:

2. In this Act,

"minister"

(a) "minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor-in-Council;

"officer"

(b) "officer" means the officer in the public service who is designated by the Lieutenant-Governor-in-Council to enforce this Act.

Discrimination prohibited.

3. (1) Subject to any express statutory provision to the contrary, no person shall, because of the race, religion, religious creed, colour, ancestry, ethnic or national origin, of any person or class of persons, deny to that person or class of persons the accommodation, services, or facilities, available in any place to which the public is customarily admitted.

Limitation on effect of subsec. (1)

(2) Subsection (1) does not apply to, or in respect of, any church, synagogue, or other place being used as a place of

worship at the time an offence under this Act with respect thereto is alleged to have been committed.

Publication,
etc., of dis-
criminatory
signs, etc.,
prohibited.

4. (1) No person shall

(a) publish or display or cause to be published or displayed; or

(b) permit to be published or displayed on lands or premises or in a newspaper, or through a radio or television broadcasting station, or by means of any other medium that he owns or controls;

any notice, sign, symbol, emblem, or other representation indicating discrimination, or an intention to discriminate, against any person or any class of persons, in respect of the accommodation, services, or facilities to which subsection (1) of section 3 applies, because of the race, religion, religious creed, colour, ancestry, ethnic or national origin of that person or class of persons.

Free speech
not affected.

(2) Nothing in this section interferes with the free expression of opinions upon any subject by speech or in writing, and does not confer any protection to, or benefit upon, enemy aliens.

Administra-
tion of Act.

5. The Lieutenant-Governor-in-Council may assign to a member of the Executive Council the administration of this Act, and may designate an officer in the public service to enforce this Act.

Action on
complaints.

6. (1) The minister may require the officer to inquire into the complaint of any person that a contravention of this Act has taken place.

Form of
complaint.

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

Inquiry.

(3) When directed so to do, the officer shall forthwith inquire into the complaint and endeavour to effect a settlement of the matter in respect of which the complaint is made.

Report.

(4) The officer shall report the results of his inquiry and endeavours to the minister.

Commission of
inquiry.

7. (1) If the officer is unable to effect a settlement of the matter in respect of which complaint is made, the minister may appoint a commission composed of one or more persons.

and shall forthwith communicate the names of the members of the commission to the parties concerned.

Chairman.

(2) If the commission is composed of more than one member, the minister shall appoint one member to be chairman.

Powers of commission.

(3) A commissioner or commissioners appointed under this Act has the powers of a commissioner or commissioners appointed under Part V of The Manitoba Evidence Act; and that Part, except sections 80, 81, and 90 to 93 thereof, applies to and in respect of the commissioner or commissioners so appointed.

Inquiry and recommendation.

(4) The commission 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 minister the course that ought to be taken with respect to the complaint.

Majority recommendations to prevail.

(5) If the commission is composed of more than one person, the recommendations of the majority of the commissioners shall be deemed to be the recommendations of the commission.

Further review by commission.

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

Publication of report of commission.

(7) Upon receipt of the recommendations of the commission, the minister shall furnish a copy thereof to each of the persons concerned and, if he deems it advisable, shall publish them in such manner as he sees fit.

Minister's order.

(8) The minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect; and any such order is final and shall be complied with in accordance with its terms.

Offences.

8. Every person who, directly or indirectly, by himself or by any other person on his behalf,

(a) deprives or attempts to deprive any person or class of persons of the enjoyment of any right under this Act; or

(b) abridges or attempts to abridge the enjoyment by any person or class of persons of any right under this Act; or

(c) restricts or attempts to restrict any person or class of persons in the enjoyment of any right under this Act; or

(d) violates or fails to comply with any provision of this Act or any order made under this Act;

is guilty of an offence and is liable, on summary conviction,

(e) if an individual, to a fine of not more than fifty dollars for the first offence and not more than two hundred dollars for any subsequent offence; and

(f) if a corporation, to a fine of not more than one hundred dollars for the first offence and not more than four hundred dollars for any subsequent offence.

Consent to prosecution.

9. (1) No prosecution for an offence under this Act shall be instituted except with the consent in writing of the minister.

Technical defects.

(2) No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity.

Injunction proceedings.

10. (1) Where a person has been convicted of a violation of section 4, the minister may apply, by way of originating notice, to a judge of the Court of Queen's Bench for an order enjoining that person from continuing the violation.

Idem.

(2) The judge, in his discretion, may make the order and the order may be enforced in the same manner as any other order or judgment of the Court of Queen's Bench.

Remuneration.

11. Each commissioner appointed under this Act may be paid such remuneration for his services and out-of-pocket expenses as may be fixed by the Lieutenant-Governor-in-Council; and any amount so paid shall be charged in the books of the government to such account and appropriation as the Lieutenant-Governor-in-Council may designate.

Her Majesty bound.

12. Her Majesty is bound by this Act.

Commencement of Act.

13. This Act comes into force on the day it receives the royal assent.

WINNIPEG

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