

## CHAPTER 45

**AN ACT  
TO AMEND  
THE HUMAN RIGHTS ACT**

Assented to June 7, 1973.

Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

1. The preamble of the Human Rights Act, Chapter 8 of 20 Elizabeth II, 1971, is amended by inserting “, age, marital status” immediately after “place of origin” where it appears in the first paragraph thereof.

2. Section 2 of the said Act is amended by

(a) renumbering clause (a) as clause (aa); and

(b) enacting a new clause (a) as follows:

(a) “age” means nineteen years of age and over;

3. (1) Subsections (1), (2), (3) and (4) of section 3 of the said Act are amended by inserting “, age, marital status” immediately after “place of origin” wherever it appears therein.

(2) Subsection (5) of section 3 of the said Act is repealed and the following substituted therefor:

(5) Notwithstanding subsections (1), (2), (3) and (4), a limitation, specification or preference on the basis of race, colour, religion, national origin, ancestry, place of origin, age, marital status or sex shall be permitted if such limitation, specification or preference is based upon a *bona fide* occupational qualification as determined by the Commission.

(3) Section 3 of the said Act is further amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

(6) The provisions of subsections (1), (2), (3) and (4) as to age do not apply to

(a) the termination of employment or a refusal to employ because of the terms or conditions of any *bona fide* retirement or pension plan;

(b) the operation of the terms or conditions of any *bona fide* retirement or pension plan that have the effect of a minimum service requirement; or

(c) the operation of terms or conditions of any *bona fide* group or employee insurance plan.

4. (1) Subsection (1) of section 4 of the said Act is amended by striking out the words "or place of origin" where they appear therein and substituting the words ", place of origin, age, marital status or sex" therefor.

(2) Subsection (2) of section 4 of the said Act is amended by inserting ", age, marital status" immediately after "place of origin" where it appears therein.

(3) Section 4 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

(4) Notwithstanding subsection (1), a limitation, specification, exclusion, denial or preference because of sex or marital status shall be permitted if such limitation, specification, exclusion, denial or preference is based upon a *bona fide* qualification as determined by the Commission.

5. (1) Section 5 of the said Act is renumbered as subsection (1) and is amended by striking out the words "or place of origin" where they appear therein and substituting the words ", place of origin, age, marital status or sex" therefor.

(2) Section 5 of the said Act is further amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

(2) Notwithstanding subsection (1), a limitation, specification, exclusion, denial or preference because of sex or marital status shall be permitted if such limitation, specification, exclusion, denial or preference is based upon a *bona fide* qualification as determined by the Commission.

6. (1) Subsection (1) of section 6 of the said Act is amended by striking out the words "or place of origin" where they appear therein and substituting the words ", place of origin, age, marital status or sex" therefor.

(2) Section 6 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

(3) Notwithstanding subsection (1), a limitation, specification, exclusion, denial or preference because of sex or marital status shall be permitted if such limitation, specification, exclusion, denial or preference is based

upon a *bona fide* qualification as determined by the Commission.

7. Subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

7. (1) No professional association or business or trade association shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members because of race, colour, religion, national origin, ancestry, place of origin, age, marital status or sex.

8. Clauses (a) and (c) of section 12 of the said Act are repealed and the following substituted therefor:

(a) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, marital status or sex;

(c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, marital status or sex.

9. **This Act or any provision thereof shall come into force on a day to be fixed by proclamation.**