

SCHEDULE

I, A.B., of _____ in the
 county of _____ and Province
 of Nova Scotia, make oath and say that I will well
 and truly serve our Sovereign Lady the Queen in
 the office of judge of a Family Court, and I will do
 right to all manner of people after the laws of the
 Province, without fear, favour, affection or ill will.

Sworn at _____,
 in the County of _____,
 and Province of Nova Scotia,
 this _____ day of _____
 A. D. 19____
 Before me

.....

CHAPTER 5

**An Act to Amend and Consolidate the Statute Law
 Relating to Human Rights**

(Assented to the 21st day of March, A.D., 1963)

Be it enacted by the Governor and Assembly as follows:

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world and is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

AND WHEREAS this Legislature in a number of enactments has affirmed the principle that every person is free and equal in dignity and rights with-

out regard to race, religion, religious creed, colour or ethnic or national origin;

AND WHEREAS the Government has established an Interdepartmental Committee on Human Rights which is engaging in studies of the subject of human rights;

AND WHEREAS it is desirable to enact a measure to amend and consolidate the several enactments of the Legislature relating to human rights;

THEREFORE, BE IT ENACTED by the Governor and Assembly as follows:

1 This Act may be cited as the Human Rights Short title Act.

2 In this Act:

Interpretation

(a) "commission" means a commission appointed under this Act;

(b) "Director" means the officer designated by the Minister to receive and deal with complaints under this Act;

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

(d) "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;

(e) "establishment" means a place of business or the place where an undertaking or a part thereof is carried on;

(f) "Minister" means Minister of Labour;

(g) "pay" means remuneration in any form;

(h) "person" includes employment agency, trade union and employers' organization;

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

Right to
admission to
place of public
accommodation

3 Every person and every class of persons has the right to obtain admission to and enjoyment of the accommodation, services and facilities available in any place to which the public is customarily admitted, regardless of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

Refusal of
accommodation

4 No person shall deny to any person or class of persons admission to or enjoyment of the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

Right to
accommodation in
apartment
house

5 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 occupancy of any apartment in any building

that contains more than four self-contained dwelling units; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any apartment in any building that contains more than four self-contained dwelling units,

because of the race, religion, religious creed, colour, or ethnic or national origin of such person or class of persons.

6 (1) No employer or person acting on behalf of an employer shall refuse to employ or to continue to employ or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, religion, religious creed, colour or ethnic or national origin. Discrimination in employment

(2) No employer or person acting on behalf of an employer shall use, in the hiring or recruitment of persons for employment, an employment agency that discriminates against persons seeking employment because of their race, religion, religious creed, colour or ethnic or national origin. Discrimination by employment agency

(3) No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's race, religion, religious creed, colour or ethnic or national origin. Discrimination by trade union

(4) 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 Forms of application and advertisement relating to employment

inquiry in connection with employment that expresses either directly or indirectly any limitation, specification or preference as to race, religion, religious creed, colour or ethnic or national origin.

Exceptions

(5) This Section does not apply,

(a) to a domestic employed in a private home;

(b) to an exclusively charitable, religious, philanthropic, educational, fraternal or social organization that is not operated for private profit, or to an organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit.

Rates of pay
of female
employees

7 (1) No employer and no person acting on his behalf shall pay a female employee at a rate of pay less than the rate of pay paid to a male employee employed by him for the same work done in the same establishment.

(2) A difference in the rate of pay between a female and a male employee based on any factor other than sex shall not constitute a failure to comply with this Section.

Discrimina-
tory adver-
tising

8 (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, through a radio broadcasting station or by means of any other medium which 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 for any purpose because of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

(2) Nothing in this Section shall be deemed to interfere with the free expression of opinions upon any subject by speech or in writing. Preservation of freedom of speech

9 No person, employer or trade union 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. Protection of complainants

10 The Minister may appoint a person in the public service to be Director for the purposes of this Act who shall perform the functions prescribed by this Act or assigned to him by the Governor in Council or the Minister. Director

11 Such officers, clerks, investigators and other persons as are required for the administration of this Act shall be appointed in accordance with the Civil Service Act. Other officers and employees

12 (1) When a person claiming to be aggrieved by an alleged violation of this Act makes a complaint in writing to the Director on a form prescribed by the Director the Director or an officer of the Department of Labour designated by him shall inquire into the complaint and endeavour to effect a settlement of the matter complained of. Complaint to Director

(2) Nothing in this Section restricts the right of any aggrieved person to initiate proceedings under any other provisions of this Act before Preservation of other rights

a court, judge or magistrate against any person for an alleged contravention of this Act.

Reference to
commission

13 (1) If the Director or other person is unable to effect a settlement of the matters complained of, he shall so report to the Minister who may refer the matters involved in the complaint to a commission, consisting of one or more persons, to be appointed by the Minister, for investigation with a view to the settlement of the complaint.

Chairman

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

Commission
staff

(3) The Minister may provide a commission with a secretary, stenographer, and such clerical or other assistance as to the Minister seems necessary for the performance of its duties and fix their remuneration.

Remuneration
of commission
members

(4) The chairman and the other members of a commission shall each be paid such remuneration as the Minister determines and his actual and reasonable travelling and living expenses for each day he is absent from his place of residence in connection with the work of the commission.

Powers of
commission

(5) The commission shall have all the powers of a Commissioner under the Public Inquiries Act.

Inquiry and
recommenda-
tion by
commission

14 (1) Immediately following its appointment, a commission shall inquire into the matters referred to it and shall give full opportunity to all parties to present evidence and make representations and, in the case of any matter involved in a complaint in which settlement is not effected in the meantime, if it finds that the complaint is supported by the evidence, shall recommend to the Minister

the course that ought to be taken with respect to the complaint.

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

Amplification
of commission
report

15 (1) Upon receipt of the recommendations of a commission, the Minister shall furnish a copy thereof to each of the persons affected and, if he deems it advisable, shall publish the same in such manner as he considers fit.

Distribution
of commission
report

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

Orders by
Minister

(3) Every person in respect of whom an order is made under this Section shall comply with such order.

Idem

16 Every person who does anything prohibited by this Act or who refuses or neglects to do anything required by or under this Act is liable on summary conviction

Penalties

(a) if an individual, to a fine not exceeding one hundred dollars; and

(b) if a corporation, trade union, employers' organization or employment agency, to a fine not exceeding five hundred dollars.

17 (1) No prosecution for an offence under this Act shall be instituted without the consent in writing of the Minister.

Consent to
prosecution

Defects in
form

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

Proceedings
against
trade union
or employers'
organization

18 A prosecution for an offence under this Act may be brought against an employers' organization or a trade union in the name of the organization or union, and for the purpose of such prosecution an employers' organization or trade union shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union within the scope of his authority to act on behalf of the organization or trade union shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

Application
to Supreme
Court for
injunction

19 (1) Where a person has been convicted of an offence under this Act, the Minister may apply by way of petition to a judge of the Supreme Court for an order enjoining such person from continuing such offence.

Idem

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

Powers of
Governor in
Council

20 The Governor in Council may

(a) undertake or cause to be undertaken such inquiries and other measures as appear advisable or desirable to promote the purposes of this Act;

(b) establish and appoint boards or committees to make such investigations and reports respecting matters dealt with by this Act as the Governor in Council orders;

(c) make such regulations as appear to be necessary or desirable for the better attainment of the objects and purposes of this Act.

21 Chapter 5 of the Acts of 1955, the Fair ^{Repeals} Employment Practices Act; Chapter 5 of the Acts of 1956, the Equal Pay Act; Chapter 4 of the Acts of 1959, the Fair Accommodation Practices Act; and Acts in amendment of them are repealed.

CHAPTER 6

An Act to Provide for the Establishment of the Louisbourg District Planning and Development Commission

(Assented to the 21st day of March, A.D., 1963)

Be it enacted by the Governor and Assembly as follows:

1 This Act may be cited as the Louisbourg ^{Short title} District Planning and Development Commission Act.

2 In this Act:

Interpretation

(a) “by-laws” means by-laws made by the Commission;

(b) “Commission” means Louisbourg District Planning and Development Commission;

(c) “District” means Louisbourg Planning and Development District;

(d) “Minister” means Minister of Trade and Industry or some other member of the Ex-