

CHAPTER 28

An Act to promote Fair Accommodation Practices in Ontario

*Assented to April 6th, 1954
Session Prorogued April 6th, 1954*

WHEREAS it is public policy in Ontario that places to Preamble which the public is customarily admitted be open to all without regard to race, creed, colour, nationality, ancestry or place of origin; whereas it is desirable to enact a measure to promote observance of this principle; and whereas to do so is in accord with the Universal Declaration of Human Rights as proclaimed by the United Nations;

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

1. In this Act,

Interpre-
tation

- (a) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant-Governor in Council;
- (b) "officer" means the officer in the public service who is designated by the Lieutenant-Governor in Council to enforce this Act. *New.*

2. No person shall deny to any person or class of persons Discrimina-
tion pro-
hibited the accommodation, services or facilities available in any place to which the public is customarily admitted because of the race, creed, colour, nationality, ancestry or place of origin of such person or class of persons. *New.*

3.—(1) No person shall,

Publishing or
displaying
discrimina-
tory signs
etc., pro-
hibited

- (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

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 or creed of such person or class of persons.

Free speech
not affected

(2) Nothing in this section shall be deemed to interfere with the free expression of opinions upon any subject by speech or in writing and shall not confer any protection to or benefit upon enemy aliens. R.S.O. 1950, c. 328, ss. 1, 2.

Action on
complaints

4.—(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 on the form prescribed by the Minister and shall be mailed or delivered to him 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 complained of.

Report

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

Commis-
sion, ap-
pointment

5.—(1) If the officer is unable to effect a settlement of the matter complained of, the Minister may appoint a commission composed of one or more persons and shall forthwith communicate the names of the members to the parties and thereupon it shall be presumed conclusively that the commission was appointed in accordance with this Act, and no order shall 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 commission, or to review, prohibit or restrain any of its proceedings.

powers

Rev. Stat.,
c. 194

(2) The commission shall have all the powers of a conciliation board under section 26 of *The Labour Relations Act*.

duties

(3) 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
recom-
mendations
to prevail

(4) If the commission is composed of more than one person, the recommendations of the majority shall be the recommendations of the commission.

(5) 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. Clarification of recommendations

(6) The Minister may issue whatever order he deems necessary to carry the recommendations of the commission into effect and the order shall be final and shall be complied with in accordance with its terms. *New.* Minister's order

6.—(1) 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 on summary conviction is liable, Offences and penalties

(a) if an individual, to a penalty of not more than \$50;
or

(b) if a corporation, to a penalty of not more than \$100.

(2) The penalties recovered for offences against this Act shall be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1950, c. 328, s. 3, *amended.* Disposition of penalties

7. No prosecution for an offence under this Act shall be instituted except with the consent in writing of the Minister. *New.* Consent to prosecution

8.—(1) Where a person has been convicted of a violation of section 3, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order enjoining such person from continuing such violation. Injunction proceedings

(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. R.S.O. 1950, c. 328, s. 4 (2, 3), *amended.* Idem

9. *The Racial Discrimination Act* is repealed. Rev. Stat., c. 328, repealed

10. This Act may be cited as *The Fair Accommodation Practices Act, 1954.* Short title