

CHAPTER 24

AN ACT RESPECTING HUMAN RIGHTS

(Assented to April 25th, 1968)

Preamble

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 it is recognized in Prince Edward Island as a fundamental principle that all persons are equal in dignity and human rights without regard to race, religion, religious creed, color or ethnic or national origin; and

WHEREAS 1968 has been proclaimed by the General Assembly of the United Nations as International Year for Human Rights and it is fitting that the aforementioned principle be reaffirmed by the enactment of a measure whereby the rights of the individual may be safeguarded;

THEREFORE, BE IT ENACTED by the Lieutenant-Governor and Legislative Assembly of the Province of Prince Edward Island as follows:

Citation

1. This Act may be cited as the Human Rights Code.

Interpretation

2. In thb Act:

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

(b) "employment agency" includes a person who undertakes with or without compensation to procure employees for emoloyers, and a person who undertakes with or without compensation to procure employment for persons;

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

(d) "Minister" means Minister of Labour and Manpower Resources;

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

(f) "person" in addition to the extended meaning

given it by the Interpretation Act, R.S.P.E.I., (1951) Cap. 1, includes an employment agency, trade union and employers' organization;

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

3. Nothing in this Act shall be construed as enlarging or restricting or otherwise altering the force and effect of any provision in any other Act. Application of act

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

5. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, Right to occupy dwelling

(a) deny to any person or class of persons occupancy of any dwelling unit in any building; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any dwelling unit in any building

only because of the race, religion, religious creed, colour or ethnic or national origin of such persons or class of persons, or of any other 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. Employer not to discriminate

(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. Employer not to hire employing agency which discriminates

(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, Trade Union not to discriminate

because of that person's race, religion, religious creed, colour or ethnic or national origin.

Application
for employment
not to be
discriminatory

(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 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 profit, or

(c) to any organization that is operated primarily to foster the welfare of a religious or ethnic group and that is not operated for private profit.

Equality
for women

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 substantially 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.

Publications
indicating
discrimination

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.

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.

10. (1) When a person claiming to be aggrieved by an alleged violation of this Act makes a complaint in writing to the Minister on a form prescribed by the Minister, the Minister may designate an official of the Department of Labour and Manpower Resources to inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) Nothing in this section restricts the right of an aggrieved person to institute proceedings under any other provisions of this Act before a court, judge or magistrate against any person for an alleged contravention of this Act.

11. If the official designated by the Minister is unable to effect a settlement of the matters complained of, he shall so report to the Minister.

12. (1) The Minister shall inquire into the matters complained of 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, he finds that the complaint is supported by the evidence, shall direct the course that ought to be taken with respect to the complaint.

(2) The Minister may issue whatever order he considers necessary to carry out the course of action into effect.

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

13. (1) The Minister has power to administer this Act.

(2) Without limiting the generality of the foregoing, it is the function of the Minister

(a) to forward the principle that every person is free and equal in dignity and rights without re-

gard to 'race, religion, religious creed, or color or ethnic or national origin', ,

(b) to promote an understanding of, acceptance of and compliance with this Act;

(c) to develop and conduct educational programmes designed to eliminate discriminatory practices related to race, religion, religious creed, color or ethnic or national origin.

Offence

14. 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;

(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.

Consent of Minister to prosecution

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

Information

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

Prosecution against employer, organization or trade union

16. 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.

Injunction

17. (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.

Enforcement of order

(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.

Regulations

18. The Lieutenant-Governor-in-Council may make such regulations as he deems necessary or desirable for the better attainment of the objects and purposes of this Act.

19. The prohibitions contained in this Act apply to Crown bound and bind the Crown in right of Prince Edward Island and by this act every agency thereof.

20. The Equal Pay Act, 8 Elizabeth II, 1959, Chapter Repeal 11 and all amendments thereto, is hereby repealed.