

1956

CHAPTER 68

An Act respecting Fair Accommodation Practices.

[Assented to April 5, 1956.]

HER Majesty, by and with the advice and consent of **H** the Legislative Assembly of Saskatchewan, enacts as follows:

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| Short title | 1. This Act may be cited as <i>The Fair Accommodation Practices Act, 1956</i> . |
| Interpre-
tation | 2. In this Act: |
| "minister" | 1. "minister" means the member of the Executive Council to whom for the time being is assigned the administration of this Act; |
| "officer" | 2. "officer" means the officer in the public service who is designated by the Lieutenant Governor in Council to enforce this Act. |
| Right of
access to
public
places | 3. Every person and every class of persons shall enjoy the right to obtain the accommodation or facilities of any standard or other hotel, victualling house, theatre or other 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. |
| Prohibition
against
publications | 4.—(1) No person shall: <ul style="list-style-type: none"> (a) publish or display or cause to be published or displayed; or (b) permit to be published or displayed on any 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 subsection (1) shall be construed as restricting the right to freedom of speech under the law, upon any subject.

Inquiry by
officer into
complaint

5.—(1) The minister may require the officer to inquire into the complaint of any person that an infringement of or an attempt to infringe a right under section 3, or a violation of subsection (1) of section 4, has taken place.

(2) Every such complaint shall be in writing on the form prescribed by the minister and shall be sent to him by mail or delivered to him at his office.

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

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

Inquiry by
commission
where officer
unable to
effect
settlement

6.—(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 to inquire into the complaint with a view to a settlement of the matter complained of 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 *certiorari*, *mandamus*, prohibition, injunction or other proceeding whatever, to question the appointment of the commission or to review, prohibit or restrain any of its proceedings.

(2) The commission and each member thereof shall have all the powers conferred upon commissioners by sections 3 and 4 of *The Public Inquiries Act* and may receive and accept such evidence and information on oath, affidavit or otherwise as in its discretion it deems fit and proper whether admissible as evidence in a court of law or not.

(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.

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

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

Penalties

7.—(1) 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) otherwise restricts or attempts to otherwise restrict any person or class of persons in the enjoyment of any right under this Act; or
- (d) violates any provision of this Act;

is guilty of an offence and liable on summary conviction:

- (e) if an individual, to a fine of not less than \$25 nor more than \$50 for the first offence and not less than \$50 nor more than \$200 for a subsequent offence;
- (f) if a corporation, to a fine of not less than \$50 nor more than \$100 for the first offence and not less than \$100 nor more than \$400 for a subsequent offence.

(2) The penalties provided by subsection (1) may be enforced upon the information of any person alleging on behalf of himself or of any class of persons that any

right which he or any class of persons or any member of any such class of persons is entitled to enjoy under this Act has been denied, abridged or restricted or that an attempt to deny, abridge or restrict any such right or a violation of any provision of this Act has taken place.

(3) Where in a prosecution under this Act it is established that the accused directly or indirectly by himself or by any other person on his behalf:

- (a) deprived or attempted to deprive any person or class of persons of the enjoyment of; or
- (b) abridged or attempted to abridge the enjoyment by any person or class of persons of; or
- (c) otherwise restricted or attempted to otherwise restrict any person or class of persons in the enjoyment of;

the accommodation or facilities of any standard or other hotel, victualling house, theatre or other place to which the public is customarily admitted, the onus is on the accused to prove that the deprivation, abridgment, restriction or attempted deprivation, abridgment or restriction was not because of the race, religion, religious creed, colour or ethnic or national origin of such person or class of persons.

Consent to
prosecution

8. No prosecution for an offence under this Act shall be instituted without the consent in writing of the minister.

Injunction
proceedings

9.—(1) Where a person has been convicted of an offence under this Act the minister may apply by way of originating notice to a judge of the Court of Queen's Bench for an order enjoining such person from continuing such offence.

(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 Court of Queen's Bench.

Remunera-
tion of
commission

10. Each member of a commission appointed under this Act shall be paid such compensation for his services

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and expenses as may be determined by the Lieutenant Governor in Council.

The Crown
bound

11. The provisions of this Act bind the Crown and every servant and agent of the Crown.