

1972

c 119 The Ontario Human Rights Code Amendment Act, 1972

Ontario

© Queen's Printer for Ontario, 1972

Follow this and additional works at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes

Bibliographic Citation

The Ontario Human Rights Code Amendment Act, 1972, SO 1972, c 119

Repository Citation

Ontario (1972) "c 119 The Ontario Human Rights Code Amendment Act, 1972," *Ontario: Annual Statutes*: Vol. 1972, Article 121.

Available at: http://digitalcommons.osgoode.yorku.ca/ontario_statutes/vol1972/iss1/121

This Statutes is brought to you for free and open access by the Statutes at Osgoode Digital Commons. It has been accepted for inclusion in Ontario: Annual Statutes by an authorized administrator of Osgoode Digital Commons.

CHAPTER 119

An Act to amend The Ontario Human Rights Code

*Assented to June 30th, 1972
Session Prorogued December 15th, 1972*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The preamble to *The Ontario Human Rights Code*, being chapter 318 of the Revised Statutes of Ontario, 1970, is amended by inserting after "colour" in the eighth line "sex, marital status". Preamble,
amended

2. Subsection 1 of section 1 of the said Act is amended by inserting after "colour" in the sixth line "sex, marital status". s. 1 (1),
amended

3.—(1) Section 2 of the said Act is amended by inserting after "colour" in the tenth line "sex, marital status". s. 2,
amended

(2) The said section 2 is further amended by adding thereto the following subsection: s. 2,
amended

(2) Subsection 1 does not apply to prevent the barring of any person because of the sex of such person from any accommodation, services or facilities upon the ground of public decency. Exception

4. Section 3 of the said Act is repealed and the following substituted therefor: s. 3,
re-enacted

3.—(1) No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall, Discrimination
prohibited re
occupancy of
commercial
units or
housing
accommodation

(a) deny to any person or class of persons occupancy of any commercial unit or any housing accommodation; or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of any commercial unit or any housing accommodation,

because of race, creed, colour, sex, nationality, ancestry or place of origin of such person or class of persons or of any other person or class of persons.

Exception

- (2) Subsection 1 does not apply to housing accommodation where the occupancy of all the housing accommodation in a building except that of the owner or his family is restricted to individuals who are of the same sex.

s. 4.
re-enacted

5. Section 4 of the said Act is repealed and the following substituted therefor:

Employers
not to
discriminate
in employ-
ment
practices

4.—(1) No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee;
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship;
- (e) establish or maintain any employment classification or category that by its description or operation excludes any person from employment or continued employment;
- (f) maintain separate lines of progression for advancement in employment or separate seniority lists where the maintenance will adversely affect any employee; or
- (g) discriminate against any employee with regard to any term or condition of employment,

because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin of such person or employee.

Discrimina-
tory
advertising

- (2) No employer shall publish, display, circulate or broadcast or cause or permit to be published, displayed, circulated or broadcast any words, symbol or other representation that indicate directly or indirectly that race, creed, colour, age, sex, marital status,

nationality, ancestry or place of origin is or may be a limitation, specification or preference for a position or employment.

- (3) No person shall publish, display, circulate or broad-^{Idem}cast or cause or permit to be published, displayed, circulated or broadcast any advertisement for a position or employment for or on behalf of an employer,

(a) that contains any words, symbol or other representation; or

(b) that is under a classification or heading,

indicating directly or indirectly that race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is or may be a limitation, specification or preference for the position or employment.

- (4) No person shall use or circulate any form of applica-^{Application for employment}tion for employment or make any written or oral inquiry that expresses either directly or indirectly any limitation, specification or preference as to race, creed, colour, nationality, ancestry or place of origin of any person or that requires an applicant for employment to furnish any information concerning race, creed, colour, nationality, ancestry or place of origin.

- (5) No employment agency shall discriminate against^{Employment agencies} any person because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

- (6) The provisions of this section relating to any discrimination, limitation, specification or preference for a position or employment based on sex or marital status do not apply where sex or marital status is a *bona fide* occupational qualification and requirement for the position or employment.^{Exception}

- (7) The provisions of this section relating to limitation or preference in employment because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin do not apply to an exclusively religious, philanthropic, educational, fraternal or social organization that is not operated for private profit, or to any organization that is operated pri-^{Exception}

marily to foster the welfare of a religious or ethnic group and that is not operated for private profit where in any such case race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin is a *bona fide* occupational qualification and requirement.

Domestic

(8) This section does not apply to a domestic employed or to be employed in a single family residence.

s. 4a,
enacted

6. The said Act is amended by adding thereto the following section:

Membership
in trade
union

4a.—(1) No trade union shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin.

Membership
in self-
governing
profession

(2) No self-governing profession shall exclude from membership or expel or suspend any person or member or discriminate against any person or member because of race, creed, colour, age, sex, marital status, ancestry or place of origin.

s. 6a,
enacted

7. The said Act is further amended by adding thereto the following section:

Special
employment
programs

6a. Notwithstanding the provisions of this Part, the Commission may, upon conditions or limitations and subject to revocation or suspension, approve in writing any special plan or program by the Crown or any agency thereof or any person to increase the employment of members of a group or class of persons because of the race, creed, colour, age, sex, marital status, nationality or place of origin of the members of the group or class of persons.

s. 7a,
enacted

8. The said Act is further amended by adding thereto the following section:

Ontario
Women's
Bureau

R.S.O. 1970,
c. 501

7a. The Ontario Women's Bureau established under *The Women's Equal Employment Opportunity Act* is continued as a division of the Commission and shall exercise the powers of the Commission under this Act relating to any discrimination, limitation, specification or preference because of sex or marital status, but nothing in this section impairs the authority of the Commission to exercise such powers.

9. Sections 9 and 10 of the said Act are repealed and the following substituted therefor: ss. 9, 10,
re-enacted

9. The Commission shall administer this Act and, without limiting the generality of the foregoing, the Commission shall, Duties of
Commission

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

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

(c) develop and conduct research and educational programs designed to eliminate discriminatory practices related to race, creed, colour, age, sex, marital status, nationality, ancestry or place of origin;

(d) investigate complaints in contravention of and enforce this Act.

10. A secretary and such other officers, clerks and servants of the Commission as are considered appropriate may be appointed under *The Public Service Act*. Staff
R.S.O. 1970,
c. 386

10. Section 13 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is amended by adding thereto the following subsection: s. 13,
amended

(3) Where the Commission has reason for believing that any person has contravened a provision of sections 1 to 4a in respect of a person or group of persons, the Commission may initiate a complaint. Complaints
initiated
by
Commission

11. Subsection 4 of section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, is repealed and the following substituted therefor: s. 14 (4),
re-enacted

(4) For the purposes of an inquiry under this Act, the Commission or a person designated by it may, Powers of
Commission

(a) require production of or examine employment applications, payrolls, records, documents, writings and papers or copies thereof in the possession of any person; and

(b) obtain information from or take extracts from or make copies of any items referred to in clause a,

- 1971, c. 49 and has the powers of a commission under Part II of *The Public Inquiries Act, 1971*, which Part applies to the inquiry as if it were an inquiry under that Act.
- Obstruction of Commission (4a) No person shall hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission or attempt to hinder, obstruct, molest or interfere with the Commission or a person designated by the Commission in the exercise of the power conferred by subsection 4.
- s. 15, amended **12.** Section 15 of the said Act is amended by striking out "\$500" in the fourth line and inserting in lieu thereof "\$1,000" and by striking out "\$2,000" in the seventh line and inserting in lieu thereof "\$5,000".
- s. 17a, enacted **13.** The said Act is further amended by adding thereto the following section:
- Act subject to 1971, c. 43 R.S.O. 1970, cc. 147, 274 17a. Compliance with any provision for the protection or welfare of females contained in *The Industrial Safety Act, 1971*, *The Employment Standards Act* or *The Mining Act* shall not be deemed to be a contravention of this Act.
- s. 19, amended **14.**—(1) Section 19 of the said Act is amended by relettering clause *a* as clause *aa* and by adding thereto the following clause:
- (a) "age" means any age of forty years or more and less than sixty-five years.
- s. 19 (e), re-enacted (2) Clause *e* of the said section 19 is repealed and the following substituted therefor:
- (e) "housing accommodation" means any place of dwelling except a place of dwelling being part of a building in which the owner or his family reside and the occupant or occupants of the place of dwelling are required to share a bathroom or kitchen facility with the owner or his family.
- s. 19 (i), re-enacted (3) Clause *i* of the said section 19 is repealed and the following substituted therefor:
- (i) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers and includes a provincial, national or international trade union and a certified council of trade unions.

15. The following are repealed:

Repeals

1. *The Women's Equal Employment Opportunity Act*, being chapter 501 of the Revised Statutes of Ontario, 1970.
2. *The Age Discrimination Act*, being chapter 7 of the Revised Statutes of Ontario, 1970.
3. Sections 2 and 90 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.

16.—(1) Subject to subsection 2, this Act comes into force ^{Commence-} on the day it receives Royal Assent. ^{ment}

(2) Clause *g* of subsection 1 of section 4 of *The Ontario* ^{Idem} *Human Rights Code*, as enacted by section 5 of this Act, does not apply to any *bona fide* superannuation or pension fund or plan or any *bona fide* insurance plan that provides life, accident, sickness or disability insurance or benefits that discriminate against an employee because of age, sex or marital status until a day to be named by the Lieutenant Governor by his proclamation.

17. This Act may be cited as *The Ontario Human Rights* ^{Short title} *Code Amendment Act, 1972*.

