The Ontario Human Rights Code Amendment Act, 1974

Ontario
CHAPTER 73

An Act to amend
The Ontario Human Rights Code

Assented to December 2nd, 1974

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

1. Subsection 2 of section 3 of The Ontario Human Rights Code, as re-enacted being chapter 318 of the Revised Statutes of Ontario, 1970, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 4, is repealed and the following substituted therefor:

(2) The prohibition in subsection 1 in respect of sex does not apply to housing accommodation in a building where the occupancy of all the housing accommodation other than that of the owner or his family is restricted to individuals who are of the same sex.

2. Subsection 6 of section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is repealed and the following substituted therefor:

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

3. Section 4 of the said Act, as re-enacted by the Statutes of Ontario, 1972, chapter 119, section 5, is amended by adding thereto the following subsection:

(9) Clause g of subsection 1 does not apply to any bona fide superannuation or pension fund or plan or any bona fide insurance plan that provides life, income, disability, sickness, medical or hospital payments or benefits of a monetary kind to which an employee, his survivors or dependants are or may be entitled that differentiates or makes a distinction, exclusion or preference between employees or any class or classes of employees because of age, sex or marital status.
4. Section 7a of the said Act, as enacted by the Statutes of Ontario, 1972, chapter 119, section 8, is repealed.

5. Section 14 of the said Act, as re-enacted by the Statutes of Ontario, 1971, chapter 50, section 63, and amended by 1972, chapter 119, section 11, is repealed and the following substituted therefor:

14.—(1) Where a complaint has been filed with or initiated by the Commission, the Commission or an officer thereof shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) In carrying out an inquiry under subsection 1, the Commission or an officer of the Commission may,

(a) subject to subsection 3, enter in or upon the lands or premises of a person at any reasonable time without a warrant for the purpose of investigating the complaint;

(b) require the production for inspection and examination of employment applications, payrolls, records, documents, writings and papers that are or may be relevant to the investigation of the complaint;

(c) upon giving a receipt therefor, remove any employment applications, payrolls, records, documents, writings and papers mentioned in clause (b) for the purpose of making copies or extracts of such applications, payrolls, records, documents, writings and papers, but such copying shall be carried on with reasonable dispatch and the applications, payrolls, records, documents, writings and papers shall be promptly thereafter returned and to the premises from which they were removed;

(d) make any inquiries of any person separate or apart from another person that are or may be relevant to the complaint.

(3) An officer of the Commission shall not enter any room or place actually being used as a dwelling without the consent of the occupier except under the authority of an order issued pursuant to subsection 4.

(4) Where a justice of the peace is satisfied, upon an ex parte application by an officer of the Commission, that there is reasonable ground for believing that it is necessary
to enter any premises for purposes relevant to an inquiry under this Act, the justice of the peace may issue an order authorizing an officer of the Commission to enter and view such premises for such purposes, but every such entry and viewing shall be made between sunrise and sunset unless the justice of the peace by the order authorizes the officer to make such entry and viewing at night.

(5) No person shall hinder, obstruct, molest or interfere with the Commission or an officer of the Commission in the exercise of a power or the performance of a duty under this Act or withhold from it or him any employment applications, payrolls, records, documents, writings or papers that are or may be relevant to the investigation of a complaint.


7. This Act comes into force on the day it receives Royal Assent.

8. This Act may be cited as The Ontario Human Rights Code Amendment Act, 1974.