

PART 4

HUMAN RIGHTS DOCUMENTS4.1. HUMAN RIGHTS CODE OF BRITISH COLUMBIA**Human Rights Code of British Columbia***[Consolidated for convenience only, December 13, 1974.]*Interpre-
tation.

- 1.** In this Act, unless the context otherwise requires,
- "age" means any age of forty-five years or more and less than sixty-five years;
 - "employment" includes the relationship of master and servant, master and apprentice, and principal and agent, if a substantial part of the agent's services relate to the affairs of one principal; and "employ" has a corresponding meaning;
 - "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
 - "employment agency" includes a person who undertakes, with or without compensation, to procure employees for employers or to procure employment for persons;
 - "occupational association" means any organization, other than a trade-union or employers' organization, in which membership is a prerequisite to carrying on any trade, occupation, or profession;
 - "person" includes an employment agency, an employers' association, an occupational association, and a trade-union;
 - "trade-union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. 1973 (2nd Sess.), c. 119, s. 1.

DISCRIMINATORY PRACTICESDiscrimi-
natory
publication.

2. (1) No person shall publish or display before the public, or cause to be published or displayed before the public, any notice, sign, symbol, emblem, or other representation indicating discrimination or an intention to discriminate against any person or class of persons in any manner prohibited by this Act.

(2) Notwithstanding subsection (1), any person may, by speech or in writing, freely express his opinions on any subject. 1973 (2nd Sess.), c. 119, s. 2.

Discrimi-
nation in
public
facilities.

- 3.** (1) No person shall
- (a) deny to any person or class of persons any accommodation, service, or facility customarily available to the public; or
 - (b) discriminate against any person or class of persons with respect to any accommodation, service, or facility customarily available to the public,

unless reasonable cause exists for such denial or discrimination.

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- (2) For the purposes of subsection (1),
- (a) the race, religion, colour, ancestry, or place of origin of any person or class of persons shall not constitute reasonable cause; and
 - (b) the sex of any person shall not constitute reasonable cause unless it relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of insurance. 1973 (2nd Sess.), c. 119, s. 3; 1974, c. 114, s. 6.

Discrimination in the purchase of property.

4. No person shall
- (a) deny to any person or class of persons the opportunity to purchase any commercial unit or dwelling unit that is advertised or in any way represented as being available for sale; or
 - (b) deny to any person or class of persons the opportunity to purchase or otherwise acquire land or an interest in land; or
 - (c) discriminate against any person or class of persons with respect to any term or condition of the purchase or other acquisition of any commercial unit, dwelling unit, land, or interest in land, because of the race, religion, colour, sex, ancestry, place of origin, or marital status of that person or class of persons. 1973 (2nd Sess.), c. 119, s. 4.

Discrimination in tenancy premises.

5. (1) No person shall
- (a) deny to any person or class of persons the right to occupy as a tenant any space that is advertised or otherwise in any way represented as being available for occupancy by a tenant; or
 - (b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of such space,
- because of the race, sex, marital status, religion, colour, ancestry, or place of origin of that person or class of persons, or of any other person or class of persons.
- (2) Subsection (1) does not apply where a person advertises or otherwise represents that space is available for occupancy by another person who is to share with him the use of any sleeping, bathroom, or cooking facilities in the space. 1973 (2nd Sess.), c. 119, s. 5.

Discrimination in wages.

6. (1) No employer shall discriminate between his male and female employees by employing an employee of one sex for any work at a rate of pay that is less than the rate of pay at which an employee of the other sex is employed by that employer for similar or substantially similar work.
- (2) For the purposes of subsection (1), the concept of skill, effort, and responsibility shall, subject to such factors in respect of pay rates as seniority systems, merit systems, and systems that measure earnings by quantity or quality of production, be used to determine what is similar or substantially similar work.

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(3) A difference in the rate of pay between employees of different sexes based on any factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would reasonably justify such a difference.

(4) No employer shall reduce the rate of pay of an employee in order to comply with this section.

(5) Where an employee is paid less than the rate of pay to which he is entitled under this section, he is entitled to recover from his employer, by action, the difference between the amount paid and the amount to which he was entitled, together with the costs, but

- (a) no action shall be commenced later than twelve months from the termination of his services; and
- (b) the action applies only to wages of an employee during the twelve-month period immediately preceding the date of the termination of his services, or the date of the commencement of his action, whichever date occurs first. 1973 (2nd Sess.), c. 119, s. 6.

Discrimination in employment advertisements.

7. No person shall use or circulate any form of application for employment, publish or cause to be published any advertisement in connection with employment or prospective employment, or make any written or oral inquiry of an applicant that

- (a) expresses either directly or indirectly any limitation, specification, or preference as to the race, religion, colour, sex, marital status, age, ancestry, or place of origin of any person; or
- (b) requires an applicant to furnish any information concerning race, religion, colour, ancestry, place of origin, or political belief. 1973 (2nd Sess.), c. 119, s. 7; 1974, c. 87, s. 18; 1974, c. 114, s. 6.

Discrimination in respect of employment.

8. (1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment, or in respect of an intended occupation, employment, advancement, or promotion; and, without limiting the generality of the foregoing,

- (a) no employer shall refuse to employ, or to continue to employ, or to advance or promote that person, or discriminate against that person in respect of employment or a condition of employment; and
- (b) no employment agency shall refuse to refer him for employment,

unless reasonable cause exists for such refusal or discrimination.

(2) For the purposes of subsection (1),

- (a) the race, religion, colour, age, marital status, ancestry, place of origin, or political belief of any person or class of persons shall not constitute reasonable cause;

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- (a1) a provision respecting Canadian citizenship in any Act constitutes reasonable cause;
- (b) the sex of any person shall not constitute reasonable cause unless it relates to the maintenance of public decency;
- (c) a conviction for a criminal or summary conviction charge shall not constitute reasonable cause unless such charge relates to the occupation or employment, or to the intended occupation, employment, advancement, or promotion, of a person.

(3) No provision of this section relating to age shall prohibit the operation of any term of a bona fide retirement, superannuation, or pension plan, or the terms or conditions of any bona fide group or employee insurance plan, or of any bona fide scheme based upon seniority. 1973 (2nd Sess.), c. 119, s. 8; 1974, c. 114, s. 6.

Discrimination by trade-unions and employers' and occupational associations.

9. (1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment, and in respect of his membership or intended membership in a trade-union, employers' association, or occupational association; and, without limiting the generality of the foregoing, no trade-union, employers' association, or occupational association shall, without reasonable cause in respect of such qualifications of that person,

- (a) refuse membership to, expel, suspend, or otherwise discriminate against that person; or
- (b) negotiate, on behalf of that person, an agreement that would discriminate against him contrary to this Act.

(2) For the purposes of subsection (1),

- (a) the sex, race, religion, colour, age, marital status, ancestry, place of origin, or political belief of any person or class of persons shall not constitute reasonable cause; and
- (b) the conviction of criminal or summary convictions charges shall not constitute reasonable cause unless such charges relate to the occupation, employment, or membership, or to the intended occupation, employment, or membership of a person.

(3) No provision of this section relating to age shall prohibit the operation of any term of a bona fide retirement, superannuation, or pension plan, or the terms or conditions of any bona fide group or employee insurance plan, or of any bona fide scheme based upon seniority. 1973 (2nd Sess.), c. 119, s. 9.

Protection of complainant.

10. No person shall evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty upon, or otherwise discriminate against, any person because that person complains, gives evidence, or otherwise assists in respect of the initiation or prosecution of a complaint or other proceeding under this Act. 1973 (2nd Sess.), c. 119, s. 10.

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ADMINISTRATION

Human
Rights
Commission.

11. (1) There is hereby established a commission to be known as the British Columbia Human Rights Commission, consisting of such members as the Lieutenant-Governor in Council may from time to time appoint to hold office during pleasure.

(2) The Lieutenant-Governor in Council shall designate one member of the commission as chairman.

(3) The chairman and each member shall be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine, and such actual and reasonable expenses as may be incurred by him in discharging his duties as a member of the commission.

(4) It is the function of the commission

- (a) to promote the principles of this Act;
- (b) to promote an understanding of and compliance with this Act;
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices; and
- (d) to encourage and co-ordinate programmes and activities promoting human rights and fundamental freedoms.

(5) The commission may approve programmes of government, private organizations, or persons designed to promote the welfare of any class of individuals, and any approved programme shall be deemed not to be in contravention of any of the provisions of this Act.

(6) Where

- (a) a person contravenes this Act or is discriminated against contrary to this Act; and
- (b) every person who is directly affected by such discrimination or contravention agrees to a settlement in respect of such discrimination or contravention,

the commission may, upon application, approve the settlement, and, thereupon, such settlement shall be deemed not to be in contravention of any of the provisions of this Act.

(7) The Lieutenant-Governor in Council may, by Order, make regulations adding to or extending the functions of the commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1973 (2nd Sess.), c. 119, s. 11.

Director and
employees.

12. (1) The Minister of Labour shall appoint, in accordance with the *Public Service Act*, a director and such other employees as may be required for the purposes of this Act.

(2) The director shall

- (a) act as chief executive officer of the commission; and
- (b) act as registrar for the purpose of ensuring that complaints are dealt with in accordance with this Act.

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(3) The director has, for the purposes of an inquiry under this Act, the power of a commissioner appointed under the *Public Inquiries Act*, 1973 (2nd Sess.), c. 119, s. 12.

Boards
of inquiry.

13. (1) The Minister of Labour shall appoint persons to a panel who shall be eligible to serve on boards of inquiry.

(2) The Lieutenant-Governor in Council may determine the rate of remuneration of members of the panel. 1973 (2nd Sess.), c. 119, s. 13.

Annual
reports.

14. (1) The director shall annually prepare, with the commission, and submit to the Minister of Labour a report of the activities of the commission, the director, and boards of inquiry during the preceding calendar year.

(2) The Minister of Labour shall lay forthwith the report before the Legislative Assembly if it is in session and, if not, within fifteen days of the commencement of the next ensuing session. 1973 (2nd Sess.), c. 119, s. 14.

ENFORCEMENT OF ACT

Allegations.

15. (1) Where the director

- (a) receives a complaint alleging that a person, whether or not he is the complainant, has been discriminated against contrary to this Act; or
- (b) receives a complaint alleging that a person has contravened this Act; or
- (c) alleges, whether or not a complaint is received, that a person has contravened this Act or that a person has been discriminated against contrary to this Act; or
- (d) receives from the commission an allegation that a person has contravened this Act or that a person has been discriminated against contrary to this Act,

the director shall forthwith inquire into, investigate, and endeavour to effect a settlement of the alleged discrimination or contravention.

(2) The director, or a person authorized in writing by him, may, for the purposes of an inquiry, investigation, or endeavour under subsection (1),

- (a) inspect and examine all books, payrolls, personnel records, registers, notices, documents, and other records of any person that in any way relate to the
 - (i) wages, hours of labour, applications for employment, or conditions of employment affecting any person;
 - (ii) membership of any person in or an application by any person for membership in a trade union;
 - (iii) accommodation, services, or facilities customarily available to the public;

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- (iv) occupancy of any space under the terms of a tenancy agreement; and
- (v) purchase or acquisition of a commercial or dwelling unit or of land or an interest in land;
- (b) take extracts from or make copies of any entry in those books, payrolls, personnel records, registers, notices, documents, and records;
- (c) require any person to make or furnish full and correct statements, either orally or in writing, in whatever form is required, respecting matters referred to in clause (a) and, in the discretion of the director or person authorized, require the statements to be made by the person on oath or to be verified by a statutory declaration;
- (d) require any person to make full disclosure, production, or delivery to the director or person authorized, at such time and place as may be specified, of
 - (i) all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof that the person has in his possession or control; or
 - (ii) other information, either verbal or in writing, and either verified on oath or otherwise as may be directed, that may in any way relate to matters referred to in clause (a);
- (e) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;
- (f) exercise such other powers as may be necessary for carrying this Act and the regulations into effect; and
- (g) administer all oaths and take all affidavits and statutory declarations required or authorized to be made under this section, and to summon any person to give evidence in connection with any investigations, inquiry, or examination. 1973 (2nd Sess.), c. 119, s. 15; 1974, c. 87, s. 18.

Reference to
board of
inquiry.

16. (1) Where the director is unable to settle an allegation, or where he is of the opinion that an allegation will not be settled by him, the director shall make a report to the Minister of Labour, who may refer the allegation to a board of inquiry and

- (a) appoint a board of inquiry consisting of one or more panel members appointed under section 13; and
- (b) fix a place at which and a date on which the board of inquiry shall hear and decide upon the allegation.

(2) A board of inquiry and every member thereof has, for the purposes of a reference under subsection (1), the powers of a commissioner appointed under the *Public Inquiries Act*.

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(3) For the purposes of a reference under subsection (1), the persons who are entitled to be parties to a proceeding before the board of inquiry are

- (a) the director, commission, or person who made the allegation;
- (b) the person alleged to have been discriminated against contrary to this Act;
- (c) the person who is alleged to have contravened this Act; and
- (d) any other person who, in the opinion of the board of inquiry, would be directly affected by an order made by it.

(4) A board of inquiry shall give the parties opportunity to be represented by counsel, to present relevant evidence, to cross-examine any witnesses, and to make submissions.

(5) The board of inquiry may receive and accept, on oath, affidavit, or otherwise, such evidence or information as it, in its discretion, considers necessary and appropriate, whether or not such evidence or information would be admissible in a court of law.

(6) The Lieutenant-Governor in Council may, by Order, establish rules governing the procedure of a board of inquiry. 1973 (2nd Sess.), c. 119, s. 16.

Orders by
board of
inquiry.

17. (1) Where a board of inquiry is of the opinion that an allegation is not justified, the board may dismiss the allegation.

(2) Where a board of inquiry is of the opinion that an allegation is justified, the board of inquiry shall order any person who contravened this Act to cease such contravention, and to refrain from committing the same or a similar contravention, and may

- (a) order a person who contravened the Act to make available to the person discriminated against such rights, opportunities, or privileges as, in the opinion of the board, he was denied contrary to this Act;
- (b) order the person who contravened the Act to compensate the person discriminated against for all, or such part as the board may determine, of any wages or salary lost, or expenses incurred, by reason of the contravention of this Act; and
- (c) where the board is of the opinion that
 - (i) the person who contravened this Act did so knowingly or with a wanton disregard; and
 - (ii) the person discriminated against suffered aggravated damages in respect of his feelings or self-respect,
 the board may order the person who contravened this Act to pay to the person discriminated against such compensation, not exceeding five thousand dollars, as the board may determine.

(3) A board of inquiry may make such order as to costs as it considers appropriate.

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(4) Where an order is made under subsection (3) or clause (b) or (c) of subsection (2), the commission or the person who was discriminated against and in whose favour the order is made may file a certified copy of the order with the Supreme Court or with a County Court, and, thereupon, the order has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the appropriate court for the recovery of a debt of the amount stated in the order against the person named in it. 1973 (2nd Sess.), c. 119, s. 17.

Appeals.

18. An appeal lies from a decision of a board of inquiry to the Supreme Court upon

- (a) any point or question of law or jurisdiction; or
- (b) any finding of fact necessary to establish its jurisdiction that is manifestly incorrect,

and the rules under the *Summary Convictions Act* governing appeals by way of stated case to that court apply to appeals under this section, and a reference to the word "Justice" shall be deemed to be a reference to the board of inquiry, 1973 (2nd Sess.), c. 119, s. 18.

Style of cause
for trade-
unions, etc.

19. (1) Any proceeding under this Act in respect of a trade-union, employers' organization, or occupational association may be taken in its name.

(2) Any act or thing done or omitted by an officer, official, or agent of a trade-union or employers' organization or occupational association within the scope of his authority shall be deemed to be an act or thing done or omitted by the trade-union, employers' organization, or occupational association, as the case may be. 1973 (2nd Sess.), c. 119, s. 19.

Privileged
information.

20. No person who, on behalf of the commission or the director, collects information for the purposes of this Act shall,

- (a) except in an appeal under section 18, be required by any court to give evidence respecting such information; or
- (b) be required by any court to give evidence respecting any communication made to him by a person who is alleged to have contravened this Act. 1973 (2nd Sess.), c. 119, s. 20.

Irregu-
larity.

21. No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity. 1973 (2nd Sess.), c. 119, s. 21.

Private
organiza-
tions exempt.

22. Where a charitable, philanthropic, educational, fraternal, religious, or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a common race, religion, age, sex, marital status, political belief, colour, ancestry,

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or place of origin, that organization or group shall not be considered as contravening this Act because it is granting a preference to members of the identifiable group or class of persons. 1973 (2nd Sess.), c. 119, s. 22.

Limitations.

23. (1) No allegation under this Act shall be made more than six months after the date of the alleged contravention or, where a continuing contravention is alleged, after the date of the last alleged contravention of this Act.

(2) No claim in respect of compensation or damages because of a contravention of this Act shall be made with respect to any contravention that occurred more than twelve months before the allegation is made. 1973 (2nd Sess.), c. 119, s. 23.

Offence.

24. (1) Subject to subsection (2), every person who contravenes a provision of this Act, or who fails to obey an order of a board of inquiry, is guilty of an offence and is liable, on summary conviction,

(a) if an individual, to a fine of not more than one thousand dollars; and

(b) if a corporation, trade-union, employers' organization, or employment agency, to a fine of not more than five thousand dollars.

(2) Where a board of inquiry has made an order under clause (b) or (c) of subsection (2) of section 17 against a person who has contravened this Act, that person shall not be liable under subsection (1) in respect of the same contravention. 1973 (2nd Sess.), c. 119, s. 24.

Binds Crown.

25. This Act applies to and binds the Crown in right of the Province. 1973 (2nd Sess.), c. 119, s. 25.

Expenses.

26. (1) All moneys required to be expended for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be so paid and applied, and, for the fiscal year 1973/74, shall be paid out of the Consolidated Revenue Fund.

(2) For the purposes of subsection (1), the Minister of Labour is appointed the fiscal agent of the commission. 1973 (2nd Sess.), c. 119, s. 26.

Repeal.

27. The *Human Rights Act*, being chapter 10 of the Statutes of British Columbia, 1969, is repealed. 1973 (2nd Sess.), c. 119, s. 27.

Commencement.

28. (1) This Act, excepting this section and the title, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation, and he may fix different dates for the coming into force of the several provisions.

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(2) This section and the title come into force on Royal Assent. 1973
(2nd Sess.), c. 119, s. 28.

[NOTE.—Sections 11, 12, 13 of Act proclaimed in force December 11, 1973, B.C. Reg. 497/73, Part II Gazette Vol. 16, p. 761; section 26 proclaimed in force January 17, 1974, B.C. Reg. 51/74, Part II Gazette Vol. 17, p. 193; sections 1 to 10, 14 to 25, and 27 of Act proclaimed in force October 10, 1974, B.C. Reg. 708/74, Part II Gazette Vol. 17, p. 1157.]

4.2 CANADIAN BILL OF RIGHTS

CANADIAN BILL OF RIGHTS

Appendix III to R.S.C. 1970

An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms, 1960 (Can.), c. 44.

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada:

THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I

BILL OF RIGHTS

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

2. Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the *Canadian Bill of Rights*, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained
 - (i) of the right to be informed promptly of the reason for his arrest or detention,
 - (ii) of the right to retain and instruct counsel without delay, or
 - (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self incrimination or other constitutional safeguards;
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

3. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft form to the Clerk of the Privy Council pursuant to the *Regulations Act* and every Bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

4. The provisions of this Part shall be known as the *Canadian Bill of Rights*.

PART II

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

(2) The expression "law of Canada" in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

(4) If both Houses of Parliament resolve that the proclamation be revoked, it shall cease to have effect, and sections 3, 4 and 5 shall cease to be in force until those sections are again brought into force by a further proclamation but without prejudice to the previous operation of those sections or anything duly done or suffered thereunder or any offence committed or any penalty or forfeiture or punishment incurred.

(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."

4.3 UNIVERSAL DECLARATION OF HUMAN RIGHTS (UNITED NATIONS)UNIVERSAL DECLARATION
OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

PART 4

HUMAN RIGHTS DOCUMENTS4.1. HUMAN RIGHTS CODE OF BRITISH COLUMBIA**Human Rights Code of British Columbia***[Consolidated for convenience only, December 13, 1974.]*Interpre-
tation.**1. In this Act, unless the context otherwise requires,**

"age" means any age of forty-five years or more and less than sixty-five years;

"employment" includes the relationship of master and servant, master and apprentice, and principal and agent, if a substantial part of the agent's services relate to the affairs of one principal; and "employ" has a corresponding meaning;

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

"employment agency" includes a person who undertakes, with or without compensation, to procure employees for employers or to procure employment for persons;

"occupational association" means any organization, other than a trade-union or employers' organization, in which membership is a prerequisite to carrying on any trade, occupation, or profession;

"person" includes an employment agency, an employers' association, an occupational association, and a trade-union;

"trade-union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. 1973 (2nd Sess.), c. 119, s. 1.

DISCRIMINATORY PRACTICESDiscrimi-
natory
publication.

2. (1) No person shall publish or display before the public, or cause to be published or displayed before the public, any notice, sign, symbol, emblem, or other representation indicating discrimination or an intention to discriminate against any person or class of persons in any manner prohibited by this Act.

(2) Notwithstanding subsection (1), any person may, by speech or in writing, freely express his opinions on any subject. 1973 (2nd Sess.), c. 119, s. 2.

Discrimi-
nation in
public
facilities.**3. (1) No person shall**

(a) deny to any person or class of persons any accommodation, service, or facility customarily available to the public; or

(b) discriminate against any person or class of persons with respect to any accommodation, service, or facility customarily available to the public,

unless reasonable cause exists for such denial or discrimination.

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- (2) For the purposes of subsection (1),
- (a) the race, religion, colour, ancestry, or place of origin of any person or class of persons shall not constitute reasonable cause; and
 - (b) the sex of any person shall not constitute reasonable cause unless it relates to the maintenance of public decency or to the determination of premiums or benefits under contracts of insurance. 1973 (2nd Sess.), c. 119, s. 3; 1974, c. 114, s. 6.

Discrimination in the purchase of property.

4. No person shall
- (a) deny to any person or class of persons the opportunity to purchase any commercial unit or dwelling unit that is advertised or in any way represented as being available for sale; or
 - (b) deny to any person or class of persons the opportunity to purchase or otherwise acquire land or an interest in land; or
 - (c) discriminate against any person or class of persons with respect to any term or condition of the purchase or other acquisition of any commercial unit, dwelling unit, land, or interest in land, because of the race, religion, colour, sex, ancestry, place of origin, or marital status of that person or class of persons. 1973 (2nd Sess.), c. 119, s. 4.

Discrimination in tenancy premises.

5. (1) No person shall
- (a) deny to any person or class of persons the right to occupy as a tenant any space that is advertised or otherwise in any way represented as being available for occupancy by a tenant; or
 - (b) discriminate against any person or class of persons with respect to any term or condition of the tenancy of such space, because of the race, sex, marital status, religion, colour, ancestry, or place of origin of that person or class of persons, or of any other person or class of persons.
- (2) Subsection (1) does not apply where a person advertises or otherwise represents that space is available for occupancy by another person who is to share with him the use of any sleeping, bathroom, or cooking facilities in the space. 1973 (2nd Sess.), c. 119, s. 5.

Discrimination in wages.

6. (1) No employer shall discriminate between his male and female employees by employing an employee of one sex for any work at a rate of pay that is less than the rate of pay at which an employee of the other sex is employed by that employer for similar or substantially similar work.
- (2) For the purposes of subsection (1), the concept of skill, effort, and responsibility shall, subject to such factors in respect of pay rates as seniority systems, merit systems, and systems that measure earnings by quantity or quality of production, be used to determine what is similar or substantially similar work.

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(3) A difference in the rate of pay between employees of different sexes based on any factor other than sex does not constitute a failure to comply with this section if the factor on which the difference is based would reasonably justify such a difference.

(4) No employer shall reduce the rate of pay of an employee in order to comply with this section.

(5) Where an employee is paid less than the rate of pay to which he is entitled under this section, he is entitled to recover from his employer, by action, the difference between the amount paid and the amount to which he was entitled, together with the costs, but

- (a) no action shall be commenced later than twelve months from the termination of his services; and
- (b) the action applies only to wages of an employee during the twelve-month period immediately preceding the date of the termination of his services, or the date of the commencement of his action, whichever date occurs first. 1973 (2nd Sess.), c. 119, s. 6.

Discrimi-
nation in
employment
advertisements.

7. No person shall use or circulate any form of application for employment, publish or cause to be published any advertisement in connection with employment or prospective employment, or make any written or oral inquiry of an applicant that

- (a) expresses either directly or indirectly any limitation, specification, or preference as to the race, religion, colour, sex, marital status, age, ancestry, or place of origin of any person; or
- (b) requires an applicant to furnish any information concerning race, religion, colour, ancestry, place of origin, or political belief. 1973 (2nd Sess.), c. 119, s. 7; 1974, c. 87, s. 18; 1974, c. 114, s. 6.

Discrimi-
nation in
respect of
employment.

8. (1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment, or in respect of an intended occupation, employment, advancement, or promotion; and, without limiting the generality of the foregoing,

- (a) no employer shall refuse to employ, or to continue to employ, or to advance or promote that person, or discriminate against that person in respect of employment or a condition of employment; and
- (b) no employment agency shall refuse to refer him for employment,

unless reasonable cause exists for such refusal or discrimination.

(2) For the purposes of subsection (1),

- (a) the race, religion, colour, age, marital status, ancestry, place of origin, or political belief of any person or class of persons shall not constitute reasonable cause;

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- (a1) a provision respecting Canadian citizenship in any Act constitutes reasonable cause;
- (b) the sex of any person shall not constitute reasonable cause unless it relates to the maintenance of public decency;
- (c) a conviction for a criminal or summary conviction charge shall not constitute reasonable cause unless such charge relates to the occupation or employment, or to the intended occupation, employment, advancement, or promotion, of a person.

(3) No provision of this section relating to age shall prohibit the operation of any term of a bona fide retirement, superannuation, or pension plan, or the terms or conditions of any bona fide group or employee insurance plan, or of any bona fide scheme based upon seniority. 1973 (2nd Sess.), c. 119, s. 8; 1974, c. 114, s. 6.

Discrimination by trade-unions and employers' and occupational associations.

9. (1) Every person has the right of equality of opportunity based upon bona fide qualifications in respect of his occupation or employment, and in respect of his membership or intended membership in a trade-union, employers' association, or occupational association; and, without limiting the generality of the foregoing, no trade-union, employers' association, or occupational association shall, without reasonable cause in respect of such qualifications of that person,

- (a) refuse membership to, expel, suspend, or otherwise discriminate against that person; or
- (b) negotiate, on behalf of that person, an agreement that would discriminate against him contrary to this Act.

(2) For the purposes of subsection (1),

- (a) the sex, race, religion, colour, age, marital status, ancestry, place of origin, or political belief of any person or class of persons shall not constitute reasonable cause; and
- (b) the conviction of criminal or summary convictions charges shall not constitute reasonable cause unless such charges relate to the occupation, employment, or membership, or to the intended occupation, employment, or membership of a person.

(3) No provision of this section relating to age shall prohibit the operation of any term of a bona fide retirement, superannuation, or pension plan, or the terms or conditions of any bona fide group or employee insurance plan, or of any bona fide scheme based upon seniority. 1973 (2nd Sess.), c. 119, s. 9.

Protection of complainant.

10. No person shall evict, discharge, suspend, expel, intimidate, coerce, impose any pecuniary or other penalty upon, or otherwise discriminate against, any person because that person complains, gives evidence, or otherwise assists in respect of the initiation or prosecution of a complaint or other proceeding under this Act. 1973 (2nd Sess.), c. 119, s. 10.

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(4) Where an order is made under subsection (3) or clause (b) or (c) of subsection (2), the commission or the person who was discriminated against and in whose favour the order is made may file a certified copy of the order with the Supreme Court or with a County Court, and, thereupon, the order has the same force and effect, and all proceedings may be taken on it, as if it were a judgment of the appropriate court for the recovery of a debt of the amount stated in the order against the person named in it. 1973 (2nd Sess.), c. 119, s. 17.

Appeals.

18. An appeal lies from a decision of a board of inquiry to the Supreme Court upon

- (a) any point or question of law or jurisdiction; or
- (b) any finding of fact necessary to establish its jurisdiction that is manifestly incorrect,

and the rules under the *Summary Convictions Act* governing appeals by way of stated case to that court apply to appeals under this section, and a reference to the word "Justice" shall be deemed to be a reference to the board of inquiry, 1973 (2nd Sess.), c. 119, s. 18.

Style of cause
for trade-
unions, etc.

19. (1) Any proceeding under this Act in respect of a trade-union, employers' organization, or occupational association may be taken in its name.

(2) Any act or thing done or omitted by an officer, official, or agent of a trade-union or employers' organization or occupational association within the scope of his authority shall be deemed to be an act or thing done or omitted by the trade-union, employers' organization, or occupational association, as the case may be. 1973 (2nd Sess.), c. 119, s. 19.

Privileged
information.

20. No person who, on behalf of the commission or the director, collects information for the purposes of this Act shall,

- (a) except in an appeal under section 18, be required by any court to give evidence respecting such information; or
- (b) be required by any court to give evidence respecting any communication made to him by a person who is alleged to have contravened this Act. 1973 (2nd Sess.), c. 119, s. 20.

Irregu-
larity.

21. No proceeding under this Act shall be deemed invalid by reason of any defect in form or any technical irregularity. 1973 (2nd Sess.), c. 119, s. 21.

Private
organiza-
tions exempt.

22. Where a charitable, philanthropic, educational, fraternal, religious, or social organization or corporation that is not operated for profit has as a primary purpose the promotion of the interests and welfare of an identifiable group or class of persons characterized by a common race, religion, age, sex, marital status, political belief, colour, ancestry,

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or place of origin, that organization or group shall not be considered as contravening this Act because it is granting a preference to members of the identifiable group or class of persons. 1973 (2nd Sess.), c. 119, s. 22.

Limitations.

23. (1) No allegation under this Act shall be made more than six months after the date of the alleged contravention or, where a continuing contravention is alleged, after the date of the last alleged contravention of this Act.

(2) No claim in respect of compensation or damages because of a contravention of this Act shall be made with respect to any contravention that occurred more than twelve months before the allegation is made. 1973 (2nd Sess.), c. 119, s. 23.

Offence.

24. (1) Subject to subsection (2), every person who contravenes a provision of this Act, or who fails to obey an order of a board of inquiry, is guilty of an offence and is liable, on summary conviction,

(a) if an individual, to a fine of not more than one thousand dollars; and

(b) if a corporation, trade-union, employers' organization, or employment agency, to a fine of not more than five thousand dollars.

(2) Where a board of inquiry has made an order under clause (b) or (c) of subsection (2) of section 17 against a person who has contravened this Act, that person shall not be liable under subsection (1) in respect of the same contravention. 1973 (2nd Sess.), c. 119, s. 24.

Binds Crown.

25. This Act applies to and binds the Crown in right of the Province. 1973 (2nd Sess.), c. 119, s. 25.

Expenses.

26. (1) All moneys required to be expended for the purposes of this Act shall be paid out of the Consolidated Revenue Fund with moneys authorized by an Act of the Legislature to be so paid and applied, and, for the fiscal year 1973/74, shall be paid out of the Consolidated Revenue Fund.

(2) For the purposes of subsection (1), the Minister of Labour is appointed the fiscal agent of the commission. 1973 (2nd Sess.), c. 119, s. 26.

Repeal.

27. The *Human Rights Act*, being chapter 10 of the Statutes of British Columbia, 1969, is repealed. 1973 (2nd Sess.), c. 119, s. 27.

Commencement.

28. (1) This Act, excepting this section and the title, comes into force on a date to be fixed by the Lieutenant-Governor by his Proclamation, and he may fix different dates for the coming into force of the several provisions.

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(2) This section and the title come into force on Royal Assent. 1973
(2nd Sess.), c. 119, s. 28.

[NOTE.—Sections 11, 12, 13 of Act proclaimed in force December 11, 1973, B.C. Reg. 497/73, Part II Gazette Vol. 16, p. 761; section 26 proclaimed in force January 17, 1974, B.C. Reg. 51/74, Part II Gazette Vol. 17, p. 193; sections 1 to 10, 14 to 25, and 27 of Act proclaimed in force October 10, 1974, B.C. Reg. 708/74, Part II Gazette Vol. 17, p. 1157.]

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ADMINISTRATION

Human
Rights
Commission.

11. (1) There is hereby established a commission to be known as the British Columbia Human Rights Commission, consisting of such members as the Lieutenant-Governor in Council may from time to time appoint to hold office during pleasure.

(2) The Lieutenant-Governor in Council shall designate one member of the commission as chairman.

(3) The chairman and each member shall be paid such remuneration for his services as a member of the commission as the Lieutenant-Governor in Council may determine, and such actual and reasonable expenses as may be incurred by him in discharging his duties as a member of the commission.

(4) It is the function of the commission

- (a) to promote the principles of this Act;
- (b) to promote an understanding of and compliance with this Act;
- (c) to develop and conduct educational programmes designed to eliminate discriminatory practices; and
- (d) to encourage and co-ordinate programmes and activities promoting human rights and fundamental freedoms.

(5) The commission may approve programmes of government, private organizations, or persons designed to promote the welfare of any class of individuals, and any approved programme shall be deemed not to be in contravention of any of the provisions of this Act.

(6) Where

- (a) a person contravenes this Act or is discriminated against contrary to this Act; and
- (b) every person who is directly affected by such discrimination or contravention agrees to a settlement in respect of such discrimination or contravention,

the commission may, upon application, approve the settlement, and, thereupon, such settlement shall be deemed not to be in contravention of any of the provisions of this Act.

(7) The Lieutenant-Governor in Council may, by Order, make regulations adding to or extending the functions of the commission and respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1973 (2nd Sess.), c. 119, s. 11.

Director and
employees.

12. (1) The Minister of Labour shall appoint, in accordance with the *Public Service Act*, a director and such other employees as may be required for the purposes of this Act.

(2) The director shall

- (a) act as chief executive officer of the commission; and
- (b) act as registrar for the purpose of ensuring that complaints are dealt with in accordance with this Act.

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(3) The director has, for the purposes of an inquiry under this Act, the power of a commissioner appointed under the *Public Inquiries Act*, 1973 (2nd Sess.), c. 119, s. 12.

Boards
of inquiry.

13. (1) The Minister of Labour shall appoint persons to a panel who shall be eligible to serve on boards of inquiry.

(2) The Lieutenant-Governor in Council may determine the rate of remuneration of members of the panel. 1973 (2nd Sess.), c. 119, s. 13.

Annual
reports.

14. (1) The director shall annually prepare, with the commission, and submit to the Minister of Labour a report of the activities of the commission, the director, and boards of inquiry during the preceding calendar year.

(2) The Minister of Labour shall lay forthwith the report before the Legislative Assembly if it is in session and, if not, within fifteen days of the commencement of the next ensuing session. 1973 (2nd Sess.), c. 119, s. 14.

ENFORCEMENT OF ACT

Allegations.

15. (1) Where the director

- (a) receives a complaint alleging that a person, whether or not he is the complainant, has been discriminated against contrary to this Act; or
- (b) receives a complaint alleging that a person has contravened this Act; or
- (c) alleges, whether or not a complaint is received, that a person has contravened this Act or that a person has been discriminated against contrary to this Act; or
- (d) receives from the commission an allegation that a person has contravened this Act or that a person has been discriminated against contrary to this Act,

the director shall forthwith inquire into, investigate, and endeavour to effect a settlement of the alleged discrimination or contravention.

(2) The director, or a person authorized in writing by him, may, for the purposes of an inquiry, investigation, or endeavour under subsection (1),

- (a) inspect and examine all books, payrolls, personnel records, registers, notices, documents, and other records of any person that in any way relate to the
 - (i) wages, hours of labour, applications for employment, or conditions of employment affecting any person;
 - (ii) membership of any person in or an application by any person for membership in a trade union;
 - (iii) accommodation, services, or facilities customarily available to the public;

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- (iv) occupancy of any space under the terms of a tenancy agreement; and
- (v) purchase or acquisition of a commercial or dwelling unit or of land or an interest in land;
- (b) take extracts from or make copies of any entry in those books, payrolls, personnel records, registers, notices, documents, and records;
- (c) require any person to make or furnish full and correct statements, either orally or in writing, in whatever form is required, respecting matters referred to in clause (a) and, in the discretion of the director or person authorized, require the statements to be made by the person on oath or to be verified by a statutory declaration;
- (d) require any person to make full disclosure, production, or delivery to the director or person authorized, at such time and place as may be specified, of
 - (i) all records, documents, statements, writings, books, papers, extracts therefrom or copies thereof that the person has in his possession or control; or
 - (ii) other information, either verbal or in writing, and either verified on oath or otherwise as may be directed, that may in any way relate to matters referred to in clause (a);
- (e) make such examination and inquiry as may be necessary to ascertain whether the provisions of this Act are complied with;
- (f) exercise such other powers as may be necessary for carrying this Act and the regulations into effect; and
- (g) administer all oaths and take all affidavits and statutory declarations required or authorized to be made under this section, and to summon any person to give evidence in connection with any investigations, inquiry, or examination. 1973 (2nd Sess.), c. 119, s. 15; 1974, c. 87, s. 18.

Reference to
board of
inquiry.

16. (1) Where the director is unable to settle an allegation, or where he is of the opinion that an allegation will not be settled by him, the director shall make a report to the Minister of Labour, who may refer the allegation to a board of inquiry and

- (a) appoint a board of inquiry consisting of one or more panel members appointed under section 13; and
- (b) fix a place at which and a date on which the board of inquiry shall hear and decide upon the allegation.

(2) A board of inquiry and every member thereof has, for the purposes of a reference under subsection (1), the powers of a commissioner appointed under the *Public Inquiries Act*.

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(3) For the purposes of a reference under subsection (1), the persons who are entitled to be parties to a proceeding before the board of inquiry are

- (a) the director, commission, or person who made the allegation;
- (b) the person alleged to have been discriminated against contrary to this Act;
- (c) the person who is alleged to have contravened this Act; and
- (d) any other person who, in the opinion of the board of inquiry, would be directly affected by an order made by it.

(4) A board of inquiry shall give the parties opportunity to be represented by counsel, to present relevant evidence, to cross-examine any witnesses, and to make submissions.

(5) The board of inquiry may receive and accept, on oath, affidavit, or otherwise, such evidence or information as it, in its discretion, considers necessary and appropriate, whether or not such evidence or information would be admissible in a court of law.

(6) The Lieutenant-Governor in Council may, by Order, establish rules governing the procedure of a board of inquiry. 1973 (2nd Sess.), c. 119, s. 16.

Orders by
board of
inquiry.

17. (1) Where a board of inquiry is of the opinion that an allegation is not justified, the board may dismiss the allegation.

(2) Where a board of inquiry is of the opinion that an allegation is justified, the board of inquiry shall order any person who contravened this Act to cease such contravention, and to refrain from committing the same or a similar contravention, and may

- (a) order a person who contravened the Act to make available to the person discriminated against such rights, opportunities, or privileges as, in the opinion of the board, he was denied contrary to this Act;
- (b) order the person who contravened the Act to compensate the person discriminated against for all, or such part as the board may determine, of any wages or salary lost, or expenses incurred, by reason of the contravention of this Act; and
- (c) where the board is of the opinion that
 - (i) the person who contravened this Act did so knowingly or with a wanton disregard; and
 - (ii) the person discriminated against suffered aggravated damages in respect of his feelings or self-respect,
 the board may order the person who contravened this Act to pay to the person discriminated against such compensation, not exceeding five thousand dollars, as the board may determine.

(3) A board of inquiry may make such order as to costs as it considers appropriate.

4.2 CANADIAN BILL OF RIGHTS

CANADIAN BILL OF RIGHTS

Appendix III to R.S.C. 1970

An Act for the Recognition and Protection of Human Rights and Fundamental Freedoms, 1960 (Can.), c. 44.

The Parliament of Canada, affirming that the Canadian Nation is founded upon principles that acknowledge the supremacy of God, the dignity and worth of the human person and the position of the family in a society of free men and free institutions;

Affirming also that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law;

And being desirous of enshrining these principles and the human rights and fundamental freedoms derived from them, in a Bill of Rights which shall reflect the respect of Parliament for its constitutional authority and which shall ensure the protection of these rights and freedoms in Canada:

THEREFORE, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

PART I

BILL OF RIGHTS

1. It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely,

- (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law;
- (b) the right of the individual to equality before the law and the protection of the law;
- (c) freedom of religion;
- (d) freedom of speech;
- (e) freedom of assembly and association; and
- (f) freedom of the press.

2. Every law of Canada shall, unless it is expressly declared by an Act of the Parliament of Canada that it shall operate notwithstanding the *Canadian Bill of Rights*, be so construed and applied as not to abrogate, abridge or infringe or to authorize the abrogation, abridgment or infringement of any of the rights or freedoms herein recognized and declared, and in particular, no law of Canada shall be construed or applied so as to

- (a) authorize or effect the arbitrary detention, imprisonment or exile of any person;
- (b) impose or authorize the imposition of cruel and unusual treatment or punishment;
- (c) deprive a person who has been arrested or detained
 - (i) of the right to be informed promptly of the reason for his arrest or detention,
 - (ii) of the right to retain and instruct counsel without delay, or
 - (iii) of the remedy by way of *habeas corpus* for the determination of the validity of his detention and for his release if the detention is not lawful;

- (d) authorize a court, tribunal, commission, board or other authority to compel a person to give evidence if he is denied counsel, protection against self crimination or other constitutional safeguards;
- (e) deprive a person of the right to a fair hearing in accordance with the principles of fundamental justice for the determination of his rights and obligations;
- (f) deprive a person charged with a criminal offence of the right to be presumed innocent until proved guilty according to law in a fair and public hearing by an independent and impartial tribunal, or of the right to reasonable bail without just cause; or
- (g) deprive a person of the right to the assistance of an interpreter in any proceedings in which he is involved or in which he is a party or a witness, before a court, commission, board or other tribunal, if he does not understand or speak the language in which such proceedings are conducted.

3. The Minister of Justice shall, in accordance with such regulations as may be prescribed by the Governor in Council, examine every proposed regulation submitted in draft form to the Clerk of the Privy Council pursuant to the *Regulations Act* and every Bill introduced in or presented to the House of Commons, in order to ascertain whether any of the provisions thereof are inconsistent with the purposes and provisions of this Part and he shall report any such inconsistency to the House of Commons at the first convenient opportunity.

4. The provisions of this Part shall be known as the *Canadian Bill of Rights*.

PART II

5. (1) Nothing in Part I shall be construed to abrogate or abridge any human right or fundamental freedom not enumerated therein that may have existed in Canada at the commencement of this Act.

(2) The expression "law of Canada" in Part I means an Act of the Parliament of Canada enacted before or after the coming into force of this Act, any order, rule or regulation thereunder, and any law in force in Canada or in any part of Canada at the commencement of this Act that is subject to be repealed, abolished or altered by the Parliament of Canada.

(3) The provisions of Part I shall be construed as extending only to matters coming within the legislative authority of the Parliament of Canada.

(4) If both Houses of Parliament resolve that the proclamation be revoked, it shall cease to have effect, and sections 3, 4 and 5 shall cease to be in force until those sections are again brought into force by a further proclamation but without prejudice to the previous operation of those sections or anything duly done or suffered thereunder or any offence committed or any penalty or forfeiture or punishment incurred.

(5) Any act or thing done or authorized or any order or regulation made under the authority of this Act, shall be deemed not to be an abrogation, abridgement or infringement of any right or freedom recognized by the *Canadian Bill of Rights*."

4.3 UNIVERSAL DECLARATION OF HUMAN RIGHTS (UNITED NATIONS)UNIVERSAL DECLARATION
OF HUMAN RIGHTS

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realisation of this pledge,

Now, Therefore,

THE GENERAL ASSEMBLY

proclaims

THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 3

Everyone has the right to life, liberty and security of person.

Article 4

No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 6

Everyone has the right to recognition everywhere as a person before the law.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 9

No one shall be subjected to arbitrary arrest, detention or exile.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

Article 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

Article 13

(1) Everyone has the right to freedom of movement and residence within the borders of each state.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

Article 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

Article 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

Article 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Article 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

Article 18

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

Article 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realisation, through national effort and international co-operation and in accordance with the organisation and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

Article 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Article 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

Article 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised.

Article 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.