

1976 Bill 217

Second Session, 18th Legislature, 25 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 217

**AN ACT TO AMEND THE INDIVIDUAL'S RIGHTS
PROTECTION ACT**

MR. NOTLEY

First Reading

Second Reading

Third Reading

Mr. Notley
Bill 217

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AN ACT TO AMEND THE INDIVIDUAL'S RIGHTS PROTECTION ACT

(Assented to _____, 1976)

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

1. *The Individual's Rights Protection Act is hereby amended.*

2. *The words "race, religious beliefs, color, sex, age, ancestry or place of origin" are struck out wherever they appear in the Act and the words "race, religious beliefs, color, sex, age, ancestry, marital status or place of origin" are substituted therefor.*

3. *Section 5 is amended:*

- (a) *by striking out the words "similar or substantially similar" wherever they occur, and by substituting therefor the words "equivalent or substantially equivalent", and*
- (b) *as to subsection (1) by adding at the end of clause (b) thereof the words, "and the skill, effort and responsibility necessary for the performance of the work shall be recognized as principal factors in defining what is equivalent or substantially equivalent work."*

Explanatory Notes

1. The Individual's Rights Protection Act amended.
2. Marital status is added as a forbidden basis for discrimination.
3. Section 5 now reads:
 5. (1) No employer shall
 - (a) employ a female employee for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for a similar or substantially similar work, or
 - (b) employ a male employee for any work at a rate of pay that is less than the rate of pay at which a female employee is employed by that employer for similar or substantially similar work.
 - (2) Work for which a female employee is employed and work for which a male employee is employed shall be deemed to be similar or substantially similar if the job, duties or services the employees are called upon to perform are similar or substantially similar.
 - (3) A difference in the rate of pay between a female and male employee 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 normally 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 the employee is entitled under this section, the employee is entitled to recover from the employer by action the difference between the amount paid and the amount to which the employee was entitled, together with costs, but
 - (a) the action shall be commenced within 12 months from the date upon which the cause of action arose and not afterward,
 - (b) the action applies only to the wages of an employee during the 12-month period immediately preceding the termination of the employee's services or the commencement of the action, whichever occurs first,
 - (c) the action may not be commenced or proceeded with where the employee has made a complaint to the Commission in respect of the contravention of this section, and
 - (d) no complaint by the employee in respect of the contravention shall be acted upon by the Commission where an action has been commenced by the employee under this section.

4. Section 9 is struck out and the following is substituted therefor:

9. No trade union, employers' organization or occupational association shall

- (a) exclude any person from membership therein, or
 - (b) expel or suspend any member thereof, or
 - (c) discriminate against any person or member, or
 - (d) negotiate any agreement that has the effect of discriminating against any person or member,
- because of the race, religious beliefs, color, sex, age, ancestry, marital status or place of origin of that person or member.

5. This Act comes into force on the day upon which it is assented to.

4. Section 9 now reads:

- 9. No trade union, employers' organization or occupational association shall**
- (a) exclude any person from membership therein, or
 - (b) expel or suspend any member thereof, or
 - (c) discriminate against any person or member,
- because of the race, religious beliefs, colour, sex, marital status, age, ancestry or place of origin of that person or member.