

1978 BILL 265

Fourth Session, 18th Legislature, 27 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 265

AN ACT TO AMEND THE INDIVIDUAL'S RIGHTS
PROTECTION ACT (No. 4)

MR. R. SPEAKER

First Reading -----

Second Reading -----

Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 265
Mr. R. Speaker

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AN ACT TO AMEND THE INDIVIDUAL'S RIGHTS PROTECTION ACT (No. 4)

(Assented to , 1978)

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 amended by this Act.

2. The Act is amended by adding "marital status, physical or mental handicap" after "colour, sex, age" wherever it occurs.

3. Section 5(5) is amended

(a) by repealing clause (a) and substituting the following:

*(a) the action shall be commenced within 12 months from the date upon which the cause of action arose and not afterward, except in a case where a complaint has been made to the Commission, in which case the action shall be commenced within 12 months from the date upon which the Commission has concluded its investigation with regard to the complaint;
and*

(b) by repealing clause (c) and substituting the following:

(c) where the employee has made a complaint to the Commission in respect of a contravention of this section, the action may not be commenced or proceeded with until the Commission has concluded its investigation with regard to the complaint.

4. Section 7(1)(b) is amended by adding "marital status" after "colour".

5. The following is added after section 8:

8.1 Nothing in this Act shall make it unlawful for a person to discriminate in favour of a person with a physical or mental handi-

Explanatory Notes

- 1.** The Bill will amend chapter 2 of the Alberta Statutes, 1972.

- 2.** Establishes marital status and physical or mental handicap as forbidden grounds for discrimination.

- 3.** Amends section 5. Extends right of employee to bring an action for pay to cases where the Commission has made an investigation.
Section 5(5) presently reads:
 5. (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 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.** Amends section 7. Establishes marital status as a forbidden ground for discrimination in employment.
Section 7(1)(b) presently reads:
 7. (1) No person shall use or circulate any form of application for employment or publish any advertisement in connection with employment or prospective employment or make written or oral inquiry of an applicant,
 - (a) that expresses either directly or indirectly any limitation, specification or preference as to the race, religious beliefs, colour, sex, age, ancestry or place of origin of any person, or
 - (b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, ancestry or place of origin.

- 5.** Adds new section 8.1. Authorises discrimination in employment in favour of a handicapped person.

cap in employing such a person or in the terms of such employment where the discrimination is solely on the grounds of the handicap.

6. Section 9 is repealed and the following substituted:

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

- (a) exclude any person from membership therein,
- (b) expel or suspend any member thereof,
- (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, marital status, physical or mental handicap, age, ancestry or place of origin of that person or member.

7. The following is added after section 19:

19.1 The Minister may direct that a board of inquiry investigate a complaint relating to one or more individuals or to a class of individuals.

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

6. Repeals and replaces section 9 to establish marital status, physical or mental handicap as a forbidden ground for discrimination in union membership, and negotiation.

Section 9 presently 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.

7. Adds a new section 19.1. Authorises Minister to establish a board of inquiry for a number or class of individuals.