

1979 BILL 219

First Session, 19th Legislature, 28 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 219

AN ACT TO AMEND THE INDIVIDUALS RIGHTS
PROTECTION ACT (No. 3)

MR. R. SPEAKER

First Reading -----

Second Reading -----
Committee of the Whole -----

Third Reading -----

Royal Assent -----

Bill 219
Mr. R. Speaker

BILL 219

1979

AN ACT TO AMEND THE INDIVIDUAL'S RIGHTS PROTECTION ACT (No. 3)

(Assented to _____, 1979)

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 "physical or mental handicap" after "colour, sex, age", wherever it occurs.*

3. *Section 3 is amended*

- (a) *by renumbering the section as subsection (1),*
- (b) *in the renumbered subsection (1) by adding "physical or mental handicap" after "colour, sex," and*
- (c) *by adding the following after subsection (1):*

(2) Nothing in this Act shall prohibit discrimination against a person with relation to any accommodation, service or facility where the person making the discrimination has reasonable grounds to believe that the provision of the accommodation, service or facility would result in danger or significant inconvenience to any person.

4. *Section 4 is amended*

- (a) *by renumbering the section as subsection (1)*
- (b) *in the renumbered subsection (1) by adding "physical or mental handicap" after "colour, sex", and*
- (c) *by adding the following after subsection (1):*

(2) Nothing in this Act shall prohibit discrimination against a person with relation to any tenancy where the person making the discrimination has reasonable grounds to believe that the provision of the tenancy would result in danger or significant inconvenience to any person.

Explanatory Notes

1. This Bill will amend chapter 2 of the Statutes of Alberta, 1972.

2. Establishes physical or mental handicap as forbidden grounds for discrimination.

3. Section 3 presently reads:

- 3. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall
 - (a) deny to any person or class of persons any accommodation, services or facilities customarily available to the public; or
 - (b) discriminate against any person or class of persons with respect to any accommodation, services or facilities customarily available to the public, because of the race, religious beliefs, colour, sex, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

4. Section 4 presently reads:

- 4. No person, directly or indirectly, alone or with another, by himself or by the interposition of another, shall
 - (a) deny to any person or class of persons the right to occupy as a tenant, any commercial unit or self-contained dwelling unit 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 any commercial unit or self-contained dwelling units,
because of the race, religious beliefs, colour, sex, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

5. 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.

6. Section 6 is amended

(a) by adding "physical or mental handicap" after "marital status", wherever it occurs, and

(b) by adding the following after subsection (3):

(4) Subsection (1) does not apply where the employer or person acting on his behalf has reasonable grounds to believe that the employment of a person with a physical or mental handicap would result in danger or significant inconvenience to any person.

(5) No employer shall employ a person with a physical or mental handicap for any work at a rate of pay that is less than the rate of pay at which a person without a physical or mental handicap is employed by that employer for similar or substantially similar work.

(6) Work for which a person with a physical or mental handicap is employed and work for which a person without a physical or mental handicap is employed, shall be deemed to be similar or substantially similar if the job, duties or services the persons are called upon to perform are similar or substantially similar.

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

8. 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

5. 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.

6. Amends section 6 with respect to employment of persons with a physical or mental handicap.

7. Adds new section 8.1. Authorizes discrimination in employment in favour of a physically or mentally handicapped person.

8. Repeals and replaces section 9 to establish 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.

(d) negotiate any agreement that has the effect of discriminating against any person or member

because of the race, religious beliefs, colour, sex, marital status, physical or mental handicap, age, ancestry or place of origin of that person or member.

9. 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.

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

9. Adds a new section 19.1; authorizes Minister to establish a board of inquiry for a number or class of individuals.