

1996 BILL 24

Fourth Session, 23rd Legislature, 45 Elizabeth II

THE LEGISLATIVE ASSEMBLY OF ALBERTA

BILL 24

**INDIVIDUAL'S RIGHTS PROTECTION
AMENDMENT ACT, 1996**

THE MINISTER OF COMMUNITY DEVELOPMENT

First Reading

Second Reading

Committee of the Whole

Third Reading

Royal Assent

BILL 24

1996

INDIVIDUAL'S RIGHTS PROTECTION AMENDMENT ACT, 1996

(Assented to _____, 1996)

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

Amends RSA
1980 c1-2

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

2 *The title and chapter number of the Act are repealed and the following is substituted:*

HUMAN RIGHTS AND CITIZENSHIP ACT

CHAPTER H-11.7

3 *The preamble is repealed and the following is substituted:*

Preamble

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in: dignity, rights and responsibilities without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status or family status;

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all Albertans should share in an awareness and appreciation of the diverse racial and cultural composition of society and that the richness of life in Alberta is enhanced by sharing that diversity;

Explanatory Notes

1 Amends chapter I-2 of the Revised Statutes of Alberta 1980.

2 New title and chapter number.

3 The preamble presently reads:

WHEREAS recognition of the inherent dignity and the equal and inalienable rights of all persons is the foundation of freedom, justice and peace in the world; and

WHEREAS it is recognized in Alberta as a fundamental principle and as a matter of public policy that all persons are equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin; and

WHEREAS it is fitting that this principle be affirmed by the Legislature of Alberta in an enactment whereby those rights of the individual may be protected:

WHEREAS it is fitting that these principles be affirmed by the Legislature of Alberta in an enactment whereby those equality rights and that diversity may be protected:

4 *The following is added after section 1:*

Alberta
Heritage Day

1.1 In recognition of the cultural heritage of Alberta, the first Monday in August each year shall be observed as a day of public celebration and known as “Alberta Heritage Day”.

5 *Section 2 is amended*

(a) *by repealing subsection (1) and substituting the following:*

Discrimination
re
publications,
notices

2(1) No person shall publish, issue or display or cause to be published, issued or displayed before the public any statement, publication, notice, sign, symbol, emblem or other representation that

- (a) indicates discrimination or an intention to discriminate against a person or a class of persons, or
- (b) is likely to expose a person or a class of persons to hatred or contempt

because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status or family status of that person or class of persons.

(b) *in subsection (3) by adding “statement, publication,” before “notice” in clause (b) and in the closing words of subsection (3).*

6 *Sections 3 and 4 are repealed and the following is substituted:*

4 Heritage Day continued.

5 Section 2 presently reads:

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 for any purpose because of the race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin of that person or class of persons.

(2) Nothing in this section shall be deemed to interfere with the free expression of opinion on any subject.

(3) Subsection (1) does not apply to

(a) the display of a notice, sign, symbol, emblem or other representation displayed to identify facilities customarily used by one gender,

(b) the display or publication by or on behalf of an organization that

(i) is composed exclusively or primarily of persons having the same political or religious beliefs, ancestry or place of origin, and

(ii) is not operated for private profit,

of a notice, sign, symbol, emblem or other representation indicating a purpose or membership qualification of the organization, or

(c) the display or publication of a form of application or an advertisement that may be used, circulated or published pursuant to section 8(2),

if the notice, sign, symbol, emblem or other representation is not derogatory, offensive or otherwise improper.

6 Sections 3 and 4 presently read:

Discrimination
re goods,
services,
accommoda-
tion, facilities

3 No person shall

- (a) deny to any person or class of persons any goods, services, accommodation or facilities that are customarily available to the public, or
- (b) discriminate against any person or class of persons with respect to any goods, services, accommodation or facilities that are customarily available to the public,

because of the race, religious beliefs, colour, gender, physical disability, mental disability, ancestry, place of origin, marital status or family status of that person or class of persons or of any other person or class of persons.

Discrimination
re tenancy

4 No person 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, gender, physical disability, mental disability, ancestry, place of origin, marital status or family status of that person or class of persons or of any other person or class of persons.

7 Section 5 is repealed.

8 Section 6 is amended

(a) by repealing subsection (1) and substituting the following:

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, gender, physical disability, mental disability, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

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, gender, physical disability, mental disability, ancestry or place of origin of that person or class of persons or of any other person or class of persons.

7 Section 5 presently reads:

5 Notwithstanding section 1, no person who is the owner of, or is responsible for the use, occupancy, construction or alteration of, a building as defined in the Safety Codes Act shall, by reason only of the condition of the building, be found to have contravened section 3 or 4 as it relates to denial or discrimination on the basis of physical disability if he establishes that the building complies with the applicable requirements of that Act and the regulations under that Act.

8 Section 6 presently reads in part:

6(1) No employer shall

Equal pay

6(1) Where employees of both sexes perform the same or substantially similar work for an employer in an establishment the employer shall pay the employees at the same rate of pay.

(b) by repealing subsections (2), (3) and (4).

9 Section 7(1) is amended

(a) by striking out “or person acting on behalf of an employer”;

(b) by striking out “or place of origin” and substituting “, place of origin or family status”.

10 Section 8(1)(a) and (b) are amended by striking out “or place of origin” and substituting “, place of origin or family status”.

- (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 similar or substantially similar work in the same establishment, 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 in the same establishment.*

(2) *In subsection (1), "establishment" means a place of business where an undertaking or part of an undertaking is carried on.*

(3) *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 on to perform are similar or substantially similar.*

(4) *A difference in the rate of pay between a female and male employee based on any factor other than gender 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.*

9 Section 7(1) presently reads:

7(1) No employer or person acting on behalf of an employer shall

- (a) refuse to employ or refuse to continue to employ any person, or*
- (b) discriminate against any person with regard to employment or any term or condition of employment,*

because of the race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry or place of origin of that person or of any other person.

10 Section 8(1) presently reads:

8(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 any written or oral inquiry of an applicant

- (a) that expresses either directly or indirectly any limitation, specification or preference indicating discrimination on the basis of the race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry or place of origin of any person, or*
- (b) that requires an applicant to furnish any information concerning race, religious beliefs, colour, gender, physical disability, mental disability, marital status, age, ancestry or place of origin.*

11 Section 9 is repealed.

12 Section 10 is amended by striking out “or place of origin” and substituting “, place of origin or family status”.

13 Section 11 is repealed and the following is substituted:

Prohibitions
regarding
complaints

11(1) No person shall retaliate against a person because that person

- (a) has made or attempted to make a complaint under this Act,
- (b) has given evidence or otherwise participated in or may give evidence or otherwise participate in a proceeding under this Act,
- (c) has made or is about to make a disclosure that that person may be required to make in a proceeding under this Act, or
- (d) has assisted in any way in
 - (i) making or attempting to make a complaint under this Act, or
 - (ii) the investigation, settlement or prosecution of a complaint under this Act.

11 Section 9 presently reads:

9 Sections 7 and 8 apply with respect to

(a) a domestic employed in a private home, and

(b) a farm employee who resides in the private home of the farmer who employs him,

but only insofar as they relate to sexual harassment.

12 Section 10 presently reads:

10 No trade union, employers' organization or occupational association shall

(a) exclude any person from membership in it,

(b) expel or suspend any member of it, or

(c) discriminate against any person or member,

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

13 Section 11 presently reads:

11 No person shall evict, discharge, suspend, expel, intimidate, coerce, impose a pecuniary or other penalty on or otherwise discriminate against a person because that person

(a) has made or attempted to make a complaint under this Act,

(b) has given evidence or otherwise participated in or may give evidence or otherwise participate in a proceeding under this Act,

(c) has made or is about to make a disclosure that he may be required to make in a proceeding under this Act, or

(d) has assisted in any way in

(i) making or attempting to make a complaint under this Act, or

(ii) the investigation or prosecution of a complaint under this Act.

(2) No person shall, with malicious intent, make a complaint under this Act that is frivolous or vexatious.

14 Section 13 is repealed and the following is substituted:

Fund
continued

13(1) The Multiculturalism Fund established under the *Alberta Multiculturalism Act* is continued as the Human Rights, Citizenship and Multiculturalism Education Fund.

(2) The following money shall be deposited into the Fund:

- (a) money voted by the Legislature for the purpose of the Fund;
- (b) money received by the Government pursuant to agreements with the Government of Canada or with a province or any agency of the Government of Canada or of a province, pertaining to matters related to the purposes of this Act;
- (c) money from fees for programs or services provided pursuant to this Act.

(3) The Provincial Treasurer

- (a) shall hold and administer the Fund, and
- (b) may, on behalf of the Fund, be a depositor in the Consolidated Cash Investment Trust Fund under the *Financial Administration Act*.

(4) The income of the Fund accrues to and forms part of the Fund.

(5) The Minister may pay money from the Fund

- (a) for educational programs and services related to the purposes of this Act, and
- (b) to make grants pursuant to section 13.1.

Grants

13.1(1) The Minister may make grants if

- (a) he is authorized to do so by regulations under this section, and
- (b) there is money available in the Fund.

(2) The Lieutenant Governor in Council may make regulations authorizing the Minister to make grants and, for

14 Section 13 presently reads:

13(1) The Lieutenant Governor in Council may make regulations

(a) exempting a person, class of persons or group of persons, or the Crown or any agent or servant of the Crown, from the operation of this Act or any of the provisions of it;

(c) respecting the procedure to be followed by the Commission in carrying out its functions under this Act.

(2) The Lieutenant Governor in Council may by regulation delegate to the Commission any of his powers under subsection (1).

(3) A regulation made under subsection (1)(a) may

(a) be specific or general in its application, and

(b) provide that the exemption or authorization that it grants is subject to any terms and conditions that the Lieutenant Governor in Council or the Commission, as the case may be, considers advisable.

that purpose, section 13(2), (3) and (4) of the *Government Organization Act* apply.

15 *The heading preceding section 14 is repealed and the following is substituted:*

Alberta Human Rights and Citizenship Commission

16 *Section 14 is amended*

(a) *by repealing subsection (1) and substituting the following:*

Commission
continued

14(1) The Alberta Human Rights Commission is continued under the name “Alberta Human Rights and Citizenship Commission”, consisting of the number of members appointed by the Lieutenant Governor in Council.

(b) *in subsection (3) by striking out “Lieutenant Governor in Council” and substituting “Minister”.*

17 *Section 15 is repealed.*

18 *Section 16 is repealed and the following is substituted:*

Functions of
Commission

16(1) It is the function of the Commission

- (a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry, place of origin, marital status or family status,
- (b) to promote awareness and appreciation of the racial and cultural diversity of Alberta society,
- (c) to promote an environment in which all Albertans can participate in and contribute to the cultural, social, economic and political life of Alberta,
- (d) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age,

15 Change in name from Alberta Human Rights Commission.

16 Section 14(1) and (3) presently read:

14(1) There shall be a commission to be known as the "Alberta Human Rights Commission" which shall consist of the number of members appointed by the Lieutenant Governor in Council.

(3) The chief commissioner and other members of the Commission shall receive remuneration and expenses for their services as prescribed by the Lieutenant Governor in Council.

17 Section 15 presently reads:

15 The Commission is responsible to the Minister for the administration of this Act.

18 Section 16 presently reads:

16(1) It is the function of the Commission

(a) to forward the principle that every person is equal in dignity and rights without regard to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin,

(b) to promote an understanding of, acceptance of and compliance with this Act,

(c) to research, develop and conduct educational programs designed to eliminate discriminatory practices related to race, religious beliefs, colour, gender, physical disability, mental disability, age, ancestry or place of origin, and

(d) to encourage and co-ordinate both public and private human rights programs and activities.

(2) The Commission may delegate in writing to one or more of its members or employees any of its functions or duties, except the power to make regulations delegated to it under section 13(2).

ancestry, place of origin, marital status or family status,

- (e) to promote an understanding of, acceptance of and compliance with this Act,
 - (f) to encourage and co-ordinate both public and private human rights programs and activities, and
 - (g) to advise the Minister on matters related to this Act.
- (2) The Commission may delegate in writing to a member or to a person referred to in section 17 any of its functions, powers or duties.

19 *The following is added after section 16:*

By-laws

- 16.1(1)** The Commission may make by-laws respecting
- (a) the carrying out of its powers, duties and functions under this Act, and
 - (b) procedural matters related to the handling of complaints under this Act, including procedural matters related to the proceedings before human rights panels.
- (2) The *Regulations Act* does not apply to by-laws of the Commission.
- (3) By-laws of the Commission are not effective until they have been approved by the Minister.

20 *Section 17 is repealed and the following is substituted:*

Staff

17 There may be appointed a Director and any other employees required for the purpose of the administration of this Act.

21 *Section 18 is amended*

- (a) *in subsection (1) by striking out “survey of all complaints and prosecutions” and substituting “summary of the disposition of complaints”;*
- (b) *by repealing subsection (2).*

19 Commission may make by-laws.

20 Section 17 presently reads:

17 In accordance with the Public Service Act, there may be appointed a Director of the Commission and any other employees required for the purpose of enabling the Commission to carry on the administration of this Act.

21 Section 18 presently reads:

18(1) The Commission shall after the end of each year prepare and submit to the Minister a report of its activities during that year, including a survey of all complaints and prosecutions under this Act and any other information that the Minister may require.

22 *The heading preceding section 19 and sections 19 to 33 are repealed and the following is substituted:*

Who may
make
complaint

19(1) Any person, except the Commission, a member of the Commission and a person referred to in section 17, who has reasonable grounds for believing that a person has contravened this Act may make a complaint to the Commission.

(2) A complaint made pursuant to subsection (1) must

(a) be in a form acceptable to the Commission, and

(b) be made within 6 months after the alleged contravention of the Act occurs.

Settlement of
complaint

19.1(1) Where the Commission receives a complaint, the Director shall, as soon as is reasonably possible, attempt to effect a settlement of the complaint by means of a conciliator or through the appointment of a person to investigate the complaint.

(2) Where a conciliator is unable to effect a settlement of the complaint, the Director may appoint a person to investigate the complaint.

(3) The Director shall forthwith serve notice of any action taken under subsection (1) or (2) on the complainant and the person against whom the complaint was made.

Director's
powers re
complaint

20(1) Notwithstanding section 19.1, the Director may at any time

(a) dismiss a complaint if the Director considers that the complaint is without merit,

(b) discontinue the proceedings if the Director is of the opinion that the complainant has refused to accept a proposed settlement that is fair and reasonable, or

(c) report to the chief commissioner that the parties are unable to settle the complaint.

(2) The Director shall forthwith serve notice of a decision under subsection (1) on the complainant and the person against whom the complaint was made.

(2) When the report is received by him, the Minister shall lay a copy of it before the Legislative Assembly if it is in session and if not, within 15 days after the beginning of the next ensuing session.

22 New procedural provisions for dealing with complaints under the Act.

Investigator's powers

20.1(1) For the purposes of an investigation under section 19.1, an investigator may do any or all of the following:

- (a) subject to subsection (2), enter any place at any reasonable time and examine it;
- (b) make inquiries orally or in writing of any person who has or may have information relevant to the subject-matter of the investigation;
- (c) demand the production for examination of records and documents, including electronic records and documents, that are or may be relevant to the subject-matter of the investigation;
- (d) on giving a receipt for them, remove any of the things referred to in clause (c) for the purpose of making copies of or extracts from them.

(2) An investigator may enter and examine a room or place actually used as a dwelling only if

- (a) the owner or person in possession of it consents to the entry and examination, or
- (b) the entry and examination is authorized by a judge under section 21.

Judge's order

21(1) Where a provincial court judge is satisfied on an investigator's evidence under oath that there are reasonable grounds for an investigator to exercise a power under section 20.1(1) and that

- (a) in the case of a room or place actually used as a dwelling, the investigator cannot obtain the consent under section 20.1(2) or, having obtained the consent, has been obstructed or interfered with,
- (b) the investigator has been refused entry to a place other than a dwelling,
- (c) a person refuses or fails to answer inquiries under section 20.1(1)(b), or
- (d) a person on whom a demand is made under section 20.1(1)(c) refuses or fails to comply with the demand or to permit the removal of a thing under section 20.1(1)(d),

the judge may make any order the judge considers necessary to enable the investigator to exercise the powers under section 20.1(1).

(2) An application under subsection (1) may be made with or without notice.

Copies of documents

21.1 If an investigator removes anything referred to in section 20.1(1)(c), the investigator may make copies of or extracts from the thing that was removed and shall return the thing to the place from which it was removed within 48 hours after removing it.

Appeal to chief commissioner

22(1) The complainant may, not later than 30 days after receiving notice of dismissal of the complaint or notice of discontinuance under section 20, by notice in writing to the Commission request a review of the Director's decision by the chief commissioner.

(2) The Commission shall serve a copy of a notice referred to in subsection (1) on the person against whom the complaint was made.

(3) The chief commissioner shall

- (a) review the Director's decision and decide whether
 - (i) the complaint should have been dismissed, or
 - (ii) the proposed settlement was fair and reasonable as the case may be, and
- (b) forthwith serve notice of the chief commissioner's decision on the complainant and the person against whom the complaint was made.

Referral to human rights panel

23(1) The chief commissioner shall appoint a human rights panel to deal with a complaint in the following circumstances:

- (a) where the chief commissioner receives a report from the Director that the parties are unable to settle the complaint;
- (b) where the chief commissioner decides under section 22(3) that the complaint should not have been dismissed or that the proposed settlement was not fair and reasonable.

(2) A human rights panel shall consist of one or more members of the Commission, one of whom may be the chief commissioner.

(3) Where the chief commissioner has conducted a review under section 22 in respect of a complaint, the chief commissioner is not eligible to sit on a human rights panel dealing with that complaint.

(4) A human rights panel and each member have all the powers of a commissioner under the *Public Inquiries Act*.

(5) If a human rights panel consists of more than one person, the decision of the majority is the decision of the panel.

Parties

24 The following persons are parties to a proceeding before a human rights panel:

- (a) the Director;
- (b) the person named in the complaint as the complainant;
- (c) any person named in the complaint who is alleged to have been dealt with contrary to this Act;
- (d) any person named in the complaint who is alleged to have contravened this Act;
- (e) any other person specified by the panel, on any notice that the panel determines, and after that person has been given an opportunity to be heard against being made a party.

Carriage of proceeding

25 The Director has carriage of a proceeding before a human rights panel except where the chief commissioner has made a decision under section 22(3) that the complaint should not have been dismissed or that the proposed settlement was not fair and reasonable, and in such a case the complainant has carriage of the proceeding.

Procedural rules

26(1) The parties to a proceeding before a human rights panel are entitled to appear and be represented by counsel at a hearing held by the panel.

(2) Evidence may be given before a human rights panel in any manner that the panel considers appropriate, and the panel is not bound by the rules of law respecting evidence in judicial proceedings.

(3) A human rights panel, on proof of service of notice of a hearing in accordance with this Act on the person against whom a complaint was made, may proceed with the hearing in the absence of that person and decide on the matter being heard in the same way as though that person were in attendance.

(4) A hearing before a human rights panel shall be open to the public unless, on the application of any party, the human rights panel decides that it would be advisable to hold the hearing in private

- (a) because of the confidential nature of the matter to be heard, or
- (b) because of the potential adverse effect on any of the parties, other than the person against whom the complaint was made.

Question of law

27 A human rights panel may, at any stage of the proceedings before it, state in the form of a special case for the opinion of the Court of Queen's Bench any question of law arising in the course of the proceedings, and may adjourn the proceedings for the purpose.

Powers of panel

28(1) A human rights panel

- (a) shall, if it finds that a complaint is without merit, order that the complaint be dismissed, and
- (b) may, if it finds that a complaint has merit in whole or in part, order the person against whom the finding was made to do any or all of the following:
 - (i) to cease the contravention complained of;
 - (ii) to refrain in the future from committing the same or any similar contravention;
 - (iii) to make available to the person dealt with contrary to this Act the rights, opportunities or privileges that that person was denied contrary to this Act;
 - (iv) to compensate the person dealt with contrary to this Act for all or any part of any wages or income lost or expenses incurred by reason of the contravention of this Act;
 - (v) to take any other action the panel considers proper to place the person dealt with contrary to

this Act in the position the person would have been in but for the contravention of this Act.

(2) A human rights panel may make any order as to costs that it considers appropriate.

(3) A human rights panel shall serve a copy of its decision, including the findings of fact on which the decision was based and the reasons for the decision, on the parties to the proceeding.

Reconsideration

29(1) If there is new evidence available that was not available or that for good reason was not presented before the human rights panel in the first instance, the panel may, on the application of any of the parties or on its own motion, reconsider any matter considered by it and for that purpose has the same power and authority and is subject to the same duties as it had and was subject to in the first instance.

(2) A human rights panel may not reconsider a matter under subsection (1) more than 30 days after the date of the decision on the matter in the first instance.

Retroactive compensation limit

30 No settlement effected under this Act and no order made by a human rights panel may compensate a person for wages or income lost or expenses incurred prior to 2 years before the date of the complaint under section 19.

Effect of decision

31 A decision of the chief commissioner under section 22(3)(a) is final and binding on the parties, subject to a party's right to judicial review of the decision.

Entry of order

32 An order made by a human rights panel may be filed with the clerk of the Court of Queen's Bench in the judicial district in which the proceeding was held, and on being entered it is enforceable in the same manner as an order of the Court of Queen's Bench.

Appeal

33(1) A party to a proceeding before a human rights panel may appeal an order of the panel to the Court of Queen's Bench by originating notice filed with the clerk of the Court of the judicial district in which the proceeding was held.

(2) The originating notice under subsection (1) shall be filed with the clerk and served on the Commission and the other parties within 30 days of the date the appellant receives a copy of the order of the human rights panel.

(3) Forthwith after being served with an originating notice under subsection (2) the Commission shall file the following with the clerk of the Court:

- (a) the order of the human rights panel, together with reasons;
 - (b) the complaint;
 - (c) the evidence taken at the hearing and all exhibits filed.
- (4) The Court may
- (a) confirm, reverse or vary the order of the human rights panel and make any order that the panel may make under section 28, or
 - (b) remit the matter back to the panel with directions.
- (5) Commencement of an appeal under this section does not operate as a stay of proceedings under the order of the human rights panel unless the Court so orders.

23 *Section 34(1) is amended by striking out “board of inquiry under section 31” and substituting “human rights panel under section 28”.*

24 *The following is added after section 36:*

Protection
from liability

36.1 No action lies against a member of the Commission or any person referred to in section 17 for anything done or not done by that person in good faith while purporting to act under this Act.

Offence

36.2(1) No person shall hinder, obstruct or interfere with the Commission or any person referred to in section 17 in the exercise of a power or the carrying out of a duty under this Act.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable to a fine of not more than \$10 000.

(3) Where

(a) a corporation, or

23 Section 34(1) presently reads:

34(1) If the order of a board of inquiry under section 31 or the Court of Queen's Bench under section 33 did not direct a person to cease the contravention complained of, the Minister of Justice and Attorney General may apply to the Court of Queen's Bench for an order enjoining the person from continuing the contravention.

24 New sections re protection from liability, offences and penalties, service of documents.

- (b) an employment agency, employers' organization, occupational association or trade union that is not a corporation

contravenes subsection (1), any director, officer or agent of the corporation or other body who directed, authorized, assented to, acquiesced in or participated in the contravention is guilty of the offence and is liable to the penalty provided for the offence, whether or not the corporation or other body has been prosecuted for or convicted of the offence.

Service of documents

36.3(1) A notice or other document required by this Act or the by-laws to be filed with the Commission is deemed to be properly filed if it is

- (a) left in person with the Commission at one of its offices, or
- (b) sent to any office of the Commission by registered or certified mail.

(2) A notice or other document required by this Act or the by-laws to be served on any person is deemed to be properly served if it is

- (a) served personally on that person, or
- (b) sent by registered or certified mail to the last address for that person known to the Commission.

(3) Where it is necessary to prove filing or service of any notice or document,

- (a) if filing or service is effected personally, the actual date on which it is filed or served is the date of filing or service, and
- (b) if filing or service is effected by registered or certified mail, filing or service shall be conclusively presumed to have been effected on the date of receipt or 7 days after the date of mailing, whichever first occurs.

25 *Section 37 is repealed.*

26 *Section 38(1) is amended*

25 Section 37 presently reads:

37 The Ombudsman Act applies to the activities of the Commission.

26 Section 38(1) presently reads in part:

(a) in clause (c) by adding “and Citizenship” after “Rights”;

(b) by adding the following after clause (d):

(d.1) “employment” includes any arrangement where one person agrees to perform work or provide services for another, and “employer” and “employee” have corresponding meanings;

(c) by adding the following after clause (e):

(e.01) “family status” means the status of being related to another person by blood, marriage or adoption;

(e.02) “marital status” means the status of being married, single, widowed, divorced, separated or living with a person of the opposite sex in a conjugal relationship outside marriage;

(d) by repealing clause (e.1) and substituting the following:

(e.1) “mental disability” means any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder;

(e) by adding the following after clause (i):

(i.1) “religious beliefs” includes native spirituality;

27(1) *In this section, “the Act” means the Human Rights and Citizenship Act.*

(2) *Where on the coming into force of this section a complaint has been made under the Act, the complaint shall be dealt with under the Act as amended by this Act unless the Commission has, before that date, directed that a formal inquiry into the matter be held by a board of inquiry, in which case the matter shall continue to be dealt with under the Act as it existed immediately before the coming into force of this section.*

28(1) *The Alberta Advisory Council on Women’s Issues Act is amended by repealing section 3(3) and (4).*

(2) *The Conflicts of Interest Act is amended in Part 3 of the Schedule by striking out “Alberta Human Rights Commission” and substituting “Alberta Human Rights and Citizenship Commission”.*

38(1) *In this Act,*

(c) *“Commission” means the Alberta Human Rights Commission;*

(e.1) *“mental disability” means*

(i) *a disorder of thought, mood, perception, orientation or memory that impairs*

(A) *judgment,*

(B) *behaviour,*

(C) *capacity to recognize reality, or*

(D) *ability to meet the ordinary demands of life,*

(ii) *a condition of mental retardation or mental impairment, or*

(iii) *a learning disability or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language;*

27 *Transitional.*

28 *Amends chapter A-13.5 of the Statutes of Alberta, 1986; chapter C-22.1 of the Statutes of Alberta, 1991; chapter D-36 of the Revised Statutes of Alberta 1980; chapter F-9 of the Revised Statutes of Alberta 1980; chapter G-5.5 of the Statutes of Alberta, 1995; chapter T-6.5 of the Statutes of Alberta, 1982.*

(3) *In the following provisions "Individual's Rights Protection Act" is struck out and "Human Rights and Citizenship Act" is substituted:*

Act	Section
Disaster Services Act	15(5)(b)
Financial Administration Act	2(1)
Government Accountability Act	2
Transportation of Dangerous Goods Act	3

29 *The following Acts are repealed:*

(a) *Alberta Multiculturalism Act;*

(b) *Women's Secretariat Act.*

30 *This Act comes into force on Proclamation.*

29 Repeals chapter A-32.8 of the Statutes of Alberta, 1984 and chapter W-13.5 of the Statutes of Alberta, 1986.

30 Coming into force.