

1993

## CHAPTER 61

### An Act to amend *The Saskatchewan Human Rights Code*

(Assented to June 22, 1993)

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

#### Short title

1 This Act may be cited as *The Saskatchewan Human Rights Code Amendment Act, 1993*.

#### S.S. 1979, c.S-24.1 amended

2 *The Saskatchewan Human Rights Code* is amended in the manner set forth in this Act.

#### Section 2 amended

##### 3 **Section 2 is amended:**

(a) **by renumbering it as subsection 2(1);**

(b) **by adding the following clause after clause (1)(h):**

"(h.1) **'family status'** means the status of being in a parent and child relationship and, for the purposes of this clause:

(i) **'child'** means son, daughter, stepson, stepdaughter, adopted child and person to whom another person stands in place of a parent;

(ii) **'parent'** means father, mother, stepfather, stepmother, adoptive parent and person who stands in place of a parent to another person";

(c) **by adding the following clause after clause (1)(m):**

"(m.1) **'receipt of public assistance'** means the receipt of:

(i) assistance as defined in *The Saskatchewan Assistance Act*; or

(ii) a benefit as defined in *The Saskatchewan Income Plan Act*"; **and**

(d) **by adding the following subsection after subsection (1):**

"(2) For the purpose of dealing with any case of alleged discrimination pursuant to this Act, no ground of discrimination shall be interpreted as extending to any conduct that is prohibited by the *Criminal Code*".

#### Section 9 amended

##### 4 **Section 9 is amended:**

(a) **by adding** "sexual orientation, family status," **after** "sex,"; **and**

(b) **by striking out** "or place of origin" **and substituting** ", place of origin or receipt of public assistance".

Section 10 amended

**5(1) Subsection 10(1) is amended:**

(a) by adding "sexual orientation, family status," after "sex,"; and

(b) by adding "or the receipt of public assistance by that person or class of persons" after "class of persons".

**(2) The following subsection is added after subsection 10(2):**

"(3) Nothing in subsection (1) prohibits the sale, the offering for sale or the advertising for sale of a place of dwelling for occupancy by persons over 55 years of age exclusively".

Section 11 amended

**6(1) Subsection 11(1) is amended:**

(a) by adding "sexual orientation, family status," after "sex,"; and

(b) by adding "or the receipt of public assistance by any person or any class of persons" after "other person or class of persons".

**(2) Subsection 11(3) is amended by adding "or sexual orientation" after "sex".**

**(3) The following subsection is added after subsection 11(3):**

"(4) Nothing in subsection (1) prohibits the renting or leasing, the offering for rent or lease or the advertising for rent or lease, of any housing accommodation for occupancy by persons over 55 years of age exclusively".

Section 12 amended

**7(1) Subsection 12(1) is amended:**

(a) by adding "sexual orientation, family status," after "sex,"; and

(b) by adding "or the receipt of public assistance by any person or any class of persons" after "other person or class of persons".

**(2) The following subsection is added after subsection 12(3):**

"(4) Subsection (1) does not apply to prevent the giving of preference because of marital status or family status with respect to membership dues, fees or other charges for services or facilities".

## Section 13 amended

**8 Subsection 13(1) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

## Section 14 amended

**9 Subsection 14(1) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance";

**in the portion that follows clause (b).**

## Section 15 amended

**10(1) Subsection 15(1) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by adding "or the receipt of public assistance by that person or class of persons" after "class of persons";

**in the portion that follows clause (b).**

- (2) **Subsection 15(1.2) is amended by adding "or family status" after "disability".**

## Section 16 amended

**11(1) Subsection 16(1) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

**(2) Subsection 16(2) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

**(3) Subsection 16(3) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

**(4) Subsection 16(10) is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

**(5) The following subsection is added after subsection 16(10):**

"(11) This section does not prohibit an employer from:

- (a) granting employment to, continuing to employ or advancing a person who is the parent, child or spouse of another employee of the employer where a reasonable and bona fide cause exists for the employer's action; or
- (b) refusing to employ, to continue to employ or to advance a person who is the parent, child or spouse of another employee of the employer where a reasonable and bona fide cause exists for the employer's refusal".

## Section 17 amended

**12 Section 17 is amended:**

- (a) by adding "sexual orientation, family status," after "sex,;" and
- (b) by striking out "or place of origin" and substituting ", place of origin or receipt of public assistance".

Section 18 amended

13 **Section 18 is amended:**

(a) **by adding** "sexual orientation, family status," **after** "sex,"; **and**

(b) **by adding** "or the receipt of public assistance by that person or member" **after** "person or member".

Section 19 amended

14 **Section 19 is amended:**

(a) **by adding** "sexual orientation, family status," **after** "sex," **in clause (a);**

(b) **by striking out** "or place of origin" **and substituting** ", place of origin or receipt of public assistance" **in clause (a);**

(c) **by adding** "sexual orientation, family status," **after** "sex," **in clause (b); and**

(d) **by adding** "or the receipt of public assistance by an applicant for employment" **after** "employment" **in clause (b).**

## Section 25 amended

**15 Section 25 is amended:**

- (a) **by adding** "sexual orientation, family status," **after** "sex," **in clause (a);**
- (b) **by striking out** "or place of origin" **and substituting** ", place of origin or receipt of public assistance" **in clause (a);**
- (c) **by adding** "sexual orientation, family status," **after** "sex," **in clause (c); and**
- (d) **by adding** "or the receipt of public assistance by any person or class of persons" **after** "persons" **in clause (c).**

## Section 32 amended

**16 The following subsection is added after subsection 32(1):**

"(1.1) On the application of any party, the judge may extend the appeal period mentioned in subsection (1) where, in the opinion of the judge, it is just and equitable to do so".

## Section 38 amended

**17 Subsection 38(3) is repealed and the following substituted:**

"(3) The commission or any person may, by statement of claim, bring action in Her Majesty's Court of Queen's Bench for Saskatchewan against any person for an injunction to restrain the person:

- (a) from depriving, abridging or otherwise restricting or attempting to deprive, abridge or restrict a person or a class of persons in the enjoyment of a right pursuant to this Act or any other Act administered by the commission; or
- (b) from contravening or attempting to contravene any provision of this Act or any other Act administered by the commission.

"(3.1) In an action pursuant to subsection (3), the judge may make any order that the judge considers fit".

## Section 47 amended

**18 Subsection 47(1) is amended:**

- (a) **by adding** "sexual orientation, family status," **after** "sex,"; **and**
- (b) **by adding** "or the receipt of public assistance by members of that group" **after** "of that group".

## Coming into force

19 This Act or any provision of this Act comes into force on a day or days to be fixed by proclamation of the Lieutenant Governor.