



BILL NO. 16

Government Bill

*2nd Session, 60th General Assembly
Nova Scotia
56 Elizabeth II, 2007*

An Act to Amend Chapter 214 of the Revised Statutes, 1989, the Human Rights Act

CHAPTER 41
ACTS OF 2007

**AS ASSENTED TO BY THE LIEUTENANT GOVERNOR
DECEMBER 13, 2007**

The Honourable Cecil P. Clarke
Minister of Justice

*Halifax, Nova Scotia
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**An Act to Amend Chapter 214
of the Revised Statutes, 1989,
the Human Rights Act**

Be it enacted by the Governor and Assembly as follows:

1 Section 3 of Chapter 214 of the Revised Statutes, 1989, the *Human Rights Act*, as enacted by Chapter 12 of the Acts of 1991, is amended by

(a) adding immediately after clause (h) the following clause:

(ha) “harass” means to engage in a course of vexatious conduct or comment that is known or ought reasonably to be known to be unwelcome;

(b) striking out “a man and woman” in the third and fourth lines of clause (i) and substituting “two people”;

(c) striking out “handicapped or” in the second line of subclause (l)(v); and

(d) striking out “previous” in the first line of subclause (l)(vii).

2 Section 5 of Chapter 214, as enacted by Chapter 12 of the Acts of 1991, is amended by adding immediately after subsection (2) the following subsection:

(3) No person shall harass an individual or group with respect to a prohibited ground of discrimination.

3 Subsection 22(2) of Chapter 214, as enacted by Chapter 12 of the Acts of 1991, is amended by

(a) striking out “who” in the third line and substituting “, and the Governor in Council”; and

(b) striking out “Chairman” in the fourth line and substituting “Chair”.

4 (1) Subsection 26(1) of Chapter 214 is amended by adding “non-voting” immediately before “member” in the third line.

(2) Section 26 of Chapter 214 is further amended by adding immediately after subsection (2) the following subsection:

(3) The Chair of the Commission, in consultation with the members of the Commission, shall carry out an annual performance appraisal, in the prescribed form, of the Director and submit the appraisal to the Minister.

5 (1) Subsection 26A(1) of Chapter 214 is repealed and the following subsection substituted:

(1) There is hereby established a division within the Commission to be known as Race Relations, Equity and Inclusion under the direction of the Manager of Race Relations, Equity and Inclusion.

(2) Clause 26A(2) of Chapter 214, as enacted by Chapter 12 of the Acts of 1991, is amended by

(a) striking out “The Race Relations Division” in the first line and substituting “Race Relations, Equity and Inclusion”;

(b) striking out clause (b) and substituting the following clause:

(b) shall assist Government, departments and agencies of Government, non-Government organizations and the private sector to develop policies on race relations;

and

(c) adding “, including the implementation of affirmative action and settlement agreements” immediately after “Government” in the last line of clause (c).

6 Section 29 of Chapter 214 is amended by

(a) adding “(1)” immediately after the Section number;

(b) striking out “instruct the Director or some other officer to” in the first and second lines; and

(c) adding the following subsections:

(2) Any complaint must be made within twelve months of the date of the action or conduct complained of, or within twelve months of the last instance of the action or conduct if the action or conduct is ongoing.

(3) Notwithstanding subsection (2), the Director may, in exceptional circumstances, grant a complainant an additional period of not more than twelve months to make a complaint if to do so would be in the public interest and, having regard to any prejudice to the complainant or the respondent, would be equitable.

(4) The Commission or the Director may dismiss a complaint at any time if

(a) the best interests of the individual or class of individuals on whose behalf the complaint was made will not be served by continuing with the complaint;

(b) the complaint is without merit;

(c) the complaint raises no significant issues of discrimination;

(d) the substance of the complaint has been appropriately dealt with pursuant to another Act or proceeding;

(e) the complaint is made in bad faith or for improper motives or is frivolous or vexatious;

(f) there is no reasonable likelihood that an investigation will reveal evidence of a contravention of this Act; or

(g) the complaint arises out of circumstances for which an exemption order has been made pursuant to Section 9.

7 (1) Subsection 31(1) of Chapter 214 is amended by striking out “Trial Division of the Supreme Court” in the fourth and fifth lines and substituting “Supreme Court of Nova Scotia”.

(2) Subsection 31(2) of Chapter 214 is amended by striking out “he” in the first line and substituting “the judge”.

8 Subsection 34(8) of Chapter 214 is amended by adding “and, where authorized by and to the extent permitted by the regulations, may make any order against that party, unless that party is the complainant, as to costs as it considers appropriate in the circumstances” immediately after “therefor” in the last line.

9 Subsection 32A(4) of Chapter 214, as enacted by Chapter 12 of the Acts of 1991, is amended by striking out “renumeration” in the second line and substituting “remuneration”.

10 Chapter 214 is further amended by adding immediately after Section 34 the following Section:

34A (1) A board of inquiry shall render a final written decision respecting a complaint within six months of the conclusion of the hearing.

(2) Where the board of inquiry has not rendered a final written decision within six months of the conclusion of the hearing respecting the complaint, the board shall immediately advise the Chief Judge of the Provincial Court of the reasons for the delay and indicate when a final decision will be rendered.

(3) Where the board of inquiry has not rendered a final written decision within the time indicated in subsection (2), the Chief Judge of the Provincial Court may fix a time within which the board of inquiry shall render the final written decision or may revoke the appointment of the board of inquiry and appoint a new board of inquiry.

11 (1) Subsection 36(1) of Chapter 214 is amended by striking out “Appeal Division of the Supreme Court” in the third line and substituting “Nova Scotia Court of Appeal”.

(2) Subsection 36(2) of Chapter 214 is amended by striking out “Supreme Court” in the third line and substituting “Nova Scotia Court of Appeal”.

(3) Subsection 36(4) of Chapter 214 is amended by striking out “Appeal Division of the Supreme Court” in the first line and substituting “Nova Scotia Court of Appeal”.

12 Subsection 41(1) of Chapter 214 is amended by striking out “Trial Division of the Supreme Court” in the third line and substituting “Supreme Court of Nova Scotia”.

13 Subsection 42(2) of Chapter 214, as enacted by Chapter 12 of the Acts of 1991, is amended by adding immediately after clause (a) the following clause:

(aa) authorizing a board of inquiry to award costs and determining the amount or extent of those costs;

14 This Act comes into force on such day as the Governor in Council orders and declares by proclamation.
