

The Fair Employment Practices Act

being

Chapter F-3 of *The Revised Statutes of Saskatchewan, 1978*
(effective February 26, 1979).

NOTE:

This consolidation is not official. Amendments have been incorporated for convenience of reference and the original statutes and regulations should be consulted for all purposes of interpretation and application of the law. In order to preserve the integrity of the original statutes and regulations, errors that may have appeared are reproduced in this consolidation.

Table of Contents

- 1 Short title
- 2 Interpretation
- 3 Discrimination by employers prohibited
- 4 Use of employment agencies that discriminate prohibited
- 5 Discrimination by trade unions prohibited
- 6 Certain discrimination prohibited
- 7 Forms of application and advertisements for employment, etc., not to express discrimination, etc.
- 8 No presumption or inference from name of trade union
- 9 Penalties
- 10 Compensation and reinstatement of employee
- 11 Prosecution of employers' organization or trade union
- 12 Consent to prosecution
- 13 Proceedings not invalid for irregularities
- 14 Other inquiries and measures
- 15 Exceptions
- 16 Regulations
- 17 Crown bound

CHAPTER F-3

An Act to prevent Discrimination in regard to Employment, and in regard to Membership in Trade Unions, by reason of Race, Religion, Religious Creed, Colour, Sex, Nationality, Ancestry or Place of Origin

Short title

1 This Act may be cited as *The Fair Employment Practices Act*.

R.S.S. 1978, c.F-3, s.1.

Interpretation

2 In this Act:

“employee”

(a) “**employee**” means a person employed by an employer but does not include an employee employed in a private home or living in the home of his employer;

“employer”

(b) “**employer**” means a person employing one or more employees, and includes a person acting on behalf of an employer, but does not include an exclusively charitable, philanthropic, fraternal, religious or social organization or corporation that is not operated for private profit or an organization that is operated primarily to foster the welfare of a religious or racial group and is not operated for private profit;

“employers’ organization”

(c) “**employers’ organization**” means an organization of employers formed for the purpose of regulating relations between employers and employees or for purposes that include the regulation of relations between employers and employees;

“employment agency”

(d) “**employment agency**” includes a person who undertakes with or without compensation to procure employees for employers and a person who undertakes with or without compensation to procure employment for persons;

“minister”

(e) “**minister**” means the member of the Executive council to whom for the time being is assigned the administration of this Act;

“person”

(f) “**person**”, in addition to the extended meaning given it by *The Interpretation Act*, includes employment agency, employers’ organization and trade union;

“trade union”

(g) “**trade union**” means an organization of employees formed for the purpose of regulating relations between employees and employers or for purposes that include the regulation of relations between employees and employers.

R.S.S. 1965, c.293, s.2; 1972, c.43, s.3; R.S.S.
1978, c.F-3, s.2.

c. F-3**FAIR EMPLOYMENT PRACTICES****Discrimination by employers prohibited**

3 No employer shall refuse to employ or to continue to employ, or otherwise discriminate against, any person in regard to employment or any term or condition of employment because of his race, religion, religious creed, colour, sex, nationality, ancestry or place of origin.

R.S.S. 1965, c.293, s.3; 1972, c.43, s.4; R.S.S. 1978, c.F-3, s.3.

Use of employment agencies that discriminate prohibited

4 No employer shall use, in the hiring or recruitment of persons for employment, an employment agency that discriminates against persons seeking employment because of their race, religion, religious creed, colour, sex, nationality, ancestry or place of origin.

R.S.S. 1965, c.293, s.4; 1972, c.43, s.4; R.S.S. 1978, c.F-3, s.4.

Discrimination by trade unions prohibited

5 No trade union shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members or discriminate against any person in regard to his employment by any employer, because of that person's or member's race, religion, religious creed, colour, sex, nationality, ancestry or place of origin.

R.S.S. 1965, c.29, s.5; 1972, c.43, s.4; R.S.S. 1978, c.F-3, s.5.

Certain discrimination prohibited

6 No employer or trade union shall discharge, expel or otherwise discriminate against any person because he has given evidence or assisted in any way in respect of the initiation or prosecution of a proceeding under this Act.

1972, c.43, s.7; R.S.S. 1978, c.F-3, s.6.

Forms of application and advertisements for employment, etc., not to express discrimination, etc.

7 No person shall use or circulate any form of application for employment to which this Act applies or publish any advertisement in connection with such employment or prospective employment or make any written or oral inquiry in connection with such employment that:

(a) expresses either directly or indirectly a limitation, specification or preference as to race, religion, religious creed, colour, sex, nationality, ancestry or place of origin or an intent to make or give any such limitation, specification or preference unless the limitation, specification or preference is based upon a *bona fide* occupational qualification; or

(b) contains a question or a request for particulars as to the race, religion, religious creed, colour, sex, nationality, ancestry or place of origin of an applicant for employment unless the question or request for particulars is based upon a *bona fide* occupational qualification.

R.S.S. 1965, c.293, s.7; 1972, c.43, s.4; R.S.S. 1978, c.F-3, s.7.

No presumption or inference from name of trade union

8 Where a question arises as to whether a trade union discriminates contrary to this Act no presumption shall be made or inference drawn from the name of the trade union.

R.S.S. 1965, c.293, s.8; R.S.S. 1978, c.F-3, s.8.

Penalties

9 Every person who violates a provision of this Act is guilty of an offence and liable on summary conviction:

- (a) if an individual, to a fine not exceeding \$100;
- (b) if a corporation, trade union, employers' organization or employment agency, to a fine not exceeding \$500.

R.S.S. 1965, c.293, s.14; 1972, c.43, s.10; R.S.S. 1978, c.F-3, s.9.

Compensation and reinstatement of employee

10 Where an employer is convicted for violation of section 3 or 6 by reason of his having suspended, transferred, laid off or discharged an employee contrary to this Act, the convicting court, judge, provincial magistrate or justice of the peace may, in addition to any other penalty, order the employer to pay to the employee compensation for loss of employment not exceeding such sum as in the opinion of the court, judge, provincial magistrate or justice of the peace is equivalent to the wages, salary or remuneration that would have accrued to the employee up to the date of conviction but for the suspension, transfer, lay-off or discharge, and may order the employer to reinstate the employee in his employ, at such date as in the opinion of the court, judge, provincial magistrate or justice of the peace is just and proper in the circumstances, in the position the employee would have held but for the suspension, transfer, layoff or discharge.

R.S.S. 1965, c.293, s.15; R.S.S. 1978, c.F-3, s.10.

Prosecution of employers' organization or trade union

11 A prosecution for an offence under this Act may be brought against an employers' organization or a trade union in the name of the organization or union, and for the purpose of such prosecution an employers' organization or trade union shall be deemed to be a person, and any act or thing done or omitted by an officer or agent of an employers' organization or trade union within the scope of his authority to act on behalf of the organization or trade union shall be deemed to be an act or thing done or omitted by the employers' organization or trade union.

R.S.S. 1965, c.293, s.16; R.S.S. 1978, c.F-3, s.11.

Consent to prosecution

12 No prosecution for an offence under this Act shall be instituted without the consent in writing of the minister.

R.S.S. 1965, c.293, s.17; R.S.S. 1978, c.F-3, s.12.

Proceedings not invalid for irregularities

13 No proceeding under this Act shall be deemed invalid by reason of a defect in form or a technical irregularity.

R.S.S. 1965, c.293, s.18; R.S.S. 1978, c.F-3, s.13.

Other inquiries and measures

14 Where the minister deems it expedient he may undertake or cause to be undertaken such inquiries and other measures as appear to him to be advisable to promote the purposes of this Act.

R.S.S. 1965, c.293, s.19; R.S.S. 1978, c.F-3, s.14.

Exceptions

15(1) Nothing in this Act requires a person to employ anyone, or to do or refrain from doing any other thing, contrary to any instruction, direction or regulation given or made:

- (a) by or on behalf of the Government of Canada in the interests of the safety or security of Canada or any state allied or associated with Canada; or
- (b) under and in accordance with *The Civil Defence Act*.

(2) Nothing in this Act deprives a school or board of trustees thereof of the right to employ persons of a particular religion or religious creed where religious instruction forms or can form the whole or part of the instruction or training provided by the school or board of trustees pursuant to *The School Act* or *The Larger School Units Act*, and section 7 insofar as it refers to a limitation, specification, preference, question or request for particulars as to religion or religious creed does not apply to such employment.

(3) Nothing in this Act prevents any person from establishing or maintaining an employment classification or category that, by its description or operation, excludes a person from employment or continued employment on the grounds of sex where the work or the position cannot be reasonably performed by persons of that sex.

R.S.S. 1965, c.293 s.20; 1972, c.43, s.11; R.S.S. 1978, c.F-3, s.15.

Regulations

16 For the purpose of carrying out the provisions of this Act according to their true intent and of supplying any deficiency therein, the Lieutenant Governor in Council may make regulations and orders not inconsistent with the spirit of this Act which shall have the same force and effect as if incorporated herein.

R.S.S. 1965, c.293, s.22; R.S.S. 1978, c.F-3, s.16.

Crown bound

17 The provisions of this Act bind the Crown and every servant and agent of the Crown.

R.S.S. 1965, c.293, s.23; R.S.S. 1978, c.F-3, s.17.