



ONTARIO

The Women's Equal Employment Opportunity Act

Revised Statutes of Ontario, 1970

CHAPTER 501

as amended by

1971, Chapter 50, s. 90 and 1972, Chapter 1, s. 1

- and -

Regulation 831

Revised Regulations of Ontario, 1970

as amended by

1972, Chapter 1, s. 1

APRIL

1972

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

OFFICE CONSOLIDATION

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The Women's Equal
Employment Opportunity

Act of 1972

Public Law 93-115

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1972

CHAPTER 501

The Women's Equal Employment
Opportunity Act

- 1.** In this Act,
- (a) "board" means a board of inquiry appointed under this Act; Interpre-
tation
 - (b) "Director" means the Director of the Ontario Women's Bureau;
 - (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
 - (d) "Minister" means the Minister of Labour or such other member of the Executive Council as this Act is assigned to by the Lieutenant Governor in Council;
 - (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union; R.S.O. 1970,
c. 225
 - (f) "regulations" means the regulations made under this Act;
 - (g) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers. R.S.O.
1970, c. 501, s. 1.
- 2.** Except as specifically exempted by this Act or the regulations, this Act applies in respect of the employment of all persons, whether male or female. Application
of Act R.S.O. 1970, c. 501, s. 2.
- 3.**—(1) Sections 4, 5, 6, 7, 8, 9 and 10 bind the Crown. Application
of sections
4 to 10
- (2) Sections 4, 5, 6, 7, 8, 9 and 10 apply notwithstanding any agreement or waiver to the contrary. Idem
- (3) Sections 4, 6, 7 and 8 do not apply in respect of an employer who employs fewer than six employees. Application
of sections
4, 6, 7, 8 R.S.O. 1970, c. 501, s. 3.
- 4.** No person shall,
- (a) refuse to refer or to recruit any person for employment;
 - (b) dismiss or refuse to employ or to continue to employ any person;
 - (c) refuse to train, promote or transfer an employee; or Discrimin-
ation in
employment

- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status. R.S.O. 1970, c. 501, s. 4.

Discrimination by employment agencies

5. No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing of or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf. R.S.O. 1970, c. 501, s. 5.

Discrimination in employment classifications

6. No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status. R.S.O. 1970, c. 501, s. 6.

Discrimination in advancement

7. No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work. R.S.O. 1970, c. 501, s. 7.

Discriminatory advertising

8. No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status. R.S.O. 1970, c. 501, s. 8.

Pregnancy leave

9.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in subsection 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

Idem

(2) Every employer shall, upon the request of an employee and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant of cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

Post-natal leave

(3) The employee shall not work and the employer shall not cause or permit her to work for at least six weeks after the date of

delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave. Preservation of seniority, etc.

(5) For the purposes of subsection 1, an employee shall produce, when so requested by the employer, the certificate referred to in subsection 2. Production of certificate

(6) This section does not apply in respect of an employer unless he employs twenty-five or more employees. Application of section: employers

(7) This section does not apply in respect of an employer unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2. R.S.O. 1970, c. 501, s. 9. employees

10. No person shall,

Reprisals

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or
- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act. R.S.O. 1970, c. 501, s. 10.

11.—(1) There shall be a branch of the Ministry of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary. R.S.O. 1970, c. 501, s. 11 (1); 1972, c. 1, s. 1. Ontario Women's Bureau established

(2) The Bureau shall, subject to the direction and control of the Minister, Functions

- (a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;

- (b) promote the expansion of training and employment opportunities for women;
- (c) inform and advise women in respect of training and employment;
- (d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;
- (e) enforce legislation providing for equal employment opportunity for women;
- (f) perform any other duties given to it by any Act.

Director responsible to Minister

(3) The Director is responsible to the Minister for the administration of the Bureau. R.S.O. 1970, c. 501, s. 11 (2, 3).

Complaint

12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

Consent of person offended against

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto. R.S.O. 1970, c. 501, s. 12.

Inquiry and settlement

13.—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

Form of settlement

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

- (a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;
- (b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

Settlement binding

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

Settlement after board proceedings commence

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by

the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

Complaint upon contravention of settlement

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding. R.S.O. 1970, c. 501, s. 13.

Settlement superseded by order

14.—(1) Where it appears to the Director that a complaint will not be settled, the Director shall make a recommendation to the Minister as to whether or not a board should be appointed, and the Minister may, in his discretion, appoint a board of inquiry, consisting of one or more persons, to hear and decide the complaint.

Appointment of board

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

Notice of appointment

- (a) the Director; and
- (b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Administration of oaths

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section. R.S.O. 1970, c. 501, s. 14.

Remuneration of board

15.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint shall be,

Parties

- (a) the Director, who shall have the carriage of the complaint;
- (b) the person named in the complaint as the complainant;
- (c) any person named in the complaint and alleged to have contravened this Act;
- (d) any person, other than the person mentioned in clause b, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

- (e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party. R.S.O. 1970, c. 501, s. 15 (1).
- Copy of complaint (2) A true copy of the complaint shall be annexed to the notice of the hearing that is given to any party except the Director.
- Members at hearing not to have taken part in investigation, etc. (3) A member of the board hearing a complaint shall not have taken part in any investigation or consideration of the complaint prior to the hearing and shall not communicate directly or indirectly in relation to the complaint with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.
- Recording of evidence (4) The oral evidence taken before a board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.
- Findings of fact (5) The findings of fact of the board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act, 1971*.
1971, c. 47
- Jurisdiction of board (6) Subject to appeal under section 24, the board has exclusive jurisdiction and authority to determine any question of fact or law or both required to be decided in reaching a decision as to whether or not any person has contravened this Act or for the making of any order pursuant to such decision. 1971, c. 50, s. 90 (1).
- 16. to 21. REPEALED:** 1971, c. 50, s. 90 (2).
- Order of board **22.—**(1) The board after hearing a complaint,
(a) shall decide whether or not any party has contravened this Act; and
(b) may make an order under subsection 2.
- Idem (2) Where the board decides that any party has contravened any provision of sections 4 to 9, the board may order,
(a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and
(b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such

party to rectify any injury caused such person or to make compensation therefor.

(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board. R.S.O. 1970, c. 501, s. 22. Majority decision

23. REPEALED: 1971, c. 50, s. 90 (3).

24.—(1) Any party to the hearing before a board may appeal from the decision or order of the board to the Supreme Court in accordance with the rules of court. Appeal from order of board

(2) Where notice of an appeal is served under this section, the board shall forthwith file in the Supreme Court the record of the proceedings before it in which the decision or order appealed from was made which, together with a transcript of the oral evidence taken before the board, if it is not part of the record of the board, shall constitute the record in the appeal. Records to be filed in court

(3) The Minister is entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section. Minister entitled to be heard

(4) An appeal under this section may be made on questions of law or fact or both and the court may affirm or reverse the decision or order of the board or direct the board to make any decision or order that the board is authorized to make under this Act and the court may substitute its opinion for that of the board. 1971, c. 50, s. 90 (4). Powers of court

25. REPEALED: 1971, c. 50, s. 90 (5), *part.*

26. The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct, and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees. R.S.O. 1970, c. 501, s. 26. Posting notices

27.—(1) Every employer shall, Production of records

- (a) in respect of an employee, produce the records required by this Act or the regulations or by section 38 of *The Employment Standards Act* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and R.S.O. 1970, c. 147
- (b) furnish such information from the records at such time and place as the Director may require.

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to Inspection

inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 40 of *The Employment Standards Act*. R.S.O. 1970, c. 501, s. 27.

Notice to
furnish
information

28.—(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable time as is specified in the notice.

Proof of
service

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice.

Proof of
failure
to comply

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information.

Proof of
documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of
authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature. R.S.O. 1970, c. 501, s. 28.

29. REPEALED: 1971, c. 50, s. 90 (5), *part*.

Penalty

30.—(1) Every person who,

- (a) contravenes any provision of this Act or the regulations; or
- (b) fails to comply with any order of a board under this Act,

is guilty of an offence and on a summary conviction is liable,

- (c) if an individual, to a fine of not more than \$800; or

- (d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister. Consent of Minister

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization. Prosecution of trade union, etc.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act* or *The Employment Standards Act*. R.S.O. 1970, c. 501, s. 30. Defence
R.S.O. 1970,
cc. 220, 147

31.—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. Restraining order

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. R.S.O. 1970, c. 501, s. 31. Enforcement

32. A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. R.S.O. 1970, c. 501, s. 32. Certified copies of orders

33.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations by the publication of such notices in such manner as may be prescribed;

(e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;

(f) prescribing forms and providing for their use.

Idem

(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation. R.S.O. 1970, c. 501, s. 33.

Moneys

34. The moneys necessary for the purposes of this Act shall be paid out of the moneys appropriated therefor by the Legislature. R.S.O. 1970, c. 501, s. 34.

REGULATION 831

under The Women's Equal Employment Opportunity Act

FORMS

1. A complaint referred to in subsection 1 of section 12 of the Act shall be in Form 1. O. Reg. 478/70, s. 1.

2. A complaint referred to in subsection 2 of section 12 of the Act shall be in Form 2. O. Reg. 478/70, s. 2.

Form 1*The Women's Equal Employment Opportunity Act*

PERSONAL COMPLAINT

(NOTE: Complete this Form *only* when the complaint is for yourself)

TO THE ONTARIO WOMEN'S BUREAU:

A complaint from.....complainant against
(print name in full of complainant)..... respondent.
(print name in full and position of respondent)I, the complainant, residing at.....
(name of complainant) (address)tel. no. have reasonable grounds for believing that, because of my sex or marital
status , the respondent..... whose address is.....
(name of respondent) (address)contravened section 4 5 6 7 8 or 9 of *The Women's Equal Employment Opportunity Act*
on or about the.....
(day) (month) (year)

The Particulars Are:

Dated at....., this.....

day of....., 19.....
(signature of complainant)

This complaint is to be mailed or delivered to the Women's Bureau, Ontario Ministry of Labour.

O. Reg. 478/70, Form 1.
1972, c. 1, s. 1.

Form 2

The Women's Equal Employment Opportunity Act

COMPLAINT ON BEHALF OF ANOTHER PERSON

NOTE: Complete this Form *only* when you are making a complaint on behalf of another person)

TO THE ONTARIO WOMEN'S BUREAU:

A complaint from.....complainant against
(print name in full of complainant)

..... respondent.
(print name in full and position of respondent)

I, the complainant residing at
(name of complainant) (address)

tel. no. have reasonable grounds for believing that the respondent.....
(name of respondent)

whose address is..... tel. no.....
(address)

contravened section 4 5 6 7 8 or 9 of *The Women's Equal Employment Opportunity Act*
on or about the.....
(day) (month) (year)

This alleged contravention occurred because of the sex or marital status of
(print name in full of person on

..... who resides at tel. no.....
behalf of whom complaint is made) (address)

The Particulars Are:

Dated at....., this

day of....., 19.....
(signature of complainant)

Consent

I am the person alleged to have been offended against in the within complaint made by.....
and I hereby consent to the filing thereof by the Director of the Ontario Women's Bureau.

Dated at....., this.....

day of....., 19.....
.....
(signature)

This complaint is to be mailed or delivered to the Women's Bureau, Ontario Ministry of Labour.

STATE OF NEW YORK

IN SENATE
January 15, 1914.

REPORT
OF THE
COMMISSIONERS OF THE LAND OFFICE
IN RESPONSE TO A RESOLUTION
PASSED BY THE SENATE
MAY 15, 1912.

ALBANY: JAMES BROWN PUBLISHING CO., 1914.

EXPLANATORY NOTES

The Women's Equal Employment Opportunity Act, 1970, chapter 33, was proclaimed in force on December 1st, 1970.

As of September 1st, 1971 this Act is cited as *The Women's Equal Employment Opportunity Act*, R.S.O., 1970, chapter 501.

The above Act is amended by section 90 of *The Civil Rights Statute Law Amendment Act, 1971*, chapter 50, which was proclaimed in force on April 17th, 1972.

For further information contact:

The Women's Bureau,
Ontario Ministry of Labour,
400 University Avenue,
Toronto 2, Ontario.

For information on Equal Pay for Equal Work, contact the Employment Standards Branch of the Ministry of Labour, at the above address.

