



BERMUDA

HUMAN RIGHTS AMENDMENT ACT 2013

2013 : 18

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WHEREAS it is expedient to amend the Human Rights Act 1981 to broaden the criteria for protection against discrimination and to bring about greater efficiency in the administration of the Human Rights Act 1981;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

Citation

1 This Act, which amends the Human Rights Act 1981 (the "principal Act"), may be cited as the Human Rights Amendment Act 2013.

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Amends section 2

2 Section 2 of the principal Act is amended—

- (a) in subsection (1), in the definition of “tribunal”, by deleting the words “appointed under section 18” and substituting “established under section 17A”;
- (b) in subsection (2)(a)(ii) by inserting next after the word “sex” the words “or sexual orientation”;
- (c) in subsection (2)(a), by deleting subparagraphs (iv) and (v) and substituting the following—

“(iv) of his family status;”

- (d) in subsection (2)(b)(i)—
 - (i) by inserting next after the word “sex” the words “sexual orientation,”;
 - (ii) by inserting next after the word “disability,” the words “family status,”;
- (e) in subsection (2)(b)(ii)—
 - (i) by inserting next after the word “sex” the words “sexual orientation,”;
 - (ii) by inserting next after the word “disability,” the words “family status,”;and
- (f) by inserting next after subsection (3)—

“(4) The right to no less favourable treatment because of sex includes the right to no less favourable treatment because a woman is or may become pregnant.”.

Amends section 4

3 Section 4(1) of the principal Act is amended by inserting next after the word “discriminate” the words “based on age or”.

Amends section 5

4 Section 5 of the principal Act is amended—

- (a) in subsection (1) by inserting next after the words “other person” the words “due to age or”; and
- (b) by inserting next after subsection (4) the following—

“(5) For the purposes of this section, a person shall not be taken to discriminate on the basis of age solely by offering goods, facilities or services to persons over the age of 65 free of charge, at a discount or on more favourable terms than the same goods, facilities or services are offered to persons under that age.”.

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Amends section 6

5 Section 6 of the principal Act is amended in subsection (6), after the words “marital status,”, by deleting the words “likelihood of childbirth” and replacing them with the words “family status”.

Amends section 7

6 Section 7(3) of the principal Act is amended by—

- (a) inserting next after the word “sex” the words “or sexual orientation,”; and
- (b) inserting before the words “marital status” the words “, family status or”.

Amends section 8A

7 Section 8A(3) of the principal Act is amended by replacing the full stop at the end of paragraph (b) with the words, “; and” and inserting the following after paragraph (b)—

- “(c) the expression “publish or display” includes publishing or displaying by way of recorded telephone discussions, internet, e-mails recorded in print or recorded on the internet, radio, television or any other electronic medium or communication device.”.

Inserts section 14J

8 The principal Act is amended by inserting, next after section 14I, the following—

“Mediation

14J (1) The Office of the Human Rights Commission may offer parties mediation or conciliation under this section if, having regard to all of the circumstances of the case, the conciliation or mediation is suitable in such circumstances.

(2) The Office of the Human Rights Commission may authorise any person, deemed fit by the Commission, as mediator in any mediation.

(3) Anything said or admitted during the mediation and any document prepared for the purposes of such mediation—

- (a) shall not be admissible in evidence in any subsequent investigation of the complaint that is the subject of the investigation unless the person who said or admitted the thing, or to whom the documents relate, consents to its admission; and
- (b) shall not be admissible in evidence against any person in any court or at any inquiry or in any other proceedings,

and no evidence in respect of the mediation may be given against any person.”.

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Amends section 16

9 Section 16 of the principal Act is amended, in the headnote, by deleting “Powers of the Executive Officer of the Commission” and substituting “Powers to collect evidence”.

Inserts section 17A

10 The principal Act is amended by inserting, next after section 16, the following—

“Tribunal

17A There is established a Tribunal which, subject to the provisions of this Act, shall be responsible for hearing complaints.”.

Amends section 18

11 Section 18(1C)(d) of the principal Act is amended by deleting the words “Executive Officer” and substituting the word “Commission”.

Repeal and replace section 20(6)

12 Section 20(6) of the principal Act is repealed and replaced with the following—

“(6) The Tribunal may dismiss a complaint at any stage of the proceedings.”.

Commencement

13 This Act shall come into operation on such day, as the Minister may appoint by notice published in the Gazette.

[Assent Date: 09 July 2013]

[Operative Date: 08 August 2013]