



Human Rights Act, RSNB 2011, c 171

This Act was amended by several enactments that came into force retroactively. This may cause some versions to contain changes that did not occur exactly at the displayed dates. This statute replaces RSNB 1973, c H-11.

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2011, c.171

Human Rights Act

Deposited May 13, 2011

Preamble

WHEREAS recognition of the fundamental principle that all persons are equal in dignity and human rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity is a governing principle sanctioned by the laws of New Brunswick; and

WHEREAS ignorance, forgetfulness or contempt of the rights of others are often the causes of public miseries and social disadvantage; and

WHEREAS people and institutions remain free only when freedom is founded on respect for moral and spiritual values and the rule of law; and

WHEREAS it is recognized that human rights must be guaranteed by the rule of law, and that these principles have been confirmed in New Brunswick by a number of enactments of this Legislature; and

WHEREAS it is desirable to enact a measure to codify and extend those enactments and to simplify their administration;

THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of New Brunswick, enacts as follows:

Citation

1 This Act may be cited as the *Human Rights Code*.

R.S.1973, c.H-11, s.1; [1985, c.30, s.3](#)

Definitions

2 The following definitions apply in this Act.

“Board” Repealed: [2012, c.12, s.2](#)

“business or trade association” means an organization of persons that by an enactment, agreement or custom has power to admit, suspend, expel or direct persons in relation to a business or trade. (*association de gens d'affaires ou association de métiers*)

“commercial unit” means a building or other structure or part of a building or other structure that is used or occupied or is intended, arranged or designed to be used or occupied for the manufacture, sale, resale, processing, reprocessing, displaying, storing, handling, garaging or distribution of personal property, or any space that is used or occupied or is intended, arranged or designed to be used or occupied as a separate business or professional unit or office in a building or other structure or in a part of a building or other structure. (*établissement commercial*)

“Commission” means the New Brunswick Human Rights Commission. (*Commission*)

“delegate” means a person to whom duties and powers of the Commission are delegated under [section 18.1](#) and includes a subdelegate. (*délégataire*)

“employer” includes every person, firm, corporation, agent, manager, representative, contractor or subcontractor having control or direction of, or being responsible, directly or indirectly, for the employment of any person. (*employeur*)

“employers’ organization” means an organization of employers formed for purposes that include the regulation of relations between employers and employees. (*organisation patronale*)

“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. (*agence de placement*)

“mental disability” includes (*incapacité mentale*)

(a) an intellectual or developmental disability,

(b) a learning disability, or dysfunction in one or more of the mental processes involved in the comprehension or use of symbols or spoken language, and

(c) a mental disorder.

“Minister” means the Minister of Post-Secondary Education, Training and Labour and includes any person designated by the Minister to act on the Minister’s behalf. (*ministre*)

“person” , in addition to the extended meaning given by the [Interpretation Act](#), includes an employment agency, an employers’ organization and a trade union. (*personne*)

“physical disability” means any degree of disability, infirmity, malformation or disfigurement of a physical nature resulting from bodily injury, illness or birth defect and includes, but is not limited to, a disability resulting from any degree of paralysis or from diabetes mellitus, epilepsy, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or on a wheelchair, cane, crutch or other remedial device or appliance. (*incapacité physique*)

“professional association” means an organization of persons that by an enactment, agreement or custom has power to admit, suspend, expel or direct persons in the practice of an occupation or calling. (*association professionnelle*)

“sex” includes pregnancy, the possibility of pregnancy or circumstances related to pregnancy. (*sexe*)

“social condition” , in respect of an individual, means the condition of inclusion of the individual in a socially identifiable group that suffers from social or economic disadvantage on the basis of his or her source of income, occupation or level of education. (*condition sociale*)

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

R.S.1973, c.H-11, s.2; [1976, c.31, s.1](#); [1983, c.30, s.14](#); [1985, c.30, s.4, 16](#); [1986, c.8, s.57](#); [1992, c.2, s.27](#); [1992, c.30, s.2](#); [1998, c.41, s.64](#); [2000, c.26, s.161](#); [2004, c.21, s.1.1](#); [2005, c.3, s.1](#); [2006, c.16, s.87](#); [2007, c.10, s.49](#); [2012, c.12, s.2](#); [2017, c.24, s.2](#); [2017, c.63, s.28](#); [2019, c.2, s.71](#)

Prohibited grounds of discrimination

[2017, c.24, s.3](#)

2.1 For the purposes of this Act, the prohibited grounds of discrimination are

- (a) race,
- (b) colour,
- (c) national origin,
- (d) ancestry,
- (e) place of origin,
- (f) creed or religion,
- (g) age,
- (h) physical disability,
- (i) mental disability,
- (j) marital status,

- (k) family status,
- (l) sex,
- (m) sexual orientation,
- (n) gender identity or expression,
- (o) social condition, and
- (p) political belief or activity.

[2017, c.24, s.3](#)

Exceptions

[2017, c.24, s.3](#)

2.2 Despite any provision of this Act, a limitation, specification, exclusion, denial or preference on the basis of a prohibited ground of discrimination is not a discriminatory practice if the Commission has determined that it is based on a *bona fide* requirement or qualification that justifies the difference.

[2017, c.24, s.3](#)

This Act binds the Crown in right of the Province

3 This Act binds the Crown in right of the Province.

R.S.1973, c.H-11, s.9

Discrimination in employment

4(1) No person shall, based on a prohibited ground of discrimination,

- (a) refuse to employ or continue to employ any person, or
- (b) discriminate against any person in respect of employment or any term or condition of employment.

4(2) No employment agency shall discriminate against a person seeking employment based on a prohibited ground of discrimination.

4(3) No trade union or employers' organization shall, based on a prohibited ground of discrimination,

- (a) exclude any person from full membership,
- (b) expel, suspend or otherwise discriminate against any of its members, or
- (c) discriminate against any person in respect of his or her employment by an employer.

4(4) No person shall express either directly or indirectly a limitation, specification or preference, or require an applicant to furnish any information as to a prohibited ground of discrimination, in respect of

- (a) the use or circulation of a form of application for employment,
- (b) the publication of an advertisement in connection with employment or causing its publication, or

(c) an oral or written inquiry in connection with employment.

4(5) Repealed: [2017, c.24, s.4](#)

4(6) The provisions of subsections (1), (2), (3) and (4) as to age do not apply to

(a) the termination of employment or a refusal to employ because of the terms or conditions of any *bona fide* retirement or pension plan,

(b) the operation of the terms or conditions of a *bona fide* retirement or pension plan that have the effect of a minimum service requirement, or

(c) the operation of terms or conditions of a *bona fide* group or employee insurance plan.

4(7) The provisions of subsections (1), (2), (3) and (4) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained the age of majority if the limitation, specification, exclusion, denial or preference is required or authorized by an Act of the Legislature or a regulation made under that Act.

4(8) The provisions of subsections (1), (2), (3) and (4) as to physical disability and mental disability do not apply to the operation of the terms or conditions of a *bona fide* group or employee insurance plan.

R.S.1973, c.H-11, s.3; [1974, c.20 \(Supp.\), s.1](#); [1976, c.31, s.2](#); [1985, c.30, s.5](#); [1992, c.30, s.3](#); [2004, c.21, s.2](#); [2017, c.24, s.4](#)

Discrimination in housing and sale of property

5(1) No person directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, shall, based on a prohibited ground of discrimination,

(a) deny to any person or class of persons the right to occupy a commercial unit or a dwelling unit, or

(b) discriminate against any person or class of persons with respect to any term or condition of occupancy of a commercial unit or a dwelling unit.

5(2) No person who offers to sell property or any interest in property shall, based on a prohibited ground of discrimination,

(a) refuse an offer to purchase the property or interest made by a person or class of persons, or

(b) discriminate against any person or class of persons with respect to any term or condition of the sale of any property or interest in property.

5(3) No person shall impose, enforce or endeavour to impose or enforce, any term or condition on any conveyance, instrument or contract, whether written or oral, that restricts the right of any person or class of persons, with respect to property based on a prohibited ground of discrimination.

5(4) Repealed: [2017, c.24, s.5](#)

5(5) The provisions of subsections (1) and (2) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained

the age of majority if the limitation, specification, exclusion, denial or preference is required or authorized by an Act of the Legislature or a regulation made under that Act.

R.S.1973, c.H-11, s.4; [1976, c.31, s.2](#); [1985, c.30, s.6](#); [1992, c.30, s.4](#); [2004, c.21, s.3](#); [2017, c.24, s.5](#)

Discrimination in accommodation and services

[2012, c.12, s.3](#)

6(1) No person, directly or indirectly, alone or with another, by himself, herself or itself or by the interposition of another, shall, based on a prohibited ground of discrimination,

(a) deny to any person or class of persons any accommodation, services or facilities available to the public, or

(b) discriminate against any person or class of persons with respect to any accommodation, services or facilities available to the public.

6(2) Repealed: [2017, c.24, s.6](#)

6(3) The provisions of subsection (1) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained the age of majority if the limitation, specification, exclusion, denial or preference is required or authorized by an Act of the Legislature or a regulation made under that Act.

R.S.1973, c.H-11, s.5; [1976, c.31, s.2](#); [1985, c.30, s.7](#); [1992, c.30, s.5](#); [2004, c.21, s.4](#); [2012, c.12, s.4](#); [2017, c.24, s.6](#)

Discriminatory notices or signs

7(1) No person shall indicate discrimination or an intention to discriminate against any person or class of persons on the basis of a prohibited ground of discrimination in a notice, sign, symbol, emblem or other representation that is

(a) published, displayed or caused to be published or displayed, or

(b) permitted to be published or displayed on lands or premises, in a newspaper, through a television or radio broadcasting station, or by means of any other medium that the person owns or controls.

7(2) Nothing in this section interferes with, restricts or prohibits the free expression of opinions on any subject by speech or in writing.

7(3) Repealed: [2017, c.24, s.7](#)

7(4) The provisions of subsection (1) as to age do not apply to a limitation, specification, exclusion, denial or preference in relation to a person who has not attained the age of majority if the limitation, specification, exclusion, denial or preference is required or authorized by an Act of the Legislature or a regulation made under that Act.

R.S.1973, c.H-11, s.6; [1976, c.31, s.2](#); [1985, c.30, s.8](#); [1992, c.30, s.6](#); [2004, c.21, s.5](#); [2012, c.12, s.5](#); [2017, c.24, s.7](#)

Discrimination by a professional, business or trade association

[2012, c.12, s.6](#)

8(1) No professional association or business or trade association shall exclude any person from full membership or expel or suspend or otherwise discriminate against any of its members based on a prohibited ground of discrimination.

8(2) Nothing in this section affects the application of a statutory provision restricting membership in a professional association or business or trade association to Canadian citizens or British subjects.

R.S.1973, c.H-11, s.7; [1976, c.31, s.2](#); [1985, c.30, s.9](#); [1992, c.30, s.7](#); [2004, c.21, s.6](#); [2017, c.24, s.8](#)

Exception - social condition

[2012, c.12, s.7](#)

9 Despite any provision of this Act, a limitation, specification, exclusion, denial or preference on the basis of social condition shall be permitted if it is required or authorized by an Act of the Legislature.

[2004, c.21, s.6.1](#); [2005, c.3, s.2](#)

Sexual harassment

10(1) The following definitions apply in this section.

“association” means an employers’ organization, a trade union, a professional association or a business or trade association. (*association*)

“representative” means a person who acts on behalf of an association or another person. (*représentant*)

“sexually harass” means engage in vexatious comment or conduct of a sexual nature that is known or ought reasonably to be known to be unwelcome. (*harceler sexuellement*)

10(2) No employer, representative of the employer or person employed by the employer shall sexually harass a person employed by the employer or a person seeking employment with the employer.

10(3) No association or representative of the association shall sexually harass a member of the association or a person seeking membership in the association.

10(4) No person who provides goods, services, facilities or accommodation to the public, nor any representative of that person, shall sexually harass a recipient or user, or a person seeking to be a recipient or user, of those goods, services, facilities or accommodation.

10(5) No person who provides commercial or residential premises to the public, nor any representative of that person, shall sexually harass an occupant, or a person seeking to be an occupant, of those premises.

10(6) For the purposes of this section

(a) an act committed by an employee or representative of a person shall be deemed to be an act committed by the person if the person did not exercise the diligence appropriate in the circumstances to prevent the commission of the act,

(b) an act committed by an employee or representative of an association shall be deemed to be an act committed by the association if an officer or director of the

association did not exercise the diligence appropriate in the circumstances to prevent the commission of the act, and

(c) an act committed by an officer or director of an association shall be deemed to be an act committed by the association.

[1987, c.26, s.1](#)

Discrimination for complaint

11 No person shall discharge, refuse to employ, exclude, expel, suspend, evict, deny a right or benefit to or otherwise discriminate against any person because that person has made a complaint or given evidence or assisted in any way in respect of the initiation, inquiry or prosecution of a complaint or other proceeding under this Act.

R.S.1973, c.H-11, s.8; [2012, c.12, s.8](#)

Human Rights Commission

12(1) There is established a Commission called the New Brunswick Human Rights Commission.

12(2) The Commission shall be composed of three or more members as may be fixed by the Lieutenant-Governor in Council.

12(3) The members of the Commission shall be appointed by the Lieutenant-Governor in Council.

12(4) The Lieutenant-Governor in Council may designate one of the members as chair.

12(5) The Lieutenant-Governor in Council may fix the remuneration of the members of the Commission.

R.S.1973, c.H-11, s.10; [1985, c.30, s.10](#)

Objects

13 The Commission has the power to administer this Act and, without limiting the generality of the foregoing, it is the function of the Commission

(a) to forward the principle that every person is free and equal in dignity and rights without regard to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity,

(b) to promote an understanding of, an acceptance of, and compliance with this Act, and

(c) to develop and conduct educational programs designed to eliminate discriminatory practices related to race, colour, religion, national origin, ancestry, place of origin, age, physical disability, mental disability, marital status, family status, sexual orientation, sex, gender identity or expression, social condition or political belief or activity.

R.S.1973, c.H-11, s.12; [1976, c.31, s.2](#); [1985, c.30, s.11](#); [1992, c.30, s.8](#); [2004, c.21, s.7](#); [2017, c.24, s.9](#)

Commission may approve programs

[2012, c.12, s.9](#)

14(1) On the application of any person, or on its own initiative, the Commission may approve a program to be undertaken by any person designed to promote the welfare of any class of persons.

14(2) At any time before or after approving a program, the Commission may do any of the following as the Commission thinks fit:

- (a) make inquiries concerning the program;
- (b) vary the program;
- (c) impose conditions on the program; or
- (d) withdraw approval of the program.

14(3) Anything done in accordance with a program approved under this section is not a violation of the provisions of this Act.

R.S.1973, c.H-11, s.13

Officers

15 The Lieutenant-Governor in Council may appoint a secretary and any other officers, clerks and servants of the Commission that are considered appropriate.

R.S.1973, c.H-11, s.14

Administration costs

16 The cost of the administration of this Act is payable out of the Consolidated Fund.

R.S.1973, c.H-11, s.15

Complaints

17 A person claiming to be aggrieved because of an alleged violation of this Act may make a complaint in writing to the Commission in a form prescribed by the Commission.

R.S.1973, c.H-11, s.17; [2012, c.12, s.10](#)

Time limit for making complaint

18(1) Subject to subsection (2), a complaint shall be filed within one year after the alleged violation of the Act.

18(1.1) Despite subsection (1) and subject to subsection (2), if a continuing violation is alleged, the complaint must be filed within one year of the last alleged instance of the violation.

18(2) The Commission may extend the time for the filing of a complaint if, in the opinion of the Commission, the circumstances warrant it.

[1992, c.30, s.9](#); [2017, c.24, s.10](#)

Delegation of certain duties and powers

[2017, c.24, s.11](#)

18.1(1) The Commission may delegate in writing to any person any of its duties or powers under [sections 19 to 21](#) and may authorize the person to delegate any of those powers or duties to another person.

18.1(2) The Commission may impose the terms and conditions it considers appropriate on a delegation.

[2017, c.24, s.11](#)

Complaint procedure

[2012, c.12, s.11](#)

19(1) The Commission shall inquire into a complaint made under [section 17](#) and shall endeavour to effect a settlement of the matter complained of.

19(2) The Commission may dismiss a complaint at any stage of the proceedings, in whole or in part, if the Commission in its discretion determines

- (a) the complaint is without merit,
- (b) the complaint is frivolous, vexatious or made in bad faith,
- (c) the complaint is beyond the jurisdiction of the Commission,
- (d) the complaint has already been dealt with in another proceeding,
- (e) the complainant has abandoned the complaint, or
- (f) the complainant has declined a settlement offer that the Commission considers fair and reasonable.

19(3) Repealed: [2017, c.24, s.12](#)

19(4) Repealed: [2017, c.24, s.12](#)

R.S.1973, c.H-11, s.18; [1986, c.6, s.23](#); [2017, c.24, s.12](#)

Inquiry into a complaint

[2017, c.24, s.13](#)

20(1) To inquire into and endeavour to effect a settlement of a complaint, the Commission may

- (a) order a person to produce or provide access to any relevant document in the person's possession or control,
- (b) take extracts from or make copies of a document referred to in paragraph (a),
- (c) require any person to make statements either orally or in writing in the form required by the Commission,
- (d) administer oaths and affirmations,
- (e) require evidence to be given under oath or affirmation, and
- (f) require statements to be verified by affidavit.

20(2) If a person fails to comply with a provision of subsection (1), the Commission may apply to a judge of The Court of Queen's Bench of New Brunswick for an order directing the person to comply with the provision.

R.S.1973, c.H-11, s.19; [1985, c.30, s.12](#); [1986, c.6, s.24](#); [2012, c.12, s.12](#); [2017, c.24, s.14](#)

Power of entry

21(1) For the purposes of [section 20](#), a delegate of the Commission may enter any part of premises normally accessible to the public without a warrant at any reasonable time.

21(2) A delegate of the Commission may apply to a judge for an entry warrant under the [Entry Warrants Act](#) before or after attempting to effect entry to any premises.

21(3) A delegate of the Commission shall not enter a private dwelling or any part of premises not normally accessible to the public unless he or she

(a) is entering with the consent of a person who appears to be an adult and an occupant of the dwelling or premises, or

(b) has obtained an entry warrant under the [Entry Warrants Act](#).

[1986, c.6, s.25](#); [2017, c.24, s.15](#)

Reviews

[2017, c.24, s.16](#)

22(1) Repealed: [2017, c.24, s.17](#)

22(2) If a person named in a complaint as the complainant or a person named in a complaint who is alleged to have violated this Act is not satisfied with the decision made in relation to the complaint under a delegation under [section 18.1](#), within 30 days after receipt of the decision, that person may request that the decision be reviewed by the Commission.

22(2.1) If, in the opinion of the Commission, the circumstances warrant it, the Commission may extend the time to request that a decision be reviewed under subsection (2).

22(3) A request under subsection (2) shall be in writing, setting out the reasons for the request and all relevant facts, and delivered personally or sent by prepaid registered or certified mail to the Commission.

22(4) When a request to review a decision is made under this section, the Commission shall review the decision and may uphold, vary or rescind the decision.

[1996, c.30, s.1](#); [2012, c.12, s.13](#); [2017, c.24, s.17](#)

Delegation of authority to another human rights agency

[2017, c.24, s.18](#)

22.1(1) In the event of an actual or potential conflict of interest with respect to a complaint referred to the Commission, the Commission may, by written agreement entered into with another statutory human rights agency in Canada, delegate to that human rights agency the authority to exercise or perform some or all of the Commission's powers, duties and functions.

22.1(2) On the execution of an agreement referred to in subsection (1), the other human rights agency has, to the extent provided by the agreement, those powers, duties and

functions of the Commission.

[2017, c.24, s.18](#)

Labour and Employment Board

[2012, c.12, s.14](#)

23(1) If the Commission is unable to effect a settlement of the matter complained of and is satisfied that an inquiry into the matter is warranted in the circumstances, it shall institute an inquiry by referring the matter to the Labour and Employment Board established under the [Labour and Employment Board Act](#).

23(2) Without delay, the Commission shall notify the parties referred to in paragraphs (5) (b) and (c) that the matter has been referred to the Labour and Employment Board, and it shall then be presumed conclusively that the Board was constituted in accordance with the [Labour and Employment Board Act](#).

23(3) The Labour and Employment Board has all of the powers of a conciliation board under the [Industrial Relations Act](#).

23(4) In conducting an inquiry, the Labour and Employment Board shall give all parties full opportunity to present evidence and make presentations, in person or by counsel or agent.

23(5) The parties to an inquiry are

- (a) the Commission, which, subject to subsection (4), shall have carriage of the complaint,
- (b) the person named in the complaint as the complainant,
- (c) any person named in the complaint who is alleged to have violated this Act, and
- (d) any other person that the Labour and Employment Board determines.

23(6) At the conclusion of an inquiry, if the Labour and Employment Board does not find on a balance of probabilities that a violation of this Act has occurred, it shall dismiss the complaint.

23(7) At the conclusion of an inquiry, if the Labour and Employment Board finds on a balance of probabilities that a violation of this Act has occurred, it may order a party found to have violated the Act

- (a) to do, or refrain from doing, any act or acts so as to effect compliance with the Act,
- (b) to rectify any harm caused by the violation,
- (c) to restore a party adversely affected by the violation to the position that party would have been in but for the violation,
- (d) to reinstate a party who has been removed from a position of employment in violation of the Act,
- (e) to compensate a party adversely affected by the violation for any consequent expenditure, financial loss or deprivation of benefit, in the amount that the Labour and Employment Board considers just and appropriate, and

(f) to compensate a party adversely affected by the violation for any consequent emotional suffering, including that resulting from injury to dignity, feelings or self-respect, in the amount that the Labour and Employment Board considers just and appropriate.

R.S.1973, c.H-11, s.20; [1985, c.30, s.13](#); [1987, c.6, s.41](#); [1996, c.30, s.2](#); [2012, c.12, s.15](#)

Orders and decisions

24(1) The Labour and Employment Board shall provide the parties and the Minister with copies of the decisions and orders it makes under [section 23](#) in writing together with reasons.

24(2) The decisions and orders of the Labour and Employment Board under [section 23](#) are final.

24(3) The Minister may publish an order or decision of the Labour and Employment Board under [section 23](#) in the manner the Minister considers appropriate.

24(4) If the Labour and Employment Board makes an order under [subsection 23\(7\)](#), it or a party to the inquiry may file a certified copy of the order in The Court of Queen's Bench of New Brunswick and the order shall be entered and recorded and, when entered and recorded, becomes a judgment of the Court and may be enforced as a judgment of the Court.

24(5) All reasonable costs and charges attendant on the filing, entering and recording of an order under subsection (4) may be recovered in the same manner as if the amount had been included in the order.

R.S.1973, c.H-11, s.21; [1985, c.30, s.14](#); [2012, c.12, s.16](#)

Offences and penalties

25 A person commits an offence punishable under Part 2 of the [Provincial Offences Procedure Act](#) as a category F offence who violates or fails to comply with

(a) [subsection 4\(1\), 4\(2\)](#) 4(3), 4(4), 5(1), 5(2), 5(3), 6(1), 7(1), 8(1), 10(2), 10(3), 10(4) or 10(5) or [section 11](#), or

(b) an order made under this Act.

R.S.1973, c.H-11, s.23; [1990, c.61, s.64](#)

Prosecution

[2017, c.24, s.19](#)

26 No person shall institute a prosecution for an offence under this Act unless

(a) the Labour and Employment Board has found that a person has violated or failed to comply with a provision of the Act or violated or failed to comply with an order made under the Act, and

(b) the written consent of the Attorney General has been obtained.

R.S.1973, c.H-11, s.24; [2017, c.24, s.20](#)

Violation of Act by employer

27 When an employer is convicted of a violation of [section 4](#) or a violation of [section 11](#) in relation to employment, the judge, in addition to any other penalty,

(a) may order the employer to pay the aggrieved person compensation for loss of employment not exceeding the sum that, in the opinion of the judge, is equivalent to the wages, salary or remuneration that would have accrued to that person up to the date of conviction but for the violation of [section 4](#) or [11](#), and

(b) may order the employer to reinstate the aggrieved person in the employ of the employer at the date that, in the opinion of the judge, is just and proper under the circumstances, in the position that person would have held but for the violation of [section 4](#) or [11](#).

R.S.1973, c.H-11, s.25

Prosecution against union, organization, agency or association

28 A prosecution for an offence under this Act may be instituted against a trade union, employers' organization, employment agency, professional association or business or trade association in the name of the union, organization, agency or association, and any act or thing done or omitted to be done by an officer, official or agent of a trade union, employers' organization, employment agency, professional association or business or trade association within the scope of the officer's, official's or agent's authority to act on behalf of the union, organization, agency or association shall be deemed to be an act or thing done or omitted to be done by the union, organization, agency or association.

R.S.1973, c.H-11, s.26

Court order

29(1) When a person has been convicted of a violation of this Act, the Minister may apply by way of notice of application to a judge of The Court of Queen's Bench of New Brunswick for an order enjoining the person from continuing the violation.

29(2) The judge, in his or her discretion, may make the order, and the order may be enforced in the same manner as any other order and judgment of The Court of Queen's Bench of New Brunswick.

R.S.1973, c.H-11, s.27; [1979, c.41, s.63](#); [1986, c.4, s.25](#)

Procedural error

[2017, c.24, s.21](#)

29.1 No proceedings under this Act are invalid by reason of any defect in form or technical irregularity.

[2017, c.24, s.21](#)

Immunity

[2017, c.24, s.21](#)

29.2 No action, application or other proceeding lies or shall be instituted against any of the following persons in relation to anything done or purported to be done in good faith, or in relation to anything omitted in good faith, under this Act by the person:

(a) a member or former member of the Commission,

- (b) a current or former secretary or other officer of the Commission,
- (c) a current or former clerk or servant of the Commission,
- (d) an employee or former employee of the Civil Service as defined in the [Civil Service Act](#) while acting in the service of the Commission, and
- (e) a person who serves or served the Commission while holding a position under a temporary or casual appointment made under [section 17](#) of the [Civil Service Act](#).

[2017, c.24, s.21](#)

Indemnity

[2017, c.24, s.21](#)

29.3 The following persons shall be indemnified by the Crown in right of the Province against all costs, charges and expenses incurred by him or her in relation to any action, application or other proceeding brought against him or her in connection with the duties of the person and with respect to all other costs, charges and expenses that he or she incurs in connection with those duties, except costs, charges and expenses that are occasioned by that person's wilful neglect or wilful default:

- (a) a member or former member of the Commission,
- (b) a current or former secretary or other officer of the Commission,
- (c) a current or former clerk or servant of the Commission,
- (d) an employee or former employee of the Civil Service as defined in the [Civil Service Act](#) while acting in the service of the Commission, and
- (e) a person who serves or served the Commission while holding a position under a temporary or casual appointment made under [section 17](#) of the [Civil Service Act](#).

[2017, c.24, s.21](#)

Administration

30 The Commission is responsible to the Minister for the administration of this Act.

R.S.1973, c.H-11, s.11

Regulations

31 The Lieutenant-Governor in Council may make regulations respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

R.S.1973, c.H-11, s.16

N.B. This Act was proclaimed and came into force September 1, 2011.

N.B. This Act is consolidated to March 29, 2019.