

1. GENERAL RIGHTS PROTECTION

I.1 All persons regardless of race, religion, colour, sex or sexual orientation, religion or national, ethnic origin, or disability shall be entitled to the full and equal protection and benefit of all laws, privileges and immunities including, but not limited to, the right (1) to vote in any election for which they are legally qualified at the National level or any political subdivision within the State; (2) to make and enforce contracts, to sue and be party to legal actions, and to give evidence therein; (3) to inherit, purchase, lease, sell, hold and convey real and personal property; (4) to equal punishment, penalties, taxes, licenses, and exactions of any kind. Any person or persons who shall conspire to, attempt to, or deprive any persons of such rights, privileges and immunities shall be subject to criminal punishment as stipulated in this Act.

2. PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION IN PLACES PROVIDING PUBLIC ACCOMMODATIONS OR SERVICES

2.1 All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, colour, sex or sexual orientation, religion, national or ethnic origin, or disability.

2.2 Each of the following establishments which serves the public is a place providing public accommodation or services within the meaning of this section:

- a. any inn, hotel, motel, or other establishment which provides lodging and related services to transient guests;

- b. any restaurant, cafeteria, or other facility principally engaged in selling food and beverages for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment or any petrol station;
- c. any film theatre, theatre, concert hall, sports arena, stadium, sports or health club or other place of exhibition or entertainment or athletics; and
- d. any establishment (1) that is located on the premises of any establishment covered by this section, (2) that has within its premises any establishment covered by this section, or (3) that holds itself out as providing or, in fact, provides accommodations and services to patrons of an establishment covered by this section.

3. HOUSING

No person shall, on the ground of race, religion, colour, sex or sexual orientation, national or ethnic origin, or disability be subjected to any form of segregation or discriminatory practice or policies in the sale, leasing, rental, or other disposition of business or residential property and related facilities (including land to be developed for human or residential use) or in the use or occupancy of such property and related facilities.

4. PRIVATE ESTABLISHMENTS

4.1 The provisions of this section shall not apply to a bona fide private club, organisation or other establishment not in fact open to the public. This exemption shall not apply to a private club or organisation, or establishment that (1) has been privatised with the direct or predictable effect of avoiding the application of this Section; (2) uses race, or color as a condition for membership or admittance; (3) has been privatised

to carry out any activity previously carried out by the State or any political subdivision thereof or; (4) has facilities that are made available to customers or patrons of an establishment that provides public services and accommodations that fall within the scope of the preceding section.

5. PROHIBITION AGAINST DISCRIMINATION OR SEGREGATION REQUIRED BY ANY LAW, STATUTE, ORDINANCE, REGULATION, RULE OR ORDER OF THE STATE OR ANY AGENCY OR POLITICAL SUBDIVISION THEREOF

5.1 All persons shall be entitled to be free from discrimination or segregation of any kind on the ground of race, colour, religion, sex or sexual orientation, national or ethnic origin, or disability as stipulated in this Act even if such discrimination or segregation (1) is or purports to be required or carried out by any extant law, statute, ordinance, regulation, rule or order; or (2) is or purports to be required or carried out because of any practice or usage required or enforced by officials of the State or any agency or political subdivision thereof.

6. STATE FACILITIES OR STATE SPONSORED OR STATE SUPPORTED BENEFITS, PROGRAMMES OR ACTIVITIES

6.1 No person shall, on the ground of race, religion, colour, sex or sexual orientation, national or ethnic origin, or disability, be denied equal access to or utilization of any state facility or be excluded from participation in, be denied equal benefits, pensions or other accrued rights, payments, entitlements, or any other forms of assistance, or be subjected to discrimination or segregation under, or any programme or activity (1) directly carried out or sponsored by the State or (2) carried out by any organisation or establishment receiving State financial assistance of any kind, including but not limited to, gifts of or rights to property, tax exemptions, grants or loans.

6.2 Each State department and agency which is empowered to carry out a programme or activity directly or to extend financial assistance to any programme or activity is hereby directed and required to issue rules, regulations and directives to ensure that the objectives of this section are effectively implemented and duly and promptly enforced.

6.3 For the purposes of this Section, the terms "facility", "programme or activity" and "programme" include, but are not limited to, all of the operations of-

(a) a department, agency, special purpose district, or other instrumentality of the State or political subdivision hereof or of a local government; or

(b) the entity of such political subdivision or local government that distributes such State assistance and each such department or agency to which the assistance is extended, in the case of assistance to a political subdivision of the State or to a local government;

(c) a college, university, or other tertiary institution, or a public system of higher education; or

(d) a local education agency, system of vocational education, or other school or school system at the secondary, elementary or pre-school levels.

(e) a jail, prison, pretrial detention facility, reformatory, or other correctional facility; any institution providing care for children, the mentally ill, disabled or retarded; persons requiring skilled nursing, intermediate or long-term custodial or residential care; or persons chronically or terminally ill.

(f) parastatal, corporation, partnership or other private organisation receiving State assistance principally engaged in the business of providing a State function or service, including but not limited to, the areas of education; health care; correctional services; assistance for the handicapped or disabled,

mentally ill or retarded, chronically or terminally ill; housing; social services; recreation; or conservation and environmental protection.

7. DISCRIMINATORY EMPLOYMENT PRACTICES

7.1 No person (a) who is employed, or applicant for employment, by the State or a private business or (b) who is a member, or applicant for membership, in a labour union shall suffer or be subjected to a discriminatory employment practice or personnel action because of race, religion, colour, sex or sexual orientation, national or ethnic origin, or disability.

7.2 Nothing in this Act shall be interpreted to preclude the State, business, labor organization, or other organization from developing or carrying out an affirmative action program.

7.3 Public or Private Practices It shall be a discriminatory employment practice for the State or private business (a) to fail or refuse to hire or to discharge any individual, or otherwise discriminate against an individual, with respect to compensation, terms, conditions, or privileges of employment, because of race, colour, religion, sex or sexual orientation, national or ethnic origin, or disability; or (b) to limit, segregate or classify employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his or her status as an employee, because of race, colour, religion, sex or sexual orientation, national or ethnic origin, or disability.

7.4 Employment Agency Practices It shall be a discriminatory employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of race, colour, religion, sex or sexual orientation, national or ethnic origin, or disability; or to

classify or refer for employment any individual on the basis of race, colour, religion, sex or sexual orientation, ethnic or national origin, or disability.

7.5 Labour organization practices It shall be a discriminatory employment practice for a labour organisation:

- (a) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of race, colour, religion, sex or national origin;
- (b) to limit, segregate, or classify its membership or applicants for membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his or her status as an employee or as an applicant for employment, because of race, colour, religion, sex or sexual orientation, or national or ethnic origin; or
- (c) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

7.6 Training Programs It shall be an unlawful employment practice for any employer, labour organisation or joint labour-management committee controlling apprenticeship or other training or retaining, including on-the-job training programs, to discriminate against any individual because of his or her race, colour, religion, sex or sexual orientation, national or ethnic origin, or disability in admission to, or employment in, any programme established to provide apprenticeship or other training.

8. Businesses, Enterprises or Organizations with Personnel Qualified on Basis of Religion, Sex or Sexual Orientation, National or Ethnic Origin, or Disability; Educational Institutions with Personnel of a Particular Religion

8.1 Notwithstanding any other provision of this Section, (1) it shall not be a discriminatory employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual for a labor organization to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his or her religion, sex or sexual orientation, or national or ethnic origin in those certain instances where such characteristics are a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

8.2 Seniority or Merit System: Quantity or Quality of Production; Ability Tests Notwithstanding any other provision of this Act, it shall not be a discriminatory employment practice for an employer to apply different standards of compensation, or different terms or conditions of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different location, provided that such differences are not the result of an intention to discriminate because of race, colour, religion, sex, national or ethnic

origin, or disability nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration, or the action taken upon the results of such test is not designed, intended or used to discriminate because of race, colour, religion, sex or sexual orientation, national or ethnic origin. or disability.