

**BERMUDA
2000 : 37**

HUMAN RIGHTS AMENDMENT ACT 2000

[Date of Assent 24 August 2000]

[Operative Date 24 August 2000]

WHEREAS it is expedient to amend 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 2000.

Amendment of section 2 of principal Act

2 Section 2 of the principal Act is amended—

(a) in subsection (1), by deleting the definition of "disabled person" and substituting the following—

""disabled person" means a person who has any degree of physical disability, infirmity, malformation, or disfigurement that is caused by bodily injury, birth defect or illness, including diabetes, epilepsy, acquired immune deficiency syndrome, human immunodeficiency virus, paralysis, amputation, lack of physical coordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog, wheelchair or other remedial appliance or device;"

(b) in subsection (2)(a)—

(i) in subparagraph (i), by deleting the word "ancestry" and substituting the words "ethnic or national origins";

(ii) by deleting the word "or" following subparagraph (v);

(iii) in subparagraph (vi) by deleting the words "religious beliefs" and substituting the words "religion or beliefs";

(iv) by inserting after subparagraph (vi) the following—

" ; or

(vii) of his criminal record, except where there are valid reasons relevant to the nature of the particular offence for which he is convicted that would justify the difference in treatment."

(c) in subsection (2)(b)—

(i) by deleting the words "ancestry," where they occur in subparagraphs (i) and (ii) and substituting the words "ethnic or national origins";

(ii) in subparagraph (i), by deleting the words "religious beliefs," and substituting the words "religion, beliefs";

(iii) in subparagraph (ii), by deleting the words "religious belief" and substituting the words "religion, beliefs".

Amendment of section 3 of principal Act

3 Section 3(2)(b)(i) of the principal Act is amended by deleting the words "political or religious beliefs, ancestry" and substituting the words "political opinions, religion, beliefs or ethnic or national origins".

Amendment of section 6 of principal Act

4 Section 6 of the principal Act is amended—

- (a) in subsection (1)(b), by inserting after the word "dismissing" the words ", demoting";
- (b) in paragraph (a) of the proviso to subsection (4) by inserting after the word "Government" the words "or Government Board".
- (c) in subsection (6), by deleting the words "religious beliefs" and "religious belief" and substituting the words "religion, beliefs" and "religion, belief" respectively;
- (d) by deleting subsection (10).

Amendment of section 6A of principal Act

5 Section 6A(1)(b) of the principal Act is amended by deleting the word "nationality" and substituting the words "ethnic or national origins".

Amendment of section 6B of principal Act

6 Section 6B of the principal Act is amended—

- (a) by designating the existing section as subsection (1);
- (b) by deleting the word "ancestry" and substituting the words "ethnic or national origins";
- (c) by adding the following—

" (2) For the purposes of subsection (1) a person harasses another person if he persistently engages in comment or conduct towards that other person—

- (a) which is vexatious; and
- (b) which he knows, or ought reasonably to know, is unwelcome."

Amendment of section 7 of principal Act

7 Section 7(3) of the principal Act is amended by deleting the word "ancestry" and substituting the words "sex, ethnic or national origins, marital status";

Amendment of section 8 of principal Act

8 Section 8(b) of the principal Act is amended by inserting after word "dismiss" the words "or demote".

Amendment of section 8A of principal Act

9 Section 8A of the principal Act is amended by deleting the word "excite" where it thrice occurs and substituting the word "incite".

Amendment of section 9 of principal Act

10 Section 9 of the principal Act is amended—

- (a) in subsection (3), by adding the words "and an employer shall take such action as is reasonably necessary to ensure that sexual harassment does not occur in the workplace";
- (b) in subsection (4), by deleting the words "a course of".

Amendment of section 13 of principal Act

11 Section 13 of the principal Act is amended by the addition of the following—

" (6) At a meeting of the Commission five members constitute a quorum."

Insertion of section 14B in principal Act

12 The principal Act is amended by inserting after section 14A the following—

"Guidelines

14B (1) The Commission may prepare and, with the prior approval of the Minister, publish guidelines for the information of the public in relation to any matter relevant to its functions under section 14.

(2) Before publishing guidelines under subsection (1), the Commission may consult any organization it considers to have an interest in the matter.

(3) The guidelines do not have the force of law but may be received as evidence of the matters set out in them."

Amendment of section 15 of principal Act

13 Section 15(5) of the principal Act is amended by inserting after the words "making oral" where they secondly occur the words "or written".

Repeal and replacement of section 30 of principal Act

14 Section 30 of the principal Act is repealed and the following is substituted—

"Confidentiality

30 (1) During an investigation every member, officer and servant of the Commission shall preserve confidentiality with respect to all matters relating to the affairs of any person that may come to their knowledge in the course of their functions.

(2) Any member, officer or servant of the Commission who—

(a) communicates any matter; or

(b) suffers or permits any unauthorized person to have access to any books, papers or records relating to any person,

in contravention of subsection (1) commits an offence and is liable on summary conviction to a fine of \$1000 or imprisonment for 6 months, or both.

(3) Without prejudice to subsections (1) and (2), the Commission may disclose to any Government Department or agency or to the public generally any information the Commission considers relevant to increase public awareness and understanding of issues related to human rights.

(4) The Commission shall not disclose information under subsection (3) relating to any allegation of sexual harassment or identifying the persons involved in any such allegation.

(5) Nothing in this section shall be construed to prevent the Commission from disclosing non-identifying statistical and educational data."