

A BILL

entitled

HUMAN RIGHTS AMENDMENT ACT 2026

WHEREAS it is expedient to amend the Human Rights Act 1981;

Be it enacted by The King'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 2026.

Amends section 2

2 In section 2(1) of the principal Act (interpretation)—

- (a) in the definition of "class of persons", delete "sub-paragraphs (i) to (vi)" and substitute "sub-paragraphs (i) to (vii)";
- (b) after the definition of "Executive Officer" insert—

“government funding” means any of the following—

- (a) an award under the Financial Assistance Act 2001;
- (b) short-term relief benefit under the Financial Assistance (Short-Term Relief Benefit) Act 2024; or
- (c) day care allowance under the Child Day Care Allowance Act 2008;”.

Inserts section 2A

3 Before section 3 of the principal Act, insert—

“Discrimination by association

2A (1) No person shall discriminate against another person in a manner prescribed by this Act because of a protected characteristic relating to a person or class of persons associated in any way with that person.

HUMAN RIGHTS AMENDMENT ACT 2026

(2) In this section, “protected characteristic” means—

- (a) any of the criteria listed in section 2(2)(a)(i) to (vii); and
- (b) in relation to discrimination prohibited by section 4 or 5, includes age or receipt of government funding.”

Amends section 4

4 In section 4 of the principal Act (discrimination in disposal of premises)—

- (a) in subsection (1), after “age” insert “, receipt of government funding”;
- (b) in subsection (4), delete paragraph (a).

Amends section 5

5 In section 5 of the principal Act (provision of goods, facilities and services)—

- (a) in subsection (1), after “age” insert “, receipt of government funding”;
- (b) after subsection (5) insert—

“(6) For the purposes of this section, a person shall not be taken to discriminate on the basis of receipt of government funding in the provision of facilities by way of banking or insurance, or for grants, loans, credit or finance, if the provision of the facility requires a level of income that is not satisfied by a person who is in receipt of government funding.”

Commencement

6 This Act comes into operation on such date as the Minister responsible for the Human Rights Commission may appoint by notice published in the Gazette.

HUMAN RIGHTS AMENDMENT BILL 2026

EXPLANATORY MEMORANDUM

This Bill seeks to amend the Human Rights Act 1981 (“the principal Act”), on the recommendation of the Human Rights Commission.

Clause 1 gives the title.

Clause 2 amends section 2(1) of the principal Act (interpretation). The definition of “class of persons” is extended to include persons with a criminal record. “Government funding” is defined to mean the specified financial assistance awards or child day care allowance. Receipt of government funding is inserted as an additional prohibited ground of discrimination in sections 4 and 5 (see clauses 4 and 5).

Clause 3 inserts new section 2A into the principal Act (discrimination by association). Subsection (1) prohibits discrimination against a person because of a protected characteristic relating to a person or class of persons associated with that person. Subsection (2) defines “protected characteristic” as meaning the criteria listed in section 2(2)(a)(i) to (vii) (ie race, place of origin, colour, ethnic or national origins, sex, sexual orientation, marital status or domestic partnership status, disability, family status, religion, beliefs, political opinions or criminal record) and, in relation to discrimination prescribed by section 4 or 5, includes age or receipt of government funding.

Clause 4 amends section 4(1) of the principal Act (discrimination in disposal of premises) to include receipt of government funding as a prohibited ground of discrimination for this section. The deletion of subsection (4)(a) removes an exception from discrimination that currently applies in the case of the letting of a housing unit in a building which contains accommodation for two or three families living independently if the owner or members of his family occupy one of the units.

Clause 5 amends section 5(1) of the principal Act (provision of goods, facilities and services) to include receipt of government funding as a prohibited ground of discrimination for this section. New subsection (6) provides that requiring a level of income to qualify for the provision of a facility for banking, insurance, grants, loans, credit or finance which is not satisfied by a person who is in receipt of government funding is not taken to be discriminatory.

Clause 6 provides for commencement.