

*Government Orders*

**Some hon. members:** Yea.

**The Deputy Speaker:** All those opposed will please say nay.

**Some hon. members:** Nay.

**The Deputy Speaker:** In my opinion the nays have it.

*And more than five members having risen:*

**The Deputy Speaker:** A recorded division on the motion stands deferred.

[English]

Group No. 5, the hon. member for Edmonton Southwest, on a point of order.

**Mr. McClelland:** Mr. Speaker, after consultation with Liberal members, the Bloc and the New Democratic Party, I would ask for unanimous consent to amend my motion. The amendment has been put together in consultation with the government and will improve my motion.

The table officers are already in possession of the amendment, so we would ask unanimous consent at this time to replace the motion.

**The Speaker:** Is there unanimous consent to accept the amendment?

**Some hon. members:** Agreed.

**Mr. Ian McClelland (Edmonton Southwest, Ref.)** moved, by unanimous consent:

That Bill C-64, in clause 25, be amended by adding after line 30, on page 18, the following:

“1.1 Where

(a) an employer has been informed of a non-compliance by a compliance officer under subsection (1) and the finding of non-compliance is based, in whole or in part, on the apparent under-representation of the aboriginal peoples, members of visible minorities or persons with disabilities in the employer's work force, as reflected in the employer's work force analysis conducted pursuant to paragraph 9(1)(a), and

(b) the employer believes that the apparent under-representation is attributable to the decision of employees who may be members of the designated groups concerned not to identify themselves as such or not to agree to be identified by the employer under subsection 9(2), the employer may inform the compliance officer of such.

(1.2) Where the employer satisfies the compliance officer that the finding of non-compliance is attributable, in whole or in part, to the reason described in paragraph (1.1)(b) and that the employer has made all reasonable efforts to implement the employment equity, the compliance officer shall take the reason into account in exercising any powers under this section.

(1.3) In satisfying the compliance officer under subsection (1.2) that the finding of non-compliance is attributable, in whole or in part, to the reason mentioned in paragraph (1.1)(b), the employer must do so by means other than the identification of individual employees in its work force that the employer believes are members of

designated groups who have not identified themselves as such, or agreed to be identified by the employer as such, under subsection 9(2).”

He said: Mr. Speaker, those thousands of Canadians watching this on television have just seen that we really do earn our keep from time to time.

The amendment speaks to the fact we live in the land of employment equity or affirmative action. Because this is the first time today in which we are going to be speaking to Bill C-64, I should bring to the attention of those hundreds of thousands of Canadians glued to their television sets wondering what is going on that this bill is the affirmative action or employment equity bill.

• (1600)

Employment equity is a phrase coined by Judge Abella about 15 years ago to describe affirmative action because there were people who felt that affirmative action really did not find a lot of popularity in the land. So we are living with employment equity.

Bill C-64 would expand the notion of affirmative action in the federal workforce to everyone covered by the Treasury Board and to any company in the private sector doing business with the Government of Canada with 100 employees or more.

On the face of it, who would argue with the notion of affirmative action or employment equity—except that employment or any advantage or anything in our society based on race or on quotas is inherently discriminatory.

One of the very first articles in the Canadian Charter of Rights and Freedoms speaks to the notion of all Canadians being equal. Then the next paragraph says except those Canadians who are in specific designated groups and these Canadians may be assisted at the expense of the equality of everyone by special advantages. If that were not in the charter this amendment would certainly not see the light of day, because it would be against the Canadian Charter of Rights and Freedoms.

That is the kind of anomaly we have to understand and somehow work around. Here we have the Canadian Charter of Rights and Freedoms which says this kind of discrimination should not exist in our land, and then we say we will allow this kind of discrimination. The net result is that we have affirmative action laws. We have a system whereby people are able to gain promotion or gain employment or advantages of some description based on a quota.

As members know, today we are speaking to the amendments. We are supposed to be keeping our comments closely related to the amendment before us. The amendment I am speaking to relates to the responsibilities of the compliance officer.

We are now living in a country that is under the rule of employment equity or affirmative action. That means that certain employers, including the federal government, and certainly all of the private sector employers who have 100 employees or more, will wake up one day to a knock on the door.