

similar to the proposals enunciated by the Progressive Conservative Party in its response to questions from the Public Service Alliance and to the promises it made at the time of the last election.

Last week when I thought my Bill was coming up, I spoke to the President of the Treasury Board (Mr. de Cotret) who is responsible for this particular area and I asked him what would happen, because he has made substantial progress on a number of other issues in what is called the six-pack of outstanding issues dealing with relationships with public-sector unions. Unfortunately, we have not seen that progress in this area. The Minister said, and I give him credit for it, that the Government will act on this particular issue. He said: "I would like to ask you to trust me and I believe that what we come forward with will be something that you will feel quite positive about. You may not agree with every last clause, I accept that, but the general thrust is something that I believe you can accept". The Minister said that to me, and I would hope that a spokesperson for the Government would reiterate in public that pledge.

My problem is that the Public Service unions have heard next to nothing about this issue from the President of the Treasury Board since the matter was briefly broached with him about a year and a half ago. Other issues have been resolved or are being resolved, but this issue has not been touched. That I regret because I think the time for action is now and in fact has passed. I would remind Hon. Members opposite that there are elections taking place and people are being deprived of their rights right now.

I deplore the way in which both the Public Service Commission and a number of senior bureaucrats and former bureaucrats have entered into this particular debate by arguing for no change when there is, I believe, a mandate for change, which did not just occur in my constituency of Ottawa Centre but occurred because all three Parties promised to act. In conjunction with a number of public servants, I have taken this matter to court and I intend to continue with the case which is now before the Federal Court of Appeal with the support of the Public Service Alliance which is financing the legal action. However, I believe that the appropriate place for this matter to be resolved is in Parliament, and that is why I believe that with all-Party support, we could send this matter to the legislative committee today and we could take action to bring rights to Public Service employees who are now deprived of them because of archaic legislation which can, must and should be changed.

[Translation]

Mr. Barry Turner (Ottawa—Carleton): Thank you, Madam Speaker. I would like to make a few comments on Bill C-231.

We are called today to examine an issue which is not new by any means but which deserves a special attention. As a matter of fact, the issue of partisanship and political activities of federal civil servants is one that the Government has been thinking about for a fair period of time.

Public Employees Political Rights Act

At the turn of the century, a certain number of laws were passed in order to guarantee a neutral and impartial federal civil service. Thus, our civil service has gained an excellent reputation and respect because it was able to strike a proper balance between the rights of the individual civil servant and those of Canadian citizens who are entitled to a competent and impartial public administration.

At the present time, civil servants are not allowed to take an active part in certain aspects of our political process. As an example, they cannot publicly endorse any candidate. However, they can be candidates themselves with the authorization of the Public Service Commission. The PSC can refuse this authorization pursuant to section 32 of the Public Service Employment Act if it is of the opinion that his usefulness in his position would be impaired.

Public servants can also participate indirectly in the federal, provincial, or municipal process through contributions to political parties and their voting right.

• (1710)

[English]

The principle of non-active participation by public servants has been challenged in recent years, as you know. More so since special interest groups are demanding specific individual rights. During the 1984 federal election campaign this was made an issue by the Hon. Member for Ottawa Centre (Mr. Cassidy). The issue was brought before the Federal Court seeking an injunction and to declare Section 32 of the Public Service Employment Act unconstitutional. The injunction was denied. Together with a number of public servants the Hon. Member lodged a complaint before the trial division of the Federal Court of Canada. The case was heard in Ottawa in April of 1986, and in August of that year Mr. Justice Walsh delivered a 48-page decision. He clarified what public servants were allowed to do and what they were prohibited from doing within the scope of Section 32 of the Act. The Hon. Member was not happy with the decision, and this Bill comes as no surprise to any Member of the House, as he said a few minutes ago.

Through this Bill the Hon. Member proposes to lift the restrictions and grant some public servants the total freedom of political partisanship. However, it also imposes tougher restrictions on a number of other public servants. Clause 4, subclause 2, specifies the exception:

A person employed in a managerial or confidential capacity as defined by the regulation or a deputy head may exercise the right set out in Clause 4, subclause 1(a), and Clause 4, subclause 1(c).

Those two subclauses deal with the right to vote and the right to make financial or other contributions to a political Party. Considering that the regulation mentioned in Clause 4 is not determined, let us suppose that the criteria for determining managerial or confidential exclusions are the same as those in the Public Service Staff Relations Act. Under that Act, approximately 7.5 per cent of all public servants are excluded for managerial or confidential reasons. If we take that figure