

Employment Equity

Treasury Board directives or guidelines. The Minister is correct in saying that. That program was introduced by the previous Liberal Government. When it was introduced it was not meant to be the last word. As a matter of fact, after that program of employment equity had been introduced into the Public Service by means of Treasury Board directive the previous Liberal Government appointed the Abella Commission to seek out advice and to report on how we could bring about employment equity in the labour market more effectively. We as Liberals were awaiting the recommendations of that report to proceed further.

On that very point, I hear many Hon. Members on the Government side pointing out that this is the first time any Government has brought in a Bill on employment equity. That is correct, but they do not mention that there were several steps leading up to this which had to be taken first.

● (1230)

The Canadian Human Rights Act was passed in 1977 by a Liberal Government. We then spent a long time bringing in the Charter of Rights and Freedoms which entrenches equality for all Canadians in the Constitution. That entrenched equality prevails over all other legislation. Once that was completed in 1982 the Government moved on to the next step, which was affirmative action for employment in Canada for certain target groups including women, visible minorities, native people and the disabled. The Abella Commission was set up to study how that might best be done. Judge Abella recommended very strongly that, rather than leaving this to voluntary compliance and good will on the part of employers, it be legislated. She recommended that the legislation apply to the public sector as well as the private sector.

Judge Abella proposed that we use the term "employment equity" for what was previously described as "affirmative action". She recommended that it be legislated for the public service and for the private sector. The Government's response that it is not necessary to legislate, is no longer acceptable for two good reasons. If the employment equity program for the public service is in the form of guidelines rather than legislation, it can be changed at any time by the Government of the day without approval of the House of Commons. It can be changed by orders in council or directives issued by the Cabinet. If employment equity is legislated, changes must be made through a Bill passed by the House of Commons. In that way the principles which protect Canadians in employment equity are more firmly entrenched than they would be through directives, regulations or orders in council. That is very important.

In addition, how do we explain to Canadians in the business sector that there should be binding and entrenched legislation for them but not for public servants? They may sensibly ask why it is necessary to have laws for them if orders in council and directives are good enough for the public service. In order to be consistent we should put these principles in law for public servants as well as the private sector. By doing that we will

entrench, in a more substantial way, the principles of affirmative action and employment equity.

Another good reason why this legislation should apply to the public service through a Bill rather than through simple directives is to set a good example for the provinces. As Hon. Members know, the federal Bill we are debating today will only cover the part of the private sector which is subject to federal jurisdiction. That is a very small percentage of the total businesses in Canada. In order to have widespread affirmative action and employment equity in Canada, similar Bills must be adopted by the provincial Governments to cover the approximately 80 per cent of employers who fall under their jurisdiction.

Over the years the federal Government has set a good example in labour legislation. It must set the same example in this case through legislation. If the federal Government introduces a Bill to cover the private sector and not the public sector, the provinces may do the same thing and may not even have any directives or guidelines under Treasury Boards in the provinces such as we have at the federal level.

I fully support this amendment. It is essential to entrench, in a substantial way, the principles of affirmative action and employment equity in order to establish equity between the private and public sectors. It is also important in order to set a good, solid example for the provincial Governments which should act on this matter as well if there is to be employment equity in the country.

I am sure the Minister supports this kind of principle. I am sure that she believes in more firmly entrenched affirmative action but, for one reason or another, is being handcuffed by dinosaur types in her Cabinet. I have known the Minister over the years and I know she is a fair-minded person who believes in employment equity. She has fought for a long time for employment equity and now she has introduced a Bill which has no teeth and does not attempt to do the things which she really wants to do. I feel sorry for her because she has fought so hard and so long for these principles. I hope that her Conservative caucus colleagues will support her against the reactionary and dinosaur-type elements in the Conservative Party. I hope they will give her the support she needs to put forward a good Bill to cover the private and public sectors. Only in that way will we do justice to this important issue in Canada.

Mr. Cyril Keeper (Winnipeg North Centre): Mr. Speaker, I welcome this opportunity to speak to Motion No. 8 affecting the employment equity Bill. It is clear to me that this motion relates to a very important matter of public policy; that is, that the public service should fall within the purview of the employment equity Bill. The intention of the employment equity Bill is to bring about greater equality in the workplace. On previous occasions in the House we have pointed out the weaknesses of the employment equity Bill. It does not have any enforcement mechanisms and is disappointing in that regard. However, if we are going to have an affirmative action