

Oral Questions

a finger in order to implement the promise they made back in 1984.

I ask the Minister whether the Government still upholds the promise made in 1984 in which the Progressive Conservative Party said that it favoured a general removal of the restrictions on political activity, especially for those public servants covered by collective agreements, and that these restrictions were unnecessary and might not be justifiable under the terms of our Charter of Rights and Freedoms.

● (1440)

Is that a promise that one can trust, Mr. Speaker, or is the Government going to back away from that promise and take this matter to appeal, rather than allowing a good decision to stand?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, if the Hon. Member were to read the judgment he would find that the court indicated that there is the capacity in the Government to define specifically the limitations with respect to political activity. The Hon. Member would have to agree that we would have to look at the appropriate legislation that should be applied with respect to the public service.

Having said that, I do not think that any Government, in terms of its relationship with the public service, has had more success with Presidents of the Treasury Board than this Government. We have moved forward with respect to five of the six items which we were negotiating with the public service unions.

Mr. Cassidy: Not on this particular issue.

Mr. Hnatyshyn: With this particular issue.

We are now examining it, and especially in light of this decision.

Mr. Cassidy: Only because you have to.

Mr. Hnatyshyn: When the Hon. Member says that we should not look at the court decision, I think he is singing another tune. I am sure the Hon. Member would agree with us that we want to make sure what the law is and what the Charter implications are. I do not rule out the possibility of appeal to make sure that we have the highest court in the land looking at the law with respect to the Charter and public service rights. We have not made a decision. We have not ruled out the possibility of appeal until we have had a chance to look at it.

If we can receive some co-operation from the Opposition we might look at some legislative initiatives that we can pass in short order. Perhaps the Hon. Member could have his House Leader consider that possibility.

REQUEST THAT SECTION 32 OF PUBLIC SERVICE EMPLOYMENT ACT BE SUSPENDED PENDING APPEAL

Mr. David Daubney (Ottawa West): Mr. Speaker, my question is directed to the same Minister. In his capacity as Attorney General I would like to ask him, if a decision is taken to appeal the Federal Court of Appeal decision to the Supreme Court, would he undertake or give serious consideration to not asking, as part of that application for leave, that Section 32 be considered to be reinstated pending the disposition of the appeal so that the judgment of the court, until it is appealed, will stand?

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, I reiterate the point that I think all Members would agree with, that it is important to have neutrality in our Public Service. We would not want to have a politicized Public Service in this country.

I can assure the Hon. Member that we will be consulting with him and with other Members. I will be consulting with my colleagues who have responsibility in this regard as to what would be the best policy to give some stability to the system and to allow us to move forward. It may take the form of legislative action, in which case I know the Hon. Member has a very substantial interest because of his leadership and his Bill. He can rest assured that, as far as the Government is concerned, we will be wanting his input in this whole matter.

[Translation]

PUBLIC SERVANT'S RIGHT TO PARTICIPATE IN POLITICS—
GOVERNMENT POSITION

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Mr. Speaker, many had been rejoicing since Friday, but the news that the Minister is considering appealing has many people worried and shows once again that the Conservative Government is unable to make a decision.

The Government promised rights for public servants four years ago, but it took a court decision to say that they do have rights. Now we hear the Minister saying that he is not sure whether he will appeal or not.

Can the Minister assure this House today that he will not appeal the decision and that he will let the court decision to give full political rights to public servants stand?

[English]

Hon. Ray Hnatyshyn (Minister of Justice and Attorney General of Canada): Mr. Speaker, I simply want to remind the Hon. Member and the House of the point that I raised earlier. This decision has been based upon the lack of precision and specificity in the current rules with respect to political involvement. As I understand the court's decision the rules were too broad and were not properly defined.

This court by its decision, and other court decisions, have indicated that the principle of political neutrality is an important position to be taken with respect to the Public Service.