consult with such persons as have been designated by the designated groups to act as their representatives. It is an alternative, it is not an add-on.

This means that the employer would have to consult as well in implementing employment equity with representatives of the target groups; women, visible minorities, the disabled or native people, where that applies. In some parts of Canada that entire mix would not apply. There are some parts of Canada where native people are in great numbers; in other parts they are not. There are some communities in Canada where they have good fortune and there are not be too many disabled people, but there are other communities, the larger cities, in particular, where there are a great many.

In any case, the purpose of this amendment is to require that consultation. Just as the Government accepted the other amendment, that there should be consultation and implementation of employment equity with unions and bargaining agents and employee associations, I would hope that it will see the good sense in having consultations with the representatives of the target groups as well.

Since we only have ten minutes I must discuss two amendments at this time. I also have to discuss Amendment 14A because it has been grouped with 12A. The clause says that employers should implement employment equity by:

(a) identifying and eliminating each of the employers' employment practices, not otherwise authorized by law, that results in employment barriers against persons in designated groups—

We want to change that part which states that they must identify and eliminate each of the employers' employment practices not otherwise authorized by law as follows:

"Except those in conformity with the Canadian Human Rights Act, that results.

It seems to me if you are going to provide for exceptions, the only exceptions should be those set out in the Human Rights Act. This is more of a technical amendment; it fine tunes the legislation, and I cannot see any good reason why the Government would not accept that amendment.

To terminate my remarks at this time let me say just one or two things that also apply to these two amendments. Every time we propose amendments to this Bill some Members on the Government side ask, sometimes shouting from their seats and sometimes when they give their speeches, "Well, why wasn't this done earlier?. Why didn't previous Governments do these good things?". I want to explain why this was not dealt with earlier.

You know that in 1977 this House, under a Liberal Government passed the Canadian Human Rights Act, and that Act, within the federal jurisdiction, outlawed discrimination on the basis of sex, racial origin, ethnic origin, disability and so on. It outlawed discrimination at that time within the federal jurisdiction.

• (1120)

The Government then went to work on an entrenched Charter of Rights. That took a long time and many federal-provincial conferences. It was not completely within the ambit of the federal Government. Finally, the Charter of Rights was agreed to by enough provinces in 1981-82, and it came into effect in 1982. Section 15(1), the equality section, only came into effect in 1985. I think it is very important that we refer to that Section. It says:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

That Section outlawed all kinds of discrimination and was put in the Constitution so it would prevail over every other federal and provincial law. However, in doing that we had to provide some means for affirmative action. Affirmative action is a sort of reverse discrimination. It is discriminating in favour of those groups who have been traditionally discriminated against, so they can catch up. We had to put in Section 15(2) which reads:

Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

That Section provided for affirmative action programs.

As soon as the Constitution was accepted the Government appointed the Abella Commission to study ways in which affirmative action could be brought into operation. That Commission reported in 1985 when the new Government came to power; that is why that issue was dealt with then. I think it is completely without foundation for the Government to continue asking: "Why was it not done earlier?" It was not done earlier because we did not have the entrenched provisions to provide for affirmative action. We appointed the Royal Commission, but discrimination had been outlawed as far back as 1977, and again with the Charter of Rights in 1982. I think it is important to bring that to the attention of the House.

I would like to hear from other Members on the two amendments I have just put forward. I hope they will not be objected to simply on the grounds that they should have been done years ago. They could not have been done years ago.

Mr. Gerry Weiner (Parliamentary Secretary to Minister of Employment and Immigration): Mr. Speaker, I can tell the Hon. Member that we are not going to object on those grounds. We fully realize the good sense in what has been said. However, what I would like to ask is: Who are the designated groups? They are listed but not defined. I can see technical and administrative problems with that. We have something that is already working and this would not be helpful to a process already under way. I have numerous examples of consultation now taking place with target group organizations by employers. I will refer to that in a minute.

This motion has a disjunctive drafting error. One or the other of these groups, or perhaps both, should be specified. To