

Adjournment Debate

—it has now become urgent for Parliament to make it clear that sexual harassment constitutes discrimination on the grounds of sex and will not be tolerated.—

The commission pointed out that public perception of sexual harassment, as a major barrier to equality of employment for women, has greatly increased. That was the second year in a row the Canadian Human Rights Commission made that important recommendation; but, to this date, the Liberal government has ignored any suggestions for change in this area.

The commission specifically recommended that a definition of sexual harassment be added to Section 20 of the Canadian Human Rights Act, specifying that the problem of sexual harassment and discrimination because of pregnancy should be included in the prohibition of discrimination based on sex. Since that recommendation there have been a number of developments outside the realm of the federal government which demonstrate the truth of this statement. I will give a few examples.

Last fall, the Ontario human rights code was passed with a variety of amendments, including provisions to protect students from advances by their professors, just as female workers are protected under the legislation from advances by their employers. Last summer, York University established a grievance procedure to handle student complaints of sexual harassment. In March, 1981, the Alberta human rights commission adopted new guidelines, including a definition of sexual harassment as unwanted sexual solicitation by an employer, landlord, a person in a position of authority, a co-worker or someone providing a service. If a complaint is confirmed, this commission has the power to order compensation for insult, pain and suffering, in addition to lost wages. In May of 1981, the Canadian Association of University Teachers agreed upon guidelines to deal with student charges of sexual harassment. The association defined sexual harassment as an incident when "conduct is made explicitly or implicitly a term or condition of an individual's employment, academic status or academic accreditation". The guidelines include a variety of behaviour by professors toward their students.

What has the federal government done? Last spring, the government stated it was considering new labour laws which would bar sexual harassment in the work place. The Women's Bureau of Labour of Canada produced some specific amendments which were approved by the federal Department of Labour as long ago as last April—almost a year. The bureau proposed a definition of sexual harassment which was very sweeping: "Any persistent conduct, comment, gesture or contact of a sexual nature which might reasonably be perceived by the employee as being a condition of a sexual nature on employment, or any persistent conduct, comment, gesture, display of literature or contact of a sexual nature which is likely to cause offence, embarrassment or humiliation to any employee".

At present, as the government knows, complaints of sexual harassment are referred to Labour Canada, trade unions or civil court. Under these proposed amendments, employers would be obliged to form an anti-harassment policy. There are

a number of other provisions I will not elaborate upon concerning these particular proposed amendments to labour legislation at the federal level. However, suffice it to say that the federal government has taken no action, whatsoever.

These amendments would cover workers in federally regulated industries such as Bell Canada, Air Canada, CP, CN and the chartered banks. Unfortunately, there is still no protection for employees on Parliament Hill. I strongly urge that we extend collective bargaining rights to all employees on Parliament Hill, or, at the very least, that a grievance procedure be established. It is not good enough to tell employees of senators, Members of Parliament and cabinet ministers that they can appeal to the senator, to the Member of Parliament or to the cabinet minister in question if they believe they have been harassed. That is not good enough in this day and age. As I say, those provisions languish on the back burner. The proposals were well received by employers, unions and women's rights organizations after a long series of consultations. In particular, I wish to commend the National Union of Provincial Government Employees, representing 210,000 provincial government employees, particularly Susan Attenborough, for outstanding work in this area.

● (2225)

When is this government going to act? There has been no action taken on the recommendation of the Canadian Human Rights Commission. It sat on this issue for almost a year. All of the interested groups, organizations, and the Department of Labour itself, have approved of this reform. Naturally, individuals and unions must act as well. The country awaits the minister's decision. It is time the Minister of Justice and the Liberal government took seriously the recommendations of the Canadian Human Rights Commission on this important question of sexual harassment. Canadian women have waited far too long for this basic protection. Now is surely the time to act.

Mr. Jim Peterson (Parliamentary Secretary to Minister of Justice and Minister of State for Social Development): Mr. Speaker, in response to the question raised by the hon. member for Burnaby (Mr. Robinson), who is a lawyer, he is quite aware that under the Canadian Human Rights Act discrimination on the basis of sex is prohibited. There are four different bodies of law and jurisprudence which have been brought to bear to define what discrimination based on sex means. Those four bodies of jurisprudence have indicated that discrimination based on sex also includes a prohibition against sexual harassment. I would like to quote those four provisions. The first is under provincial human rights codes.

The hon. member for Burnaby referred to the Ontario law, the Ontario human rights code. Under a law similar to what we have, in the case of *Bell v. Ladas*, in 1980, the Ontario Human Rights Commission ruled that sexual harassment was an offence under the provisions prohibiting discrimination based on sex.