

Canada Elections Act

Nickel Belt (Mr. Rodriguez) is to be commended for presenting a Bill that would enable individuals to obtain from their employer a degree of job security in the event that they participate in the election process.

Madam Speaker, if we are prepared to pay the price of democracy, we must be willing to let those people who wish to take an active part in the democratic process have certain guarantees. After listening very carefully to what the Hon. Member for Nickel Belt was saying earlier, I must say I agree with him on most counts—I don't very often—but I mostly agree when he says that Canadians who offer their services should be given some measure of security. However, I think the Bill should be amended. I think it may be necessary to add a provision—

[*English*]

—A sunset clause, Madam Speaker. I cannot think of the translation so I will use my second language. I really think this is an interesting proposal put to us by the Hon. Member for Nickel Belt. As I said, I would like to address it very briefly, and if it is going to committee, to bring in an amendment at that stage to put in a sunset clause.

The Bill contains a clause which enlarges upon the existing paragraph, Section 23(14) which states that every employer or employees to whom Part III of the Canada Labour Code applies shall upon application to him by any such employee grant to the employee leave of absence with or without pay to seek nomination as a candidate and to be a candidate for election for such period during election as may be requested by the employee. My friend for Nickel Belt wants to amend the Section and add the following: (b), upon application to him by any employee who is elected to the House of Commons, grant a leave of absence without pay to the employee for the duration of his term of the House of Commons.

I could return to my personal experience and state that seeking public office has been a difficult and frustrating experience for many public servants. I can remember when the former Member for Ottawa Centre, John Evans, stood for election, he had to forgo his job in the Public Service and ask for leave even to be a candidate in the election. At that time, he was refused because he was a middle management person, a senior public servant, who did not obtain the required permission.

The Public Service Employment Act is very clear. Upon election to the House of Commons, Subsection 5 of Section 32 states that an employee who is declared elected as a Member described in paragraph 1(a) thereupon ceases to be an employee. He is immediately struck from the list and cannot be considered for any future employment unless he starts from the bottom. That has caused some difficulty over the years for many public servants.

● (1740)

I say to my hon. friend from Nickel Belt, hoping the Bill will go to committee, that I may want to present an amendment

which would include an amendment to the Public Service Employment Act so that we would strike this section from the present legislation. That would make sure that public servants, if they stand for and are elected to the House of Commons can, within reasonable limits, go back to the Commission following their leaving this place for whatever reason and have the right to be considered for employment on a continuing basis by their former employer.

An argument can also be made concerning the effect of Part III of the Charter of Rights and Freedoms which says that every citizen has the right to vote in an election of Members of this House or a legislative assembly and to be qualified for membership therein. That gives all Canadians the opportunity to present their candidacy. I think it would be appropriate for us to see to it that the Canada Labour Code be amended so that people working for federal undertakings would be eligible for continuing employment once they leave an elected position here.

As I said, I see two possible amendments. One concerns the restrictive section in the Act which should be removed, and secondly, possibly a sunset clause where the member could go back to his employer but not necessarily ask to be reinstated in the position he left. For example, I think of teachers or professionals in the health care field, nurses, doctors, chiropractors, osteopaths and so on. Possibly they would not be able to keep up with the state of the art and would have to go back for a retraining course. These are all things that could be worked out by the employee and employer. They could even be negotiated in a contract.

I would like to enlarge upon the scope of the Bill and include all people, whether they come under the Labour Code or under the Public Service Employment Act. That would include many hundreds or thousands of Canadians who at this time have to take very serious risks with their future and that of their families if they give themselves up to elected office.

I commend the Hon. Member for his Bill. I will sit down now and hope that it passes through second reading and goes to committee. I think we should look at this very closely with the hope of improving upon it because I think it is a good idea.

[*Translation*]

Mr. Charles Hamelin (Charlevoix): Madam Speaker, I rise to comment on the Bill introduced by the Hon. Member for Nickel Belt (Mr. Rodriguez). As Hon. Members would know, it is basically aimed at giving any federal employee in Canada an opportunity to run and be a candidate in a national election. It brings in an amendment, because this provision already exists in the Canada Labour Code. Indeed any employee may run and be a candidate in an election, but the existing statute provides that as soon as the individual is elected or defeated, if elected he is no longer employed by the Public Service of Canada, but if he is defeated he can of course resume his duties immediately.