

*Private Members' Business*

My own experience is in blue collar industry in particular. My riding is not dissimilar to that of the member for Abitibi, although we are at opposite poles geographically. We are largely employed in the forest industry and the mining and smelting industry, particularly lead and zinc.

There are many areas, particularly in Cominco in the lead industry, where women of child-bearing age are totally precluded from working. We are hopeful that with the current modernization program taking place, we will get rid of that problem and women may be able to work safely, both for themselves and for their children in all areas of that industry.

While we are generally supportive of this proposal, we understand some of its limitations and what it does not say is due to the limitations imposed by the rules of the House.

I would like to take the opportunity to point out, perhaps, what cannot be stated within the motion itself. Of course, the motion does not go far enough because of those limitations. It does not go far enough to protect the health and safety of pregnant women in the workplace.

• (1730)

What is needed are specific changes to the Canada Labour Code to ensure the safety of the woman and the foetus during pregnancy, as well as the health of both the woman and child after birth.

Amendments need to be brought forward to address the health and safety needs of women while they are pregnant, as well as while they are nursing. What the government needs to bring forward are amendments to the Labour Code in Parts II and III, to improve the rights and benefits of women workers, before and after the birth of a child.

While the purpose of the present Part II of the Canada Labour Code is to ensure a safe and healthy workplace, at present Part II provides virtually no protection for pregnant and nursing workers.

The right of a worker to refuse work does not cover situations where the danger is inherent to the work or where the risk is considered a normal condition of employment. These limitations have the effect of excluding pregnant and breast-feeding workers from full workplace health and safety protection.

Not only are pregnant and nursing workers not protected by the health and safety part of the Code, but under Part III of the Code, a pregnant worker can be forced to take an unpaid leave of absence from employment if the employee is unable to perform an essential function of her job and no appropriate alternate job is available.

I do not think it really needs to be pointed out, but I would stress, in any case, that this comes at a time when the expectant mother and the family most need the income from her work, because they are looking forward to an expanded family.

It is this situation which simply enforces the existing barriers to pregnant and nursing workers. The Code not only does nothing to remove these barriers, it enforces this discrimination as it currently stands.

Pregnant and nursing workers should not be penalized for workplace hazards and risks. Employers should be required to find suitable alternate employment, or measures need to be put in place to provide for full replacement wages if the worker is forced to leave the workplace.

Part II of the Code needs to be amended to require that the employer must ensure that pregnant or nursing workers are protected from workplace risks, specific to the condition of a pregnant or nursing mother. These risks should be defined to include psychological and stress related conditions.

Workplace risks should not be restricted to physical conditions. The psychological effects of working with video display terminals, VDTs, for example, could be greater than the physical dangers in the workplace and could cause abortion or other equally serious trauma.

When a pregnant or nursing worker presents a medical certificate indicating a risk, or if the action is initiated by the employer, then the employer should be obliged to either modify the work environment or reassign the worker to another job. If these alternatives cannot be met, the employee must then be entitled to appropriate fully paid leave.

There also has to be a mechanism in place to allow for a complaint to be filed with Labour Canada, in the instance where an employer refuses to accommodate the legitimate health needs of the workers. This would be handled much like other Part II complaints and subject to appeal to the Canada Labour Relations Board.