

*Public Employees Political Rights Act*

the promises made by all three Parties at the time of the 1984 election campaign. That promise was to change the federal law to remove restrictions to political activity by rank and file public employees working for the Government of Canada and to do so before the next federal election. In fact, I think that action should be taken in time, for example, for people in Ontario who work for the Government of Canada to be able to participate in a reasonable way in the forthcoming Ontario election.

What is different about this debate is that Bill C-231, which we are debating at second reading stage, is the first comprehensive Bill on political rights which proposes what could be put in place of the restrictions that now prevail in Section 32 of the Public Service Employment Act. It seeks to address this problem upon which all three Parties have made promises and to ensure that the freedoms in the Canadian Charter of Rights and Freedoms would apply to federal public employees. Thus the intention of Bill C-231 is to repeal Section 32 of the Public Service Employment Act and replace it with legislation to give the fullest possible protection of the Charter freedoms of expression, of association and of assembly to public employees consistent with the principles of a non-partisan Public Service based on merit.

I have talked about the issue of political rights for a long time, dating back to my service in the Ontario Legislature. For the last couple of years, I have talked with public employees, with people in government and with public-sector unions about what fair and balanced political rights legislation should contain. Bill C-231 represents what I believe is an appropriate balance and is a Bill upon which legislation can be based. There may be a need or desire to deal with some considerations the Government may have in mind in the legislative committee, but I believe this debate has gone far enough and the Government should express its support for the principle of the Bill in the House today. I would ask all Hon. Members to agree to allow this matter to go to the legislative committee and not to talk it out until six o'clock tonight.

I think my Bill respects the rights of public employees as citizens living in a democracy while recognizing the need for restrictions on those employees who offer public policy advice to the Crown or who occupy sensitive positions. The mechanics of the Bill are very simple. Political rights are restricted to a small group at the top of the Public Service, namely, deputy heads and people in confidential or managerial positions as defined by regulation. Those regulations would in fact have to be reviewed by Parliament before they could come into force, but that would mean that 92 per cent to 95 per cent of the people working for the Government of Canada and a similar proportion of those working for Crown corporations and Crown agencies would have the political rights that are spelled out in this Bill.

The Bill essentially embodies the recommendations made in the D'Avignon report of a few years ago, which also called effectively for a two-tier approach with restrictions on people providing policy advice or managing the over-all Public Service

while the people who hold nursing jobs, drive trucks, work at word processors, do statistical analyses and do a vast range of other jobs for the Government of Canada would in fact have their political rights restored and would be able to act like anyone else with a private sector job.

The rights that would be granted are the following: the right to support a Party or candidate actively including being involved in a political campaign; the right to make financial contributions to a Party or candidate or to collect funds on their behalf, the right to be actively involved in a Party and to hold office in a Party without getting a warning note if one tries to attend a convention or hold office in a local riding association; and the right to express views and to participate in the democratic process.

The Bill also outlines a new procedure for public employees to become candidates themselves. Under this procedure, they would inform the Public Service Commission and unless they were in a restricted category would become entitled to leave of absence in order to stand as candidates. Also, a person who became an elected Member would have the right to return to the Public Service after being defeated or leaving politics after a certain period of time.

This Bill, I believe, embodies the freedoms in the Charter of Rights and Freedoms. This is essentially the series of rights put forward by other proposals such as the D'Avignon report, and is very similar to provisions on political rights that prevail in a number of provincial jurisdictions particularly in western Canada and in a number of western countries which are like our jurisdiction, such as Great Britain and Australia. It is also very similar to the recent proposals put forward in the report on political activity and public comment and disclosure by Crown employees which was recently produced by the Ontario Law Reform Commission.

I would like to recall to all Hon. Members the promises made by all three political Parties, but in particular the promise made by the Progressive Conservative Party at the time of the last election. I am anxious to help the Government, and I do mean that seriously. Let me step back for a moment. I am anxious to see that the promises all of us made last time are kept. I hesitated a moment ago because I do not think this issue should be treated as a partisan one but as one on which all Parties can join constructively together. The Conservative promise, and it is similar to one we made, is the following:

The PC Party believes that the present restrictions on political activity are unnecessary and likely not justifiable under the terms of the Canadian Charter of Rights and Freedoms. While the rights of some senior public servants must be restricted in order to prevent conflict of interest, we feel that this issue could be addressed without disenfranchising over 200,000 public servants in the process.

We believe that this matter should be addressed by an all-party Parliamentary Committee in consultation with public service organizations, and we believe the situation can be quickly resolved. Much of the work, after all, has already been done as part of the D'Avignon Report, but the current government has not demonstrated the political will necessary to implement the long-overdue changes.

You will have noticed, Madam Speaker, that the proposals I have outlined in Bill C-231 are certainly in principle very