

Employment Equity

who represent those designated groups, and allow the Bill to be sent back to committee for further examination of those clauses. I am sure if the Government allowed the Bill to be sent back where the committee could hear further witnesses on this subject, the committee would have the opportunity to make some very key amendments to those sections to which I referred, and we would then end up with a much better Bill, one of which we in this House could all be proud.

The Acting Speaker (Mr. Paproski): Are there any questions or comments?

Mr. McCurdy: May I ask the previous speaker, in consideration of the amendment that was introduced by the Member for Vancouver East (Mrs. Mitchell), to indicate why Clause 4 is excluded from the amendment for reference to committee. Surely it is clear that both Clauses 4 and 5 together constitute the action plan, because one consists of the process, that is Clause 4, and Clause 5 describes the definition of goals that are necessary in order for the process to be successful. Let me repeat the question. May we have an explanation of why Clause 4 was not included in the reference?

Mr. Allmand: Mr. Speaker, I think the Hon. Member at the end of his remarks meant to ask why Clause 4 is not included in the reference. He makes a good point. Clause 4 is an extremely important clause in the Bill, but we were advised that if we were to put a reasoned amendment before the House we could not refer the entire Bill back to committee, so we picked out what we believed to be three important clauses. I would have no objection to including Clause 4, as it is also an important clause.

I wanted to concentrate attention on several issues at this time. It is possible that if the Government rejects this amendment to refer Clauses 3, 5 and 7, we might then try with Clause 4. If somebody else in the House wants to amend my amendment to include Clause 4 I have no objection.

I agree with the Hon. Member that Clause 4 is a key clause of this Bill. It would be the guts of the Bill if there was a penalty that applied if you did not do what is covered in Clause 4. Unfortunately Clause 4 lays places a number of obligations on employers to implement employment equity. It states that they should do certain things, but if they do not do one of those things there is no penalty. The Hon. Member is correct in what he said. He makes good sense. We picked out three clauses at this time to refer back to the committee, but one could pick others as well, in particular, Clause 4.

Mr. McCurdy: May I further ask the Hon. Member, in reference to the exclusion of the federal Departments from the Bill, if he would reflect on the need for the inclusion of the federal public service in view of his knowledge of the record of the public service with respect to affirmative action for women, visible minorities, the disabled and the native people. Does he believe that the record of the federal Government so far justifies omitting them from the legislation on the basis that

they will continue, if they ever had done so, to implement affirmative action within the public service?

Mr. Allmand: Mr. Speaker, one of the reasons that the Member for Hamilton East included Clause 3 in the amendment to refer the Bill back to committee was that Clause 3 deals with definitions including who or what is an employer. Since that clause now exempts federal public servants we would like to see it amended to include them, not exempt them. We tried to put through an amendment in committee to do that. We tried to put through an amendment in this House at report stage. On both occasions Members of the Government voted down those amendments so that the Bill still exempts federal public servants.

● (1520)

We started a few years ago on employment equity with guidelines or directives under the Treasury Board. That was a good start, but it was before we had entrenched provisions in the Constitution with respect to equality rights and affirmative action. It was before the Abella report which says we should have legislation for both the public sector and the private sector. We agree with that. We feel it was good to start the way we did, but it is not enough. Now is the time for legislation and it should apply to the public sector as well as to the private sector.

Mr. Gauthier: Mr. Speaker, I was very happy to hear the comments by my colleague, the Hon. Member for Notre-Dame-de-Grace—Lachine East (Mr. Allmand). I listened with interest this morning to the Minister as she told us what the process of reporting would be. If I understood her clearly, she is going to wait until the profile of a company in question is established by census, instead of in the regions where the profile should be made in order to ensure that the company's program or plan will remove the barriers to employment equity. Of course, that kind of employment equity will be assured and promoted by the company in question.

I want to ask the Hon. Member about the reference made this morning by the Minister to the census. In his opinion, is that sufficient to justify the Government calling this Bill the "Employment Equity" Bill? Is that not a confirmation that it is indeed a smoke and mirror game the Government is playing, by telling us that it would like to see an employment equity reporting act, but when it comes to encouraging or making sure within the next year that there is equity in employment, we will have to wait an awfully long time, for the next census, when the profiles will be available in order to compare what the companies are proposing to do, and what they are reporting to be able to do, with what they should be doing according to census figures?

Mr. Allmand: Mr. Speaker, this Bill is a smoke and mirrors Bill for many reasons, not just the reason suggested by the Hon. Member for Ottawa-Vanier (Mr. Gauthier). If the Minister thinks that she will be able to do something about employment equity on the basis of the census which is done