

Government Orders

Some employer and labour representatives said this was no place for on the job training and yet that is what they have seen. They cited examples in which the individuals hearing cases clearly knew far less than the people appearing before them. The result was frustration, added cost and some doubt as to whether a truly just decision could be rendered. In the same vein, representatives of designated groups saw a need for tribunal members who were truly aware of their situation. They were concerned that tribunal members would not understand the barrier they faced and the need for action.

When we look at the committee's report we see that witnesses offered many suggestions on how to improve this state of affairs. This proposed amendment draws on some of those ideas.

The committee took a different course. I think it was a better course. It chose to amend Bill C-64 by requiring the president of the Canadian human rights tribunal panel to give due consideration to the expertise of individuals he or she might appoint to employment equity review tribunals. That amendment would give the president of the panel a clear direction without tying his or her hands.

In a way, that decision is consistent with the direction of the entire bill. The emphasis is on reasonable efforts to place qualified people in this role. It does not set a quota. It does not incorporate the labour relations based model into the process. It does not assume that there should be representatives of perspectives that are in probable opposition to each other. Moreover, it permits a flexible approach where appropriate. The goal is to appoint tribunal members who understand the issues and who can rule on them fairly.

Not only are there sound philosophical reasons for the House to support the committee's approach and to reject the amendment, there are sound practical reasons to do so as well. One of the most important pertains to the size of the tribunals. Tribunals do not have seven or nine people on them who can be chosen to fill certain quota needs. A tribunal will have either three or just one person.

If three persons are hearing a case, and that was the preference of the committee as hon. members may recall, how will the representation issues be resolved? That problem becomes unsolvable if a one person tribunal is established. Hon. members should remember that one person tribunals may often be appointed in less complex cases. In those instances, representation of designated groups, expertise and experience simply cannot be achieved in a fashion that most people will see as fair.

Clearly it is not possible to make a system of proportional representation work well for three people and it simply cannot work for one person. It is far better to concentrate on expertise and experience. In any event, representation is taking care of itself.

When Keith Norton, the president of the Canadian human rights tribunal panel, appeared before the standing committee he agreed that the tribunal should have membership from all walks of life. It would be similar to what we see happening across the judiciary. It is growing more and more representative of society all the time.

The committee has done its work and has done it very well. I commend its members for that work. Because of that direction I do not think we should support this amendment.

The Deputy Speaker: Is the House ready for the question?

Some hon. members: Question.

The Deputy Speaker: The question is on Motion No. 13. Is it the pleasure of the House to adopt the motion?

Some hon. members: Agreed.

Some hon. members: No.

The Deputy Speaker: All those in favour of the motion will please say yea.

Some hon. members: Yea.

The Deputy Speaker: All those opposed will please say nay.

Some hon. members: Nay.

The Deputy Speaker: In my opinion the nays have it.

And more than five members having risen:

[Translation]

The Deputy Speaker: Pursuant to Standing Order 76(8), a recorded division on the motion is deferred.

[English]

The House will now proceed to the taking of the deferred divisions at the report stage of the bill now before the House.

Call in the members.

And the bells having rung:

The Deputy Speaker: Having heard the request from the chief government whip, the vote will be deferred until five o'clock.

SUSPENSION OF SITTING

Mr. Boudria: Mr. Speaker, in view of the fact that only slightly over ten minutes are left, instead of pursuing other government business perhaps the House would give its consent to suspend for 12 minutes.

The Deputy Speaker: Is there unanimous consent to suspend the House for 12 minutes?

Some hon. members: Agreed.

(The sitting of the House was suspended at 4.47 p.m.)