

*Public Service*

Some hon. Members: Agreed.

## PRIVATE MEMBERS' MOTIONS

### PUBLIC SERVICE

#### APPLICATION OF FAIR EMPLOYMENT PRACTICES PROVISION OF LABOUR CODE

**Mr. Walter Baker (Grenville-Carleton)** moved:

That, in the opinion of this House, the government should introduce amendments to the Public Service Employment Act, the Public Service Staff Relations Act and the Canada Labour Code to ensure that all the provision of the Canada Labour Code relating to fair employment practices will apply to the public service of Canada.

He said: Mr. Speaker, in rising to speak to this motion, I am mindful from reading the Canada Labour Code of the progression of history in labour relations that is evident from the pages of the Statutes of Canada, a history that began when there was no Labour Code or no such legislation, but carried itself through the years until the passage of this statute in the 1966-67 session of this House and its subsequent approval and coming into force.

The purpose of that statute was to govern equitably the relationships between employers and employees in this country, particularly with respect to those areas of jurisdiction which were within the competence of this parliament. In so doing, I think it commanded the respect of both employers and employees. As a result, it is fair to say, with some exceptions, that in so far as the statute applies, this is a reasonable Labour Code. It constitutes a reasonable step along the road to the point of perfection which all of us would like to reach and toward which all of us strive.

Section 2 of the statute is important. It defines the categories which are deemed by the statute to be federal words, undertaking or business. The unfortunate thing about the definition section is that nowhere is it specifically defined that employees of the government of Canada who are subject to the Public Service Commission are covered by the very worthwhile provisions relating to fair employment practices in the statute.

Section 5 is the next important section. It deals with what is generally called prohibited employment practices. It reads:

No employer shall refuse to employ or to continue to employ, or otherwise discriminate against any person in regard to employment or any term or condition of employment because of his race, national origin, colour or religion.

The next important section deals with equal pay. This is Part II of the statute. There is a provision in section 14 to establish a fair wage officer. The section on application is important. It applies to, and I quote:

(a) employment upon or in connection with any federal work, undertaking or business;

(b) employers engaged in any federal work, undertaking or business;

[Mr. Deputy Speaker.]

(c) employees employed upon or in connection with any federal, undertaking or business; and

(d) employment of employees by any corporation established to perform any function or duty on behalf of the Government of Canada;

In effect, it says that within all those matters within the jurisdiction of the federal government, even to that type of business which is done on behalf of the government by agencies of the Crown, the Crown corporations are covered by the Provisions of the Section but the Public Service of Canada is not so covered, at least with respect to equal pay.

Section 7 of the statute establishes penalties. The statute goes on to deal with hours of work, minimum wages, annual vacation, general holidays and all other matters.

I want to deal specifically with Part II of this statute which has to do with equal pay for female employees. Nowhere does this appear to apply to the Public Service of Canada. Section 16(1) reads, and I quote:

No employer shall employ a female employee for any work at a rate of pay that is less than the rate of pay at which a male employee is employed by that employer for identical or substantially identical work.

Section 16(2) deals with the criteria for deciding what work is, in fact, equal and how one would decide what work is substantially identical. There are exceptions, however, which do not apply to the matter before us.

Section 17 of the statute provides an important protection with respect to the discharge or some other form of discrimination against any person because that person has made a complaint, given evidence, or assisted in any way with regard to the initiation or prosecution of a complaint under that section of the act which is meant to protect with respect to equal pay. There is an adequate enforcement procedure set forth in section 18.

Section 23 permits the minister to make certain orders in an appropriate case for the establishment of equality in that particular field. With respect to the question of equal pay, the statute provides an admirable procedure for the protection of female employees of the government of Canada, but the application of Part II of the statute is very limited as I have said. It is limited because of the limitation contained in the definition section. I have searched to see whether there is some portion of the Public Service Employment Act in which this protection would apply to public servants and I am sorry to say I have failed to find any. I am satisfied it is not an omission which has been perpetrated for any bad purpose, but it is nonetheless an omission which is important for those who seek employment in the public service of Canada.

• (1710)

I had occasion when considering the matters we were about to discuss to review the report of the Royal Commission on the Status of Women and the impact of women in terms of numbers, output and ability on the public service of Canada. It is interesting to note that at the time of the publication of this report—no doubt the figures have changed since then—27.3 per cent of the public service was made up of women, a very high proportion. Approximately 42 per cent of these women were single, 43 per cent were married and 15 per cent were widowed,