

Canadian Human Rights

to a job although he does not belong to a union? Would it be held that such a person was subject to discrimination?

Mr. Basford: Not entirely, in the sense of the question. The "right to work" is used, in the question, in the context of the right to work without the person concerned joining a union. That is not affected one way or the other by this legislation. What is provided for are regulations and laws related to employers and employee organizations—trade unions—to ensure that there is no discrimination in membership on the basis of any of the grounds mentioned in the legislation.

Mr. Beatty: Mr. Speaker, I should like to clarify one matter. With regard to part IV there is some concern among the research community about the possibility that the legislation would also apply to statistical data banks as well as to administrative data banks. Does the legislation differentiate between the two? Is it the intention to place additional restrictions on statistical data which might affect the ability of researchers in their work?

Mr. Basford: That question is dealt with in the definitions section on page 28. The definitions in question are those of "administrative purposes" and "federal information banks". The right to privacy and the right to make corrections relate to federal information banks where information is in the hands of the government and is being used in relation to an individual for an administrative purpose. I would not categorize those banks as statistical banks of the kind about which the hon. member is asking. The definition of "information banks" is somewhat wider, though, and there is provision in the act that the designated minister shall have the duty of co-ordinating the operations of government information banks in an endeavour to limit, to the extent possible, consistent with good information, the information-gathering activities of government.

Mr. R. Gordon L. Fairweather (Fundy-Royal): Mr. Speaker, I am glad the minister paused for a minute or two in his speech to reflect about those who through the years have been the pioneers of this legislation. I think the House would not mind being reminded that one of those pioneers was Mrs. Florence Bird—Anne Francis, to those who listened to her on the radio in other days—and the government of the late Lester B. Pearson who appointed Florence Bird and the commission out of which this legislation arose. I have been thinking lately about the propensity of hon. members to be somewhat verbal about their policy declarations. This may be fine, except it often means that others in legislative history are overlooked. We politicians are very much "instant" people, and I want to pause for a moment to pay tribute to Florence Bird and others in our history who have espoused the cause of human rights and, in particular, the rights of women in society.

It was pointed out in earlier stages of this debate that the provinces have in place human rights commissions. Part of the dilemma which arises in this field originates, from the fact that jurisdiction is shared by provincial and federal governments. This means we should be forewarned that just because the

[Mr. Woolliams.]

apparatus is in place does not mean there will be an end of discrimination. I know the minister does not expect this, and very few of us do as we debate the issue in parliament today, but I make a plea to those who will be responsible for the working of this legislation to co-operate very closely with the human rights commissions in the various provinces. I hope that at an early stage they will seek an opportunity to gather experience of the day by day operations of these commissions as they work to end discrimination in our country.

As those who sat on the committee know, I was anxious that the matter of sexual orientation be faced squarely by the committee. I said in committee that it was a pity it was not faced. The minister has given an explanation. He is part of a majority government and, of course, he has an obligation to put forward those measures which he believes not only the government can sustain but that parliament will approve. Nevertheless, I think that if one believes, as the minister believes, that this parliament will be addressing itself very soon to discrimination which is inherent in sexual orientation, he is very optimistic indeed. That is why many of us, but not enough, were anxious to have the government face this issue when the bill was before committee.

● (1240)

I believe very sincerely that it is by being open about orientation that the activities of blackmailers and others who prey upon the propensities of people in society are brought to an end. The longer people have to keep their sexual propensities hidden, the more they are preyed upon by blackmailers. I believe this very much, and I had hoped that a bill having to do with human rights would have faced this issue squarely in the latter half of the seventies. But it is not to be. We made an effort in committee to bring this about, but we were unsuccessful.

If I may turn to the question of equal pay for work of equal value, many of us heard the cries of alarm, when the bill was in committee, regarding how difficult it would be to implement this concept. I have always wondered why people seem to think that Canada cannot pioneer jurisprudence. The concept of equal pay for work of equal value is a difficult one. It has been raised at ILO conventions, but there has not been very much experience of the concept. Would it not be rather refreshing if for once Canada pioneered this concept? I am sure we are able to develop a sensitive jurisprudence and formula of implementation of this concept.

I should like to speak for a moment about one other aspect of the act to which I think it is a pity the government did not address itself and which I had hoped the minister might mention during his speech. I refer to the fact that clause 63(2) continues the present discrimination against Indian women. The minister was very forthcoming in committee about this, and he did receive some publicity. When ministers are forthcoming there should certainly be publicity, since it is so rare.

Mr. Leggatt: That is new in itself.