penalty, does not apply to Clause 4, which lays out the obligation to implement employment equity, and it does not cover Clause 5 which obliges employers to prepare action plans setting out goals and timetables. Everyone is asking why the penalty clause only applies to Clause 6, the reporting clause, and not to Clauses 4 and 5 which are the real guts of the Bill. If the Government and the Minister really believed in enforceable affimative action and employment equity, they would need only amend Clause 7 to read: "An employer who fails to comply with Sections 4, 5, and 6, is guilty of an offence and liable on summary conviction to a fine not exceeding fifty thousand dollars".

We tried to increase the $50,000 to $500,000 because to many of the large companies under federal jurisdiction $50,000 is like a price to steal. It would be cheaper for large companies like Bell telephone or the Royal Bank of Canada to pay the $50,000 every year than to implement employment equity. In committee we supported an amendment put forward by the Hon. Member for Yorkton—Melville (Mr. Nystrom) which would subject employers to a fine if they did not comply with Sections 4, 5, and 6. That would have made this a very good Bill. I also moved an amendment to increase the fine to a maximum of $500,000, but that was rejected by the Government as well.

I have referred briefly to what other groups have said about this Bill. I referred to the press release issued today by the disabled people. I also have a press release with respect to this legislation which was issued by the Canadian Ethnocultural Council. It says in part:

> The legislation to cover visible minorities, as well as women, natives and the disabled, does not require federally regulated employers to have employment equity programs, nor does it provide them with any sort of guidelines which they ought to follow. In addition, the absence of any employment mechanism or agency means that voluntary organizations with minimal budgets will have to do the real monitoring."

That has been taken care of to a certain extent, and I will talk about that in a moment. The press release goes on to say that this Bill is not acceptable.

The Urban Alliance on Race Relations did a survey in the Toronto area and found, as reported in an article in *The Globe and Mail*, that bigotry, prejudice, and discrimination against visible minorities are widespread and entrenched in policies and practices of small and large employers in the metropolitan Toronto labour market. They said that slightly more than half of management participants in the study had negative things to say about racial minorities. Only 9 per cent of the 199 large employers, all with more than 50 employees, stated a firm belief in racial equality. For example, 28 per cent of the employers said they believed that non-whites in general do not have the ability to meet job performance criteria compared with whites. That is part of the problem.

If you look at the evidence presented to the legislative committee which studied this Bill you will see that not one of the witnesses or groups appearing before the committee representing those who are supposed to be helped by this Bill approved of it. If the Minister and the Parliamentary Secretary do not want to believe members of the Opposition because they think we might be partisan, although we are trying not to be, we ask them to please listen to the disabled people, the native people, and the visible minorities. Listen to them, rather than us. We are simply voicing their views because there are not enough of them in this House. If the Government will listen to them, it may produce a worth-while piece of legislation.

This Bill simply requires that information on employment equity be reported to the Minister and the Canadian Human Rights Commission. There will be a penalty if that information is not reported, but no penalty whatsoever if they do not move ahead with the implementation of employment equity as set out in Clause 4 of the Bill. For example, an employer with 100 employees might report in year one that he has 100 employees including one woman, five from the visible minorities, and no natives. The company does not want to be fined $50,000 under Clause 7, so it makes that report. The next year it reports again that it has 100 employees, including one woman, five from the visible minorities, and no disabled people or natives. It makes the same report year after year and is never penalized because it is reporting as required. However, it is, unfortunately, making no progress on employment equity. It is not introducing affirmative action plans, nor are there any penalties.

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The information that is gathered pursuant to this Bill is referred to the Canadian Human Rights Commission which will be able to enforce the provisions of the Canadian Human Rights Act against those firms in which it believes there is discrimination. However, the Commission will not be able to enforce Clause 4 of the Bill which requires affirmative action programs and action to redress the imbalance in a particular labour force.

Last December, the Federal Court of Canada ruled that the Canadian Human Rights Act authorizes prevention but not cures, like the 25 per cent female hiring quota imposed on CN Rail the year before. The Federal Court was saying that the Canadian Human Rights Act can be enforced where there is discrimination but cannot be used to enforce cures to discrimination, such as affirmative action plans. This Bill was supposed to deal with that very issue but does not because the enforcement provisions are not there.

The legal officers for the Canadian Human Rights Commission argued before the committee that he and she thought they could enforce this Bill through certain sections in the Canadian Human Rights Act. They referred me to various sections. I am a lawyer and I attempted to follow their argument but was not convinced that they had any way of enforcing the Employment Equity Bill through their legislation. It seems that the Federal Court of Canada agrees with that suggestion.