This contradiction is best exhibited in the Canadian Charter of Rights and Freedoms, section 15(1):

> Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

This is a statement in our Constitution on the equality of our citizens and the prohibition of discrimination based on certain characteristics. Yet the contradiction to that philosophy of employment equity is revealed in the next section of the charter, section 15(2):

> Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

How can the charter of rights and freedoms recognize the equality of Canadian citizens on one hand and then turn around and state that principle of equality does not apply under certain circumstances?

• (1535)

Some argue employment equity is needed because certain portions of our population have been historically disadvantaged. Let me discuss that for a moment.

Prior to 1967 most immigration into Canada was from Europe and caucasian in character. Since that time our immigration patterns have changed, to the better I am sure. Many immigrants from all parts of the world are high wage earners. Most visible minorities in Canada, because of government policies, are either immigrants or children of immigrants. Going back to the original philosophy, how then can they be deemed at an historic disadvantage?

Surveys have shown some visible minority groups are among our highest wage earners. Also, many come from highly advantaged, educated backgrounds and yet are promoted and protected by the employment equity legislation. Conversely, other identifiable groups, ones not included in the visible minority category, have low incomes and may face real discrimination in the marketplace. They are left out of the legislation. They are deemed less than equal because they are not part of what is defined in this group.

The government purports to put forward the concept of numerical goals and employment equity and will go to the wall to say that never are these things to be deemed as quotas or affirmative action.

I will take a few moments to review some of the historical context of the present debate for it sheds much light on the intention and direction of the present legislation.

As early as 1979 the Canada employment and immigration commission established its affirmative action directive as an advisory tool to the department. Then in 1983 the hon. member for Windsor West, then President of the Treasury Board, introduced a mandatory program of affirmative action in the public service. Even at the outset there was a determined refusal not to admit to the real meaning of racially based job quotas. As we hear him say from those days: "The numerical goals we will be introducing as part of the affirmative action are not quotas". Those words are still said today but do they really mean anything?

Of special interest is the 1984 report of the federal royal commission. Judge Abella was the chair and the only member of the commission which produced the report entitled "Equality in Employment". In it the term employment equity appeared for the first time. Abella rejected the older phrase affirmative action on clearly pragmatic grounds.

I quote from the report her reason for using the new term: "No great principle is sacrificed in exchanging phrases of disputed definitions for newer ones that may be more accurate and less destructive of reasoned debate". Obviously a pragmatic choice of words, and for that reason the term employment equity was invented and the term affirmative action was tossed aside.

In addition, the phrase numerical goals used in employment equity legislation is really a euphemism for quotas. Bill C–64, which was recently debated by the human rights commission, incorporates numerical goals or quotas. Clause 10(1)(d) requires employers to incorporate quotas within the employment equity plan. This clause reads that an employer shall establish short term numerical goals for the hiring and promotion of persons in the designated groups in order to increase their representation in each occupational group in the workforce in which under–representation has been identified and sets out measures to be taken in each year to meet those goals.

Another illustration of the quota approach is the Treasury Board's annual report on employment equity in the public service. It outlines in some detail the philosophy of targets or quotas in all aspects of employment, in the recruitment, promotion and even the separation of employees from the employer. It is presented in pure numbers with percentages and totals broken down into a litany of categories. The problem with this approach is that the world is not so neatly configured. Numbers do not reflect the real world.

This leads to a third flat assumption of the employment equity philosophy. If these numerical goals or quotas are not met and consistent with the calculated diversity of our society it is therefore concluded there must be discrimination that is systemic in our society.