Clause 5 was included in the Bill since the committee stage. It requires employers to prepare action plans with goals and timetables for employment equity. However, if action plans are not prepared as required by Clause 5, there is no penalty.

During the committee stage, and the report stage in the House, we attempted to amend Clause 7 so that the sanction in that clause would not only apply to those employers who failed to comply with Clause 6, but also to those who failed to comply with Clause 4 and Clause 5. If that penalty clause applied to employers who failed to comply with Clauses 4, 5 and 6, then I believe this would be a Bill of substance that would be enforceable and meaningful to the target groups. Therefore, my colleague from Hamilton East moved that the Bill be sent back to committee for reconsideration of Clause 7 so that witnesses would again have a chance to convince the Government that this clause should apply to Clauses 4 and 5 as well as Clause 6. One continues to hope that such steps will be taken.

The Hon. Member also moved that the Bill be returned to committee for reconsideration of Clause 3 and Clause 5.

Clause 3 is a definition section of the Bill. It defines an employer as one who has 100 or more employees. We have argued time and again that that floor level of 100 employees is too high because it excludes many federally regulated Canadian firms with less than 100 employees.

I pointed out this morning that affirmative action legislation in the United States includes all firms with 15 or more employees. I tried to amend this Bill in committee so as to reduce the level of 100 employees to 25 employees, thereby not even going as far as the American legislation. Witnesses before the committee suggested that 25 employees was a reasonable number on which to make a judgment on affirmative action or employment equity. However, the Government and the Parliamentary Secretary would not listen to any arguments and insisted on keeping the level at 100 employees.

As a matter of fact, that stipulation is not even consistent with our Canadian labour legislation because the Canada Labour Code defines an employer as one with five or more employees. We believe it is unacceptable that the definition would suddenly jump to 100 employees according to this Bill. If the Bill is sent back to committee, we hope that witnesses representing the target groups and others will convince the Government that 100 is too high. The other part of Clause 3 which requires amendment, and which we have been trying to amend, is that part of Clause 3 which exempts federal Government employees from coverage under the legislation. Again, we have argued that Treasury Board guidelines are not enough. If we are to have legislation covering the business sector with respect to affirmative action employment equity, then we should at least have that same legislation cover federal government employees. It is inconsistent and illogical to lay legislation on the private sector, but to exempt the Government sector and allow it to be covered by guidelines and orders-in-council which can be changed at any time without notice and without reference to the House of Commons.

• (1510)

The reason for referring back to Clause 5 of the legislation is that Clause 5 is a new clause which was agreed to in committee, and it shows that the Government from time to time will listen to argument and will accept amendments that are proposed. I suppose on that occasion they were intently listening and saw the good sense in the arguments that were put forward. They accepted an amendment to require employers to prepare action plans with goals and targets for employment equity. That was good, but then they added a second subsection to that new Clause 5 which said that those new action plans should be kept at the head office of the employer, wherever that may be in Canada, and should be kept there for three years. In other words, there was no obligation to communicate those action plans on targets and goals to the employees of the firms, to the target groups; the disabled, the native people, the women's groups and the visible minorities. There was no obligation to inform these employees of the action plans, and there was no obligation to forward the action plan to the Canadian Human Rights Commission, which is supposed to have some responsibility in enforcing this legislation.

We have already tried to knock out that subsection which says that the action plan should be kept at the head office of the employer, wherever that may be in Canada, and to replace it with a section which would say that the action plan should be communicated to the employees of the firms in question, to the Canadian Human Rights Commission, and to the representatives of the designated groups which are to be assisted by this legislation.

I spent a good deal of time this morning explaining why not only I and members of my Party thought this legislation was inadequate, but why it was felt to be inadequate by a large number of associations which appeared before the parliamentary committee. They all said this legislation was unacceptable unless there were some substantial amendments made to it. Those amendments have not been made. The legislation is still more rhetoric than action oriented. It will not effectively put into place mandatory employment equity programs. It will not do the job. Every independent group that has looked at it says the same thing.

The Minister this morning said that what she wanted was action and that this legislation represented action. Nobody believes her when she says that. If she would do a few simple things with the legislation then she might gain some credibility, but not by simply saying that this legislation will do this, and will do that, because when you look at the provisions of the Bill you see that that is not the case. Maybe she believes that nobody reads the Bill, that they are simply going to listen to her speeches and those of her colleagues, that they will believe her when she says this Bill brings about enforceable employment equity. It does not do that. It requires further amendment.

I wish the Government would, for once, listen, not only to the Members of this House, but to the members of the public