

*Official Languages*

have appreciated the good will, understanding and co-operation of the executive and members of the staff associations and, particularly, those who sit on the National Joint Council.

Looking through the principles, one can see clarification and protection in a number of distinct areas. There is a new procedure of prior identification and designation of bilingual positions. This gives members of the public service advance notice on which to exercise various career options. There is guaranteed protection for acquired rights of unilingual public servants having ten years of service at the date of Mr. Pearson's original statement in the House. There is a new flexibility in the definition of bilingualism, as it may be required for particular positions. The ability to qualify for a position that may be designated as bilingual is now enshrined in advance of acquiring the second language. In other words, the public servant does not necessarily have to have a capacity in both languages at the time he stands and qualifies for a bilingual position. Once having achieved that position, he is given the opportunity to establish that bilingual qualification. As a result, and this is another point, there is now a wider availability of language training, and it becomes incumbent now on the government to ensure that anyone seeking admission to the public service or seeking promotion within the public service has available to him as of right, no matter what his standing in the hierarchy of the system may be, the necessary language training. Finally, there are wider avenues of appeal respecting the implementation of this policy.

I want to deal briefly, if I may, with the amendment put before the House by the Leader of the Opposition. I appreciated the reasoned calm of his argument and the fact that he put it forward for the consideration of the House but said, however, that it was not a condition precedent to his support of the main resolution. I believe that spirit was appreciated on my side of the House.

**Some hon. Members:** Hear, hear!

**Mr. Turner (Ottawa-Carleton):** Despite the arguments put forward effectively today by the hon. member for Rocky Mountain (Mr. Clark), the government has decided that it must reject the amendment put to the House by the Leader of the Opposition.

**An hon. Member:** You don't know what you are saying.

**Mr. Turner (Ottawa-Carleton):** The reasons, and I will state them as calmly as I can to the House, are that the principles set forth in the resolution and their administrative application have been developed as the result of extensive consultations between the government and the staff associations.

**Mr. Grafftey:** Speak from your heart.

**Mr. Turner (Ottawa-Carleton):** The government has undertaken to continue such negotiations through the medium of the National Joint Council. It is our submission, Mr. Speaker, and I believe also the view of the staff associations, that it would be unwise to put into law at this time administrative arrangements that have been agreed to through these consultations and which might be

[Mr. Turner (Ottawa-Carleton).]

subject, after further consultation, to amplification by both parties at a later date.

**An hon. Member:** You can always change the law.

**Mr. Turner (Ottawa-Carleton):** Therefore, it is most important at this stage, both for the people of Canada as employer and for the staff associations representing the employees, that there be sufficient flexibility in the policy that I feel, would be a distinct advantage at this stage of the process.

Let me say this to the House about the implementation of the principles. The implementation of the principles can take effect without legislative action. Section 39 of the Public Service Employment Act provides:

In any case where the Commission decides that it is not practicable nor in the best interests of the public service to apply this Act or any provision thereof to any position or person or class of positions or persons, the Commission may, with the approval of the Governor in Council exclude such position or person or class of positions or persons in whole or in part from the operation of this Act; and the Commission may, with the approval of the Governor in Council, re-apply any of the provisions of this Act to any position or person so excluded.

Thus, I submit parliament has already anticipated a possible need for excluding from certain portions of the Public Service Employment Act certain positions or persons. Legislation is, therefore, unnecessary, as the existing laws provide for the implementation of the principle, either by means of the Public Service Employment Act, the Financial Administration Act or the Official Languages Act.

In the past, Mr. Speaker, the Public Service Commission has been reluctant to seek such exclusions under Section 39, but with the approval of this resolution the Chairman of the Public Service Commission and the Commission will interpret this approval as parliament's direction that Section 39 of the Public Service Employment Act be invoked. The Chairman of the Public Service Commission has already advised the staff side of the National Joint Council to this effect and the Public Service Commission will be requesting the Governor in Council to pass regulations under Section 39 to give effect to the principles.

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A permanent committee of the National Joint Council, representing the people of Canada and parliament as employer and the staff associations as employees, has been established to keep under constant review matters related to the principles and measures contained in the resolution. It is safe to say that the staff side, recognizing the dynamic nature of this issue, has not pressed for inclusion of the principles in legislation. They believe and we believe that legislation at this time would be inappropriate as the consultation process is working effectively and is responsive to the dynamic nature of the complex issues involved.

The purpose of putting the resolution before the House was not only to re-affirm the government's intention and commitment to the contents of the principles and measures contained in the resolution, but also to seek similar affirmation and commitment from all parties of the House so that the House would support what has already been jointly agreed to between the employer and the staff