

up where people will be sitting around for six months. It has always been the practice of departments to plan their surplus declarations in this manner.

• (1545)

There are some exceptions to this rule which should be clarified. I can give an example of a military base closing prior to the six month period. We consider it costly for the government to transfer surplus employees to find jobs which may only last a month or two. It is more practical to leave them where they are until the six months have run out. In that case the legislation will have to build in these rare exceptions.

Motion No. 2 is a technical change dealing with the wording the drafters have which now has to be changed.

[Translation]

The motion reads as follows: "That Bill C-76, in Clause 7, be amended in the French version, by replacing lines 8 and 9, on page 7, with the following: «ou à toute personne appartenant à l'administration publique fédérale.»"

[English]

The third motion by the member for Lethbridge deals with clause 8. It appears the purpose of the amendment is to ensure competent employees are retained through the exercise of priority for surplus employees. Surplus employees are generally highly competent and their employment is in jeopardy for reasons beyond their control. The priority accorded to them ensures these competent people are retained in the public service and that the investment made in their training and development is not lost. A surplus person must be determined qualified in order to be appointed. It is not necessary to hold competitions to ensure competent employees are retained.

Section 10 of the Public Service Employment Act which establishes that employments are to be based on merit does not require that these appointments be made by competition.

The purpose of clause 8 is to make it possible for deputy heads to place their own surplus employees before having to consider priorities from other departments. The intent is to allow departmental restructuring and downsizing in a humane and efficient way.

The delays involved in holding competitions lead to a longer period of uncertainty which is destructive to morale. Further, there are significantly greater costs involved in running competitions rather than considering people on a non-competitive basis.

While competitive processes may be seen as being fairer and more transparent there are a number of reasons why other

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considerations may be overriding in certain situations. For some surplus employees there is a very limited period during which they can be considered for the positions. If a competition had to be run, especially national in scope, this period could be exhaustive while the longer processes that would have been involved in that competition have gone through.

The amendment is also not consistent with the other provisions for priority entitlements in the act which provide for appointments without competition in priority situations.

As drafted, the amendment creates internal inconsistencies within the clause that would require redrafting. In particular, the need to hold a competition is in conflict with the discretion given to the public service commission to formulate an opinion as to whether an employee is qualified.

The fourth motion presented by the member for Lethbridge is also an amendment to clause 8. The effect of this amendment is to remove the commission's current discretion under paragraph 35(2)(d) of the Public Service Employment Act to exclude appointments made under employment equity programs from the operation of the various sections of the act which give priority entitlement.

Parliament chose two years ago through the Public Service Reform Act to give the commission the discretion it now enjoys. It also is currently considering amendments to the Employment Equity Act which would give employment equity programs more rather than less precedence in the public service. It is the government's place to decide what emphasis it wishes to put on these areas.

Although the commission has chosen not to exclude these programs from consideration of priorities, this does not mean there would not be times when this would not be the right thing to do. The amendment would prevent the commission from exercising this discretion in future where it considers it necessary to achieve employment equity objectives.

In reality the effect of this amendment is to defeat the effort made by the government for disadvantaged groups. This would be a setback in that it would allow surplus priorities to be placed ahead of disadvantaged group members. I know that would not be the objective of this member who has had a long public career and has been involved with disadvantaged groups in his home province before coming to the federal scene.

• (1550)

It is still the objective of the government to have the public service reflect the demographic configuration of our society. This motion would stall the effort we have all been making.