• (1635)

To assume this responsibility, the commission may designate a person to conduct compliance audits of employers on its behalf. This person is the compliance officer referred to in clause 23. If the audit reveals that the employer failed to fulfil any of his or her obligations, the compliance officer tries to reach an agreement with the employer to implement the corrective measures required.

However, if the compliance officer and the employer cannot come to an agreement, the commission may order the employer to correct the situation. During the time limits set out in clause 27, the employer can challenge the commission's decision by asking the president of the human rights tribunal panel to conduct a review, again under clause 27. As for the commission, it has the same recourse if the employer does not comply with its decision within the prescribed deadline.

It is at this point that, in either case, the employment equity review tribunal becomes involved. Under clause 28, the tribunal consists of one member of the human rights tribunal panel appointed by the president of that panel. In more complex cases, the president can appoint a tribunal of three members.

The most basic arithmetic shows that the first part of Motions Nos. 13 and 14 tabled by the member for Hochelaga—Maisonneuve are unnecessary since, in most cases, the tribunal would consist of only one person. Indeed, we cannot see how a single person could represent designated groups in a proportion that reflects their representation in the Canadian population as a whole.

The member supports his argument by saying that the tribunal will often consist of more than one member if Motion No. 12 is carried, in addition to those cases where the president will deem appropriate to appoint three people. But again, the number of members would still be too small to ensure significant representation of designated groups.

Even if we implement the idea of a degree of representation for designated groups, we will unnecessarily complicate the already complex task of the president of the panel, while also, in some cases, casting a doubt regarding the impartiality of this judicial process. In short, that part of the motion would create more problems than it would solve.

The second part of the motion is definitely more reasonable and easier to implement. It provides that, in the opinion of the president, the persons appointed as members of an employment equity review tribunal are highly knowledgeable about employment equity, or have substantial experience in this area. The government has already said it agrees with that idea. The standing committee which reviewed the bill passed an amendment requiring that, when appointing tribunals, the president of the panel take into account the knowledge and experience of people in the area of employment equity.

I believe that the amendment proposed by the committee is quite similar to the one tabled by the hon. member for Hochelaga—Maisonneuve. Moreover, the same clause, specifically clause 28(7), provides that the president of the panel may hire persons having technical or special knowledge to assist or advise a tribunal. Clearly, the bill already provides sufficient guarantees that the tribunal will rely on sound knowledge in the area of employment equity. Consequently, in my opinion, the amendment proposed by the hon. member is absolutely not necessary.

The Deputy Speaker: Before recognizing the hon. member for London—Middlesex, it is my duty to inform the House that the questions to be raised tonight at the time of adjournment are as follows: the hon. member for The Battlefords—Meadow Lake—Indian Affairs.

[*English*]

Mr. Pat O'Brien (London—Middlesex, Lib.): Mr. Speaker, I begin my remarks by thanking the hon. member for Hochelaga—Maisonneuve for his proposed amendment. Clearly he has heard an argument that was made during the hearings of the committee that he believes has merit. Having said that, I will not vote in favour of his amendment. I believe the essential goal of the amendment has already been captured in the change which the committee made to Bill C-64.

• (1640)

The standing committee achieved the appropriate balance in the legislation. It responded to the essence of the points it heard on the issue. It did so in a way that is consistent with the spirit of the bill. There are many practical reasons why going further simply will not work.

We have often heard that justice must not only be done, it must be seen to be done. That should apply in the work of the new employment equity review tribunals. If we want the system to work as well as it must, then we should want the most competent persons to hear cases.

That becomes even more important when we understand how complex the cases that will come before these tribunals can be. They will often involve equity and human rights considerations. They will consider real world business practices and human resource management approaches. They will involve a careful assessment and balancing of needs and priorities. That demands a reasonable level of expertise in the members of a tribunal. Yet, as many witnesses pointed out, some members of the Canadian human rights tribunal panel have not necessarily had any real knowledge of employment equity issues in the past. They have not necessarily come in to cases with any expertise in workplace issues.