

Public Employees Political Rights Act

tasks without risk to their jobs. It means that, once again, all of the political Parties in the House will be deprived of the services of talented, intelligent people who may be prevented by the Public Service Commission from taking a leave of absence and running for office.

I was myself a public servant. I received permission to take a leave of absence prior to the last election, and for five months I lived without income to run for our Party in the last election. But other individuals, talented, articulate and competent, who could have served our political Parties, this House of Commons and our country were denied the right even to seek the nomination of a political Party in the past. This basic right was denied not by Parliament, carefully considering the implications for our system of Government, but by unelected officials who determine who shall be entitled to political expression, and who shall not.

I would like to be clear about this. I am not happy with the way existing legislation has been interpreted by the Public Service Commission, interpreted in such a way as to regulate and limit severely the political rights of public servants. But, having said that, I believe that the basic responsibility for this problem lies with Parliament, with this House of Commons, which in the past delegated to these unelected officials the powers which they now wield.

The statement by the Treasury Board spokesperson to which I referred that legislation will probably not be forthcoming in time to be effective before the next election is just not good enough. The Progressive Conservative commitment remains. It cannot be hidden in a cloud of obfuscation or buried beneath yet another litany of excuses. Political responsibility, and our honour as people who are prepared to live up to our commitments, demand that this issue be faced now—not avoided for another two years.

Mr. Cassidy: There is a member who stands up for his principles.

Mr. Daubney: If the Government will not face this issue, then the House must turn to the vehicle of Private Members' Bills to get action.

The Hon. Member for Ottawa Centre (Mr. Cassidy) has been active, and I am pleased that he is now active in the House and not just in the courts of Canada, as I have been active in seeking the extension of political rights to public servants. This Bill, if it were to come to a vote, would go a long way toward resolving the problem. Unlike another Bill on this issue on the *Order Paper and Notices* put forward by one of the Hon. Member's colleagues, the Bill we are debating today does not provide for blanket extension of all political rights without exception to all public servants. It recognizes that some limitations must be placed on the expression of political views by public servants holding sensitive policy development or managerial positions. Such limitations are, indeed, appropriate where it can be demonstrated that work is of such a sensitive nature that open political affiliation would jeopardize

the public servant's ability to deliver services to the public, or advice to a Minister.

Any Bill which seeks to extend political rights must, as this Bill does, accept the reality that some limitations are necessary and appropriate. However, I believe that this Bill, as much an improvement as it is over the *status quo*, still leaves too much discretionary authority to the Public Service Commission, particularly when it comes to the determination of which public servants should be entitled to rights and which should not. I believe that Parliament itself must specify which categories, which position classifications, are entitled to political rights without review by unelected officials, which categories function in an area of policy development and managerial sensitivity important enough to limit their rights, and which categories must be defined by review of individual job descriptions by the Public Service Commission.

We have a model for such specification in the report of the D'Avignon Commission which reported almost eight years ago on this subject. The object of such specification is to remove from the Public Service Commission the right to determine, for 70 per cent or more of the public servants, who should enjoy the rights of political expression, and who should be deprived of them. We must limit the power of this unelected body to intervene in the exercise of democratic rights. This House itself must take the responsibility for extending or withholding political rights to specific categories of public servants. Some people whose work is not obviously sensitive or, conversely, whose jobs are not clearly outside the realm of policy development, would still need to have their political participation determined by the Commission. But the arbitrary exercise of power by the Public Service Commission would be substantially reduced, and all public servants would know where they stood.

In summary, we need legislation which implements the recommendations of the D'Avignon Commission. In the absence of such legislation from the Government I intend to introduce a Bill in the near future which would make these changes. In the meantime, I commend the Hon. Member for Ottawa Centre for the Bill he has introduced and which we are debating today. I would prefer to be voting on this issue and not simply debating it yet again, but I say to the Hon. Member and to all of Canada's public servants that that day will surely come.

● (1750)

The Acting Speaker (Mrs. Champagne): Is the House ready for the question? On debate, the Hon. Member for Ottawa—Vanier (Mr. Gauthier).

[*Translation*]

Mr. Jean-Robert Gauthier (Ottawa—Vanier): Madam Speaker, I welcome this opportunity to address once again a subject in which I am keenly interested, namely, a Bill that would provide public employees with the right to full participation in political life.