meaning the action plan.

—prepared under subsection (1) shall be retained by the employer at the employer's principal place of business in Canada for a period of at least three years—

What good is there in having an action plan with goals and timetables if it is kept at the head office of the company and is not made known to the employees, to the target groups or to the Canadian Human Rights Commission?

In the committee and in the House, the Parliamentary Secretary said: "well, the Canadian Human Rights Commission may be able to get the action plan if there is some sort of complaint and it is following up on the complaint." That, however, is too late, Mr. Speaker. The purpose of the action plan is to make public what employers intend to do about employment equity, about affirmative action. The action plan, which is a good thing, should be made available to the target groups, to the employers and to the Canadian Human Rights Commission. While Subsection (1) of Clause 5 is very good, Subsection (2) is extremely wanting and is not good. As a matter of fact, it is ridiculous that after requiring these action plans to be made they are kept secret at the employer's principal place of business in Canada.

These are the principal grounds on which we are opposing this Bill and why we are saying the Bill is not adequate, but there are other specific reasons. We tried to put in the Bill the principle of equal pay for work of equal value as one of the standards for employment equity. That amendment was turned down. We tried to introduce a definition for reasonable accommodation, a definition that was very strongly supported and wanted by the associations of disabled people, women and others, but that also was turned down. We wanted a definition of disabled in the Bill. That proposal was turned down.

We have heard it over and over again in the House, the Minister, the Parliamentary Secretary and other Conservative Members have said that this is the first time that any Bill has been implemented with respect to employment equity. That is correct. This is the first time there has been a Bill dealing with what might be called affirmative action, but to suggest that this question has not been touched on before is completely false and misleading.

The Canadian Human Rights Act was passed by this House in 1977. It was introduced by a Liberal Government. The Canadian Human Rights Act applies to discrimination in many areas, not just employment. It applies to discrimination in accommodation, in service at public facilities and so on. Section 7 reads that it is a discriminatory practice directly or indirectly (a) to refuse to employ or continue to employ any individual or (b) in the course of employment to differentiate adversely in relation to an employee on a prohibited ground of discrimination. The prohibited grounds of discrimination are national or ethnic origin, colour, religion, age, sex, marital status, family status, disability and conviction for which a pardon has been granted.

Since 1977 we have had a law which outlaws discrimination in employment in accordance with the section to which I have just referred on a wide, wide basis. The problem is that the section deals with discrimination in employment. It does not deal with affirmative action. We all know of the Bakke case in the United States. Under the American affirmative action programs and legislation, the Supreme Court ruled those out of order because they were a sort of reverse discrimination. The Supreme Court says that if the law says you cannot discriminate, you cannot even discriminate when you want to help people. The Charter of Rights and Freedoms in Section 15(1) states:

Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law without discrimination and, in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

We then said in Subsection (2):

Subsection (1) does not preclude any law, program or activity that has as its object the amelioration of conditions of disadvantaged individuals or groups including those that are disadvantaged because of race, national or ethnic origin, colour, religion, sex, age or mental or physical disability.

• (1150)

It was necessary to entrench in the Constitution the capacity of the federal and provincial Governments to pass laws on affirmative action so they would not be ruled out of order on the basis that they were discriminating. As soon as the Charter was enacted, the Minister of Employment and Immigration at the time, who I believe was the Member for Winnipeg—Fort Garry (Mr. Axworthy), set up the Abella Commission to recommend how affirmative action could be introduced. For the Minister and members of the Conservative Party to say that for years and years they requested action on employment equity and nothing was done is, at the best, misleading, and a lot of rhetoric. In fact, in 1977 the Canadian Human Rights Act was passed. In 1981 the Charter of Rights was passed with Section 15, against much opposition from certain Conservative Members. The Hon. Minister supported it, but certain members of her Party did not.

A process has been ongoing for several years which should have led, by this time, to enforceable affirmative action as was recommended by Judge Abella, but that unfortunately is not being done. The Abella Commission was set up in June, 1983, as soon as possible after the passage of the Charter. The Commission reported to a Conservative Government in October, 1984, after being set up by a liberal Government. After a study of more than one year Judge Abella said very clearly that mandatory employment equity was necessary and essential. She said that voluntary affirmative action did not work in the United States, is not working elsewhere, and will not work here. She said that we need an enforcement agency with penalties and sanctions. This Bill does not provide those. It would be the simplest thing in the world for the Minister to put forward an enforceable Bill. Clause 7 now says:

An employer who fails to comply with section 6 is guilty of an offence and liable on summary conviction to a fine not exceeding fifty thousand dollars.

Clause 6 simply requires employers to produce information with respect to their workplace. Clause 7, which applies the