

Employment Equity

Without numerical goals and targets which are monitored by the Government, employers, both public and private, simply will not do what we want them to do.

It is not surprising that this Bill has been criticized and rejected by all the interested groups. Let me put on the record a few of the assessments they have made of this Bill. Beryl Potter of the Coalition on Employment Equity for Persons with Disabilities had this to say about the Bill:

—it's not even worth the paper it's written on . . . I've never been so disillusioned in my life as I am with Prime Minister Mulroney. I was a supporter of him. I worked for him in his campaign and I am totally, totally disillusioned.

The Inuit Tapirisat of Canada which represents the Inuit people of Canada had this to say:

Bill C-62 is of limited value.

Suzanne Boivin of the National Association of Women and the Law said:

Nothing will change. Unfortunately, it is simply wishful thinking.

Since this Bill was first tabled almost a year ago, the New Democratic Party has taken the position that it is rife with flaws. To reiterate, we stated that it failed to embrace five principles which we promoted at every opportunity. First, there is an absence of real enforcement and adequate penalties under a mandatory equity scheme. Second, there is no reference made to equal pay for work of equal value. Third, contract compliance is not included. Fourth, there is no obligation to negotiate equity where there is a bargaining unit. In other words, we leave the matter to the good intentions of employers, although some of us who have watched employer-employee relationships know how frequently good intentions simply do not exist on the part of employers. Fifth, the coverage of the Bill is inadequate. It does not include federal Departments.

How can the Government have the gall and audacity to require private employers and Crown corporations to implement policies established by a law when the Government itself does not apply that requirement to Government Departments? I challenge Government Members and cabinet Ministers to look at Government Departments, Department by Department, including those which were targeted for affirmative action by the former Liberal Government. They will see how little we have accomplished. They will see how few women work in areas other than clerical. They will see how few handicapped people work at any level. They will see how few native people work for Government Departments. I would urge Hon. Members to look particularly at the Department of Indian Affairs and Northern Development to see how woefully neglectful we have been. They will see how few members of visible minorities work for the federal Government at any level in any city. If they had the courage to look at what has taken place up until now, they would see how ludicrous it is to bring in a Bill without any requirement for action.

The Bill is now at third reading stage, and this gives me an opportunity to review the flaws in the Bill which centre around the absence of these requirements. In our view and in the view of the spokesperson for the target groups, this Bill will not

move us much closer to employment equity. The Bill does have a lofty purpose. No witness found fault with the Bill's intention which, according to Clause 2, is the following:

The purpose of this Act is to achieve equality in the work place so that no person shall be denied employment opportunities or benefits for reasons unrelated to ability and, in the fulfilment of that goal, to correct the conditions of disadvantage in employment experienced by women, aboriginal peoples, persons with disabilities and persons who are, because of their race or colour, in a visible minority in Canada by giving effect to the principle that employment equity means more than treating persons in the same way but also requires special measures and the accommodation of differences.

That is a noble goal. Unfortunately, having stated the principle and outlined the goal, the Bill then goes on to do everything possible to see that that goal is not achieved.

This Bill must be viewed as a Bill for voluntary equity with mandatory reporting of workforce data. It is that and no more.

There are three clauses in the Bill which make certain demands on the employers that are intended to move them toward equity in the workplace. However, only Clause 5 is subject to a maximum penalty of \$50,000 on summary conviction. We attempted to increase this penalty to \$500,000 because many of the firms covered by Bill C-62 are very large. I am thinking in particular of the major banks, the CNR, the CPR, Air Canada and CP Air. For many of them, a potential \$50,000 fine would simply be part of the cost of doing business. That occurred for many years with the anti-combines legislation. On the very few occasions when a company was charged, prosecuted and found guilty, it paid a relatively small fine. It was like a licence giving these companies the right to continue to break the law, and this is the same thing.

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Clause 6 requires the employer to gather data annually. Critics have indicated that the required data is a bare minimum. Furthermore, the requirement is only to take a snapshot of the workforce. It does not amount to making progress toward implementing employment equity. As was pointed out, an employer could report year after year, yet the data could show no significant change for target groups in the workplace. There is no penalty for no progress. If there is no penalty for no progress, an employer could report that every year. In that event he would be obeying the law and following the instructions contained in the law. He could simply report that he has continued the practice but had not moved toward employment equity. What happens then? Nothing, because there is no penalty for not moving toward employment equity.

The Canadian Human Rights Commission will receive the data reports and determine whether or not there appears to be discriminatory activity in the workplace and, if warranted, could find discrimination under the Canadian Human Rights Act. However, I emphasize that the Human Rights Commission does not enforce the employment equity Bill. The commission will be enforcing the provisions of the Canadian Human Rights Act as they may apply to the workplace based upon data contained in the annual reports. What if the data is wrong? Well, it would be too bad.