

*Canadian Human Rights*

**Mr. Basford** moved that the bill be read the third time and do pass.

He said: Mr. Speaker, when I addressed this bill on second reading debate—

**Mr. Deputy Speaker:** Order, please. I hope hon. members who wish to leave will do so quickly, so the minister may begin his remarks and be heard.

**Mr. Basford:** Mr. Speaker, when I addressed this bill on second reading debate I suggested that parliament could, and should give it careful and constructive examination and yet pass it by the end of June. That objective was agreed to by spokesmen of all parties in this House. I appreciate the support from all corners of the House and the constructive interest that has been expressed in the bill. I suspect it would pass third reading without debate or a statement from me or anyone else, but I thought it valuable that the House should pause for a brief time just before it is given third reading.

There are two principles embodied in the bill. The first, which applies to parts I, II and III of the bill, is set out in clause 2(a) which reads as follows:

—every individual should have an equal opportunity with other individuals to make for himself or herself the life that he or she is able and wishes to have, consistent with his or her duties and obligations as a member of society, without being hindered in or prevented from doing so by discriminatory practices, based on race, national or ethnic origin, colour, religion, age, sex or marital status, or conviction for an offence for which a pardon has been granted or by discriminatory employment practices based on physical handicap—

The grounds of discrimination prohibited under that clause constitute the most complete and comprehensive listing in any of the Canadian provinces or in the United States at the federal or state level. It is for that reason that I think the bill has received the support of all parties in this House.

One particularly important aspect of the anti-discrimination portion of the bill is the requirement that there be equal pay for work of equal value between men and women. This concept, put forward in the work of the Royal Commission on the Status of Women and the principle set out in the International Labour Organization's equal pay formula, and now being enacted in this bill, is a very significant development in equal pay legislation. It has received the enthusiastic support of all the major women's organizations in this country. Hopefully, the adoption of this measure at the federal level in this country will give us the instruments to deal with the serious problem that women face of low-paying job ghettos. I want to express my appreciation for the work of those organizations in the development and passage of this bill. Those same organizations were concerned about one provision in the bill, and I would ask them to note the amendment made in committee by which the loophole they feared has been closed.

In the area of human rights, the mechanism of enforcement is as important as the declarative divisions themselves. Parts II and III of the bill provide that mechanism, setting forth, respectively, the nature of the human rights commission and the procedural system for investigation of a complaint which, if not settled at that stage, can be followed either by conciliation or referral to a tribunal. It should be noted that those two

parts of the bill also set out the research, educational and reporting functions of the commission. The second principle embodied in this bill is set out in clause 2(b), which reads as follows:

the privacy of individuals and their right of access to records containing personal information concerning them for any purpose including the purpose of ensuring accuracy and completeness should be protected to the greatest extent consistent with the public interest.

The translation of this principle into law is found in part IV. This part would provide Canadians with the right of access to personal information contained in government files, the right to request correction of that information where it is not felt to be accurate, and the right to control of that information. This represents the first time that such rights will be granted in Canada and, indeed, in a parliamentary system anywhere in the world that is similar to Canada. It is an extremely important development in the recognition and protection of individual rights. Under this system any individual will be able to consult an index covering all government records containing personal information which is used for administrative purposes. He can then apply to the government for any of the rights listed above. If his application is denied, he can refer the matter to the privacy commissioner who shall sit as a special member of the human rights commission.

● (1220)

Of course, the public interest and the protection of the privacy of others both demand that some exemptions to the principle be included in the bill. Obviously, for example, it would not be in the public interest to grant heroin traffickers a right of access to police investigation files. Real efforts have been taken to limit these exemptions to the greatest extent possible consistent with the public interest.

The proposition set out in clause 2(b) was amended in committee. It sets out, in connection with the protection of privacy of individuals and the right of Canadians to access of information, a set of objectives and principles for part IV. I hope, as I am sure all members of the House hope, that the administrators of this act in time to come will interpret the exemptions in light of the principles and objectives of the bill, in light of the spirit of the bill, and that, to the greatest extent possible, there will be access to information.

I would like to take a few minutes to emphasize that the rights being granted under part IV must not be confused with the concept of freedom of information. There has been confusion among some members of parliament and some members of the public, including the Canadian Bar Association, that part IV amounts to, or is intended to be, a substitute for freedom of information legislation. This is quite wrong. Whereas freedom of information deals with the access of the public to government documents in general, part IV provides a mechanism for an individual to see his own file, at the same time excluding him from seeing personal information about others which would amount to an invasion of their privacy. I agree with the statement by my predecessor that "the right to privacy and the right to know are not contradictory but complementary; they are companion rather than conflicting