

civilized country where all Canadian men and women enjoy equal opportunities to succeed and share their national wealth. But the truth about such equal opportunities has been warped to a certain extent, if we are to believe the witnesses and the evidence we heard.

We also live in accordance with personal and institutional codes of behaviour which mirror the spirit of freedom, initiative and equality in which we all believe. Those are principles to which my Party fully subscribes and which have always been particularly dear to me.

[English]

Therefore the opportunity to participate in the process of bringing the Charter even closer to all Canadians was a great personal challenge. However, I would be less than honest if I did not tell you that there were moments during the consultation process when I wondered if there was any humanity at all in our behaviour towards individuals and groups in our society. The reality of those words "systemic discrimination" came home again and again, particularly from highly identifiable groups. I hope that even though I personally have a sense of disappointment with the resolutions the Government placed before us in its response, the report *Toward Equality*, we sensitized people to the fact that they are not being discriminated against individually but as a collective; that together we must find the means to resolve the problem. If we can do that, then we have accomplished something.

While we did encounter certain complex legal and jurisdictional questions which must be addressed, it was also frustrating to be studying issues which should have been resolved years ago. These issues have been shuffled from one committee or study group to another because they were political hot potatoes, economically costly, or did not fit the mould of society from a business perspective. The Government's response is a reflection of the fact that those considerations were more important than individual equality and the removal of discrimination.

Why are people in wheelchairs still prevented from entering certain buildings, visiting museums, art exhibits or theatres, or travelling on aircraft or by rail because of inadequate facilities? Why do we add insult to injury by telling these people that their lack of mobility makes them ineligible for certain jobs? Why do we continue to look at people based on their disability rather than on their ability? That is a key to our moving forward. Why are women still coming before committees like ours pleading for some semblance of equal treatment in the workplace? Why are their jobs and salaries in jeopardy when they choose to have a baby and wish to take maternity leave? Why is it so outrageous that a father would want to take time off as well to spend with his baby? Why does he have to pretend he is sick or that there has been some family tragedy which prevents him from coming to work? Why do our laws not reflect what we say? If they did, then maybe we would have a more humane approach to our problems. Why are energetic and enthusiastic people automatically stripped of their dignity at age 65 with no recourse? We must look at

Motions

individuals, not the collective. That was the thrust of our action. Why are certain jobs all right for women in the Armed Forces when others are restricted to men only? When are we going to get rid of that stereotype thinking which prevents us from looking at a situation as a whole and basing our decisions on individual capacity, and the role, function and task of a job clearly defined? Why are gay people still encountering discrimination in the workplace or when they are trying to find a place to buy or rent?

I was proud of the way our committee dealt with the mandate we were given. We took a broad and very generous view of Section 15 of the Charter. In our view the prohibition grounds of discrimination listed are simply illustrative and do not exhaust the forms of discrimination prescribed by the Charter. We are well aware that equality is an elusive concept. We gave very careful consideration as to why equality does not necessarily mean equal treatment. The focus is, rather, intended to achieve equality of results. The words of Mr. Justice Brian Dickson, which we selected to introduce our report, express in the most succinct way the reasons we anticipated formal Government initiatives to remove inequality through legislation, obviating the judicial approach where possible. It bears repeating as a constant reminder to all of us. If I had my druthers, and I just might, I would send a memo to every Member of this House to be tacked up on their desk and read once a day. He said:

A constitution... is drafted with an eye to the future. Its function is to provide a continuing framework for the legitimate exercise of governmental power and, when joined by a... Charter of Rights, for the unremitting protection of individual rights and liberties... (It is not to be read) "like a last will and testament lest it become one".

—while the courts are guardians of the constitution and of individuals' rights under it, it is the legislature's responsibility to enact legislation that embodies appropriate safeguards to comply with the constitution's requirements.

I suggest that if we really want to do our job as legislators, we will first write laws that can be understood without consulting a million lawyers on whether it is black, white or grey. As well, the laws enacted should be capable of being enforced. Do not make laws which are unenforceable. That is what this is all about.

Our report contained 85 recommendations. If enacted, these recommendations will put us at the leading edge of change in a proactive rather than a reactive way.

● (1620)

Our Parliament is the most effective vehicle for dealing with inequality and discrimination. It is my understanding that some of the recommendations have not been politically popular in the Tory caucus and there are a few members in my caucus who do not find them politically popular or satisfactory from a personal viewpoint. That is not acceptable. It is not one's visceral reaction that dictates the right to equal treatment and equal opportunity in our society. I know that these Members have been working against certain recommendations and have suggested sending them back for further study. This causes me great pain and sorrow. Section 15 is the law of the land and we should no longer think in terms of what is politically popular.