

*Canada Fair Employment Practices Act*

said that, I wondered why the bill was introduced at all. If I may be permitted to say so, and perhaps to digress for just a moment, I believe that everyone in this house agrees that in employment there should be no such discrimination. I am happy to come from a city, namely the city of Windsor, where I believe this act, in so far as the municipal government is concerned, is complied with, in that in our municipal employment we have, I am happy to say, men and women of the coloured race and of all national origins.

The bill before us is short and in effect proposes to extend the Canada Fair Employment Practices Act to bind Her Majesty in the right of Canada and servants and agents of Her Majesty in the right of Canada. I presume that the addition of "servants and agents of Her Majesty in the right of Canada" has reference to crown corporations. As I understand it, at the present time crown corporations are within the ambit of this act and I presume, from a rather casual reading of the act, they come within the act by virtue of section 3, paragraph (m), the purport of which is that this act applies to and in respect of employment upon or in connection with any work, undertaking or business that is within the legislative authority of the parliament of Canada, including, but not so as to restrict the generality of the foregoing.

(m) the employment by any corporation established to perform any function or duty on behalf of the government of Canada of employees.

That leaves then, of course, the application of the act only to employees of Her Majesty in the right of Canada. As we all know, the employment of men and women to serve the government of Canada is done through the civil service commission. I believe we have recognized that the civil service commission does not exercise any discrimination on the grounds mentioned in this act.

However, I believe that if this bill were enacted it would bring about considerable conflict between the Minister of Labour (Mr. Starr), who is required to administer the provisions of the act, and the civil service commission. It was that concern that prompted me to ask a question of the hon. member for Skeena and I must confess that I was not satisfied with his explanation.

Section 5 of the act deals with enforcement procedure and under subsection 1 any person claiming to be aggrieved because of an alleged violation of any of the provisions of the act may make a complaint in writing to the director and the director may instruct an officer of the Department of Labour or any other person to inquire into the complaint. Under the act "director" is defined as an officer of the Department of Labour

[Mr. Spencer.]

designated by the minister to receive and deal with complaints under the act. An inquiry is made by this officer, but subsection 3 of section 5 provides:

If the officer is unable to effect a settlement of the matters complained of, the minister may upon the recommendation of the director refer the matters involved in the complaint to a commission, consisting of one or more persons, to be appointed by the minister and to be known as an industrial inquiry commission, for investigation with a view to the settlement of the complaint.

Then provision is made for an inquiry to be made and for the making of recommendations. Subsection 8 provides:

The minister may issue whatever order he deems necessary to carry the recommendations of the commission—

The industrial inquiry commission.

—into effect and any order made by the minister under this subsection is final and conclusive and is not open to question or review.

If we carry this to its logical conclusion we would find that if a complaint were made that there was discrimination in the employment of civil servants by reason of race, national origin, colour or religion an inquiry would then have to be made and, after reviewing the matter and the recommendations of the inquiry commission, the minister in due course might well be in the position of deeming it to be his responsibility and duty to issue this order. In other words, the Minister of Labour would then be directing the civil service commission to do something it had not done or undo something it had done which in his opinion and in the opinion of the inquiry commission amounted to discrimination. I believe that would bring about a conflict of duty and responsibility which we should not bring into effect.

I think also that consideration might well be given to amendment of the Civil Service Act and, as indicated in the speech from the throne, I understand that this act will be revised and amendments will be brought before the house. If there is in fact any need to have a legislative provision against discrimination, which admittedly does not exist today, I would think it might be better if such provision were made part of the Civil Service Act and not made indirectly applicable to the civil service commission through the enactment of this particular piece of legislation.

I agree with the general principle of the bill in that it seeks to apply to the government of Canada provisions relating to discrimination which we all believe should exist under our law, and I am one who believes that the government should in general be bound by all laws which it applies to its