

Canada Labour (Standards) Code

● (4:00 p.m.)

An hon. Member: Question.

Mr. Speaker: Is the House ready for the question?

Some hon. Members: Question.

Mr. Speaker: The question is on the amendment to the main motion. Is it the pleasure of the House to adopt the said motion?

Some hon. Members: Yes.

Mr. Speaker: All those in favour will please say yea.

Some hon. Members: Yea.

Mr. Speaker: All those opposed will please say nay.

Some hon. Members: Nay.

Mr. Knowles (Winnipeg North Centre): On division.

Mr. Speaker: I declare the amendment (Mr. Knowles (Winnipeg North Centre) to the motion negatived on division.

Amendment (Mr. Knowles (Winnipeg North Centre)) negatived.

Mr. Speaker: Is the House ready for the question on the main motion?

Some hon. Members: Question.

Mr. Speaker: Is it the pleasure of the House to adopt the said motion?

Some hon. Members: No.

Mr. Speaker: All those in favour please say yea.

Some hon. Members: Yea.

Mr. Speaker: All those opposed please say nay.

Some hon. Members: Nay.

Mr. Speaker: In my opinion the nays have it.

An hon. Member: On division.

Mr. Speaker: I declare the motion negatived on division.

Motion No. 2 (Mr. Alexander) negatived.

Mr. Speaker: The House will now proceed to Motion No. 3 standing in the name of the hon. member for Hamilton West.

Mr. Lincoln M. Alexander (Hamilton West) moved:

That Bill C-228, an act to amend the Canada Labour (Standards) Code, be amended by deleting from clause 8 the words "justify such a difference", in lines 29 and 30 at page 5, and substituting therefor the following:

"reasonably justify such a difference and do not tend to avoid the attainment of the remedial objects of subsection (1)".

He said: Mr. Speaker, the amendment in my name that has just been moved is, of course, subsequent to one that has been brought in by the government. When this matter first came before us, I was extremely concerned about the possibility that what the government was giving on the one hand might be removed by the other hand as a result of subclause (2) of the original bill. After careful consideration, and I respect the wisdom of the government in attempting to remove a certain aspect of discrimination from the particular clause, and after prodding by opposition members who suggested that there was still something wrong with the bill as it was, the government, at committee hearings I could not attend because of my attendance in Switzerland at the ILO conference, brought in another amendment couched in the spirit of my amendment which seeks to remove any possibility of an employee being discriminated against by reason of being a woman. I notice that subclause (3) now reads:

No employer shall reduce the wages of an employee in order to comply with subsection (1).

I wonder whether this goes far enough. I should like the language to be as tight as possible and that is why I have placed a further amendment on the order paper. I want to make sure that rights being given by the language of subclause (3), which provides that employees shall be treated equally, will not be taken away in the long run. My amendment would seek to remove the words "justify such a difference" from clause 8 and substitute:

reasonably justify such a difference and do not tend to avoid the attainment of the remedial objects of subsection (1).

The governing words are, "do not tend to avoid the attainment of the remedial objects of subsection (1)". In other words, we are trying to place the onus on those who, in all fairness, believe they are doing the right thing as long as what they are doing does not avoid the attainment of the remedial objectives of subsection (1). Frankly, I cannot see what is wrong with this amendment. Perhaps the minister could speak on it, and perhaps the hon. member for Winnipeg North Centre (Mr. Knowles) could comment on it as well. All we are attempting to do by this motion is make sure that the door is absolutely closed with regard to discrimination against women.

Hon. Bryce Mackasey (Minister of Labour): Mr. Speaker, I appreciate precisely the reasoning behind the hon. gentleman's amendment. I should like to have had the opportunity, and it is my fault that I did not do so, to discuss the amendment privately with him. In the opinion of the law officers of my department, the amendment as now worded would increase the possibility of the law being circumvented. The point they made is that we have other legislation that deals with discrimination. There is the Canada Fair Employment Practices Act, which was alluded to, incidentally, in today's question period and which tends to prevent discrimination for reasons other than sex.