

*Public Employees Political Rights Act*

We accept the principle that all Canadians have political rights. We have a Charter of Rights entrenching these rights to political participation, yet we have the anomaly that more than 200,000 public servants at the federal level alone are deprived of certain of their rights. They have the right to vote, of course, but they do not have full rights to political participation. There are no good reasons for this.

In the past, when there were measures to prevent the participation of public servants, when the civil service did not have the merit principle, that did not stop corrupt practices. These are completely different measures. We need good, clear conflict of interest guidelines, not only for public servants but for politicians. That is certainly a different matter. We do not want to deprive public servants or any other Canadian of their right to participate fully in Canadian society.

I am sorry that the Conservative Party spokespersons are backing away this afternoon from a principle upon which they agreed in the last federal election. It is quite clear that this matter became an issue in the last election, not only in ridings containing many public servants, but throughout the country. All three Parties said they were in favour of removing the restrictions which are currently legislated.

A representative of the New Democratic Party is introducing a Private Member's Bill to do precisely that, yet the Conservatives are nitpicking about particulars. The member who just spoke stated that the whole subject matter should be vaguely studied by a parliamentary committee, as though no one had given any previous thought to this subject. This is a second reading debate in which the principles of the Bill are debated. It is possible to make amendments at the committee stage and I urge members opposite to let the Bill go to committee where they can introduce amendments for those areas in which they feel there should be additional restrictions. Restrictions on the activities of public servants are reasonable.

The Charter of Rights does not mean that every right is absolute. In fact, a clause in the Charter states that there can be restrictions where they can be justified in a free and democratic society. Restrictions on senior public servants with respect to policy areas would be reasonable. There are more than 200,000 federal public servants. Many of them have jobs in which there would be no reason for them not to fully participate politically.

● (1730)

Indeed, certain forms of political activity are presently allowed, such as making contributions to a political Party. Therefore, public servants are not completely removed from political activity, but there are these anomalies in which they can do one thing but not another.

This Bill would make it possible for members of the federal Public Service, except for carefully defined exceptions to vote; to support actively support a political Party or a candidate; to make financial or other contributions to a political Party; to solicit or collect funds; to be a member of a political Party, to

hold office in such a Party; to express views or engage in activities in relation to matters that form part of the platform of a political Party. In other words, they can take part in political debate. That is normal and healthy in a democratic society.

The Bill states that an employee who is elected to office at the federal, provincial or territorial level shall resign from the position that he or she held prior to taking the oath of office. If the employee referred to is subsequently defeated or not re-elected, that person would have the right to resume the position. I believe that should be supported so that we may encourage more people to run for political office.

Finally, the Bill states with respect to discrimination that:

The Commission, in prescribing or applying selection standards under subsection (1), shall not discriminate against any person by reason of race, national or ethnic origin, colour, religion, age, sex, marital status, disability, conviction for an offence for which a pardon has been granted or political belief or affiliation.

The key point is the addition of "political belief or affiliation".

Other jurisdictions have added this phrase without any ill effect. I can cite the experience in the Province of Saskatchewan when the CCF Government took over in the 1940s under Premier Tommy Douglas. It improved the function of the civil service and introduced the merit principle. It began a system of fair tendering for contracts and allowed political rights for civil servants. While political rights were not legislated for the Province of Saskatchewan, many people exercised those rights without that protection. Certainly they were not free to exercise those rights on behalf of the Party not in power before the CCF was elected. The combination of the best of both worlds was to allow political activity as well as change the system to make it one that is responsible, fair and operating in accordance with the best principles by which Canadians want government to run. I believe Canadians want to see such a goal achieved.

I want to refer to remarks made by Professor Reg Whitaker in an analysis of the effects of creating the possibility of political activity for public servants. He notes that jurisdictions that have taken such action have not had to retract these rights once they have been given. They have found that public servants have acted responsibly and the public has continued to have confidence in the Public Service.

Professor Whitaker also notes that prior to 1918 when there were not these political rights, there was rampant patronage. Preventing public servants from taking part in legal political activities did not stop them from other political activity.

He notes that financial donations are allowed about which the public has not shown any concern. It has not been an issue because people have not seen it as a cause of problems. Why should the ability to make a financial donation be accepted, yet the ability to work in a local riding association and go door-to-door to talk politics be forbidden? Professor Whitaker does not see that restrictions on those kinds of activities make any sense.