

PUBLIC SERVICE—FIRING OF KINGSTON CIVIL SERVANT—
 GROUNDS FOR DISMISSAL—POSITION OF GOVERNMENT

Mr. Bill Vankoughnet (Hastings-Frontenac-Lennox and Addington): Mr. Speaker, I asked questions of the Minister of National Revenue (Mr. Rompkey) on February 23, 1982, concerning the firing of a constituent of mine, Mr. Neil Fraser, from Revenue Canada in Kingston. I asked the minister to outline the grounds for such action taken by the government which has deprived Mr. Fraser freedom of speech, as well as to indicate at what point the government draws the line concerning the rights of civil servants to speak out on various issues. I was far from satisfied with the answers given to my questions. That is the reason I gave notice of my intention to speak to the matter during this adjournment debate.

This is a serious issue about which I, my leader, my colleagues in the House and many Canadians are very concerned. We are talking about the issue of freedom of speech in a free and democratic society. We are talking about the right to criticize those measures put forward by a government of the day. We are talking about the rights of a free Canadian citizen to stand up and freely speak his mind on his own time.

The Minister of National Revenue told the House that Mr. Fraser, as a relatively senior official with the Department of National Revenue, was fired because he spoke publicly against the metric system. The question I asked was, on what grounds is an off-duty public servant being deprived of freedom of speech. In other words, I wanted to know the authority under which he was fired and the section of the act. The Public Service Employment Act, Section 23, Schedule III refers to the oath of office, and I quote:

I, (name) solemnly and sincerely swear (or affirm) that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

Matters for which Mr. Fraser has been fired have nothing to do with this section or Schedule III under the act. The reason the Minister of National Revenue gave about collecting taxes should not be a disqualifying criterion for a public servant's right to freedom of speech, as the minister implies.

I am sure this incident will put extreme and undue pressure on thousands of Canadians who work for the public; if everything they say is subject to censure. This government action reminds me of George Orwell's novel "Nineteen Eighty-Four"; one can only think and not speak.

Public servants should have the right to make constructive remarks concerning government policies which are not related to their duties on their own time. It is intolerable that even the most responsible criticism of a government program brings reprisals down on the heads of public service employees.

The Prime Minister (Mr. Trudeau) is behaving strangely, especially since he is the man who appears to want history's recognition by entrenching the Canadian Charter of Human Rights in our Constitution. The Minister of National Revenue, the President of the Treasury Board (Mr. Johnston) and the Prime Minister have refused to cite any legal authority on which this action has taken place. Rigid codified systems of law, such as in the U.S.S.R., work in a fashion uncommon to

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Canadian tradition whereby everything that is not specifically mentioned is forbidden.

The minister's defence in firing Neil Fraser for criticizing the process rather than the substance of metrication does not seem credible considering the importance the government has placed on the fundamental freedoms we have spent so much valuable time debating over the past year. We have inherited a strong heritage in our system which respects and enforces rights and freedoms and, whether written down or not, we must ensure that we continue to observe these in the future.

• (2205)

I am not questioning the right of an employer to fire an employee who publicly speaks against the organization as the minister has stated, but I am questioning the right of government to fire Neil Fraser 'without just cause or reason. Just cause and reason does not mean talking about government policy because, if this were the case, hundreds of federal public servants should have been fired during the Quebec referendum. Mr. Fraser did not object to bilingualism, he stated that he did not feel the rights of non-francophones in Quebec were adequately protected.

If this case is lost on appeal, it will mean imposing virtually absolute silence on any public servant in Canada on any question. Mr. Fraser is not working for the Metric Commission or the Department of Justice, so he has not directly criticized his department's policy. As an employee of the federal government he has not exceeded any bounds of acceptable conduct of a public servant because he has not broken any oath concerning his own ministry in which he has been employed. Mr. Fraser deserves an apology by this government and should be fully reinstated with proper compensation for the harassment he has suffered.

I feel the government is on shaky ground in this incident. First, it intimidated and tried to gag Mr. Fraser, then it fired him. This is not a case of a civil servant engaging in active partisan politics or disloyal conduct. This is unjust punishment affecting civil liberties, the basis of which is freedom of speech for all public servants. Public servants are not second class citizens. This is a disgrace to Canada and Canadians in light of our telling other nations around the world about the human rights that Canadians enjoy. This case should not have to go to the Supreme Court of Canada. I hope and pray that the people of Canada will see the type of leaders who are running our country and change them before it is too late.

[Translation]

Mr. Claude Tessier (Parliamentary Secretary to Minister of National Revenue): Mr. Speaker, the hon. member is probably aware that the official concerned has submitted a grievance, and as I do not want to prejudice this case, in reply I shall simply retrace the events which lead to his being fired from the Department of National Revenue. I shall therefore outline briefly the various stages of the grievance procedure provided to allow him to exercise his rights. First, Mr. Speaker, the official involved has on several occasions publicly endorsed political ideas contrary to those of the government.