

*Employment Equity*

employment equity. It is merely a sham that is being perpetrated on the four target groups it is supposed to help.

If the Minister does not want to believe what we in the Opposition have been saying, let me read to her part of the press release that was issued this morning by the Coalition on Employment Equity for Persons with Disabilities. The Co-chairman, Beryl Potter, in a statement released this morning, said the following:

"This Bill will do nothing more than provide the Government with employment information. It will in no way implement employment equity as there are no penalties for failing to comply with employment equity plans."

She goes on to say:

"We have tried everything. We have consulted with CEIC staff, appeared as witnesses before the parliamentary committee on the Bill, made pleas to the Prime Minister directly and rallied on Parliament Hill. We have demanded that the Bill be amended to include the Government's own departments and agencies and to include a penalty for failing to comply with employment equity plans. The Government has not responded to any of our demands," adds Potter. When the Prime Minister's letter was finally received on Thursday, April 17, it in no way answered the Coalition's concerns.

That is what one of the target groups that is supposed to be helped by this legislation says about the legislation. The other target groups, the visible minorities, the women's groups and the native peoples' groups, are saying the same thing as well.

• (1130)

Because there is much confusion, not only out there in the public but also here in the Parliament, we must be clear on what is employment equity. As the Minister said, it is a new expression. Employment equity is not the absence of discrimination. Employment equity is a new term developed by Judge Abella to include affirmative action. We all understood affirmative action, that terminology. It goes much further than simply forbidding discrimination. In fact, affirmative action says that we must discriminate in favour of certain groups to ensure that they are fairly represented in workplaces where they were not represented before. Affirmative action requires a new type of discrimination, a discrimination of which we approve, because we feel it is necessary to make certain workplaces more representative of women, of visible minorities, of native people, and of disabled people. That is what we are talking about.

I should like to refer to Clause 4 of the Bill. It is a good clause; it sets out certain obligations for employers in respect to affirmative action and employment equity. The only problem is that if employers do not live up to their obligations under Clause 4, no penalty will be imposed against them. Penalties could be imposed against them for discriminating against employees under the Canadian Human Rights Act, that is, discrimination against people trying to find employment. However, under Clause 4 of the Bill we are supposed to go beyond that and introduce affirmative action programs. There is no penalty in the Bill or anywhere else if employers do not proceed with those types of programs.

I will summarize Clause 4 where it indicates that an employer shall implement employment equity by instituting

such positive policies and practices as will ensure that persons in designated groups achieve a degree of representation, and so on. We could support that; that is very good legislation. However, if employers do not do what the clause indicates they must do, there is no penalty in the Bill. That is one area about which most of the target groups are concerned.

Let me indicate some other reasons for the Bill not being adequate. In addition to the fact that there is no enforcement or penalty clause dealing with the key parts of the Bill, it only applies to employers under federal jurisdiction. Of course that is essential because we cannot legislate for employers under provincial jurisdiction. By the way, employers under federal jurisdiction are only a small percentage of the total of employers in the Canadian labour market. In any case, the Bill only applies to employers with 100 or more employees. In the Canada Labour Code employers are defined as those with five or more employees.

In the affirmative action legislation in the United States employers are defined as those with 15 or more employees. We felt that 100 was too high. We listened to the evidence and introduced an amendment which indicated that in Canada it should be applicable to employers with a workforce of 25 or more employees. We wanted to reduce the qualifying clause from 100 or more to 25 or more, which is more than the 15 in the United States and more than the 5 in our other labour legislation. Some of the witnesses had recommended 25 or more, and we thought that was reasonable. The Bill is not adequate on that ground. It eliminates many employers from the purview of the Bill by making the floor too high, by setting it at 100 rather than 15 or 25.

Also, the Bill is wanting to the extent that it does not cover federal Government Departments and agencies. The Parliamentary Secretary said during the debate that it was not necessary for the legislation to cover federal Departments because they were already covered by guidelines introduced under the Treasury Board. Those regulations were introduced by the previous Liberal Government. However, we never said at that time that it would be the last word. As a matter of fact, they were introduced at a time when we were still dealing with the implementation of the Charter of Rights and Freedoms and we had not yet received the advice of Judge Abella in respect to these matters. The former Liberal Government appointed the Abella Commission to seek out information and advice on how best to introduce affirmative action programs. Nevertheless, we introduced for the federal Public Service affirmative action programs which are still in effect. However, they are not adequate now that we are in receipt of the Abella Report which recommends that all employers, both those within and those outside the Government, be covered by legislation with mandatory enforceable rules.

The problem with simply relying upon regulations under the Treasury Board for the Public Service is that regulations can be changed at any time by Order in Council or by a small group of Ministers meeting together in private. They will announce it later, but they do not have to go to Parliament to