

HOUSE OF COMMONS

Thursday, March 28, 1985

The House met at 11 a.m.

● (1105)

GOVERNMENT ORDERS

[*English*]

STATUTE LAW (CANADIAN CHARTER OF RIGHTS AND FREEDOMS) AMENDMENT ACT

MEASURE TO AMEND

The House resumed from Wednesday, March 27, consideration of the motion of Mr. Crosbie that Bill C-27, an Act to amend certain Acts having regard to the Canadian Charter of Rights and Freedoms, be read the second time and referred to the Standing Committee on Justice and Legal Affairs.

Ms. Lynn McDonald (Broadview-Greenwood): Mr. Speaker, when the House adjourned yesterday I was pointing out the severe limitations of Bill C-27. It deals with rather trivial matters and puts the important matters of equality, for which women have been struggling for the last number of years, into a discussion paper to be considered again, as if we need continually to discuss whether equality is a good thing or whether we want it. I pointed out that groups such as the Charter of Rights Educational Fund have proposed much more serious measures for achieving equality for Canadian women.

I also pointed out the real problems in the legislation and some of the hidden and systemic forms of discrimination which appear, for example, in the provisions for pregnancy. As opposed to being outright sex discrimination it has the effect of being discriminatory on the basis of sex.

The discussion paper which the Minister brought forward has a very hostile tone toward women. For example, in the area of maternity benefits the discussion paper notes that the Supreme Court of Canada found a distinction on the basis of pregnancy not to be a distinction on the basis of sex for purposes of the Bill of Rights. That is the famous pregnant person case, the Bliss case. But the discussion paper does not admit that. It does not mention the fact that the Department of Justice appealed the case against Stella Bliss when she won the case in a lower court. The discussion paper notes, I suspect reluctantly, that it would not be possible to appeal such a decision on the new wording of Section 15 because it is broader. It points out that this whole matter will be reopened before the courts.

Why is Section 15 more broadly defined than the old wording under the Bill of Rights? It is because of cases such as the Bliss case which made women insist on a better wording. The discussion paper notes that the primary purpose for pregnancy leave, the 15-week period, is social adjustment. In fact, that is a misnomer. The primary purpose is recuperation after the pregnancy and the delivery, and child care. The Department of Justice does not deal with real people who are raising children.

The discussion paper asks if the male parent should be permitted to receive benefits for part of the allowed time. It asks if the couple should be allowed to choose who will take the parental leave. The obvious answer to that question is, yes. That has previously been proposed. I proposed that when the House was amending other discriminatory provisions in the Unemployment Insurance Act a couple of years ago. Both parents should be involved in parental leave. Obviously, only the mother can take advantage of the maternity benefits section, but when it concerns child care, both parents should be able to take part. It is time we realized that in a lot of cases both parents want to take part, and they should be allowed to do so.

[*Translation*]

The issue of combat roles for women in the Armed Forces is more complex. It is a fact that women play a major role in creating and protecting life, but it is also true that our Armed Forces are using the exclusion of women from combat roles to exclude them from high ranking positions. This rule excludes women from our peace-keeping forces. They are not even allowed to work in the kitchen for our Forces in Cyprus. For many women, the army is a career, and this rule is a barrier to their professional advancement.

[*English*]

The paper discusses women in the Armed Forces, and I think it does so quite stupidly. Nowhere is it admitted that the reason for excluding women from combat roles is the reason for excluding them from career opportunities. Rather silly statements are made about national security. For example, a potential enemy may view a mixed force as being less capable of dealing with an invasion. I would ask the Department of Justice to name the enemy who is going to invade Canada because there are women in the Armed Forces. It is absolutely preposterous. The paper raises the problem of female prisoners, yet females as civilians are indeed the victims of all kinds of violence in war. They have participated in wars. This problem has been faced before.

The discussion paper also indicated that the cost of making trades available to women may be prohibitive. I wonder if it is