

S. O. 21

Constitutional Accord; notwithstanding my fervent hope that appropriate amendments will be made to ensure that Governments will preserve and promote the fundamental characteristics of Canada, which include the rights of English-speaking Canadians in Quebec and the rights of French-speaking Canadians outside Quebec; notwithstanding my desire to see that the Accord recognizes that the unique character of Canada is its bilingual, multicultural and native aspects; and notwithstanding my concerns about the restrictive way in which Clause 16 of the Accord has been drafted and can give rise to serious Charter constraints, my most serious concern about the Accord is that it makes no attempt to revoke the "notwithstanding" clause in the Charter of Rights, the clause which provides that the rights and freedoms of Canadians can be taken away at the whim of any Government.

It is totally unacceptable that the rights and freedoms guaranteed to Canadians should be taken away for five minutes, let alone five years, as permitted by the "notwithstanding" clause. Adequate protection is to be found in Clause 1 defining "reasonable justification".

The November, 1986, resolution of my Party advocates the repeal of this clause. It is unfortunate for Canada that the Prime Minister (Mr. Mulroney) missed the opportunity to press his provincial counterparts for the repeal of this most invidious and offensive clause. I sincerely hope that it will be addressed in the near future.

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[Translation]

WOMEN

EMPLOYMENT—WORK ACCOMPLISHED BY *ACTION TRAVAIL DES FEMMES*

Mr. Guy St. Julien (Abitibi): Mr. Speaker, in a unanimous ruling which will probably have a major impact on the labour market, the Supreme Court of Canada maintained yesterday an order issued in 1984 by a tribunal of the Human Rights Commission forcing the Canadian National Company to implement a special hiring program for women.

This ruling represents a hard-earned victory for the organization which launched this fight against discrimination, *Action Travail des Femmes*, a Montreal group devoted to the promotion of women in occupational sectors traditionally dominated by men.

The CN is one of the largest employers in Canada and a very small group has succeeded in getting a very significant ruling against this corporation.

In its 1984 ruling following 150 individual complaints; the tribunal of the Commission supported the claim of *Action Travail des Femmes* that the CN was using discriminatory hiring and recruiting practices by refusing women the possibility of holding certain unskilled manual jobs allotted to men.

Late in 1981, only 57 women had manual jobs in the St. Lawrence region of the CN, or just 0.7 per cent of all workers in the region.

Mr. Speaker, this is one more step towards equality for women. The results of this ruling will be felt not only in businesses under federal jurisdiction, but also in all equal opportunity programs in other provinces.

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[English]

EMPLOYMENT EQUITY

CANADIAN NATIONAL RAILWAYS—HIRING OF WOMEN

Ms. Lynn McDonald (Broadview—Greenwood): Mr. Speaker, this week we celebrate the Supreme Court of Canada ruling that Human Rights Tribunals can set hiring quotas for companies that discriminate against women and other disadvantaged groups.

In 1984 the Human Rights Tribunal discovered that the recruitment, hiring and promotion policies at CN Railway prevented and discouraged women from moving into blue collar jobs and ordered CN to meet a hiring quota. CN appealed to the Federal Court of Canada and had the ruling overturned. However, the women of Quebec, led by *Action Travail des Femmes*, refused to remain silent when their rights were in jeopardy and appealed the decision to the Supreme Court of Canada.

In a landmark decision, Chief Justice Brian Dickson overruled the Federal Court, ordered the restoration of the Tribunal's 1984 order, and dismissed a cross-appeal by the railway company.

This ruling in the Supreme Court will have a lasting impact on women and minority groups far into Canada's future. Due to the perseverance of *Action Travail des Femmes* we have taken a positive step toward eliminating systemic discrimination in employment for women and minorities.

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[Translation]

THE ECONOMY

IMPORTANCE OF PRIVATE ENTERPRISE

Mr. Gabriel Fontaine (Lévis): Mr. Speaker, the outcome of the election in Great Britain eloquently attests to renewed confidence in private enterprise, in individual initiative, in productive efforts, and in fair competition. The socialists across the floor entertain doubts about this message from London. Consider Moscow. What do they make of Mr. Gorbachev's draconian approach to the spirit of enterprise, the notion of profit, decentralization and responsibility?