

*Official Languages*

doubt that the members of the armed forces and the Royal Canadian Mounted Police have the same protection as that afforded to members of the public service under the provisions of the Public Service Employment Act.

During the deliberations of the special committee the government draftsmen themselves agreed that the Public Service Employment Act does not apply to members of the armed forces and the Royal Canadian Mounted Police. Mr. Thorson, an employee of the Department of Justice who I understand did much of the drafting of the bill, when speaking to a very similar amendment introduced in the committee which dealt with the same point, had this to say as reported at page 248 of committee report No. 3:

The reservation at the end—

That is the reservation in regard to merit, as required by the Public Service Employment Act.

—ensures that the principle of selection according to merit is maintained in those circumstances—

I ask the house to note these words.

—where it now applies by law.

The principle of merit does not apply by law to members of the armed forces and the R.C.M.P. under the terms of the Public Service Employment Act. Mr. Thorson continued:

To take an illustration, Air Canada, a Crown corporation makes its own appointments and promotions, and does not come under the terms of the Public Service Employment Act.

The principle of selection according to merit, which is found in the Public Service Employment Act, simply does not extend to Air Canada, and indeed parliament itself has never considered it appropriate to attempt to extend the merit principle to all of the bodies to which this law would apply. Examples of this are the armed forces, the Royal Canadian Mounted Police, and the many Crown corporations.

The only reason I submit this amendment for the consideration of the house is to protect those members of the armed forces and the R.C.M.P. who cannot come here to protect themselves. We feel it is our responsibility to see to it that the principle of merit applies to these men as well as to other public servants, and I am sure the government will agree that this is our responsibility. This is all the amendment is seeking. I realize the government considers the amendment unnecessary in that these men are already protected; the minister will probably reply that the words in subclause (4) of clause 40, "of the authority concerned, in all other cases", meet this point.

We say that it is not absolutely clear. We say that there is some doubt about the meaning of the following words of clause 40(4):

• (4:00 p.m.)

—subject... to the maintenance of the principle of selection of personnel according to merit as required by the Public Service Employment Act.

If we were sure that members of the armed forces and the R.C.M.P. came within the Public Service Employment Act, we would be satisfied. As matters now stand we suggest seriously that the wording of the clause is ambiguous. For the life of me I cannot see why the government refuses to accept an amendment which will clarify that ambiguity. If the government accepts the amendment, those who sit on this side of the house will be much more satisfied. I am equally certain that members of the armed forces and the R.C.M.P., who could be adversely affected by the present wording of the clause, would also be satisfied.

**Hon. John N. Turner (Minister of Justice):**

Mr. Speaker, the reason for the original amendment which was accepted by the special committee to clause 40 of the bill, that part now being clause 40(4), was to satisfy those people, particularly in western Canada and in the Atlantic provinces whose views were reflected by their provincial governments, that nothing in this bill as it is will change the principle of nation-wide recruitment to and promotion in the federal public service and the federal agencies of government. One of the concerns I encountered when discussing the bill with the Attorneys General of the four western provinces and with the Attorney General of Nova Scotia was that this bill would effectively exclude from the Public Service of Canada young men and women from those parts of the country where English was the dominant language and where there was little opportunity for them to learn or practise French. They feared that this bill would exclude from the Public Service of Canada English speaking candidates from the western and Atlantic provinces.

We have added clause 40(4) to make it quite clear that the principle of merit now found and contained in section 12 of the Public Service Employment Act is in no way over-ridden, repealed, or affected by the passage of this bill, and that merit as defined in