

*Prohibition of Inquiring into Arrests*

this provision will apply to those committed by a court—should have to answer such a question. I hope that we will become enlightened enough to so consider a person whose conduct has been good. If that person has been convicted of a serious offence in the past and if a pardon has not been obtained, the matter may be germane and the question could be asked.

I do not think I have to belabour the point, Mr. Speaker. I do not think I can find any explicit wording in the Bill of Rights which would protect the individual from such questions, but I think it is within the spirit of the Bill of Rights that one cannot ask a person, under circumstances such as I have outlined, to criminate himself, because there is always a stigma attached. It is involuntary, perhaps, on the part of the person who obtains the information, but there is a sort of inner prejudice which is immediately aroused when a person on an application for employment answers in the affirmative that he has been charged with an offence. The charge may have been withdrawn or the person may have been found not guilty.

I should like to point out a particular case that I have in hand concerning a British subject who, although now in business in Canada, was charged many years ago along with 50 other defendants of an offence under the Securities Exchange Commission Act in the state of New York. The charge was not proceeded with against a number of the persons, and this person never returned to the jurisdiction: he was in Canada. Others pleaded guilty to the offence. I have ascertained that the case is closed, and yet no evidence has been proffered with regard to this British subject here in Canada. He would, according to the particular form being objected to, have had to indicate that he had been charged in the state of New York, where he had no connection whatsoever, with an offence under the law of a foreign state.

Also, we have many people here in Canada who could be charged under some law of a foreign state—they could be charged in absentia—and would have to answer such question on the questionnaire in the affirmative. As we know, many questionnaires also carry the provision that if any material information is suppressed, the person who may have gained the employment will, if it is discovered that he has falsified or suppressed information which was required by the application form, lose his employment. Therefore the basis of my submission, Mr. Speaker,

[Mr. Lambert (Edmonton West).]

is that this House accept the motion or, in the alternative, if it is not prepared to do so, to refer this whole question to the Standing Committee on Justice and Legal Affairs for examination, with the matter to be reported back to the House.

I know there are areas in which there may be some argument. I feel that in order to protect the civil rights of all our citizens so far as the federal government is concerned—this motion is very carefully limited to the federal jurisdiction—there must be a requirement that persons not convicted, and so on, shall not have their civil rights infringed upon in any way as a result of being asked for information of the kind I have outlined in my argument before the House. I therefore urge, Mr. Speaker, that the House give favourable consideration to my motion.

[Translation]

**Mr. Yves Forest (Parliamentary Secretary to President of the Privy Council):** Mr. Speaker, would the hon. member permit a question?

**Mr. Lambert (Edmonton West):** Yes.

**Mr. Forest:** In his remarks, the hon. member did not indicate to what extent the federal government could, within its jurisdiction, prevent people who hold positions in the private sector from asking oral or written questions to persons applying for a job or something else in order to find out if they have criminal records.

• (4:20 p.m.)

[English]

**Mr. Lambert (Edmonton West):** Mr. Speaker, in answering the Parliamentary Secretary's question may I say this: I would think there are a number of firms and organizations in the private sector which come under federal jurisdiction and are brought under it by the Canada Labour Code. All those businesses and undertakings which fall in any way under federal jurisdiction, such as airlines, broadcasting companies, grain companies, trucking companies and others could fall within a provision of the Canada Fair Employment Practices Act: the type of prohibition that I have outlined in my motion could be included.

**Mr. Douglas A. Hogarth (New Westminster):** Mr. Speaker, I congratulate the member for Edmonton West (Mr. Lambert) for having brought forward this resolution. I think it is a very interesting one which is not current in the minds of many members of this House.