

Public Service

they would carry out their duties conscientiously and would not allow their own political views and activities to interfere with their work on behalf of their employer.

I believe it is a red herring when anyone tries to raise the argument that employees who work for a political Party and organize openly and publicly for a political Party which happens to be of the opposite view from that of the government of the day, would somehow or other not do their work properly when they were on duty. That is a specious argument, Mr. Speaker, and it is totally unfair to the federal employees of this country.

I hope, Sir, that Hon. Members on all sides will agree that it is time to make the appropriate amendments to the legislation as put forward in my Bill so that we will once and for all get rid of the stigma which has been attached to the statutes of this country for too many decades, a stigma on the democratic process and the democratic rights of all citizens of this country. I hope, Sir, that I will have the support of all Hon. Members in my endeavour to have this Bill passed.

Mr. Jean-Robert Gauthier (Ottawa-Vanier): Mr. Speaker, first of all, I would like to congratulate the Hon. Member for Regina West (Mr. Benjamin) for bringing this matter to the attention of the House so early in the session. Usually this matter comes up during election time only. We have four years ahead of us, at least some of us think we have four years, and I believe it is appropriate that this subject matter be studied by the House.

It is a difficult question which has begged to be resolved over the last many years, and I hope that at least we will be able to come to grips with it. Hon. Members will recall that the Chairman of the Public Service Commission, for example, every time he comes before a committee of this House—at least in the last four or five years that I have had the pleasure of chairing some of these estimates committees—repeatedly asks Members of Parliament to clarify Section 32 of the Public Service Employment Act. His duty in interpreting Section 32 has created some difficulties, for example, during the last election campaign, not only for the Commission but also for public servants. The Commission is charged with the interpretation and the application of the Public Service Employment Act, which does, in my view, have some very grey areas of interpretation.

[Translation]

Bill C-216, to amend the Public Service Employment Act and the Public Service Staff Relations Act, has some explanatory notes which are quite clear.

The purpose of this Bill is to provide public servants—

—with some exceptions, obviously—

—with the right to engage in political activity as may any other Canadian who is not a public servant, and to be a candidate at federal, provincial and territorial elections.

Mr. Speaker, the Bill contains one exception, as far as I can see, that would prevent deputy heads of departments, in Clause 6(2) which reads . . . other than—

(6) Nothing in this section permits a deputy head to engage in the activities described in this Bill.

To my mind, the Bill does not go quite far enough in excluding only deputy heads, and I shall try to explain within the short time available to me why I think we should perhaps consider the arguments set forth by wellknown commissions such as the D'Avignon Commission on the merit principle, which, as the House will recall, submitted recommendations on the important issue of political activity.

Mr. Speaker, this is not the first time the Bill has been considered in the House. The Hon. Member for Regina West (Mr. Benjamin) mentioned as many as three times. To me, considering this Bill or a similar one and proposing amendments has always been a worthwhile cause, but because of problems occasionally arising in connection with election activities, the House has preferred to refrain from acting on these proposals. I hope we shall proceed as the Hon. Member suggested and refer the subject to committee for study and consideration, so that the Standing Committee on Miscellaneous Estimates responsible for examining this Bill will be able to reach certain conclusions that will eliminate any doubts as to the interpretation of Section 32 of the Act.

Mr. Speaker, in 1982 we adopted a charter of rights, which contains, in Sections 2 and 3, a number of specific rights and fundamental freedoms. Section 2 of the Canadian Charter of Rights and Freedoms, for instance, reads as follows, and I quote:

2. Everyone has the following fundamental freedoms:

- (a) freedom of conscience and religion;
- (b) freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication;
- (c) freedom of peaceful assembly; and
- (d) freedom of association.

Section 3 may be more important in this context, and I quote:

Democratic Rights

3. Every citizen of Canada has the right to vote in an election of members of the House of Commons or of a legislative assembly and to be qualified for membership therein.

That is the Charter, that is the Canadian Constitution which gives Canadians the right to be candidates, to come forward and be active in an election, and I think that the Hon. Member for Regina West was right when he said earlier that the day will come when somebody will test Section 32 of the Act before the courts, and it could then prove to be an embarrassment for a Government to be told that it is violating the Canadian Charter of Rights.

Mr. Speaker, using the British system as a model, the D'Avignon Report suggested very clear and very specific provisions for dealing with and solving the problem of political participation. I urge Hon. Members to read the four short but very explicit pages of the report of the Special Committee on the Review of Personnel Management and the Principle of