

the stage where the case is before a referee, she cannot then institute a court action.

The purpose, of course, is merely to prevent concurrent judgments of a court and a referee.

**Hon. Mr. Hackett:** Is there any appeal from the finding of the referee?

**Hon. Mrs. Fergusson:** There is no provision in the bill for an appeal. Of course, if the referee's finding is not complied with the complainant may take legal action, and perhaps the court's decision might be of some benefit in this respect.

If an employer is convicted by a court of failure to comply with the act, the judge may order the payment of the wages due the employee, as well as any other penalty.

In cases of collective agreements, where an employer is bound by a clause which contains an equal pay provision substantially the same as that contained in section 4, grievances must be dealt with by the machinery provided in the agreement, and not through the procedure set out in this bill.

This is a very simple and straightforward bill, and I am sure the contents are clear to all honourable senators. If there are any questions, I shall be glad to answer them if I am able.

In Canada we believe in equality of the sexes, and over the years we have passed legislation based on that belief. Honourable senators, I would like to say that when this bill passes—if you will permit me to do violence to an old and well-known adage—it will prove that in the employment field in Canada we recognize that a "miss" is as good as a "male".

**Hon. Senators:** Hear, hear.

**Hon. Mrs. Fergusson:** Honourable senators, I recommend that you give favourable consideration to this bill.

**Hon. Mr. Lambert:** May I ask the honourable senator a question?

**Hon. Mrs. Fergusson:** Certainly.

**Hon. Mr. Lambert:** In connection with the application of this bill, is the honourable senator satisfied that the same principle of parity or equality exists within the ranks of the Civil Service itself?

**Hon. Mrs. Fergusson:** The only way in which I can answer that is to say I was a civil servant myself, that I held rather senior positions on different occasions and I always received the same pay as did men doing the same work. I know, too, that the people in the departments in which I worked were paid for the job they were doing, re-

gardless of their sex. I firmly believe that is the established practice of the Civil Service.

**Hon. Mr. Lambert:** May I ask a further question? In view of the Government's interest in this measure, which of course would be reflected in contractual engagements of the Government in its various works, would the honourable senator say that a fair wage officer would logically be considered a member of the Department of Labour?

**Hon. Mrs. Fergusson:** I have not given consideration to that. It is provided for in the act, and I did not see any reason to raise any objection to it. The work of the fair wage officer is really to interpret the act to the complainant and the employer so they will both understand their rights. It has happened under some of the provincial acts that people who have made complaints would not have done so had the act been properly explained to them. They realized they were not justified in making their complaint. The same is true with respect to the employer who sometimes has not known his rights or responsibilities under the act. I understand that the job of the fair wage officer is to interpret the act and to try to get the employer and employees to understand their rights and to agree to abide by them. He is not an arbitrator.

**Hon. Mr. Lambert:** In the case of a wage dispute he would be the arbitrator.

**Hon. Mrs. Fergusson:** No, the dispute would go to a referee. If a voluntary settlement could not be arranged, the matter would be referred to the minister, who would appoint a referee. He may appoint a member of his department or someone from outside.

**Hon. Mr. Lambert:** That would be the Minister of Labour?

**Hon. Mrs. Fergusson:** Yes.

(Translation):

**Honourable Mariana B. Jodoin:** Honourable senators, I hardly need to add other comments to the excellent and persuasive speech which has just been made by my distinguished colleague, the honourable senator from Fredericton (Hon. Mrs. Fergusson), in connection with Bill 445, an Act to promote equal pay for female employees.

For several years this idea has been discussed in great detail. I am happy today to see it accepted, after several serious developments which make us appreciate it all the more.

This service and this legislation will mean, for a large proportion of the women of Canada, that material security which is so vitally important to female employees.