

GOVERNMENT ORDERS

[English]

Official Languages

DECLARATION OF CERTAIN PRINCIPLES RESPECTING EMPLOYMENT IN PUBLIC SERVICE OF CANADA

The House resumed, from Friday June 1, consideration of the motion of Mr. Trudeau; and the amendment thereto of Mr. Stanfield (p. 4318).

That this House,

(1) aware that, as provided in the Official Languages Act, the English and French languages possess and enjoy equality of status and equal rights and privilege as to their use in all the institutions of the Parliament and Government of Canada;

recognize that it is the duty of departments and agencies of the Government of Canada to ensure, in accordance with that Act, that members of the public can obtain available services from and communicate with them in both official languages; while recognizing that public servants should, as a general proposition and subject to the requirements of the Official Languages Act respecting the provision of services to the public, be able to carry out their duties in the Public Service of Canada in the official language of their choice;

do hereby recognize and approve the following Principles for achieving the foregoing:

(1) that positions which are seen, under present circumstances, as requiring the knowledge and use of both the French and English languages will be first identified, and then designated, as bilingual in the course of the period ending December 31, 1978;

(2) that positions will also be identified where English is an essential requirement of the job, where French is essential, or whether either French or English may be used;

(3) that a knowledge of English and French is one of the elements of merit in the selection of candidates for bilingual positions;

(4) that competitions for bilingual positions will be open both formally indicated their willingness to become bilingual;

(5) that competitions for bilingual positions will continue to be open to bilingual or bilingual candidates who meet the language requirements of the job;

(6) that bilingual incumbents of bilingual positions may elect to become bilingual and undertake language training, or transfer to another job having the same salary maximum, or, if they were to decline such a transfer, to remain in their positions even though the posts have been designated as bilingual;

(7) that employees who, as of April 6, 1966, had at least ten years of continuous service and who, since that date, have been employed continuously in the federal Public Service, will be entitled to apply for any job that has been identified for future designation as bilingual without having to indicate their willingness to become bilingual;

(8) that bilingual French-speaking and English-speaking persons from outside the Public Service who are willing to become bilingual may apply for bilingual positions open to public competition;

(9) that language training, at public expense, will be provided to bilingual public servants as well as to persons who are appointed to the Public Service of Canada, and, in particular, the Treasury Board and the Public Service Commission, taking the measures required to give effect to the aforementioned Principles; and

(10) do further approve the taking of measures, after consultation with employee representatives, designed to produce a greater use of the French language at all levels in the Public Service, through increasing, where practical, the number of French Lan-

[Mr. Speaker.]

guage Units, through further recruitment efforts by the Public Service Commission, through training programs offered in the French language and by developing proposals, in conjunction with the Governments of Ontario and Quebec, to enhance the bilingual character of the National Capital region, thus helping to realize the objective of achieving, within the merit principle, full participation in the Public Service by members of both the anglophone and the francophone communities.

Mr. Joe Clark (Rocky Mountain): Mr. Speaker, I want to take this opportunity to conclude the remarks I began on Friday. I regret the absence from the House of the Minister of Communications (Mr. Pelletier) who spoke the other day, because I wanted to refer in part to some of the statements he made in this debate.

If I understood the minister correctly, he indicated some sort of opposition to the amendment proposed by the Leader of the Opposition (Mr. Stanfield) because he seemed to be concerned about the fact that that amendment will make the declaration of these principles too firm. If I may use the exact language which was adopted by the Minister of Communications, he said that the principles would then not be "flexible and subject to change". That is the point. The substantive purpose of these principles is to provide some guarantee of application, a guarantee both to persons who are already in the public service and, just as important, a guarantee to persons who might contemplate joining the public service. That is necessary precisely because there is a widespread apprehension that previously the rules either were not known or were not applied in a satisfactory or fair way.

The minister now asks for flexibility. But it is fair for us to ask: flexibility in what direction? Flexibility for whom? The very reason that we face this substantive issue now is precisely that there was a kind of flexibility which seemed unfair to many people. The amendment proposed by the Leader of the Opposition would guard against that kind of flexibility. It would provide some guarantees. The resolution without it would be mere opinion.

It might be claimed that it is influential opinion. But may I remind you and the House that influential opinion also changes. For a public servant, or for a young consultant or mine who might contemplate becoming a public servant, there would be cold comfort if an election or some other event caused this opinion to change or to be ignored, because there is no doubt at all that in law the opinion expressed in a resolution has no force. That is the clear result of the case of Roman Corporation versus Hudson's Bay which was decided in the Ontario Court of Appeal and upheld in the Supreme Court of Canada this May. It made the point firmly that proceedings in this parliament have no force in law. It is clear from the advice of the Chairman of the Public Service Commission that, in his actions, he was bound only by the language of the act of parliament and not by the language of the so-called Pearson pledge which had no force in law.

● (1510)

It is clear even in the recent statement of the Secretary of State for External Affairs (Mr. Sharp) who explicitly advised the House that his government did not intend to be bound by a mere resolution of the House concerning Viet Nam. The precedents of law, indeed the very practices of ministers of the government this session, affirm