

Employment Equity

● (1750)

The other Act he referred to is the Canadian Human Rights Act. In that Act discrimination is banned based on race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability or conviction for an offence for which a pardon has been granted. The Canadian Human Rights Act is even broader than the Charter of Rights. Here we have a law that provides for employment equity for only four groups. The Abella Commission recommended that we legislate in that area, but that has not happened. Why does he think that there is this difference between some statutes in not allowing discrimination and this Bill, which only deals with four groups? Could he give us the reasons that he believes are the basis of that sort of discrimination between statutes?

The Acting Speaker (Mr. Paproski): Order, please. The Hon. Member for Vancouver East (Mrs. Mitchell) earlier today proposed to move a subamendment to the amendment now before the House. After hearing argument on the procedural acceptability of the subamendment I reserved my decision.

I am now ready to rule, and it is with regret that I must inform the Hon. Member that I cannot put her subamendment to the House. I listened carefully to the arguments, which point to the extent to which Clause 4 is related to the clauses included in the amendment presently before the House. However, the Chair must be guided by the practices of the House.

On December 15, 1971, the Hon. Russell Honey, then the Deputy Speaker stated:

The difficulty is that when an Hon. Member proposes a sub-amendment he is under the constraint that he must not enlarge on, or differ in substance from, the amendment he is purporting to further amend.

There are further references to this effect in Beauchesne's Fifth Edition in Citation 438. Thus, it is with respect that I have to refuse to allow the subamendment of the Hon. Member for Vancouver East (Ms. Mitchell).

Mr. Deans: I just want to be clear that that will not, however, rule out the possibility of our moving, if we wished, this subamendment as a new amendment after the amendment has been dealt with. It may necessitate, of course, carrying the debate over for another day, but that being the case I can understand the difficulty that you are faced with. We may have to do just that in order to have the amendment put.

The Acting Speaker (Mr. Paproski): I will check the procedural acceptability of out what the Hon. Member has just said, and in the meantime we will carry on with the debate.

Mr. Baker: Mr. Speaker, perhaps, to put the thing into perspective and to give my answer to the hon. gentleman's question, let me say this. Let us take a look at giving credit here where it is due. As far as the Human Rights Act is concerned, as far as the Charter is concerned and as far as the

Abella Commission is concerned, this is the present Government's only action toward what it calls employment equity. That is probably the problem right there, that this is really the only thing that the present Government has done or has any plans for doing during its one term in office. However, even looking at that, and to get even closer to the answer to the hon. gentleman's question, let me point out to him that even within the Bill itself, the commitment of the Government of Canada to what is the intent of the legislation is rather suspect. The reason it is suspect is that, first and foremost, as has been pointed out, a corporation that is a Department as defined in the Financial Administration Act is not included under the Bill. I might note that under the original legislation they had to include the words "at least proportionate to their representation" in Clause 4, which was a suggestion of the Hon. Member from Notre-Dame-de-Grace—Lachine East (Mr. Allmand). That was his suggestion at the first committee meeting that was held. That was the subject of a speech which he gave in the House the first day that the Bill was introduced, and the Government took that advice.

What I am referring to is the section that says "the Minister may"; everybody else "shall", but in this Bill the Minister may issue guidelines, the Minister may do this, the Minister may do that. You are telling the employers that they have to do something very hazy, and you are saying that the Minister may provide you with some direction. "You shall do this", and the employer does not know what he has to do, and the Minister is saying "Well, I may give you some guidelines."

Mr. Gauthier: Mr. Speaker, I want to ask a question of the Member regarding Clause 7, which deals with the imposition of a fine of \$50,000 if an employer failed to comply with Clause 6 and is guilty of an offence on summary conviction. The reason I want to ask the question is that he knows, as I do, that we tried to increase the fine to \$500,000 to make it half a million bucks—something really meaningful. Fifty thousand dollars to some employers, which he knows very well, will not make a damn bit of difference. Why should I, as an employer, who has over the years failed to supply adequate entrance to my building by installing ramps, or failed to supply adequate safety in the building by providing elevators which can be worked by people who may be handicapped, deaf or, for that matter, blind, spend \$50,000 when I can get away with all that? If I am caught, I will pay the \$50,000 because it is cheaper to pay \$50,000 than to put half a million dollars into repairing the building, making it accessible for egress and ingress. What does the Hon. Member think about that?

Mr. Baker: In Clause 7 under discussion, it is an employer who fails to comply with Clause 6. If you look at Clause 6 and then you go back to Clause 4, most employers will not know what they are being asked to do. I just noticed again it says, "the occupational groups of the employer". It should have read, "the occupational groups of the employees". However, I do not fault the drafters of the legislation. We have some very impressive drafters in this country, an expert group of people. The problem is the material you give to a draftsman; that is