

Canada Fair Employment Practices Act

be to the civil service commission to carry into effect the recommendations made by the commission appointed by the minister under the act and whether he would be in accord with the Minister of Labour in effect controlling the action of the civil service commission?

Mr. Howard: I believe what the hon. member refers to is this. Under section 5 of the present act there is provision for the establishment of an industrial inquiry commission to inquire into complaints made under the act. The reference to a commission in this act is not to the civil service commission but to a special industry inquiry commission. The hon. member will find references to an industrial inquiry commission in subsections 3, 4, 5, 6, 7 and so on.

Mr. Heward Graffey (Brome-Missisquoi): Mr. Speaker, I was very interested to hear the questions just asked by the hon. members for Parry Sound-Muskoka (Mr. Aiken) and Essex West (Mr. Spencer). While not imagining for one moment that my explanations will be entirely satisfactory in reply to their questions, I hope to deal in general with some of the aspects of the questions they raised in my own speech.

The hon. member for Skeena (Mr. Howard) in his answers suggested that he had a certain opinion from the civil service commission regarding the application of the act now under consideration. While I have absolutely no doubt as to his sincerity I should like to say that the opinion I obtained from the commission did not jibe with his in general outline. As I see it this lends some strength to my contention that perhaps this whole question could be better solved under a revision of the Civil Service Act when it comes up for amendment or study at some appropriate time.

The hon. member for Skeena in opening this debate very ably outlined the general content of the Canada Fair Employment Practices Act which forbids amongst other things in general companies and unions practising discrimination in relation to race, national origin, colour and creed of employees. Whether it could ever be a practice of unions, companies or the civil service, I am sure all hon. members of this house would consider any practice relating to such discrimination most abhorrent.

I believe it may be fairly stated that we in Canada have had a very fortunate experience in regard to such practices and I do not say this in a holier than thou attitude. I am sure that all hon. members in the house this afternoon agree with the end that is sought in the bill introduced by the hon. member for Skeena, namely that

no discrimination should be practiced in the selection of employees by the civil service commission. Although we may differ in what we consider to be the best means of achieving this end, there is certainly no quarrel about the end which we seek.

I do not wish to become too technical on this subject and indeed I do not think I can, but let us consider for a moment what we are dealing with on this occasion. We are a legislative body dealing with practices regarding the administrative wing of government. This is something about which I feel deeply. I have said time and time again in this house and I repeat this afternoon that whether we go back to Montesquieu or the separation of powers theory as developed in the presidential system of government in the United States of America, we are still talking about the separation of powers theory. While I do not think you can completely superimpose the separation of powers theory on this system of government, I think it is correct to state that our system of government works best when we have a healthy balance as between the administrative, judicial and legislative branches of government.

I come back to the point that we are discussing, something that affects the administration of the civil service commission which, after all, does not report through a minister to parliament but which reports directly to parliament. Although the principle is a broad one I think it is best to outline it before we go into details in this debate.

As a result of a great many inquiries I have been assured that the civil service commission in general has most certainly followed a policy of non-discrimination in its employment practices in the past. However, I entirely agree with the hon. member for Skeena that there can be some reasonable doubt. There always can be reasonable doubt. The possible is always the possible. It is possible to always deal in this realm. If there is a modicum of doubt in our minds that discrimination could be possible, let us in debating this question in this house figure out the best way to stop it.

As I say, I am fully convinced that the civil service commission and the crown in general have up to the present time practised to the extent of 100 per cent and objectively a policy of non-discrimination. I have been informed that they have never knowingly transgressed the principles laid down in the Canada Fair Employment Practices Act. If any hon. member has reason to feel that such discrimination has been practised in the past I feel it is incumbent upon him to bring such transgressions to light.

[Mr. Spencer.]