

*Public Employees Political Rights Act*

and add to it those public servants such as senior executives and managers, personnel administrators, and others employed in non-represented groups, we come up with a figure of approximately 10.5 per cent of the total Public Service for which the Treasury Board is the employer and who would not benefit from this Act. That means that one out of 10, or approximately 20,000 public servants, would be subjected to more restrictive legislation than we have now. Would we be able to claim this Bill would provide public servants with the fullest protection of freedom of expression as guaranteed by the Charter of Rights and Freedoms? I do not believe so.

The Bill also provides for disciplinary action. It gives the Public Service Commission the authority to make necessary regulations setting out disciplinary procedures. Until now disciplinary action has been dealt with as part of the normal disciplinary procedure. Under the present rules, disciplinary action is taken under the provisions of the Public Service terms and conditions of employment regulations made pursuant to Section 7 of the Financial Administration Act. Incidentally, these procedures provide management with the appropriate flexibility in disciplinary action to weigh both the offence and the measure proposed. Furthermore, the procedures encompass redress procedures which have passed the test of time.

In his decision following the complaint by the Hon. Member or Ottawa Centre, Mr. Justice Walsh stated: "Since it is not seriously disputed that some limit must be placed on political activities of civil servants to maintain public confidence in their perceived impartiality in carrying out government policies, it would appear that this is a sufficiently important objective to justify the statute imposing some such limit, even if of necessity this would override to some extent some rights and freedoms protected by the Charter".

In an article in *The Ottawa Citizen* dated March 6, 1987, there was reference to the fact that the Ontario Divisional Court dealt with this very question of public servants entering politics. The judges agreed that the provision they were dealing with did infringe on rights guaranteed by the Charter. However, they said that the restrictions do not breach the Charter because they are reasonable limits imposed in a free and democratic society. The court's decision of last August referred to other questions.

The Hon. Member referred to the D'Avignon report. That report referred to the British system. It suggested it would serve as a good example for the Public Service of Canada. My friend, the Hon. Member for Ottawa Centre, made specific reference to that. I suspect he will do so again today. The system is based on a categorization of positions according to the nature of the responsibilities and the degree of implication of the incumbents in the political process and their role as advisers to the Government. Those who occupy positions not described as sensitive are given full freedom of political action, while those in positions of a sensitive nature are forbidden to participate actively in any political pursuits. This solution seems at first glance to be attractive, but it may not be the appropriate solution for the Canadian environment. However,

we believe it is possible to strike a happy balance between the basic rights of Canadian citizens and the principle of neutrality and impartiality in the Public Service of Canada. We recognize that there are risks associated with increasing the political rights of public servants, but we are not opposed to reviewing the current restrictions with a view to ensuring that there are no more than is necessary to ensure the maintenance of an impartial Public Service. However, we do not believe the legislation proposed by the Hon. Member will serve the best interests of the Government, public servants or the public. Rather, we believe a better long-term solution will be found and we are firmly committed to addressing this important issue.

I agree that public servants want a freer rein in their political efforts. However, from what I have heard from those assembled here in the nation's capital, it does not seem to be a burning issue. Certainly in my riding there are many, many thousands of public servants, but I have had little or no representations on this. I have had a few from the odd personal constituent, but what they are more concerned about is job security, promotions, fair competitions, secure pensions, dental plans and many more other pressing issues. I should add that, in spite of the rules, many of them do work actively in campaigns. The President of the Treasury Board (Mr. de Cotret) is negotiating, as the Member said. There have been discussions with the unions to reach an honest solution to this problem. I am convinced, Madam Speaker, that the Conservative Government will reach that solution fairly and soon.

[Translation]

**Mrs. Claudy Maily (Parliamentary Secretary to Minister of Communications):** Madam Speaker, I am pleased to speak to this Bill. I should like to commend my colleague from Ottawa Centre (Mr. Cassidy) for being very consistent in the presentation of this issue. I had the pleasure of taking the floor when he introduced it the first time, and again at another stage of that reading. I have not changed my mind with respect to certain problems I have concerning the way some of the provisions of his Bill are drafted. As a matter of fact, this is why I had prepared a legislative measure on the same topic of political rights, but I was advised to withdraw it when I was appointed Parliamentary Secretary last fall.

I have it here and I would like to explain why I have problems with the Bill of the Hon. Member for Ottawa Centre, although I must admit I am very glad to see he does not resort to a partisan approach on this issue of political rights, as he often did on other matters. Then it becomes quite difficult for us Government Members to help him because we often deal with issues which are of interest to all Members of the national capital region and we would like to work closely together to improve the lot of those of our constituents who are public employees.

In my own Bill, for instance, I mentioned not only—I had the same approach to the effect that our public employees, who are Canadian citizens, must have the same rights as those of other citizens. After all, Madam Speaker, we have reached