

Employment Equity

We recommend that the *Canadian Human Rights Act* be amended so that employers are obliged to make "reasonable accommodation", that is, such special provisions as would not cause undue hardship to the employer, in response to the needs peculiar to those classes of employees that are protected from discrimination by the terms of the Act.

We are in the process of passing a Bill which is supposed to require certain groups to put in place affirmative action and in some cases we should require that the necessary facilities for the hiring of disabled people be put in place so that the job is not beyond their reach. It is too late to provide the facilities and accommodations after the person has been turned down.

It is very discouraging for disabled persons to apply for job after job and then find that the reason they are not being hired is that the particular office or plant is not able to accommodate their particular disability. Therefore, it seems quite logical to require by law reasonable accommodation facilities in those companies that are or should be able to hire the disabled. We call on the Government to make the necessary changes to put this into law so that the disabled can apply for a job with some hope of being accepted.

Hon. William Rompkey (Grand Falls—White Bay—Labrador): Mr. Speaker, I would also like to support the amendment of the Hon. Member for Notre-Dame-de-Grâce—Lachine East (Mr. Allmand). Unless you add a definition of reasonable accommodation, the term is hollow. Everything needs to be defined. That is why we have dictionaries. Even the job of Parliamentary Secretary needs to be defined. If we did not have a definition, then Parliamentary Secretaries would not know what they are supposed to do. You must have a definition of everything that is meaningful. If not, you have something that is meaningless. I think it would be beneath Parliament to allow a law to go through when it has meaningless terminology.

My second point is that if we do not define the term, the courts will. If we allow that to be done, we will be dropping out. We were sent here to legislate thoroughly and define legislation accurately so that we say clearly what we mean. It is not the job of the courts to define legislation, it is their job to refine legislation, to reflect on nuances and rule on them, but certainly not to rule on the primary definition of what we mean.

I want a definition of that term because this Parliament and this country has a record known around the world. We are well known and well respected simply because we are able to reach accommodation in our legislation. That is the secret of our success. Canada is successful because it has a record of reaching accommodations or compromises between minority groups and regions. Surely if we have been good at anything, it has been that and people around the world know it. Whether it is bilingualism, accommodation of language groups, disadvantaged minorities or disadvantaged regions, Canada has a record of dealing with the problem. I say to my colleagues here that unless we continue that record in this legislation presently, we will not be living up to what I believe is a very enviable reputation.

● (1720)

The time allotted to us is very short, but I was struck by the words of the Member for Yorkton-Melville (Mr. Nystrom), that we do not really understand what it is like to be disabled. We do not understand because most of us in this Chamber have been blessed with good health. He said, and I agree with him, that we should listen to those people who fully understand what it is like. When they say that this phrase does not suit their purposes, then we must give some credence, some credibility and some weight to what they say. I agree with him that in light of our limited experience in understanding this situation we should, indeed, listen to what they say. They have asked for a clear definition of what that means.

Is the cost too great of defining that and putting some responsibility on the private sector and the public sector? Has the Government costed out pride? Has it costed out dignity? Has it costed out fulfillment? Has it costed out all those things? What is the price of human life? What is the price of self-fulfillment in this country? I do not think that the cost is too great. More than that, I think it is incumbent on us today to listen to the request of the disabled community and to accede to the amendment of the Hon. Member for Notre-Dame-de-Grâce—Lachine East, and to define very clearly what we mean by reasonable accommodation. We have a chance now in this Parliament of living up to what I believe is a great record throughout the world. If we lose this chance I think we will be casting a blot on this Parliament.

Mr. Alan Redway (York East): I am pleased to have the opportunity to say a word or two in connection with Motion No. 11A, the motion to move a definition for the words "reasonable accommodation".

I have been listening very carefully to the comments and interventions of Members this afternoon with respect to this whole issue of reasonable accommodation. In particular, I listened very carefully to the words of the Parliamentary Secretary on this Bill. I heard him very clearly say that there was going to be a definition of "reasonable accommodation". It was going to be set out in the regulations to the Act in accordance with the provisions of the Act. That is not the only thing that is going to be set out in those regulations. It has been said in this House on debate on second reading—and I am sure it was said in committee many times—that there would be other things in those regulations, particularly the specific goals, the specific requirements and time limits for meeting the whole purpose of this Act.

The reason they were going to be in the regulations and not set out in black and white as part of this Act was so there would be flexibility, so we could make changes when it was shown they were needed. The debate on this Bill has proved very clearly that legislation is very inflexible. It is virtually impossible to make changes without going through a debate that has lasted from June of 1985 to April 14 of 1986 on this Bill. If you call that flexibility then there is something strange going on.