

Adjournment Debate

On May 27, 1976, the Ministry of Transport wrote to the Public Service Commission recommending his release on the grounds of incompetence, pursuant to section 31 of the Public Service Employment Act. After 11 years on the same job he was labelled incompetent. That smacks of something wrong.

There was an appeal to the Public Service Commission appeal board. The appeal board chairman, Ms. Brazier, stated that the recommendation should be upheld. At the hearing, the Ministry of Transport relied on the three unsatisfactory appraisals and three lab reports written by Mr. Shah. His legal representative called five witnesses who all declared that he was competent. They were professional witnesses. However, the appeal board did not give much weight to that evidence.

He appealed ultimately to the Federal Court of Canada. However, he found he could not deal with that court because the Federal Court of Canada had no jurisdiction.

After 11 years service in the public service of Canada, he finds himself living on unemployment insurance. What does he ask of this House and this ministry? He asks for his immediate reinstatement. Failing that, he asks that he be placed in some other employment.

Very few people in the public service are dealt with in the way this man was dealt with. Most of all, he asks on behalf of public servants everywhere that there be some access for the public service for redress in another forum so that a man in that position can at least have redress through the courts. We do not have that now in the public service of Canada.

Mr. Shah told me that he has been discriminated against. His nameplate was removed from his office door and affixed to the washroom door. A poster was made of his likeness with the words "Wanted—dead or alive, preferably dead" and displayed on the bulletin board. He was forbidden to use the telephone. He could not make or receive calls.

Mr. Shah was required to submit to a psychiatric examination. They found no problem. He was cursed and sworn at by his superiors. He was denied the same training opportunities as others. He was not allowed to attend a Christmas party. I do not know whether that had anything to do with the fact that Mr. Shah is not white, but Mr. Shah could be forgiven if he was led to believe that some of the things he told me occurred to him happened for that reason. Mr. Shah went to the anti-discrimination appeal board. They held that, although he was harassed, he was not discriminated against. You tell me the difference, Mr. Speaker.

That is why I raised this question in the House of Commons. I raise it again today so that this man who gave 11 years of faithful service to the public service in this country, trained in a Canadian university, can have himself reinstated somewhere in the public service rather than be forced to go out and do menial work, which is the future that faces him if there is no redress from this House and this government.

Mr. Jacques Guilbault (Parliamentary Secretary to Secretary of State): Mr. Speaker, here is the information that we have gathered for the hon. member for Grenville-Carleton (Mr. Baker).

Mr. Shah, a failures analyst in the air administration of the Department of Transport, had a long history of unacceptable performance, notably in the planning, organizing and analyzing aspects of his job. Because they formed such an important part of the job of failures analyst and since training and counselling had failed to bring about any improvement, it was decided to recommend his release for incompetence.

Mr. Shah's case was examined by a departmental review committee. The decision to terminate his employment was not disputed. The review committee, composed of public servants of considerable ability, recommended that alternate acceptable employment be sought.

Next, Mr. Shah appealed the decision. Following a two-day, 13-hour hearing, the appeal was dismissed. The case was then referred to the Federal Court of Appeal which ruled that the decision of the appeal board was valid.

Mr. Shah then complained to the anti-discrimination branch of the Public Service Commission and an investigation was conducted. It was concluded that discrimination was not a factor in his release.

Sincere efforts have been made both by the Department of Transport and the Public Service Commission to find alternative employment for Mr. Shah but without success.

Mr. Shah did not receive any severance pay upon his release as his collective agreement gives the employer no discretion in this regard. His superannuation contributions are "locked in" until age 65 under the provisions of the superannuation act. It would require an amendment to the act to release these funds.

While we can understand the difficult circumstances in which Mr. Shah finds himself, the Department of Transport and the Public Service Commission are satisfied that he was treated fairly and that he was given ample opportunity to have all the facts of his case reviewed.

TRANSPORT—RAIL SERVICE IN ATLANTIC REGION

Mr. Andy Hogan (Cape Breton-East Richmond): Mr. Speaker, my intervention this evening arises from questions which I put to the Minister of Transport (Mr. Lang) at the end of May after he had released a study paper backing up the transportation agreement entered into between the premiers of the Atlantic region and himself on February 8.

First, I want to point out that the minister's answer to my first question completely ignored the fact that under this proposal, agreed to by the maritime premiers, the whole of Cape Breton Island, including the heavily populated industrial area of Sydney as well as the rest of eastern Nova Scotia, would, if he and the premiers who signed the agreement, including the Premier of Nova Scotia, had their way, be denied direct access to his one proposed transcontinental train which would go from Montreal to Halifax. The minister's proposal would mean the loss of nine railway services over five different routes in exchange for \$125 million to the Atlantic provinces over a three-year period, \$100 million of which would be put into highways.