

give the apparent wide range of choices, as the proposed amendment suggests, would give employers the latitude to avoid or ignore this clause of the Bill. Definition poses a separate problem. Difficulties may arise in deciding who are the representatives of designated groups, and whether such representatives are acceptable to either employers or designated groups. Do such representatives come from within or outside the employers' workforce? Any such amendment would have to be clearly delineated in the Bill, and the present phrasing of the suggested amendment does not give employers clear direction to interpret the Bill's intent.

Regarding employer consultation with target group organizations, many examples exist where employers who are implementing employment equity have consulted with target group organizations. These include the Co-operators Ltd. of Regina. In order to attract native candidates this company seconded a staff person to work on a six-month assignment with Regina Native Outreach. The Disabled Persons Employment Service of Regina has been called upon to assist several Crown corporations and the Co-operators with a physical-demands analysis to ensure the elimination of systemic barriers. The Canadian Bankers' Association has indicated its intention to initiate contacts with the major target group organizations. Westinghouse Ltd. of Hamilton has approached organizations such as the CNIB and the Association for the Hearing Impaired. Amertek Ltd. of Woodstock is in liaison with the local paraplegic association. The Weston Hotel in Toronto solicited referrals from the Ontario Mental Health Association. VIA Rail has contacted disabled agencies. CN Telecom is involved in native programs. It wanted information on the Northwest Territories/Yukon, Newfoundland and Labrador native organizations. I could go on. What all this shows is that there is an excellent intent on the part of all employers to do the consultation with the designated groups.

As far as the second motion is concerned, we have to state that we are categorically opposed to that as well. The *bona fide* occupational requirements of the Canadian Human Rights Act are described as guidelines setting forth the extent to which and the manner in which paragraph 14(a) of the Canadian Human Rights Act applies to employment practices. All contingencies covering employers' practices may not be covered in these guidelines, therefore a broader wording of the Act continues to be more desirable. Furthermore, the broad wording takes into account the possibility that a legal employment practice may be challenged by a group or individual who may feel that the practice under question creates a real or possible barrier to employment but is not a *prima facie* discriminatory employment practice as defined by the Canadian Human Rights Act.

**Mrs. Sheila Finestone (Mount Royal):** Mr. Speaker, I rise to speak to the first of two amendments presented by my colleague, the Hon. Member for Notre-Dame-de-Grâce—Lachine East (Mr. Allmand). This motion is to amend Clause 4 which reads:

### *Employment Equity*

An employer shall, in consultation with such persons as have been designated by the employees to act as their representatives or, where a bargaining agent represents the employees, in consultation with the bargaining agent, implement employment equity by—

It then outlines a series of procedures by which employment equity should be applied. Of course it does not have an enforcement mechanism, but does include a very poor monitoring mechanism.

What my colleague is essentially recommending here is that the employer who wants to improve the potential for his company to improve its profits and direct its energy in the best interests of all Canadians, and therefore open up his employee base by removing the barriers to discrimination so that the target groups can have a better chance, be able to do so.

One of the concerns we have is that quite often a union, which is the bargaining agent, is an all-male union which may not have the handicapped, visible minorities or indigenous Canadian people among its ranks. That is part of the systemic discrimination which manifests itself in the union structure. That is changing, but not quickly enough.

I would like to see the unions implement an affirmative action program as well. The fact that the unions are non-representative is the reason my colleague has recommended the amendment that consultation shall take place:

—or with such persons as have been designated by the designated groups to act as their representatives, implement employment equity by.

We know there is a significant number of handicapped in our society today. The union is not always in the best position to indicate the nature of changes that might be needed. For example, let us assume we are dealing with a scientific and research milieu as opposed to the manufacturing sector. I suggest one could anticipate that the best results could be achieved if the industry was in a position to consult directly with the people concerned because they are best able to give guidance and suggestions that would be in the best interest of the employer in the long run. Therefore, this amendment is basically in the interests of the employer because it adds to the ability to facilitate employment equity in a constructive way.

● (1130)

That is why I suggest adoption of this amendment. It would reflect that spirit of consultation which the Government has used as its guiding light in its decision making. The Government says it believes in consultation and open Government, so why would it not apply that same principle when dealing with a major Bill that is meant to focus on the change in society and bring about equality for the target groups in the best interests of all Canadians?

I do not understand why the Minister and the drafters of this Bill would not have provided for automatic consultation with the designated groups, because they know what is best for them. Such a provision would only make consultation binding, not their suggestions or guidance. What is wrong with speaking to those groups?