

*Employment Equity*

The subamendment to my amendment put forward by the NDP applies a penalty to Clauses 4, 5 and 6 of the Bill. The clause would then read that an employer who fails to comply with Sections 4, 5 and 6 is guilty of an offence. Right now the clause reads that the employer is guilty of an offence only if he does not comply with Section 6. For the Hon. Member to say that there are penalties in this Bill for not moving ahead on affirmative action and employment equity is false. If he can demonstrate to me that there is a penalty in this Bill for not living up to the obligations under Clauses 4 and 5, I will eat this Bill on the floor of the House of Commons. I am convinced that he cannot show me that. Not only that, not one of the target groups that appeared before the legislative committee saw that there was any penalty attached to those clauses in the Bill. Not one of them would agree with him. If he had attended the demonstration the other day and said what he said here in the House, he would have been tarred and feathered by those disabled people despite their disabilities.

There are no enforcement provisions in the Bill for Clauses 4 and 5 and that is why the amendment we are discussing right now is so important. In addition, the Hon. Member has not even read the amendments we put forward. No one is suggesting that employers be put into prison, as he was mentioning a few moments ago, for not living up to the obligations under this Bill. My further amendment which is now under discussion suggests that the fine should be increased from \$50,000 to \$500,000 but no one has put forward an amendment suggesting that we imprison employers if they do not live up to the obligations. That is a red herring that the Hon. Member has thrown on the floor before us.

**Mr. de Corneille:** Smells like a tuna.

**Mr. Allmand:** The Hon. Member also said that this is the first time a Government has put a Bill before Parliament to deal with discrimination against visible minorities. These people who were elected in 1984 do not know what happened before 1984. The Hon. Member is not even familiar with Section 15 of the Charter of Rights and Freedoms which says that every individual is equal under the law and has the right to equal protection and equal benefit of the law without discrimination, and in particular, without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. For him to suggest that this is the first time any Bill has been put before the House dealing with discrimination on the basis of racial minorities is completely false. The Hon. Member is not even familiar with the Canadian Human Rights Act which was passed by the House in 1977 and also deals with discrimination against visible minorities.

As a result of the amendment to the Charter which came into effect in 1982, Subsection 2, there was put into the Constitution a provision that allowed for legislation on affirmative action. Therefore, it was after that was put into the Constitution that we could then proceed with a Bill on affirmative action, and that is what this Bill was supposed to

be but is not. It has no teeth. Let us not hear Conservative blarney about this being the first time anyone has done anything about discrimination based on race, religion, ethnic origin and the like. They are not familiar with what took place. They are reading the press releases put out by the Minister, but they are not telling the truth, and everyone knows it.

• (1150)

**Mr. David Orlikow (Winnipeg North):** Mr. Speaker, I am sorry the Hon. Member for York East (Mr. Redway) has left the Chamber. Even though he is not here, I should like to say that I do not remember when I have heard so many misstatements of fact and so much ignorance displayed in a 10-minute speech as I heard in his speech. He urges us to pass the Bill quickly despite the fact that he knows what was indicated by every group representing the people who would supposedly be helped by the Bill—the handicapped, natives, women and visible minorities, and perhaps I have missed some. Every group representing these people has registered very strong objections to the Bill and has said that it will not do the job.

What does the Bill indicate? In Clause 4 it indicates that an employer shall, in consultation with such persons as have been designated by the employees, implement plans. If there is no union, I do not know with whom the employees would consult, but I will ignore that point for the moment.

Clause 5 indicates that an employer shall prepare a plan, and Clause 6 indicates that the employer shall file with the Minister a report in respect to what is being done. It has already been pointed out that there is no penalty if an employer does not file a plan. However, I have a much more serious objection. What about employers who file plans which do not do what the Bill wants them to do? There is no penalty for that. An employer could file a plan every year in which he or she essentially says that nothing will be done, and there is no penalty for that.

Let me deal for a moment with the alleged analysis of the Hon. Member for York East about what happened in the United States. I do this because I spent about a dozen years working with the Canadian Labour Congress and other community organizations on the entire question of human rights. The Hon. Member is wrong. He either does not know the facts, or he does not want us to know the facts. I do not want to be called to order because I am using unparliamentary language, so I will try to be careful in what I say. He is just wrong.

People in the United States have not been put in jail, but the American law requires employers to perform. The American law calls upon employers to have objectives, not just theoretical objectives. It calls upon them to have numerical goals and to report on how they meet them. I know the Hon. Member for York East and the Government do not like that, and I know Canadian employers have expressed opposition to it. It has worked in the United States and the National Association of Manufacturers has said that it likes it. There is an ongoing debate in the United States which now has the most pro-