

Public Service

The motion of the hon. member for Grenville-Carleton reads as follows:

That, in the opinion of this House, the government should introduce amendments to the Public Service Employment Act, the Public Service Staff Relations Act and the Canada Labour Code to ensure that all the provisions of the Canada Labour Code relating to fair employment practices will apply to the public service of Canada.

The hon. member is referring, I submit, primarily to part I of the Canada Labour Code, which is that part of the statute that deals specifically with fair employment practices. He has, of course, also referred to other parts of the act to which I shall briefly make reference. However, at the moment I should like to review the existing fair employment practices that are in fact now available to all public servants through the provisions of the Public Service Employment Act, the Public Service Staff Relations Act, and the board and commission set up under those acts to see that the acts are fairly and justly administered in the interests of all public servants across this country.

In addition to the acts I have mentioned, there is an order in council dated November 9, 1972. The intent of this Order in Council was to remove any vestiges of discrimination which might have theretofore existed with respect to employment practices within the public service. The order in council, P.C. 1972-2569, reads as follows:

His Excellency, the Governor General in Council on the recommendation of the President of the Treasury Board and the Secretary of State, pursuant to paragraph 5(f) of the Public Service Employment Act, is pleased hereby to assign to the Public Service Commission, the duty to investigate any complaint of alleged discrimination on the grounds of sex, race, national origin, colour or religion in respect of the application or operation of the act.

The order in council to which I have referred, together with the Public Service Employment Act and the Public Service Staff Relations Act, indeed provide to the public servants of Canada and ensures to them fair and just hiring practices; and, after hiring, fair and just labour relations practices that are as good or better than those applicable to any other public service in North America.

Having said that, I believe, as the hon. member for Grenville-Carleton has said, that no system is perfect, that we must strive to find perfection. We must continually scrutinize all our legislation to ensure it meets the needs of a rapidly changing society.

As a matter of fact, Mr. Speaker, today there was a release by the Public Service of Canada with respect to that specific order in council. The release stated that the Public Service Commission of Canada had recently been authorized to investigate complaints of alleged discrimination on the grounds of sex, race, national origin, colour or religion in respect of the application of the Public Service Employment Act. The public service of Canada is not covered by the Fair Employment Practices Act administered by the Department of Labour, and consequently the commission was assigned to this duty by the order in council which stipulates that the commission shall perform such other duties and functions with reference to the public service as are assigned to it by the Governor in Council.

The Public Service Commission has in fact established an investigation branch to carry out these responsibilities. The branch is autonomous and its officers will carry out

[Mr. Poulin.]

their investigations wherever and however they consider necessary. The investigation branch will not, however, process complaints received from personnel employed within the Public Service Commission itself; such complaints will be investigated and dealt with by investigators from outside the commission who will act independently.

The responsibilities of the appeal branch of the commission remain the same and will not be replaced by those of the investigation branch. Where a person alleges that his or her failure to be selected for promotion, or that the decision to have him or her released or demoted, was due to discrimination and this person has the right of appeal under section 31 of the Public Service Employment Act, an appeal should be filed with the commission's appeal branch.

The appeal board established to conduct inquiries into such allegations will be able to call upon the investigation branch to investigate and report upon the matter. Upon receipt of the report of the investigation branch, the appeal board will render its decision on the basis of all the evidence available. Inquiries or complaints concerning the announcement that was made today may be addressed to the investigation branch of the Public Service Commission here in Ottawa.

This indeed provides additional investigatory powers so that those items of discrimination which might be termed unfair labour practices can be investigated by a body that has no allegiance to the employer or the employee, thereby ensuring that discrimination, or any act that may appear to be discrimination, is examined and the proper remedy applied.

It is a recognized fact that the passage of the Public Service Staff Relations Act and the Public Service Employment Act in 1967 was a major step forward in the general field of hiring practices and labour relations with respect to public servants in Canada. Indeed, it has been recognized and examined as a model to be followed by many other countries who have sent delegations to Canada to examine the workings of these two acts. This legislation has attracted international attention, and it is my understanding that the delegates who have examined the operation of these acts in Canada have in almost all cases commented favourably upon them as being bold, imaginative and progressive legislation.

However, the Prime Minister (Mr. Trudeau) recognized, as he stated on October 21, 1972, that during the five years since these acts were passed much valuable experience has been obtained in a relatively short period of time. The Prime Minister (Mr. Trudeau) stated:

• (1730)

In the light of that experience, many comments have been made about the strength and the weaknesses of the present system.

He went on to assure the public servants of this country that the government is prepared at all times to reconsider any legislation on the basis of experience.

I would like now to briefly examine the existing legislation I have referred to from the point of view of the objectives of that legislation and the manner in which those objectives are implemented on a day to day basis by the commission or the board set up under the respective