

*Motions*

Government, and to the present Minister of Justice (Mr. Crosbie), and I want to pay tribute to the Minister of Justice whose initiative led to the release of a discussion paper on *Equality Issues in Federal Law* and subsequently to the appointment of a parliamentary task force on equality rights.

The task force undertook its task boldly and aggressively. It knew, as we all knew, that while the Canadian Charter of Rights and Freedoms had raised Canadian expectations to a new high, it was the assurance of equality and non-discrimination as referred to in Section 15 which would touch all of us at home and in the workplace. It was to open the door to anyone and to help others less fortunate to take advantage of their potential.

As the task force travelled across the country to hear from Canadians on the issues raised in the discussion papers as well as on other issues, it took a broad and generous view of Section 15. It had no inhibitions in its approach to the subject of equality. Those persons appearing before it did not care as to jurisdictions or the niceties of language. This was their forum, and the task force responded in the 1985 recommendation report entitled *Equality for All*.

Section 15 in fact provides for guarantees; equality before the law, equality under the law, equal protection of the law and equal benefit of the law. The Government has interpreted this to mean that inequality can be found not only on the face of the law but also in the way the law is administered. The Government recognized in its early discussion paper that the provisions of the Charter might be breached by systematic or adverse impact discrimination. Seemingly neutral laws which have an adverse impact on individuals because of their race, sex or religion, for example, have been found by the courts and the Canadian Human Rights Commission as well as the Ontario Human Rights code, to be contrary to the provisions of Section 15 of the Charter of Rights.

There appears to be no doubt either that while Section 15 expressly enumerates certain prohibitive grounds of discrimination; race, national or ethnic origin, and so on, other non-enumerated grounds worthy of constitutional protection would also come within provisions of this section. Thus it was that sexual orientation, marital and family status, were referred to in the Department's discussion paper and addressed by the parliamentary task force.

At the time of the constitutional debate there were those in the country and in this Parliament who felt that the incorporation of the Charter of Rights and Freedoms into our Constitution would give the courts too much power and authority. The task force emphasized the flexibility of Parliament and pointed out that this was the preferred means of dealing with inequality and discrimination.

It is this open and progressive attitude of the Government which has defined its approach to equality for all. The Government cannot and does not approach equality issues on the basis of doing the legal minimum. Instead, it has addressed these issues in the context of policies on equality and social justice.

One area in which it is clear the Government has dealt with equality issues as part of larger policies on equality and social justice involves disabilities. The Government is moving on a number of fronts to ensure that persons with mental and physical disabilities can participate fully and equally in Canadian society, that they can participate and make contributions to the economic as well as social goodwill of our peoples. The Government has announced that Canada will participate in the United Nations decade of disabled persons, and Canada has adopted the world program of action concerning disabled persons. In doing so, the Government has recognized that respect for the dignity of individuals with disabilities means that they must be afforded equal opportunities. The Government has also recognized the loss to the Canadian economy when the full potential and abilities of persons with disabilities are not utilized.

**Ms. Copps:** I hate to interrupt the Hon. Member for St. Catharines (Mr. Reid) because I believe he has raised a number of good points. I would like to ask the Speaker, given that there are a number of Hon. Members, including the Hon. Member for York (Mr. Kaplan) and myself, who are most interested in this issue, and given that there are only a couple of minutes left in the sitting today, I wonder if we could have the unanimous consent of the House to continue the debate for one more hour so that we might explore these issues? It is a very important issue.

**Mr. Hnatyshyn:** Mr. Speaker, I appreciate the suggestion made by the Hon. Member but I am afraid I cannot give unanimous consent.

**Mr. Deputy Speaker:** The Hon. member for St. Catharines (Mr. Reid) has the floor for debate.

**Mr. Reid:** Thank you, Mr. Speaker. I was hoping that unanimous consent of the House could be given to me to finish this very well prepared speech.

As part of the broad concern with improving opportunities for disabled persons, a parliamentary Subcommittee on the Disabled and the Handicapped was established last year. This committee will provide a continuing and public forum for issues relating to disabled persons. That will be another influential voice in the development of programs and policies affecting disabled persons.

Last December, the Secretary of State (Mr. Bouchard) announced new resources for improving the status of disabled persons. The Government has said that so far as it is concerned, persons with mental retardation or impairment, learning disabilities and mental disorders are, and must be, protected from discrimination. In this connection, I note that the Treasury Board of the Government, as the employer for the Public Service, has revised its definition of disability to reflect this very comprehensive approach in its affirmative action policy and programs.

The Government as well has launched several other initiatives. For instance, last year the Treasury Board directed that