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## PUBLIC SERVICE MODERNIZATION BILL

Third Reading of Bill C-25

Speech by:

The Honourable Vivienne Poy

Tuesday, September 23, 2003

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#### THIRD READING—DEBATE ADJOURNED

**Hon. Vivienne Poy:** Honourable senators, I am very happy to speak to the third reading of Bill C-25, to modernize employment and labour relations in the public service. I congratulate everyone who has worked so hard on this bill. Over the years, there have been many attempts to reform and modernize the public service, but this legislation is the most comprehensive effort so far.

This bill has the potential to fulfil the commitment of the Liberal government in the 2001 Throne Speech to ensure that the public service is innovative, dynamic and reflective of the diversity of the country, as well as attracting and developing the talent needed to serve Canadians in the 21st century.

• (1700)

As the largest employer in the country, the federal public service has a significant role to play in shaping Canada's future. In order to serve the Canadian public, our public service needs to reflect the diversity of the society that it is mandated to serve. It should contribute to the cohesiveness of Canada by reflecting the diversity embodied in the three pillars of Canadian society — linguistic duality, recognition of Aboriginal peoples' rights, and multiculturalism. In addition, it needs to draw on the representation from the different regions of Canada. Finding the balance in reflecting and upholding these ideals remains the ongoing challenge of the federal public service.

The importance of a diverse public service grows in significance when we consider that immigration has transformed the face of Canada, as reflected in the 2001 census, in which Canada emerged as one of the most multicultural countries in the world, where more than 100 languages are spoken and more than 100 religions are represented. Underlying the Canadian understanding of multiculturalism is the concept of shared citizenship where our differences enrich rather than threaten our national identity.

According to HRDC studies, diversity is not only our current reality but also our future, because all of Canada's net labour growth will be accounted for by immigrants by the year 2011. As such, the public service needs to work towards fulfilling the government's responsibility to achieve workplace equity as explicitly laid out in Canada's Employment Equity Act of 1995. While progress has been made with respect to the hiring of women, Aboriginals and persons with disabilities, there remains a significant underrepresentation with respect to visible minorities. For example, according to the most recent statistics, only 3.8 per cent of executives in the public service are members of a visible minority, compared to the representation of 13.4 per cent in the general population. As a result of this slow progress, the Task Force on the Participation of Visible Minorities in the Federal Public Service was established. Three years ago, that task force produced a report entitled "Embracing Change in the Federal Public Service."

That report laid out an action plan with benchmarks for the percentage of new hires to be made up of visible minority employees within the next three to five years. Considering that

47 per cent of the public service workforce will retire in the next 10 years, and that by 2010 more than one half of the population of our major urban centres will be first-generation immigrants, this report comes at an optimal time. Immigrants and visible minorities are key components of the ongoing process of public service renewal.

There is no suggestion in the above that quotas should be applied nor that those with lesser qualifications should be hired. After all, the goal of increasing diversity is ensuring excellence in the delivery of services by increasing creativity and productivity through the widening of perspectives and by reflecting our diverse country. Instead, benchmarks provide for the hiring of a portion of the population that may be better educated than the non-immigrant population against which it is competing.

Consider that, in the year 2000, 58 per cent of working-age immigrants had a post-secondary degree at landing, compared to 43 per cent of the existing Canadian population. Therefore, benchmarks encourage the positive use of human resources that are, at present, not being fully utilized, with a great loss to Canada's productivity.

Since the task force report, there have been some very positive results. For example, since April 2000, the number of visible minorities in the public service has increased by 3,000, representing an increase of just under 40 per cent. As a result, as of March 2002, 6.8 per cent of positions were filled by visible minorities. Honourable senators will realize from those figures that we still have a long way to go towards adequate representation.

How does Bill C-25 address the need for diversity in the public service? I believe it sets the stage to further the transformation of the composition of the public service and its corporate culture. I note that the preamble to Part III makes a commitment towards the public service being representative of Canada's diversity and that several references indicate that employment equity legislation may be taken into account in hiring. These inclusions suggest that the legislation places some importance on diversity.

Bill C-25 also contains a more effective means of managing labour relations through the established of the public service labour relations board, which will provide mediation services. The new room for flexibility in hiring provided by deputy heads also bodes well for achieving the goals of employment equity because managers will be required to meet the goals laid out in the Employment Equity Act and in Bill C-25.

In addition, the Canadian Human Rights Commission and the Public Service Commission will have important independent roles in monitoring and evaluating progress to ensure diversity and equity in the public service. Therefore, diversity will be integrated into departmental human resources and business planning, and departments will be held accountable.

However, the overseeing of compliance to both the Employment Equity Act and Bill C-25 will be dependent on providing adequate resources to the independent commissions. It is also imperative that

appointments to the Public Service Commission, with its importance in shaping the future public service, be representative of the population of Canada. The provision for part-time commissioners affords an ideal opportunity for expanding the representativeness of the commission.

In reference to what Senators Day, Murray and Gauthier said a little while ago, I should like to suggest one way of ensuring that Bill C-25 lives up to its promise. Five years from now, there will be a parliamentary review of this proposed legislation; however, no

committee is equipped to consider how it has impacted diversity in the public service. The Senate could establish a standing committee on diversity and equity that would examine these issues in the public service as well as in the broader Canadian society. I think, given that immigrants are Canada's future and that there are many unresolved issues, such as the integration of immigrants into the workforce, long-term human resource management, accreditation and the recognition of foreign credentials, it is imperative that such a committee be established.

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