

Suggested Changes In The Law By The P.E.I.C.L.A.

The following consists of excerpts from a brief by the P.E.I. Civil Liberties Association to the Executive Council of P.E.I.

Mr. Premier, despite the fact that not all our suggestions have been acted upon, we feel it vital to keep this communications link open. In the past year our staff has dealt with over 100 cases, many of which could be better handled by government, i.e. discrimination, Landlord-Tenant issues, family court issues, and just general bureaucratic inefficiency. Therefore we make the following recommendations:

International Women's Year

Over two years ago, the final report of the Status on Women Commission was submitted but little of it has been acted upon, including some self-evidently discriminatory legislation. While we applaud the creation of a new Advisory Council, we feel that much could have been done already.

Women should immediately be guaranteed equal pay for equal work through amendments to the Human Rights Act and maternity leave with guaranteed reinstatement. Government must also act to ensure sufficient day-care centres. Further no child should be defined as legitimate because this implies that others are not.

The Human Rights Act of PEI

Discrimination on the basis of age, sex, or political affiliation is not sufficiently kept in check. We support the Premier's statement that discrimination on the basis of sex will be prohibited under this act but feel that work is needed in the areas of age and political affiliation. Forty-five year olds who cannot find a job and twenty year olds who cannot find housing also need protection. Further we feel that considerable political patronage still exists and must be abolished. As well our Association is concerned with discrimination because of sexual orientation or physical and mental handicaps.

The establishment of a Human Rights Commission would help ensure that this act would not be abrogated. As well as investigational powers it should also be enabled to conduct research and propaganda campaigns against discrimination.

The Need for an Ombudsman

We feel, as do many pro-

vincial governments that an Ombudsman is essential to ensure civil rights are protected. This person should have the following powers to investigate complaints against government bodies, to protect the citizen's rights when he/she is dealing with government departments, to investigate, with the consent of the injured person any alleged government act (or failure to act), to educate people about the duties of an Ombudsman. This person should be appointed by the provincial legislature and removed only by a two-thirds vote of that body.

Senior Citizens

We feel that the Housing Programme is detrimental to the interests, not only of senior citizens, but also of the entire province, as it isolates an integral part of our society. Therefore we recommend the following changes: that the government 1) arrange for subsidization of private housing for senior citizens; 2) arrange for necessary health services; 3) encourage more awareness of the role of senior citizens in our society; 4) change the Manor Programme to enable senior citizens to share rooms with friends, not total strangers.

The Mental Health Act

The PEICLA is concerned that this act is too vague as to what is "dangerous behavior" or "a place for medical examination" or the difference between "incompetent patient" and "involuntary patient". These terms should be well-defined. Further the Act provides for involuntary detainment of any person of up to one month without due process. Therefore we feel that a commission should be established to investigate the Act, its ramifications, and the general state of Mental Health Hospitals on PEI.

Landlord-Tenant Act

The PEICLA feels that this Act does not sufficiently protect tenants against arbitrary rent increases or summary eviction. Therefore it should be changed and a rental ombudsman appointed to ensure the changes work.

Justice and the Citizen

We feel that a family court should be established to keep family problems from getting worse as a result of our present adversary system.

At present the public defender system enables the poor to obtain free legal assistance in criminal cases

but in civil cases the poor have no recourse. Therefore we urge the establishment of a more complete system of judicare.

Court delays are becoming increasingly frequent on PEI, removing cases from their context and reducing the effectiveness of the judicial system. We hope such delays will be reduced in future.

Police and the Community

We would like to see as the Grosman Report suggests, the establishment of a police commission to investigate the arbitrary use of police powers against the citizen. This would ensure the proper operation of our police forces. However we suggest that the Grosman proposal be expanded to include RCMP as well as municipal and provincial forces. No member of any police force should be on this commission.

The Dog Act

We commend the Act's compulsory licensing of dogs to protect livestock but feel that the arbitrary powers enabling officers to enter premises without a warrant are an invasion of civil liberties. Further we feel that an SPCA official should be appointed to investigate complaints and take responsibility for destroying dogs. And, on humanitarian grounds, if a licenced animal is killed the owner should be notified. The danger to livestock, while serious, is not sufficient excuse for the abrogation of hard-won civil rights.

Education

We commend the government for its promise to make all school board position elective but also feel that board meetings should be open to the public.

Civil Service Selection Procedures

Apparently Ministers and senior civil servants have the power to select which candidate of the top five gets the job. Such powers can lead to patronage and inferior civil servants. Thus, this practice should be abolished. Further jobs are frequently advertised which have already been promised to someone or for which somebody has already been trained. Both of these practices should be abolished.

Information Distribution

We recommend that: the Acts of PEI be consolidated and made available free to anyone who wants them; that legislative proceedings be tabulated and published daily and that they be broadcast on TV and radio; that all Ministers of the crown be required to declare all business involved and those of their spouse; that in his annual report the attorney general divulge the number of wiretaps and the rationale behind them.

The PEICLA has office hours at the Basilica Recreation Centre from 8:30 - 5:00 weekdays. Anyone with complaints or inquiries is welcome to come.

