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## Yukon Advisory Council

December 2, 1980

Special Joint Committee of the Senate  
& House of Commons  
On the Constitution  
Parliament Buildings  
Ottawa, Ontario  
K1A 0A7

Attention: Hon. Harry Hays  
Serge Joyal

The Yukon Advisory Council on the Alaska gas pipeline would like to raise the issue of mobility as it relates to preferential local hire practises.

We agree that, as stated, in Section 6(2) "Every citizen of Canada.....has the right a) to move to and take up residence in any province.  
b) to pursue the gaining of a livelihood in any province.

However, we wish to raise questions on the meaning of Section 6(2). Does this section apply under Section 27 to the Yukon Territory? If the above wording is entrenched does it then preclude any program which would allow for the hiring of local people before non-residents.

We are, of course, specifically concerned with potential employment opportunities for Yukoners on the proposed Alaska gas pipeline. We do not advocate the principle of exclusionary hiring which would exclude any person but Yukoners from employment.

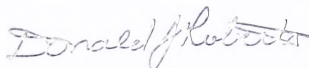
If, in fact, one is allowed to give preferential hiring of Yukoners how would one be allowed to define a Yukoner? Section 6(3) (a) states that discrimination on the basis of residency will not be allowed. Could one then define a Yukoner not as an individual with a Yukon address but as one who holds a valid Yukon medicare card?

We would like to draw your attention to Section 15(2) which, although vaguely worded, allows for affirmative action programs. Could a preferential hire Yukon program for the gas pipeline be classified as a form of affirmative action? If so, then the wording of this section must state clearly that this specific program would be permitted under the charter. If it was not clearly stated then there could be a lengthy struggle to have it declared an acceptable affirmative action program.

We obviously do not have the expertise to suggest wording changes in the proposed Charter of Rights. We do however represent Yukoners and feel a responsibility to draw your attention to the concerns of Yukoners who have a need for preferential hiring programs on the building of the gas pipeline. We ask you to ensure that these programs be allowed under any entrenched Charter of Rights.

Thank you for your consideration.

Yours truly  
Chairman



Don Roberts  
Yukon Advisory Council

c.c. Hon. Senator Paul Lucier  
Hon. Chris Pearson