

under consideration. We urge the involvement of all of the parties to collective bargaining in planning the Bureau's research program and utilizing data procured in its surveys.

The Pay Research Bureau, including the Bureau's Advisory Committee which assists it in planning its programs and reporting priorities, is a very important part of the communication system established by the employer and bargaining agents in the Public Service and can play a most important role in reducing the areas of difference. We support the strengthening of the Advisory Committee and greater utilization of it by the parties.

These positive attributes of employer-employee relations in the Public Service, which reduce rather than increase tensions, have not been emphasized as much as they should have been. We urge the Public Service Staff Relations Board to use its influence and its prestige both to publicize what has been accomplished and to encourage and develop better systems of communication amongst the parties with a view to blunting the sharper edges of the adversary relationship wherever possible.

If this approach were to be taken, we believe some of the posturing which has characterized both initial demands and counter-offers — posturing which tends to mislead both employees and the public — might be reduced and bargaining in good faith facilitated. If more attention were paid and more acceptance given to the data of the Pay Research Bureau, similar improvements could be made. Accordingly, we recommend

49. *That the purpose of the Pay Research Bureau continue to be that of supporting the collective bargaining process, to assist in the resolution of employer-employee disputes in the Public Service of Canada, and where appropriate to provide data to assist the collective bargaining process generally in the public sector.*

50. *That the independent character of the Pay Research Bureau which has always been operationally independent of the government, the employer and the bargaining agents in the Public Service of Canada, continue to be maintained under the administrative control of the Public Service Staff Relations Board.*

51. *That the Advisory Committee on Pay Research established to assist the Pay Research Bureau in the determination of program priorities and methods continue in this role and that the Board encourage the involvement of all Public Service bargaining agents and all Public Service employers in the work of the Committee with a view to widening the support which the Bureau provides to the collective bargaining process.*

52. *That the Pay Research Bureau's activities, methodology and information receive greater publicity so that its value and importance may receive wider recognition from employees in the Public Service of Canada as well as from the general public, thereby influencing the collective bargaining process and assisting in the resolution of employer-employee disputes.*

53. *That wherever possible and without detracting from its primary purpose, the Pay Research Bureau be*

*encouraged to make available its reports for public distribution.*

54. *That the Pay Research Bureau be empowered to co-operate with similar agencies in other jurisdictions in Canada towards the most efficient and effective gathering, presentation and distribution of employment data. (This recommendation recognizes the necessity of close collaboration with other jurisdictions to ensure that mutual needs are met, methodologies are aligned and that the cost of expanded activities and/or additional resources are recoverable or payable. The Committee is hopeful that such expanded activity could take place over time if in fact this is what governments, employers and bargaining agents desire).*

55. *That, in order to achieve the aim of the above recommendations, the Public Service Staff Relations Act provide for a Pay Research Bureau, subject to the direction and regulation of the Public Service Staff Relations Board, to collect, analyze, present and make available data relating to terms and conditions of employment and related matters in public and private employment.*

56. *That, recognizing the complexity of the issues faced by the Public Service Staff Relations Board in the discharge of its responsibilities including the rendering of arbitration awards within the terms of reference established by Section 68 of the Public Service Staff Relations Act, the Public Service Staff Relations Board be encouraged to undertake to improve the arbitration process.*

#### MANAGERIAL AND CONFIDENTIAL EXCLUSIONS

This is an issue upon which there was division between the representatives of the employer and of the employee associations. Your Committee heard two main opposing arguments:

(a) That many exclusions were unnecessary and designed to reduce the strength of bargaining agents; and

(b) That the employer's capacity to manage the service efficiently was seriously compromised by the restricted size of its "management team".

Your Committee believes that if collective bargaining is to work it is essential that each side in the relationship have proper representation, and that the law and its administrators must ensure that individuals are not caught in circumstances which generate significant conflicts of interest.

Your Committee concludes that persons exercising effective control over employees, especially in relation to other persons who are members of a bargaining unit, should be properly identified as management and should be excluded from bargaining units and from membership in unions which represent employees as bargaining agents.

Your Committee, to give expression to its conclusions with respect to the central issue of where, in the widely varied operational environments of the Public Service, the line between "employee" and "management" should be drawn, recommends: