

Air Traffic Controllers

making a ruling, and then within the framework of the law, which we accept, the AIB could still decide on the arbitrator's recommendation. Therefore I ask the Minister of Labour in all seriousness, what does he have against this amendment, which is fully consistent with past back to work legislation and fully consistent with the spirit and law of the anti-inflation controls program?

Mr. Munro (Hamilton East): Mr. Chairman, I think the hon. member for Oshawa-Whitby indicated, when I told him that this legislation was based on the unanimous report of a conciliation board, that he thought it most unusual that there had not been legislation in this House which had followed that type of procedure, but rather that we had always appointed an arbitrator.

Mr. Broadbent: No.

Mr. Munro (Hamilton East): Well, that is the way I took his remarks and that is the way my colleagues understood them.

Mr. Broadbent: That is not right.

Mr. Munro (Hamilton East): He certainly mentioned that we usually go by way of an arbitrator. Many members around me heard him say that, but we will check the blues. At any rate, I just want to indicate what has been done before. As I said in my opening remarks, with respect to the grain handlers dispute some time ago a single commissioner was appointed, which in terms of procedure is analogous to a conciliation board. He came in with a report and we based our legislation in that dispute, ordering the men back to work, on his recommendations.

Mr. Fraser: No one commended you for that.

Mr. Munro (Hamilton East): I may be wrong; I think the NDP voted for it but I do not think the Conservative party did. That was the Parry recommendations.

Judge Gold was appointed an independent conciliation commissioner in the longshoremen's dispute three years ago. He made recommendations and the legislation was based on those recommendations.

The last item is the legislation which I myself brought in to end the lockout at Halifax. I placed a proposal before the parties which the union had accepted and the company had not. So there has been a variation. We brought in the unanimous report of the conciliation board, and at times when there was no board we brought in the report of an independent commissioner.

I repeat, what we are now doing is bringing in legislation based on the unanimous recommendation of the conciliation board report—

Mr. Fraser: Which excluded the point at issue.

Mr. Broadbent: It deals with the reclassification issue.

[Mr. Broadbent.]

Mr. Munro (Hamilton East): No, it did not. The hon. member indicated in his remarks that everything was agreed upon up to 100 per cent. Does the hon. member for Oshawa-Whitby agree that he did say up to 100 per cent?

Mr. Broadbent: In terms of the reclassification item.

Mr. Munro (Hamilton East): That is not my information. There were in excess of 100 positions concerning which the parties were still trying to arrive at some agreement. That is certainly not subject to arbitration. He knows it and we know it. That is just one of the inaccuracies which we have perceived in what the hon. member talked about. So it is not 100 per cent.

Mr. Broadbent: It is 97.

Mr. Munro (Hamilton East): Well, in excess of 100 positions were still subject to discussions between the parties.

Mr. Broadbent: May I deal with a couple of points which the minister brought up, Mr. Chairman. I think he misunderstood the point I made about an arbitrator being placed at the heart, in a sense, of back to work legislation, given, if you will excuse the word, a Liberal framework within which to work. I am saying that that is totally absent in this legislation. There is a ceiling and the ceiling is the government's own proposal. That is no framework.

The minister referred to the grain handlers dispute and said that the conciliation board was one which consisted of a single commissioner who touched on all the issues and proposed a total package.

Mr. Fraser: That was his argument then.

Mr. Broadbent: Yes, but that is not the argument that I am making. It is true that there was a comprehensive report but there were two important differences in the argument that I am making. First of all, the degree of comprehension is totally absent from the report of the conciliation board which pertained to CATCA; that conciliation board did not deal with the issue at the heart of the dispute, namely, reclassification. In that sense it is irrelevant. My second point is that, if I recall correctly, in the grain handlers dispute there was an arbitrator appointed to pass judgment on the details of the proposal or, if there was not that, on a settlement which was not at the level recommended by the employer. That is exactly what is being done in this case.

Mr. Munro (Hamilton East): I did not say that Judge Gold who was appointed in the longshoremen's dispute was an arbitrator. I said he was a conciliation commissioner. Under the Canada Labour Code there is an option to appoint a conciliation commissioner. If the parties prefer a single person rather than a board, you can appoint a single commissioner. He was a conciliation commissioner, not an arbitrator.

Mr. Broadbent: But he dealt with all the issues.