

*Public Service*

● (1550)

The chairman, vice-chairman and deputy chairmen should hold office during good behaviour for a specified period not exceeding ten years and should be eligible for reappointment.

That particular phrase was left out. We will be asking in committee for the reason it was dropped and whether a simple amendment could effect its inclusion in the bill. Staying with section 11 which deals with the appointment of the members to this proposed new permanent board, there is further ambiguity or what appears to have the capability of being ambiguously interpreted. This is in the format, make-up or constitution of the members of the board. The committee expressed very real concern that all sides of the spectrum be represented and that the representation be of a tripartite nature.

We recommended that notwithstanding the fact that the distinguished professor, Mr. Finkelman, accepts that for the time being we would not want, philosophically, to be tied to it for all time. The members of the committee seemed to feel that for the transitional period of the next seven or eight years good relationships between employee and employer would be better served if the administrative board under the basic, primary and major piece of legislation governing relationships with employer and employee represented all points of view; and not only that it should represent all points of view but that publicly it should be seen to achieve that end.

The legislation is a little ambiguous. At page 2, subsection (3) of section 11, the marginal note reads "Appointments to be made from names on list prepared by chairman". I will quote from this subsection because I think it is important to put it in context:

Whenever the governor in council intends to appoint a member other than the chairman, the vice-chairman or a deputy chairman, the appointment shall be made from among eligible persons whose names are included in a list, prepared by the chairman after consultation with the employer and the bargaining agents, in which the chairman shall include

(a) the names of any eligible persons recommended to the chairman by the employer or by a bargaining agent—

That wording leaves me with the impression that the governor in council can accept from the chairman names from either list, whereas it was the clear intention of the committee that the chairman would prepare his list from all the lists submitted to him. At the very outset I think it is important to achieve all the things which will lead the employee to believe firmly that the government intends to provide legislation which meaningfully represents its intention to negotiate and bargain in good faith, and that it will have a board to interpret and administer the legislation which will be above criticism in respect of the way in which it is constituted. I think it is important that attention be drawn to that point.

We are pleased to note in the bill the fairly concise and clear separation of the arbitration process from the conciliation or the adjudication process. Here, again, there was a very real danger that in recommending any course of action to the House we would find ourselves caught up in a possible conflict of interest situation. At first reading, the pertinent clauses dealing with the establishment of the arbitration panel seem to satisfy the apparent separation of these basic functions.

[Mr. Forrestall.]

I will speak very briefly about the new dimension the government House leader alluded to in his opening comments. I refer to the provision which goes somewhat beyond the recommendations of the committee. It appears on page 6. In very clear and definitive words, the bill authorizes the chairman of the Public Service Staff Relations Board to go outside this new, permanent structure for the purpose of finding an arbitrator in a particular case. If the government House leader intends this provision to facilitate the work of the board in cleaning up the backlog of cases and maintaining a caught-up situation, that is acceptable. However, it would be more acceptable if this provision were removed from the bill unless, for the purposes of dealing with a specific public interest dispute, in the opinion of the government it is in the best interests of the country.

I serve notice that that proposition will have to be reconsidered very closely in committee. In the absence of a clear explanation with respect to it, we will let it ride only with the understanding that it will be scrutinized very closely in committee. I am not satisfied that it is in the best interests of the country nor in the best interests of the employee to have authority as broad as that built into legislation of this nature. My recollection is that this question did not come before the joint committee in regard to employer-employee relations. The government House leader has now been kind enough to indicate that Mr. Finkelman suggested this is an improvement over what the committee recommended to the House. I gather the minister was implying that this is an extension Mr. Finkelman would accept and that he would welcome.

I find it very strange that the matter did not come up during our deliberations in recent months. In this connection I can recall quite the opposite. I can recall very clear instances when the professional employee associations expressed some fear about legislation which might extend to the board the authority to proceed in a manner which did not have their fullest understanding. In other words, earlier in our proceedings there was an undercurrent of fear about the size and structure of the board and the great dangers which lie in a permanent board with virtually unlimited authority and power under the legislation.

● (1600)

The evidence presented to us seemed to indicate that we should approach the structure, power and authority of the board with great caution and concern. We became somewhat enlightened and tended to view it in a slightly different way, but I can recall no evidence to indicate an extension of the authority and power of the board to go outside the existing structure in order to find an arbitrator who would, in effect, act in place of the board. As I understand the bill, it is the responsibility of the board to set up panels. Now we are talking about a new concept and I hope we approach it in committee with caution. I hope, too, that we get a more complete explanation there.

There is no reason why this matter cannot be tidied up very quickly, Mr. Speaker. Its urgency has clearly been impressed upon the joint committee and the report has enjoyed unanimous support with the exception of two or three things that we can see immediately—the omission of a provision for the reappointment to the board of officers, the chairman, vice-chairman and deputy chairmen, for