

certain important exceptions, these employees too have the right to strike, as do employees governed by federal and provincial labour laws in the private sector who provide services which may be considered essential by the public. It is therefore to be assumed that a large proportion of the work-force engaged in providing services which affect the public interest in Canada supports the continuation of the right to a withdrawal of services.

Some who believe the right to strike in the Public Service of Canada should be withdrawn tend to disregard the achievements of the parties since 1967. Apart from the recent actions by certain union leaders, the Public Service unions which have been certified as bargaining agents under the Public Service Staff Relations Act deserve, with few exceptions, public appreciation on several counts.

They have overcome the inherent organizational fragmentation and geographical dispersion of their constituents and brought them together into stable and enduring national bargaining units for the purposes of collective bargaining.

They have written viable constitutions to govern their internal affairs which adopt and preserve within their organizations the democratic traditions of this country. Despite the immediate climate of the collective bargaining relationships and the tensions generated by disputes, their leaders have generally operated within the law and have endeavoured to restrain those who counselled otherwise. Public Service unions have brought to the negotiating table a respect for rational arguments, institutions and processes producing an approach to settlements good enough to merit study by many other jurisdictions.

There is a need to recognize and give credit as well to those who have represented the employer, both in achieving the structure of relationship which was recommended in the *Report of the Preparatory Committee on Collective Bargaining* and in maintaining day-to-day relationships in departments and agencies, where collective agreements are interpreted and administered.

Considering our terms of reference, the immediate requirements for change, the evidence of the interested parties and the record of collective bargaining in the Public Service of Canada, your Committee concludes that there is much merit in the system created by the legislation enacted in 1967. After all the evidence was heard and debated, Parliament added new dimensions to collective bargaining in Canada. In the future, the assumptions underlying collective bargaining may change but your Committee's mandate and direction focused on finding solutions to today's problems. Therefore, our purpose was to strengthen and improve the collective bargaining process in the Public Service of Canada wherever possible.

It is perhaps appropriate that your Committee's study should have been conducted during the course of the longest strike that has occurred since the collective bargaining in the Public Service became law. We have been obliged to consider very carefully whether Parliament in 1967, in its concern that public servants should not be deprived of rights granted to others, went too far. Experience over the

past eight years allows us to examine the consequences of granting the right to strike for the Public Service. Your Committee decided to determine where to draw the line between the rights of public servants and the rights of the public: at what point the public, through the Government and then Parliament, should be prepared to intervene in the collective bargaining process; and, if intervention is appropriate, whether it should be by a continuing statutory prohibition or by an ad hoc response to a particular situation.

Your Committee concluded that where the activities of the parties engaged in collective bargaining do not adversely affect the public interest, the collective bargaining process should be free to operate without government intervention. But when the public interest becomes adversely affected, Government and Parliament should be prepared to intervene.

The assumption upon which Parliament granted the right to strike in the Public Service of Canada in 1967 was that the safety and security of the public were assured. The exception to the right to strike for some "designated" employees made it possible for Parliament to grant that right to most public servants since their services were not essential to the safety or security of the public.

The requirement to ensure that services affecting the safety or security of the public be uninterrupted remains unquestioned. None of the bargaining agents appearing before the Committee disagreed with the concept of "designated employees"; that is, that certain persons performing duties relating to the safety or security of the public should be denied the right to strike.

Your Committee therefore concludes:

6. *That the general principle of collective bargaining law governing the Public Service of Canada is sound and the rights granted should not be withdrawn merely to overcome inconvenience.*

7. *That the bargaining agents, subject to the conditions of the statute and the recommendations to follow, continue to be able to choose arbitration or conciliation-strike, as the method of dispute resolution.*

8. *That there is a need for additional procedural and substantive amendments to the law governing the collective bargaining relationship, and more appropriate remedies for unlawful activity.*

With respect to the national economic or social impact of a strike by public servants, or indeed by any other group of employees, your Committee has no doubt that where the welfare of the community as a whole is concerned, the right to strike is not sacred and its suspension is the responsibility of the Government and Parliament or the appropriate Legislature.

The continued protection of the national economic or social interest can be provided by statute at the cost of a total denial of some rights now available to persons providing services to the public; or it can be protected by granting a statutory right to strike and imposing on Government and Parliament the responsibility of determining