

Civil Service Act

Some hon. Members: Agreed.

raised and I have come to the conclusion that since the amendment is in (c) it does not in any way cut down what is expressed in subclause (b) of clause 6. It does not in any way restrict it. It may be argued that it does not extend it—I will grant the hon. member that argument—but certainly it does not restrict it in any way. Whatever effect it has—I submit respectfully—it certainly does not restrict the effectiveness of the clause. The effect of the amendment is to enlarge and clarify and in no circumstances could it be construed as restricting the authority of the commission.

Amendment (Mr. Richard, Ottawa East) negatived: Yeas, 15; nays, 52.

The Chairman: I declare the amendment lost. Shall clause 6 carry?

Clause agreed to.

On clause 7—*Consultation with staff organizations.*

Mr. Richard (Ottawa East): Mr. Chairman, during the sittings of the committee one of the clauses that was discussed at great length and with regard to which there was most disagreement was clause 7. Even with the amendment submitted by the Minister of Finance as a last resort it is felt that this procedure is not sufficient, namely consultation. Therefore I wish to move the following amendment:

That clause 7 as amended by the special committee be struck out and the following substituted therefor:

7 (1) The commission, and such members of the public service as the Minister of Finance may designate, shall negotiate directly with representatives of appropriate organizations and associations of employees of the crown, with respect to pay and other terms and conditions of employment, at the request of such representatives, or wherever in the opinion of the commission or the Minister of Finance, as the case may be, such negotiation and consultation is necessary or desirable in the interests of the civil service or the government. Such direct negotiation and consultation shall be initiated by either the governor in council, its appointees, or the appropriate staff associations and organizations noted above.

(2) Where negotiation does not result in agreement, the matter under dispute shall be taken to an arbitration tribunal by either party.

(3) The results of such negotiation and/or arbitration shall be proclaimed by a suitable instrument, where necessary subject to the approval of parliament.

Mr. Chairman, it will be understood that this amendment is in substitution of the present clause 7.

The Acting Chairman (Mr. McCleave): Order. Mr. Richard (Ottawa East) moves that clause 7 as amended by the special committee be struck out and the following substituted therefor. Shall I dispense with the reading of the motion?

Mr. Peters: Mr. Chairman, this amendment, with which I agree, is the crux of this whole discussion and probably represents the major objection which is taken to the present bill. Clause 7 is in effect the argument, the disagreement and the basis of the whole bill. If the bill is accepted as it is, it will mean that civil servants will not have the right to know with whom they will negotiate for the purpose of reaching collective agreement. It will mean that they will not, in effect, have an agreement. They will still have to continue to follow the inefficient and ineffective means by way of indirect negotiations which have been available up to now. Obviously, if the government really wished to be progressive in its outlook this is the place where it would have given consideration to its employees. I do not disagree with the government's position in asking for a certain leeway in dealing with some of its top employees, though I violently disagree with the methods used in disposing of some of those employees. However, I think there is a level at which the government could ask for certain considerations beyond what is commonly known as a collective agreement.

I think the civil servants in Canada have now reached a stage where they have sufficient experience in negotiation to expect that a formal method of negotiating working conditions should be set up as a result of which the decisions reached could be expressed in a collective agreement. I see no reason why the government should be interested in inserting into the bill such a clause as this providing for indirect negotiations. We already have on the statute books the Industrial Relations and Disputes Investigation Act which sets forth a formal system of negotiation. Some of the civil servants, and I am thinking of those in one particular organization, believe that the existing act is satisfactory. They believe it is in keeping with their status—that they are white collar workers and do not want to negotiate and bargain. This is not true, however, of the majority of civil servants. It was pointed out by one of those organizations, the association of postal service employees in particular, that they wish to enjoy the full benefits of negotiation and operate directly under the Industrial Relations and Disputes Investigation Act. What the amendment means is that the employees themselves want the right to negotiate directly. They want the right to go to an impartial arbitration board. They want to end up with a contract which