

Air Traffic Control Dispute

had jurisdiction. The issue before this house and the issue, in my respectful submission, in respect of which the government has been totally wrong and which has undermined the total question of collective bargaining is whether or not the government as employer has a moral duty to accept the decision of a third party the same as any other employer in this country has. That is the issue.

Mr. Pickersgill: Mr. Speaker, may I ask the hon. gentleman a question. Does the hon. gentleman say that before this appointment was made the employees were equally bound to acceptance because in that case what he is saying is that Judge Robinson was an arbitrator and he certainly was not intended to be such.

Mr. Lewis: Mr. Speaker, the hon. Minister of Transport (Mr. Pickersgill) and I have been friends for years, but it is not necessary for him to point out to me elementary things. I know the difference between a commissioner, an arbitrator and a mediator. I know the hon. minister likes to jump up and make interruptions, but I may say that I know the differences in these things as well as he does. I say to him that the whole philosophy under any kind of collective bargaining by law lies in the proposition that when the two parties cannot agree, a neutral party is introduced to look into the matter and make recommendations. The whole concept of industrial peace rests on the proposition that management and labour ought to be prepared to accept the judgment of a third party. This does not mean that they must accept it if the third party is not an arbitrator. It does, however, say this: that if the government which administers the labour laws generally is to have the respect of those in the private sector of the economy, and if the government which administers the labour laws ever is to have any hope that a management or union in the private sector will in fact accept the recommendation of a third party it, as an employer, has a moral duty to accept that recommendation when it is brought down. That is the principle involved.

Mr. Pickersgill: May I ask a question, Mr. Speaker? Does the hon. member consider that this exercise was collective bargaining and, if it was, why do we have three bills before parliament now to give these civil servants the right to bargain collectively?

Mr. Lewis: What the Minister of Transport is saying in the course of a question expresses his and his government's attitude much better

than I could. What he is saying, as a matter of fact, is that the air control people do not have the right to collective bargaining and that he in his great, magnanimous generosity sat down at the table with them not because they have any rights but because he wished to be generous with them—only they have to do what they are told. That is precisely the implication in the minister's remarks.

The Minister of Transport and the Minister without Portfolio (Mr. Turner) raised the question of whether Judge Robinson had the jurisdiction to deal with this matter. If they will look at this report, which I am sure they have studied much more carefully than I because I saw it for the first time only a little while ago, they will find that this very issue concerning whether or not the judge had the jurisdiction was raised by Mr. Love, I believe, the representative of the Treasury Board. The judge considered his responsibilities and his terms of reference. He looked over the material and came to a decision. Is the employer in this case entitled to say that he will not accept a decision of the judge who has adjudicated this matter?

Mr. Benson: Would the hon. member permit a question. He has had long experience in labour negotiations and he has my respect in that regard. Would he not admit that there are all sorts of third party appointments where the principle is agreed upon by the two parties but where one party or the other, or both parties, do not accept the findings.

Mr. Lewis: This is the kind of difficulty in which we are. Let me go back to the point I was making, and then I will come back to the question. As I say, it is not for the government, in this situation where it is an employer, to refuse to accept a decision of the judge on the very point of jurisdiction. He considered it. He adjudicated on it and they are stuck with it. When it comes to the question of who should be appointed, I am instructed by representatives of the association—

Mr. Pickersgill: Did the hon. gentleman say he was instructed?

Mr. Lewis: Informed, I beg your pardon; I was informed. I have the information on a piece of paper if the hon. Minister of Transport wishes to see it. I am informed by the air control association people that the C.A.T.C.A. was involved in the selection of a commissioner. Both sides placed names on the list. Judge Robinson's name was the third name on the list, and in order that he be