

*Public Service***BUSINESS OF THE HOUSE**

Mr. Sharp: Mr. Speaker, the House leaders have discussed the possibility that we might not proceed today with the debate on Bill C-66 and we have agreed to consider the following bills in the following order: we propose, first, to call Bill C-70, to be followed by Bill C-67, then S-25 and, if there is time, C-2.

GOVERNMENT ORDERS

[*English*]

PUBLIC SERVICE STAFF RELATIONS ACT**PROVISION FOR APPOINTMENT OF DEPUTY CHAIRMAN AND FULL-TIME AND PART-TIME MEMBERS OF BOARD**

Hon. Mitchell Sharp (President of the Privy Council) moved that Bill C-70, to amend the Public Service Staff Relations Act, be read the second time and referred to the Special Joint Committee on Employer-Employee Relations in the Public Service.

He said: Mr. Speaker, Bill C-70 incorporates into legislation a series of recommendations made by the Special Joint Committee of the Senate and the House of Commons on Employer-Employee Relations in the Public Service relating to the structure and powers of the Public Service Staff Relations Board. Hon. members will recall that in April of 1973 my esteemed predecessor, the Secretary of State for External Affairs (Mr. MacEachen), asked the chairman of the Public Service Staff Relations Board, Mr. Jacob Finkelman, to examine the Public Service Staff Relations Act and its administration and to make such recommendations for change in that act as he considered necessary in the public interest.

Mr. Finkelman's report was published in the spring of 1974. The special joint committee of the Senate and the House of Commons to which I have just referred was established in November of 1974. An interim report of the committee was tabled in this House and in the Senate on May 29 of this year. I understand that since that date the special joint committee has concluded its public hearings and is now in the process of preparing its final report on all remaining matters.

The interim report of May 29 tabled by the co-chairman of the special joint committee, the hon. member for Nipissing (Mr. Blais), emphasized the need for immediate action in relation to the reconstitution of the Public Service Staff Relations Board. The committee's report quoted from representations made by Mr. Finkelman to the committee as follows:

The experience of the last year, and particularly of the last few months, has demonstrated beyond the shadow of a doubt that it is becoming increasingly difficult for the board as presently constituted to meet the demands that are made on it. If the board is to be able to perform its function both properly and in a timely fashion, no barriers should be erected to the effective use of all the resources of the board in relation to its responsibilities. Every member of the board must expect to be, and be capable of being, fully utilized in relation to his inherent capabilities.

[Mr. Speaker.]

The decision of the committee to deal with the matter of the board before completing its investigation and prior to the preparation of its full report reflects the sense of urgency which it attached to this issue. The government shares this sense of urgency and has moved with all possible speed to consider the committee's recommendations and direct the preparation of legislation necessary to give effect to them.

Bill C-70 adheres strictly to the recommendations contained in the committee's interim report tabled in the House and in the Senate on May 29, with one modest modification to which I shall return.

The following is a brief summary of most of the provisions of the bill. The functions and powers of the chief adjudicator, adjudicators and the arbitration tribunal are to be combined with the present functions and powers of the Public Service Staff Relations Board, and all these functions and powers are to be discharged by a newly constituted public member board. Officers and members of the new board will be full-time, but provision is made for the continuation of part-time members who may be called upon from time to time to facilitate the disposition of cases before the board. In relation to the hearing and disposition of cases, part-time members will have the same status as full-time members. The governor in council will appoint the chairman, vice-chairman and deputy chairmen. Members will be appointed by the governor in council from a list prepared by the chairman after consulting with representatives of the bargaining agents and the employer. The list will include all names put forward by the parties in the process of consultation and will also include such other persons as the chairman considers suitable for appointment as a member.

In relation to the conduct of the business of the board, the vice-chairman and deputy chairmen are to exercise such powers, duties and functions as may be assigned to them by the board. The board will be empowered to sit in divisions for the purpose of facilitating the hearing or determination of any proceeding before it. However, in relation to adjudication, the present provisions for a board of adjudication on the hearing of grievances, with representative side-members, is continued. Also, in relation to the arbitration of interest disputes, the existing provisions for panels of persons representative of the interests of employees and of the employer, and the participation of these panel members in boards of arbitration, is continued.

The modification to which I referred earlier is contained in a new section 62 which appears on page 6 of the bill and would make it possible for the chairman to refer a particular dispute to an outside arbitrator who is not a member of the board. This additional flexibility is seen by the government as in no way conflicting with the committee's emphasis on the need for continuity in the arbitration process. I might say that Mr. Finkelman considers this an improvement on the recommendations he made and an improvement on the report of the joint committee.

● (1540)

Resort to outside assistance in the resolution of a dispute would be wholly within the discretion of the chairman and would reflect his judgment as to the desirability of such a course of action. I hope that the members of the