

*Government Orders*

say, "Okay, the minister should take charge of this". The minister should say, "We have goofed. How are we going to handle our goof? How are we going to make up for it? How are we going to make sure it does not hurt the Canadian people"?

In fact the minister, weeks after the strike had started, was still denying that there was any problem. If there is no problem, why do we have this legislation in front of us? The government did not choose to take the productive path and say, "How can we manage responsibly and how can we ensure that things are done properly and that the public is protected"? Instead, the government said, "How can we get these workers? How can we put it to them? How can we skewer them? How can we prevent them from exercising their legal right"? The government spent over a year and a half doing that, instead of trying to settle this before it became a problem.

• (1610)

The government went to the Public Service Staff Relations Board and said, "Yes, we know we did not listen to the law and we know we missed our deadline but we still want to designate these people. We really do not want to have to deal fairly and up front with people who are on strike because we know we will be under a little bit of pressure to reach a settlement. We did not do what we were supposed to do but we want you to let us do it now". The Public Service Staff Relations Board, unfortunately, said, "All right".

The government has ignored this law before. It said Parliament did not really mean "shall", when it said "shall". Surely Parliament does not mean to tell the Treasury Board what it must do. Surely Treasury Board and the President of the Treasury Board are above and beyond the laws of Parliament when it says "shall" be done within 20 days.

But this time the union got smart. This time the union took them to court and asked the court to rule on whether "shall" means "shall" or may, or could, or might if you want to, or if you get around to it, or if you feel like it. This time the court said that when Parliament says "shall", it means "shall". It does not mean that it is your option, it is your choice Charlie Brown, do it if you feel like it, but do not worry too much about it because it

is just a law of Parliament. The court said that when Parliament says "shall", it means you must do it. That is what any other normal citizen understands by "shall" in law. It means it is something I have to do, but the government does not seem to understand that.

Despite this, the Treasury Board then went back to the Public Service Staff Relations Board and tried to argue that it should be allowed to designate these people anyway. Of course, the Public Service Staff Relations Board, faced with a court decision said, "I am sorry, but the courts are very clear. You have not done what the law says you must do and therefore you cannot designate these workers as essential workers". It had some very unpleasant and very critical things to say about the way the government had handled this whole situation.

Mr. Speaker, you would have thought Treasury Board, back in June, would have said, "We better get on with the business of planning for a strike contingency. We better get on with the business of sitting down and seriously bargaining with these people". Oh no. Treasury Board controls the purse strings and so Treasury Board was able to say, "How many thousands of dollars—is it tens of thousands or is it hundreds of thousands—will it take us to drag this out for another three or four months and let it get into September before we have to start doing any contingency planning?". So they took it back through the courts to say, "Surely, you didn't really mean 'shall' means 'shall'. Surely, you really meant that we can do it anyway". The court simply reiterated its earlier decision and finally in September said to Treasury Board, "No, we meant what we told you in the first place. When Parliament says 'shall', Parliament means 'shall'. It does not mean you can mess around with it and do whatever you want".

What had happened in that period of time was that settlements had been reached with the Public Service Alliance and the bargaining groups across the country were voting on the aspects of the agreement that pertained to them. It was either late May or early June when the government knew that the hospital services workers said "no" to this agreement. The ships' crews workers said no to this agreement. They said no for some very good reasons.