hands were tied and it had no choice but to bring in this legislation if the mails were to be delivered. Did the Government have a choice?

The first aspect of that question deals with the legislation itself. My colleague, the Hon. Member for Churchill (Mr. Murphy), dealt thoroughly with this legislation but I want to make a few key points. Is it good legislation or is it bad?

Mrs. Mailly: It is good.

Mr. Keeper: I want to make the case that this legislation is inadequate and destructive. The first problem is that it imposes the Government's plan for the Post Office. This legislation is supposed to regulate a labour dispute. In fact it imposes the Government's plan on the Post Office. Is that something I just pulled out of my hat or dreamed up? No. The Government makes specific reference in the legislation to the fact that the arbitrator will have to pay attention to the conciliator's report. Clearly one of the distinguishing factors of that report was that it accepts the Government's plan for franchising Post Offices. That is a key element in the dispute we are discussing. That is the legislation's first inadequacy.

The second point I would like to make is that it confuses the role of the mediator and the arbitrator. Clearly this is a conflict in which a mediator would have been welcomed. The mediator could offer some hope of a negotiated settlement so the mails would continue to move and labour relations at the Post Office would be improved. Did the Government take that route? No, it created this mediator/arbitrator. The Government has said that if the person who sits down with management and labour to try to get them to come to a negotiated settlement fails in his task, he will later be required to arbitrate the situation, in other words, to decide who is right and who is wrong and to impose a settlement. That is the second weakness of this legislation.

• (1430)

The third weakness of this legislation is equally fundamental. This legislation undercuts freedom of association which is a fundamental right in a democratic society. We have enjoyed that right throughout Canada's history, having inherited it from the British democratic system.

This legislation undercuts freedom of association by specifically barring any person who is a member of a union who may, for whatever reason, choose to defy this legislation from holding any leadership position in the union. This legislation seeks to determine who will be eligible to hold office in a union, a free collective association. It seeks to determine who a group of people will choose to be their leader. That is a fundamental breach of the principle of freedom of association.

I have asked whether the Government had any alternative in the way it has acted in order to ensure that the mails would be delivered and there would be good labour relations at the Post Office. It is clear that there are many ways in which the Government could approach this dispute without bringing forward legislation which is destructive. The legislation fails because it seeks to impose public policy on a collective bargaining situation. It confuses the role of the mediator and the arbitrator and undercuts the right to freedom of association.

The legislation is wanting. This is not a good piece of legislation which demands the attention of the House and demands to be passed. It is, instead, bad legislation which is fundamentally flawed. It is clear that the Government had other options to pursue.

Let us look at the Government's approach to this labour dispute. The Government adopted a policy of confrontation rather than co-operation. It adopted the clenched fist rather than the open hand. The results were predictable.

The Government has chosen to move back-to-work legislation. If a government is to pursue that option it should at least be able to make the argument that it has exhausted all other available alternatives, that it has used all the tools imaginable to regulate a conflict. One of the most fundamental tools in regulating labour-management conflict is mediation.

The Government set that option aside and chose, instead, to bring forward back-to-work legislation. The Government has not, therefore, exhausted all of the possibilities for regulating this dispute in a peaceful fashion. Since it has not exhausted all options, it has no justification for introducing back-to-work legislation.

We must question the Government's approach with regard to the issues that were on the table. When the conciliator examined the negotiations, he pointed out that the most serious obstacle to a resolution of the dispute was the policy of franchising. He said that management of the Post Office had one idea of what the Post Office was and labour had another idea. Labour saw it as a public service and management saw it as a private business.

Recognizing that the policy of franchising has become a serious obstacle to the resolution of the labour-management conflict, why could the Government not have set that policy aside? If the Government insisted on being obstinate and rigid about it and wanted to continue with the policy of franchising, could it not at least be flexible and willing to negotiate?

We know that the Canadian Union of Postal Workers has a reputation of being very militant and uncompromising. However, in these negotiations it specifically brought forward the issue of franchising and indicated its willingness to negotiate on it. The union said that it would be willing to talk about franchising in areas where there are no post offices now. Therefore, the union started the negotiations on that key issue but management failed to respond.

The Government could avoid confrontation at the Post Office by being more flexible in its policy which is an obstacle to a negotiated settlement If the Government had developed its plan for the Post Office in a public way rather than behind closed doors, it would have avoided confrontation.