It should also be noted that there is no statutory reference in the United Kingdom—

All I said, Mr. Chairman, was that there was no statutory reference in the United Kingdom—

—to strike action by public servants. The government's policy in this regard was stated in 1946 in the following words:

"...nothing that we propose to do now will make it any more legal than it is today for civil servants to take strike action...I take the opportunity of making it quite clear that this government, like any government as an employer, would feel itself perfectly free to take any disciplinary action in any strike situation that might develop..."

Yet in clause 36 in this piece of legislation we are setting up the machinery for the very strike action that the Heeney report criticized, a right which, according to the quotation I have given the government of the United Kingdom said it would take action against.

Mr. Benson: Would the hon. member permit a question? Perhaps I could ask two questions and clear them both up at the same time. Does the hon. member realize that in the British legislation there is no prohibition of the right to strike? That is my first question. My second question is: Given no prohibition of the right to strike, which we also did not have in Canadian legislation, is it not better to provide in legislation procedures whereby there can be consultation and conciliation before strike action rather than have strike action taken summarily?

Mr. Nowlan: In answer to the first question may I say I am perfectly aware that there is no prohibition of the right to strike. But the reason I read that section from the Heeney report, containing the United Kingdom's statement of policy in 1946, is the inference that can be drawn, I suggest to the minister, that if strike action was taken the government of that country would take disciplinary action. We are not even stopping at that point but are going on to set up strike procedures.

So far as the second question is concerned, I am in full agreement with one of the main principles of this bill, which is to set up the process of collective bargaining. I mentioned that on Friday. You carry on consultation, hope to finish any dispute by conciliation but then, as recommended by the Heeney report, you resolve it by compulsory arbitration.

Mr. Benson: I wonder whether the hon. member would allow me to ask a third and concluding question. Does he not realize that here just as in Britain parliament has the ultimate right to act if the public interest is affected by a strike that might result after all the normal processes provided in this legislation have been exhausted?

Mr. Nowlan: Yes, obviously I would have to agree. We have exercised this right recently. Obviously parliament should have this right. But my objection is that by setting up the machinery you are accentuating the right to strike. We are now silent on this and I suggest we should remain silent.

To return to the remarks made about youth I point out that Mr. Heeney, who has had much more experience in the civil service than I will ever have, prepared a paper on this question. Either the report of the Glassco commission or the Heeney report was the original stimulus for this legislation. His terms of reference were confined by the Prime Minister to making a study of arbitration procedures but he sets out—and he is no youthful man in the context of real youth—his objections to giving the right to strike. He also set out his objections in evidence before the committee. On page 24 of his report the following statement appears:

After reviewing the principles underlying industrial relations law and practice in Canada and the experience of other public services in Canada and elsewhere, and taking into account the traditions and operating requirements of the Public Service of Canada, the preparatory committee, in its early deliberations, came to the conclusion that an appropriate system of collective bargaining and arbitration for the Public Service should have a number of basic characteristics.

A number of these are set out, Mr. Chairman, the second of which is:

It should make available, for use at the initiation of either party under prescribed conditions, machinery for the arbitration of issues on which agreement cannot be reached in negotiation.

I suggest that Mr. Heeney was not too youthful to present that view. Certainly that has been the experience in England and Australia, which also has a pretty advanced social conscience. I quote from page 23 of the report:

In Australia, it is mandatory for all labour-management disputes, including those relating to the public service, to be submitted to a conciliation and arbitration process. Arbitral awards are legally binding.

So you have compulsory arbitration in Australia. The United States is the closest free enterprise country to Canada geographically. An interesting statement is found on