

The Budget—Mr. D. W. Munro

really favour extending to the public service. It might be interesting to read an extract from the report prepared under Mr. Heeney at that time. The report had this to say:

Consideration was given to the possibility of proposing that strike action be prohibited in the statute establishing the proposed system. Although convinced that, in many parts of the public service, a strike would be quite indefensible and a lockout unthinkable, the committee decided not to recommend a statutory prohibition. Looking at the recent history of the public service, we concluded that it would be difficult to justify a prohibition on grounds of demonstrated need. We concluded also that, if a strike should ever occur, the government would not be without means to cope with it. At the present time, most of the employees to which the proposed system would apply do not have a 'right to strike' and would be subject to disciplinary action by the employer if they were to participate in a strike. Nothing in the recommendations of the committee is intended to change the position.

The government of Mr. Pearson flew in the face of this recommendation and incorporated the right to strike into the legislation. That was one of its mistakes. We are now saddled with it in law. It will not be easy to remove it through amendment or other legislative means.

What we must do, in my view, is remove the need to resort to it. If the structure for collective bargaining is appropriate and responsive, that we should certainly be able to do.

The second great blunder made by the Pearson government in drawing up the legislation was that it made inadequate provision for constituting unions to go to the bargaining table. Here again, as in the previous instance, the government of the day, of which this present one is the legal successor, gave too little thought to the problem and failed in consequence to ensure that the accredited bargaining agents at the bargaining table were directly responsible to those whom they represented. The upshot of this thoughtlessness is that we have some employees today represented at the bargaining table by spokesmen over whom they have no real control, and who have no real stake in the outcome of the negotiations.

Without in any way intending a dig at anyone or at any institution, I feel each bargaining unit ought to be recruited from persons who will have to live with the agreement worked out. Surrogates are not really satisfactory. It may be necessary for the bargaining team to call on technical advisers in the field of bargaining perhaps, but the final decisions on whether to accept or reject a bargaining package should be made at the bargaining table by responsible and responsive bargainers drawn from those to whom the bargaining package will have to apply.

I would cite one further mistake made in drafting the original legislation. Why should Treasury Board be both a convenor and a spokesman in the collective bargaining process? As the agency of government with the firmest hold on the purse strings, perhaps it should. I can understand it in that light. But there is a conflict of interest here. Is it really a valid spokesman for management in all departments? Is it a valid spokesman for the general public? As an adviser I will accept Treasury Board, but not as a principal in the confrontation between the employee on the one hand and the employer on the other.

These three blunders now must be faced and a way out found so that they will not completely destroy the good name and morale of a public service of which Canada ought to be proud. To overcome the damaging effects of these monumental blunders I envisage a complete restructuring

of the bargaining process. It involves four main steps, large steps it is true, but only four. It involves a complete re-thinking of the whole collective bargaining process in the public service designed to meet the special needs of that service.

What is required, as I see it, first of all is to ensure that all public servants concert their efforts for bargaining purposes along functional lines as is already the case in some instances, for example among the professions, and that the general assemblies of these employees so formed—call them unions or what you will—should by secret ballot entrust their fate in the bargaining arena to an executive and negotiating team or bargaining unit from their own number. If all unions constituted in this fashion wished to federate into an alliance or federation in order to adopt common front positions on some issues, there is no reason they should not do so, but the decision to do so should be theirs, and the implementation of that decision should be made by them by secret ballot. This is one departure at least from union practice as developed in the industrial sector. It takes into account the features of the public service that distinguish it from the private sector and the industrial sector. The same can be said of the other party in the bargaining process, namely, management, and this is the second element in the proposed restructuring of the bargaining process, as I see it.

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As matters now stand, Treasury Board acts for management, yet Treasury Board does not, except for its own employees, have to live with the deal worked out. Treasury Board has a role, obviously, because it controls the purse strings. But is it logical that on those grounds, and on those grounds alone, it is entitled to determine all aspects of the working conditions of all employees throughout the public service? Surely management should enter the picture more directly, using Treasury Board when needed as an adviser on the dollars and cents implications of the proposals that are put forward.

Management is the other part of this bargaining process. But, it can be asked, how can management bargain when employees are drawn from so many departments and are working under so many managers? In cases where the employee bargaining unit is drawn from a variety of departments and, in accordance with the proposals made above, has entrusted its side of the negotiations to a team drawn from its own number, I suggest that the management bargaining unit drawn from those same departments should do very much the same thing, that is, consult together about the stenographic, clerical or transport driver help on which they depend so much, and select a negotiating team to represent them at the bargaining table. In this way, both sides to the bargain eventually arrived at are directly involved in the make-up of the package. Each knows his own requirements and each knows what is expected of the other.

Any attempt to negotiate through the intermediary procedure is not only nonsense but leads inevitably to misunderstandings and discontent.

The third element in my formula is to provide an umbrella under which these negotiators can come together and negotiate. I would call it a public interest negotiating