In its consideration of the deterrent effect of fines on unlawful activity, your Committee recognized the difficulty associated with the concept of a fine which is imposed on the Government as employer. To constitute a deterrent, a fine must have the effect of penalizing the offender. In the case of the Government as employer, the financial impact of a penalty would be insignificant. Moreover the Government, in its role as custodian of the Consolidated Revenue Fund, simply removes the money from one pocket and puts it into another. The solution to this problem, in the opinion of your Committee, is to convert the nominal economic penalty into a real political penalty by applying the technique now provided in the Act (Section 21) for the enforcement of an order of the Public Service Staff Relations Board, that is by tabling a report of the Public Service Staff Relations Board in Parliament.

Your Committee also concludes that in cases of unlawful activity it would be useful to identify in the reference, in the case of the employer, where appropriate, the offending department or agency; and in the case of the union, where appropriate, the offending local.

Your Committee therefore recommends:

29. That fines levied by the Public Service Staff Relations Board on employees, or officials of the employer, or on a bargaining agent, be recoverable if necessary by an order of the court.

30. That where the employer is in contravention, the Public Service Staff Relations Board should be required to provide the Minister through whom it reports to Parliament, with a description of the offence, and the Minister should be required to table the Public Service Staff Relations Board's report in Parliament within a prescribed period.

31. That where the action has been taken in the case of the employer by a department or agency, or in the case of a bargaining agent by a component, division or local of the bargaining agent, the department, agency, component, division or local should be identified.

Your Committee also concludes that the additional remedy of issuing cease and desist orders be attached to the declaration of unlawful strike presently provided by statute at Section 103 of the Public Service Staff Relations Act. The Public Service Staff Relations Board now has the authority, upon application, to find that certain activities constitute an unlawful strike. This procedure should be expanded, in accordance with Mr. Finkelman's recommendation, to include unlawful lockout. Because there is no remedy attached to the present procedure which is merely declaratory, your Committee recommends:

32. That the Public Service Staff Relations Board, upon application, and when it finds that there is an unlawful strike or lockout, be empowered to issue a cease and desist order in all cases of violation.

33. That such order be filed in court and entered in the same manner as a judgment and be enforceable as such.

CLASSIFICATION

Under the present statute, classification standards are established unilaterally by the employer, although the employer consults with the interested bargaining agent before implementation and before undertaking changes. Evidence presented to your Committee by the Treasury Board and the bargaining agents was divergent in relation to the effectiveness of the consultative process. In his original recommendations, Mr. Finkelman concluded that "it is not feasible to make classification bargainable at this time". Instead he recommended a formalized consultation process and mediation as a first step to eventual negotiation. However, after reviewing the evidence presented to your Committee, which indicated that the unions were prepared to negotiate classification standards outside the normal process of collective bargaining, Mr. Finkelman, in subsequent representations to your Committee, proposed that classification should be bargainable as follows:

(*a*) in the context of a separate bargaining cycle corresponding to the proposed consultation cycle: and as well

(*b*) in an ordinary round of negotiations where proposals for a revision in the relevant classification standard were included in the demands of the bargaining agent.

Conciliation boards would be prohibited from dealing with references relating to the revision of a classification standard. However, all classification disputes would be referable to arbitration, whether they arose in the context of ordinary bargaining or "separate cycle" bargaining. Resort to strike or lockout to resolve classification disputes would be prohibited. Mr. Finkelman also endorses proposals made by the Public Service Alliance for the arbitration of disputes arising out of the negotiation of a new or revised classification standard on a "sequential" basis. This can be done by identifying the chronological order of the development or redevelopment of a standard, identifying the sequence of decision points which occur in this process, and providing for reference to arbitration of disputes arising at any of the decision points.

Though he accepted the view of the bargaining agents that the legislation should be amended to provide for bargaining on classification standards "at this time", Mr. Finkelman was insistent that a break-in period of "systematic consultation" with recourse to mediation should be imposed by law. The parties, including the Public Service Staff Relations Board, required this time to accustom themselves to the process before eventually engaging in the negotiation and arbitration of classification standards.

During the course of our examination of the extension of the scope of bargaining to include classification standards, and our evaluation of Mr. Finkelman's recommendations and of the representations made to us on this subject by the several bargaining agents and the Treasury Board, your Committee participated in the evolution of a "model" which drew its inspiration from many sources. In our view, an approach to the problem has been devised which, to some extent may have reduced the employer's apprehension on the one hand and on the other attracted widespread support from bargaining agents, who in their initial propositions had not come to grips fully with the complexity of the undertaking.