He stood, to have his vote recorded, which he should not have done.

The Assistant Deputy Chairman: Order, please. It has been brought to the attention of the Chair that an hon. member came into the Chamber after the question was put. If there is no objection, we shall have to disregard or ignore that vote. I see there is no objection; therefore it will be recorded that 69 members voted against the amendment.

Amendment (Mr. Broadbent) negatived: Yeas 48; nays, 70.

The Assistant Deputy Chairman: The question is on clause 5.

Mr. Rodriguez: Mr. Chairman, earlier we learned that it will cost $3.8 million to implement Schedule I. What is the estimated projected cost of the overtime items contained in Schedule II? I am referring specifically to item 15.02(a) of Schedule II. Perhaps the Minister of Labour could provide the figure. I should like to know the answer, and I should like to ask several more questions.

Mr. Munro (Hamilton East): Mr. Chairman, I believe the hon. member for Nickel Belt wishes to know the cost of overtime, or the cost of compensation set out in item 15.02(a) of Schedule II. According to my figures, the cost will be $236,519.

Mr. Gilbert: In United States or Canadian funds?

[*Translation*]

Mr. Joyal: Mr. Chairman, with the consent of the House, I would like to move an amendment to subclause (5) of clause 5.

I am particularly aware of the inconveniences that are being caused at this time to the public and users of air transport by the air controllers strike, so it is not my intention to unduly prolong my contribution or delay the discussion of the bill that is now before the House. However, in spite of the weight of the inconveniences that business and the travelling public have to cope with I would like to deal with two aspects that this conflict brings out and conclude with the tabling of an amendment to subclause (5) of clause 5 of Bill C-63.

The first comment I would like to make has to do with the right to strike in the public sector. When the legislator authorized the right to strike in the public sector in 1967 he measured all the inconveniences that could result from that right. If he saw fit to include it in the law of the land it is because he favours the notion of collective agreement bargaining that, although generous and liberal, is nonetheless strict in its reasoning and application. By leaving the responsibility to determine working conditions to the parties the legislator wanted at the same time to make sure that conditions in which bargaining takes place should not benefit one party to the detriment of the other but, quite the contrary, that the law should act as some sort of referee in the test of strength that is always present at the bargaining table.

I do not have to emphasize that the foundation of collective agreement negotiation is the willingness of the parties based on their mutual good faith, and if one has a weapon or means of blackmail we can no longer properly talk of free and close discussion on the stakes of the agreement but rather simply the drawing up of a protocol of surrender with one of the parties dictating to the other the terms of the end of the debate. Those conditions take a special shape in the public sector; unlike in the private sector negotiation in the public sector imposes a particular ethic on the parties and neither of them can ignore that it holds the public at its mercy. That is where we stand today, Mr. Chairman; on June 28, 1976, CATCA and CALPA dictated the protocol of surrender, and today the Minister of Transport (Mr. Lang) imposes the terms of the return to work.

I really have no sympathy for the way CATCA leaders are fulfilling their responsibilities to the Canadian people and some of their members. They have shown in the past that they would rather give vent to their prejudices and bigotry than try to understand the nature of this country. Their conception of Canadian duality is narrow, false and biased. Thus, some people may be inclined to believe that I am looking forward to Parliament checking a union that denies many of its members their vested right to speak their own language which has been officially recognized by the law of the land and is entitled to the same rights, privileges and status as the other official language.

● (2340)

Such is not the case. It is very reluctantly that I will support this bill, realizing that once again the Minister of Transport (Mr. Lang) has committed himself on behalf of Parliament before the bill was introduced and its provisions were made public. It is to be deplored that the Minister of Transport has threatened to pass a special legislation before the legal strike was called. Regardless of the circumstances, it seems to me that the Minister of Transport could not threaten a union with the decisions of Parliament before the strike was called and before Parliament was convened and legislated. How can an individual or a group be threatened with the deprivation of a right granted under the law before it is even exercised? Any jurist with the least experience, and the Minister of Transport is an outstanding jurist, would endorse my reservation and my concern. The air controllers' strike on August 7, 1977 is entirely legal. We can surely argue about the reasons which prompt CATCA to resort to it, but the strike remains within the context of the legislation and as such it abides by the rule of law, the primacy of law.

Therefore, if the Canadian legislator has recognized the right to strike legally under certain circumstances, the government cannot threaten a union to end a strike or warn them to that effect in the course of negotiations without disowning the present philosophy of staff relations which is moreover legitimated and recognized by the law. It is therefore with much reservation that I view this bill, regardless of the opinions I might have on the union concerned. But one may wonder about the eagerness and the celerity with which Parliament is asked to end that strike though young and legal, whereas in June 1976, on the very eve of the Olympic Games, a strike