public service but are directed against clause 36. I believe that even though a great deal of labour has gone into the production of this bold and enlightened legislation, it is the duty of all members, regardless of whether they were on that committee, to scrutinize the legislation as a whole or any section of it and to criticize any principle which a member believes is not soundly based.

I want to make it clear that when I criticize the principle contained in clause 36 I am not directing my remarks to the right of labour in general to strike. I am not suggesting that the bill be delayed. It has had a long period of incubation and it should proceed. I know that the public service is awaiting passage of the bill. Clause 36 for the first time in Canada, gives the public service the right to strike, and I find that offensive. I believe that this clause is dangerous in effect, has a dubious origin and is unnecessary. It gives a licence to strike by legislation, a right found in only two other countries in the world, namely, France and Sweden. I understand, according to the preparatory report of Mr. Heeney, that even in France there is the right for the government to interdict the right to strike if necessary.

• (3:30 p.m.)

While in general the bill is bold and while in particular I am only against clause 36, I frankly resent some of the comments which were made on Friday. The hon. member for Hochelaga, in referring to his Olympian oracle and speaking from a philosophic ivory tower, suggested that to take a stand against the bill was the popular thing to do. To have his second words in this chamber on that point is something I personally resent. He can make his Olympian and Delphic oracle contribution from his philosophic ivory tower, but I would have hoped that he could offer more than that to the debate.

So far as the fish or fowl argument is concerned and some of the criticisms of hon. members that the bill puts fish or fowl into the legislation, the people in the public service who are closest to us physically are the staff members of the Senate and House of Commons in contrast to the other public servants across the country, so I suggest that "fish or fowl" really is not an apt analogy. There is no attempt here to make fish out of fowl or fowl out of fish. Those two species are in different environments. In Canada there are two different environments, the public sector and the private sector. This is recognized by the bill in the exclusion of the House of Commons staff, the Senate staff, members of the armed services and other groups, people within the fish environment or the fowl environment, depending on the analogy.

With regard to taking a position on the right to strike it is suggested that one cannot take a position on the question if one does not hear the briefs or listen to the witnesses. There are, however, minutes of the committee hearings available to us. I suggest you do not have to be a doctor to recognize a pregnant lady. I suggest further that in this analogy you do not have to be involved in all the technical, complicated aspects of this legislation which I am not involved in and obviously do not understand, to recognize one of the basic principles besides political participation for public servants, and that is the right of collective bargaining which can lead to the right to strike. This principle does not involve technical grounds. Accordingly one can constructively criticize the work of the committee in producing clause 36 of the bill which provides for the right to strike.

The hon. member said it was unfortunate to see someone rather youthful criticize this clause of the bill. I suggest that the hon. member knows full well that only two other provinces of Canada, Saskatchewan and Quebec, have anything close to clause 36. In Ontario the rights of public servants are settled by compulsory arbitration. I am informed that Sweden and France, as somewhat reluctantly and hesitantly admitted by the minister on Friday, are the only two countries where there is the right to strike. England, which has a pretty advanced social conscience and legislative record, resolves differences in that country by compulsory arbitration or agreement.

Mr. Bell (Carleton): That is not true.

Mr. Nowlan: I read from page 21 of the Heeney report, the report of the preparatory committee on collective bargaining:

> In 1925, the employee organizations and the United Kingdom government signed an arbitration agreement which provided for the referral to a civil service arbitration tribunal of disagreements relating to "emoluments, weekly hours of work, and leave". The tribunal consists of a chairman appointed by the minister of labour after consultation with the parties and two members named by the chairman from panels of individuals representative of the interests of the official and staff sides.
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> It should be noted that the Whitley Council system has no statutory base. Its mechanisms and processes have been provided for, over the years, in a number of statements of government policy and in agreements between the official and staff sides.