

spelled out what procedures are necessary to make reclassification acceptable under the guidelines.

● (2210)

Secondly, in the guidelines themselves and in a whole series of bulletins which have been issued by the AIB, at no point is it spelled out how the AIB is to determine whether a reclassification argument is germane and acceptable. Nowhere is it spelled out in any of the regulations or instructions from the AIB that prior discussions between the union and the government have to conclude with a written commitment. Nowhere is it spelled out in the regulations that a written commitment on the part of the government or on the part of any two bodies, whether we are talking about the private sector or the public sector, is a necessary criterion for acceptance by the AIB and for the reclassification argument to hold. I think that is central to the argument.

I notice that the President of the Treasury Board is talking to some of his officials, and I hope that he will come back into the debate tonight and respond to that issue. Does he agree that it is not spelled out in the law? Does he agree that it is not spelled out in the regulations? He says we have a case law situation in which the AIB has made some rulings on reclassification. I say to the minister that I know of only one such ruling. There may be more, but one is hardly enough upon which to generalize.

In light of the absence of all these tests of written regulations and of written law, why is the government so reluctant to have the issue go before the AIB and to allow the AIB to settle it? That really is the nub of CATCA's position. That really is the point of the amendment of the Conservative party at this stage of the bill. That really has been the central case we have made during this debate.

I want to conclude by saying that if the point which is attempted to be dealt with in this amendment had been accepted by the government two weeks ago or three weeks ago there would be no striking going on in Canada now, airplanes would be flying and members of parliament would be back in their constituencies or elsewhere instead of attending this unnecessary session we are now going through. I urge that the government give serious consideration to accepting this amendment put forward by the Conservative party, and I say on behalf of my colleagues that we will certainly support it.

Mr. Rodriguez: Mr. Chairman, I want to ask some questions relating to clause 5 and a couple of subclauses within clause 5. I presume it would be in order to do so at this time.

The Chairman: The questions would have to relate to the amendment or to the objective of the amendment which is before us. I think it would be simpler to dispose of the amendment. That would leave the opportunity for all kinds of questions regarding clause 5. Is the committee ready for the question?

Some hon. Members: Question.

Air Traffic Controllers

The Chairman: The question is on the amendment of the hon. member for Vancouver South.

Amendment (Mr. Fraser) negated: Yeas, 41; nays, 72.

The Chairman: I declare the motion negated. The hon. member for Oshawa-Whitby gave the Chair notice of another amendment, which I will put to the committee under the same condition as the first one.

Mr. Broadbent moved:

That paragraph (a) sub-clause (3) of clause 5 be amended by adding immediately thereafter, at the end of line 5 on page 3 of Bill C-63, the following words:

"provided, however, that the matter of increasing these rates of pay to amounts not greater than the minimum proposals made by the employee organization shall be referred to an independent arbitrator whose findings shall be binding with effect from January 1, 1977."

Mr. Douglas (Nanaimo-Cowichan-The Islands): Mr. Chairman, clause 5 really represents the part of this legislation to which we are most violently opposed, and the amendment moved by the hon. member for Oshawa-Whitby seeks to rectify what we think to be an iniquitous part of this legislation. As the leader of this party and my colleagues who spoke at second reading of the bill have said, we support the legislation to put the air traffic controllers back to work.

In the past 15 years I recall at least five occasions when back-to-work legislation has been introduced. The New Democratic Party supported that legislation because we recognized that it was in the national interest to bring strikes which were disrupting our entire economy to an end.

All members in this House from all parties have paid lip service through the years to the basic principles of labour legislation in a democracy: first, the right to bargain collectively regarding wages, hours and conditions of labour; and second, the right of a worker to withhold his or her services. However, we have recognized also that there have been situations in which either employers or employees collectively have abused the powers given to them in a free society, or created situations which became intolerable in terms of the public welfare. Therefore there are times when it is necessary to introduce legislation which will send workers back to their jobs. But in every piece of legislation for sending workers back to the job, which I can recall, we have not endeavoured to do what clause 5 of the present bill seeks to do.

● (2220)

Clause 5 actually seeks to impose a collective agreement by legislation. It would be bad enough if a private employer did it; but when the government, the employer, lays down terms upon which its own employees shall work and asks parliament to endorse those terms, that, I say, is the negation of industrial democracy in this country. The purpose of clause 5 is to put in legislative form the proposals, which the Minister of Transport (Mr. Lang) and the President of the Treasury Board (Mr. Andras) laid before the air traffic controllers. The ministers involved are the judge and jury passing judgement on the