

*Government Orders*

members of the legislative committee to apply those same positions to employees in the Public Service.

We think nursing and pregnant women in the Public Service deserve the same entitlement and rights as nursing and pregnant women in the private sector. We think that parents or those who are about to be parents deserve the same conditions of work in the Public Service as those about to be parents or parents in the private sector.

These are provisions which private sector employees have accepted. These are provisions which they are now legally obliged to adhere to. Yet these are provisions the federal government is not prepared to apply to itself as an employer.

It is this kind of double standard that has increasingly raised the ire of business and employer organizations. They see the government imposing requirements on the private sector as employer that it has failed to take unto itself.

We were surprised by the government refusing this amendment because the government at least in words has said it is interested in getting rid of regulations. These kinds of conditions for the Public Service are covered in volumes of policies and programs at least 10 feet high. This would have been a great opportunity to get rid of that kind of policy regulation regime and put people's entitlements very clearly into legislation.

We are really surprised in the deregulating atmosphere that the government seems to be promoting that it still wants to maintain these volumes and volumes of policy manuals and regulation that have to be cross-referenced time and time again with respect to its own employees.

I want to speak now about the second major provision of the bill which is the right of the Minister of Labour to refer a last offer to a vote of the employees. I want to make quite clear that this provision was dropped into the legislation at the last moment with no consultation whatsoever. I think the minister concedes that.

The minister was asked during the course of the legislative committee why this came up after the consultations were over on this piece of legislation and why he felt he needed this kind of tool. The best answer that he could come up with was he had seen how useful it was to Premier Rae in ending the TTC strike in Toronto. He

thought it might be a useful tool to have in the government's arsenal.

What it is in fact is an undue undermining of the whole rules of the game of collective bargaining. Collective bargaining works when there is a reasonable balance of interest and of clout between the employer and the union representing the employees.

When the rules of the game are clear you sit down and you bargain. That is the way you reach a collective agreement. Instead the government now wants to be able to intervene at any time and say the process is not working, which gives either side an out. It takes off the pressure to sit down, negotiate and come to a mutually acceptable conclusion.

We were particularly concerned about the application of this rule to the Public Service because the government already has such substantial clout over its own employees that it enjoys an undue power to undermine the collective bargaining process and to resolve issues and disputes by mutual consent. It enjoys the power to exclude any of its employees from the bargaining unit in the public interest, in the interest of public health and safety.

• (1220)

It does so most generously to ensure that at times of labour or management disruption there are continuing public services. It enjoys the right at any time by legislation to send employees back to work, to dictate the terms of their employment, as this government has done a minimum of three times in this session of Parliament.

We fail to see why it needs this additional power to send an offer to a vote of the employees directly and bypass a negotiating process with the unions when it already enjoys such tremendous power. The only reason can possibly be to avoid public debate in this House on the usefulness and the propriety of its actions when it does want to order people back to work. It now has another mechanism that it can use without ever coming to this House and allowing this House to debate what is in the public interest.

The second element that makes this a different issue in the Public Service is that the government is the employer. Therefore, it should not have the right under any proper concept of collective bargaining as one party to the negotiations to determine how those negotiations will proceed.