

*Public Service Collective Bargaining*

Union Act. This act gives to employees the same rights as other employees, including the right to strike. Never at any time, as far as I am aware, has a strike in the public service been called but we have had instances where employees in government agencies went on strike. Looking back on that now I am quite prepared to admit that probably on half those occasions when strikes in government agencies occurred the government was at fault because it had acted either on insufficient or inadequate information.

We must disabuse our minds from the idea that workers like to go on strike. They do not. They usually go on strike when they are desperate, when it is the last resort. Strike is the ultimate weapon. I am convinced that in 99 cases out of a 100, if the government bargains in good faith and with an appropriate spirit of give and take, all problems can be resolved without resorting to strike.

To take away from the government employee the right to strike and to treat an employee differently than if he were the employee of a private company or private utility seems to me to be placing a slur on him which is not justified. Therefore I hope that when the legislation comes down there will be no restriction with reference to the right to strike. If the government insists that there be some restriction I hope that it will be narrowed as much as possible and that some *quid pro quo* will be provided so that advantage will not be taken of the fact that parliament has deprived these workers of their right to use this ultimate weapon in collective bargaining.

I hope that the legislation which the government is going to bring down will give to the workers the right to name any collective bargaining agency, that it will give them the right of maintenance of membership, that it will give them the right of check-off from their wages and salaries for the support of the organization which is bargaining on their behalf.

The third thing I want to suggest, Mr. Chairman, is that I think this legislation must provide for genuine collective bargaining and not merely for consultation. Too often in the past governments have tended to be somewhat condescending and have tended to provide merely for a certain amount of consultation, which really is not collective bargaining. In the final analysis the success of all this depends as much upon the spirit which goes into these discussions as upon the legislation

[Mr. Douglas.]

which is placed on the statute books. Much will depend on the attitude of the government itself.

When representatives of the government's employees sit down at the negotiating table with representatives of the government they must be classed and treated as equals. An employee may be subordinate to the man across the table when he is back in the office or in the department but when they sit down at the negotiating table they are equals. There ought to be no right to pull rank. If we are going to have genuine collective bargaining a spirit of complete equality in the right to express opinions and the right to disagree and dissent must be accepted.

I understand from the legislation as the Prime Minister has very briefly outlined it that employees will be allowed to be represented by any collective bargaining agent they select. I take it for granted that these bargaining agents will be certified by the labour relations board, once that body is satisfied that any particular bargaining agent represents 51 per cent or more of the employees concerned. I also understand that employees will be allowed to bargain on the basis of occupational groups, which I think is excellent.

For the government there are two choices as to who should bargain on its behalf. I notice that Professor Saul Frankel in his little book, "A Model For Negotiation And Arbitration Between The Canadian Government And Its Civil Servants," makes two suggestions. He suggests first of all that it might be done by the Civil Service Commission. On page 29 he says:

One way of dealing with this problem might be along the lines followed in the province of Saskatchewan. There the Public Service Commission performs in a dual capacity. It administers the system of recruitment, promotion and appeals, and its chairman is the person who speaks for the government in full-scale negotiations with the staff associations.

Then he says:

I have noted already the theoretical objections that might be made to this dualism. How does one reconcile the necessary partisanship of a civil service commissioner acting as agent of the employer with his vaunted independence and impartiality in the field of recruitment and promotion? It would seem that practical experience in Saskatchewan has not found this to be a serious issue. Similarly in Australia and New Zealand the dual tasks of administering the merit system and negotiating conditions of employment apparently have not proved incompatible in practice.

It seems to me, however, that since we are devising a model it would be tidier to locate full