

**Mr. Munro (Hamilton East):** Yes, he did in many cases. Some were dealt with satisfactorily to the employees and some to the employer, but he dealt with the issues as he saw fit. Where he did not deal with them, the previous provisions in the collective agreement were considered to stand. The commissioner may not deal with the issues in the manner in which the parties perceive should be the case.

**Mr. Fraser:** Mr. Chairman, I intervene at this stage only to remind the minister that when Judge Gold's report was put to us we were not the employer. Secondly, as the minister well knows, I pointed out at the time that we would accept Judge Gold's report because under the circumstances there was probably nobody else who knew as much about the situation who could write a better report. Let me remind the minister of this, and I am now speaking in support of the NDP motion. As reported in *Hansard* for April 23, 1975, at page 5126, I said:

I can understand why in this particular instance the minister has chosen the Gold report as the basis of the legislation, but I say it is a dangerous precedent. There should be legislation to restore normalcy as far as work is concerned, but determination of the final terms of settlement should be left to somebody independent of this chamber.

● (2310)

That is the only proper way to approach this situation, and in the long run only on that basis will both sides of the dispute accept the terms of settlement.

If that is true when we are not the employer, surely it applies a thousand times over when it is the government that is the employer and it is the government that is introducing legislation.

**Some hon. Members:** Hear, hear!

**Mr. Peters:** Mr. Chairman, I have been trying to follow the argument and I am having some difficulty. I gathered from the minister that when the conciliation board met, they handled those problems in the dispute that were within the purview of collective bargaining, and that the classification program and the civil service statutes are some time outside collective bargaining. I understand that some time after the matter was negotiated, the President of the Treasury Board, or whoever was doing the negotiating, agreed to negotiate, in addition to matters that were before the conciliation board, the matter of classification.

Therefore, I wonder how the minister can refer to it as being a unanimous report on the dispute. Because of this, I would like to know from the minister why, when this matter was referred to the conciliation board, the classification matter was not included, when it had been the subject of negotiation for over two years. Why was it not considered part of the negotiation, and at what stage did it become part of the negotiation?

**Mr. Munro (Hamilton East):** If the hon. member is looking for an answer to that question, the fact of the matter is that the conciliation board is part of the collective bargaining process. Reports are made to it, and parties can come to an agreement. In this case it was decided that this was the appropriate procedure. The government appointed a chairman who was acceptable to both parties. The question of reclassifi-

cation under the Public Service Staff Relations Act is not part of the collective bargaining process and is not subject to arbitration, so naturally the board could not consider it.

**Mr. Peters:** How did it become part of the bargaining process? It would seem to me that someone must have decided, somewhere along the line, that it was a matter for collective bargaining and was now part of the conciliation process. As I understand it, it is the only part that is in dispute—yet the conciliation board's report was unanimous.

It seems to me that what is in contention is this other matter. I am sure the minister has been aware for a long time of the many factors that are not normally part of the collective bargaining process. One of them that was nearly always excluded from the collective bargaining in which I was involved was safety, yet a safety committee would be set up which would make suggestions. But if it was not negotiable, it was not referred to a conciliation board. Health plans were also excluded, as were community activities and sports associations. The minister has not indicated to us why for two years we have been negotiating with CATCA matters concerning reclassification if they did not become part of the collective bargaining process.

Could this matter not be referred to the AIB, in any case? It might fit into a different category and not be considered a matter of wages. Under clause 5, the minister has indicated that there is an aggregate amount of about \$3,800,000. An arbitrator can make a decision on a particular classification when the two parties grieve. I fail to see how we can write laws which say that the union is allowed to grieve on this matter of classification when the matter is not included under the Public Service Staff Relations Act. What is the turnover, and what are the changes in classification and the stability of personnel?

I gather there are about 2,200 people involved, and if we lost 200 people, although I am not good at mathematics, I imagine it would be about 4 per cent. Without changing the average, we would have the increment which would bring up the classification to 4.2 per cent. We seem to agree that classification is involved and that either the government or the employers' association can object to a classification and start a grievance procedure only to the extent of the aggregate which the minister now informs us is \$3,800,000.

It seems to me that this strike took place simply because of the classification program. The matters before the conciliation board were agreed to unanimously. Therefore, that part of it is settled. Now we have this part which was not before the conciliation board, but the minister tells us it is not included in the civil service staff relations act and therefore cannot be considered as a wage factor in collective bargaining. I fail to see what the dispute has been about. Obviously, it must be handled in a way other than collective bargaining. Therefore, I doubt very much if the AIB can be seized with the problem of classification. Obviously, the government has negotiated over a period of time.

I would like to ask the minister what the figures in the schedule mean, if they do not mean classification.