1986

The Passage of the Public Service Staff Relations Act, 1965-1967

Ian P. MacMillan
Wilfrid Laurier University

THE PASSAGE OF THE PUBLIC SERVICE STAFF RELATIONS ACT 1965-67

By

Ian P. MacMillan

B.A., University of Guelph, 1983

THESIS

Submitted to the Department of History in partial fulfilment of the requirements for the Master of Arts degree
Wilfrid Laurier University
1986

ProQuest LLC.
789 East Eisenhower Parkway
P.O. Box 1346
Ann Arbor, MI 48106 - 1346

ABSTRACT

The aim of this study is to determine why collective bargaining rights were granted to civil servants. Chapter one examines the historical development of labour relations in the civil service, specifically social, political, and economic trends present when new bills governing labour relations were introduced. Trends which were to have an impact on Bill C-170 are delineated. Chapter two follows the evolvement of collective bargaining rights into a political issue and the reaction of political parties and other interested groups. Emphasis is placed on the role of postal employees. Chapter three examines the political situation before and after the 1965 federal election and its impact on the decision to introduce the right to strike. The thoughts of editorialists and parliamentarians on the proposed bill are then reviewed. Chapter four follows Bill C-170 through parliamentary committee hearings where labour, business, and committee members expressed their concerns. Parliamentarian and editorial opinions are also put forward. The conclusion poses reasons why the right to strike was granted to all employees. The epilogue shows that on-going issues between the government and its unions stem from the 1960s and postulates that current aspirations of civil service unions are unlikely to be met.

ACKNOWLEDGEMENTS

I would like to thank my supervisor, Professor Terry Copp, and other members of the advisory committee for their assistance. Richard Bell, Tommy Douglas, and Jacob Finkelman kindly permitted interviews in relation to the thesis topic. Gil Levine and the legal department of the Canadian Union of Public Employees deserve credit for answering any questions that were presented to them.

TABLE OF CONTENTS

Abbreviations

CLC	Canadian Labour Congress
CNTU	Confederation of National Trade Unions
CPEA	Canadian Postal Employees Association
CSA	Civil Service Association
CSF	Civil Service Federation
CUPE	Canadian Union of Public Employees
CUPW	Canadian Union of Postal Workers
IRDIA	Industrial Relations Disputes Investigations Act
JAC	Joint Action Committee
PSC	Public Service Commission
LCUC	Letter Carriers Union of Canada
NDP	New Democratic Party
PSAC	Public Service Alliance of Canada
PSSRA	Public Service Staff Relations Act

On August 26th, 1985, in a letter to the editor published in The Globe and Mail, K. Newman commented that:

> When Jean-Claude Parrot, president of the Canadian Union of Postal Workers, expressed concern about the postal service (Improving Post Services Should Be First Priority-Aug.17) it is much the same as a fox in a chicken-coop pretending to worry about the fowl he devours.
>
> Surely Mr. Parrot does not seriously expect this feeble snow-job will make the long-suffering public forget that the "public be damned" attitude-voiced and carried out by him and his predecessor in their ruthless blackmail tactics-is primarily responsible for inferior and expensive service.

The opinions expressed by Mr. Newman may be held by many Canadians whose conception of unions, and union leaders, may often begin and end with the Canadian Union of Postal Workers and its leadership; the late George (Joe) Davidson and present leader Jean-Claude Parrot. The following excerpt from Joe Davidson's autobiography explains how the "public be damned" attitude became associated with the CUPW in the mind of the public:

> I wrote my own epitaph and torpedoed the small reservoir of public sympathy for the CUPW at a press conference during the conciliation board proceedings. With a possible major strike on the horizon there were more than twenty press gallery journalists on hand, and I had given them the full rundown on the restrictions of the law, the many postal studies ignored and all the rest of our long-standing problems. This did not make very good copy. One journalist returned several times to the theme that the public didn't want an interuption of mail service

> and asked me how I felt about the inconvenience a strike would cause. I pointed out that the main inconvenience in a strike was to the worker who went without pay, but in any case the Post Office wasn't leaving us much choice. "I think if the public were fully informed, which is your job, then it would understand what we are doing and support us," I remarked. That's where I should have stopped, but he came back at me again: "What if the public were informed and didn't support you?" "I am convinced the public would see the justice of our cause," I repeated. "And if it still didn't?" he baited. "Then to hell with the public," said I. The last phrase in isolation made superb copy. Paul Mitchell, our public relations director, turned white and threatened to shoot himself as the journalists, headed for the telephones.[1]

The purpose of this thesis is to examine the social, political, and economic factors which led to federal civil servants being granted collective bargaining rights. These rights were granted to civil servants in 1967 through the passage of Bill C-170, the Public Service Staff Relations Act. The postal workers' union played a primary role in the granting of collective bargaining rights to civil servants. The question that remains is why the Progressive Conservative Party, and more importantly the Liberal Party, since they were in power, were willing to grant the right to strike to federal employees. Both parties had rejected such a step only a few years earlier. Sweden and France were the only countries which had granted civil servants the right to strike. At present only a minority of countries have granted their civil servants the right to strike. The granting of the right to strike was made even more surprising because all

THE HISTORICAL DEVELOPMENT OF LABOUR RELATIONS

In order to better understand The Public Service Staff Relations Act, it is necessary to examine briefly the historical development of labour relations in the civil service. Three general areas will be covered; the founding of employee associations; ideologies which thwarted unionization; and the acts which governed employer-employee relations before Bill C-170 and the conditions present when these bills were introduced.

The first employee associations, such as the Civil Service Rifle Association founded in 1861, were created to foster social and recreational activities. Employee rights were not necessarily their first priority.[1] This was clearly shown during a strike by sawmill workers in the Ottawa area in 1891. After some minor violence by the strikers, employers called upon the militia, made up primarily of civil servants, to protect their property.[2]

Letter carriers were among the first civil servants to organize when in 1891 they formed the Federal Association of Letter Carriers and affiliated with the Trades and Labour Congress. Their counterpart, the Dominion Postal Employees' Association, representing inside workers throughout the country, was chartered in 1912.[3] The Professional Institute was formed in 1919 to represent the increasing number of professional, scientific, and technical employees. These three employee associations have survived to the present day with only minor changes in their names.

The Civil Service Association of Ottawa, formed in 1907, brought together civil servants from all departments. In 1909, the CSAO brought local staff organizations together into a loose confederacy, called the Civil Service Federation, whose organizational basis was determined by departmental function, class, grade or locality. The Amalgamated Civil Servants of Canada, founded in 1920, organized employees across classification and departmental lines, the antithesis of the organizational basis of the Civil Service Federation. By 1954 the Civil Service Federation of Ottawa withdrew from the Civil Service Federation and joined the Amalgamated Civil Servants of Canada, forming the Civil Service Association. The diametrically opposed organizational methods of the CSA and the CSF highlighted the difficulties of unionizing civil servants who were dispersed across Canada in a multiplicity of functional and departmental classes and prevented the two major organizations from merging.[4] It was not until November 1966, when collective bargaining was about to be introduced, that the two organizations merged into the Public Service Alliance of Canada in the realization that viable bargaining units would otherwise be impossible to achieve.

There were several factors that worked against the unionization of the civil service prior to the introduction of Bill C-170 in 1967. The first was the doctrine of parliamentary sovereignty. It provided the government with a

rationalization for not ceding employee rights.[5] Civil servants performed a public service which served the national interest. While many employees felt it was legitimate to join associations, the formation of unions would be going too far. The employees considered themselves servants of the entire population and therefore should not identify themselves with sectional interests of a particular class, political party, private industry, or a trade union.[6] The second factor was the authoritarian hierarchical structure of the civil service which reinforced the doctrine of sovereignty and cut off access to management. Increasingly, the use of political channels to solve individual or collective problems was frowned upon.[7] The complex maze of classifications in the civil service, and the physical dispersal of employees across the country, was the third factor that made it difficult to organize unified employee associations.[8] Before the passage of Bill C-170 there were 700 classes and 1,700 grades of employees in the civil service. The final factor inhibiting unionization was that once a coherent bargaining unit was assembled, it was difficult to determine who should be lobbied. Departmental heads, deputy ministers, ministers, the Civil Service Commission, and the Treasury Board were all possible pressure points.[9]

The Civil Service Act of 1918 introduced scientific management principles into the civil service. The introduction of the merit principle was designed in part to

eliminate patronage from the civil service. These measures held potential benefits for employee associations wishing to create a union, in that allegiances would be horizontal, rather than to an individual or political party.[10] The new classifications in the civil service provided a hierarchy of positions with slight gradations in salary. This helped to foster the belief that one could advance and achieve rewards through individual effort and merit, reinforcing the ideology of careerism, while leading to a relative decline in the potential strength and belief in unionism.[11] Advancement would no longer be viewed as a millenial concept dependent on nepotism and patronage. In the past if individuals did not have ties to the political party in power, it was unlikely that they would advance their career as quickly as those who did. Civil servants and employee associations would now look to the Civil Service Commission as their protector, since it performed functions within the purview of a union.[12] For instance, because appointments to the civil service were to be based on merit and would be made by the Civil Service Commission which was an independent government organization individuals who felt they had been overlooked or discriminated against when an appointment was made could now appeal to the PSC which reported directly to parliament. Civil servants may have thought that employee associations or unions were unnecessary as long as the PSC protected them from arbitrary and unfair decisions.

During each of the time periods (the First and Second

World Wars) when new measures were enacted to govern employer-employee relations in the civil service, a number of common factors were present, although for varying reasons. The first was that the civil service was going through a period of growth and there was a need for greater efficiency. The second factor was an extremely low unemployment rate with the economy at near peak capacity. The third factor was a rapidly expanding union membership and increasing militancy and strife in the labour movement, primarily shown through strike days lost. The fourth and final factor was a relatively unstable political environment, illustrated by real and potential threats to the ruling governments by alternative and left-wing political parties. During the interim periods when these factors were not present, labour relations within the civil service were ignored by successive governments, with pressures being deflected through commissions and reports.

When the Civil Service Act was passed in 1918 the civil service was expanding and due to the war there was a need for greater efficiency. In 1912 there were 20,016 civil servants. This figure rose to 38,369 in 1918 and by 1920 to 47,133.[13] The economy was performing at peak capacity and there was full employment resulting from the expanded needs of industry, the government, and the military. Between 1914 and 1919, national union membership increased from 166,000 to 378,000.[14] There were more than 1.1 million working days lost due to work disruptions in 1917. This was an increase

of over 374 percent from 1916 and greater than in any other war year.[15] The unstable political environment was illustrated by the formation of the Union Government in 1917. During, and immediately after the war, new political parties emerged to contest the political hegemony which the Conservative and Liberal parties had exercised. Many of the new political parties which fielded candidates, such as the Social Democratic Party, Socialist Party of North America, and Canadian Labour Party did not meet with electoral success. However, at the provincial level the United Farmers of Ontario and the Independant Labour Party combined to form the government in Ontario in 1919, and by 1921 the farmers Progressive Party held the balance of power in Ottawa.

A National Joint Council, which allowed employee associations to consult with the government, was established in 1944. Once again this was a period during which the civil service had expanded rapidly and due to the Second World War there was a need for greater efficiency. Between 1940 and 1950 the civil service increased from 49,656 to 127,196 employees.[16] The unemployment rate was extremely low and the Gross National Product, which had remained below 1929 levels of production until 1939, doubled by 1943.[17] Union membership also doubled from 359,000 in 1939 to 724,000 in 1944.[18] During the war years the Co-operative Commonwealth Federation appeared to be making strides in terms of voter support. In February 1942, in the Tory stronghold of York South, the Conservative Party's new leader, Arthur Meighen,

was defeated by a virtually unknown CCF candidate. By the end of 1942, a poll indicated that the CCF had the support of 27 percent of Ontario voters and 23 percent of all Canadians.[19] With the rise in strength of the CCF, governments began to change their approach to the labour movement and social welfare issues. The Conciliation and Arbitration Act was passed in British Columbia to require companies to negotiate with unions.[20] At the federal level, the Liberal government released the Marsh Report which was to become the foundation of the government's post-war welfare programs. In August 1943 the Liberal Party was stunned by defeats in four by-elections. Two seats were lost to the CCF, one to the Communist-dominated Labour Progressive Party, and one to Quebec's anti-war party, the Bloc Populaire. In reference to the by-election defeats and their influence on the eventual introduction of the Marsh Report's recommended family allowance, Mackenzie King wrote: "I am not sorry to see the mass of the people coming a little more into their own, but I do regret that it is not a Liberal party that is winning that position ... What I fear is that we will begin to have defection from our own ranks in the House to the C.C.F."[21] The Conservative Party also recognized the threat which the CCF posed. In 1942 they had added 'Progressive' to their party's name. At the Port Hope conference of 1942 the party adopted many reform programs with which they hoped to capture CCF voters in the next election. In a front page article Saturday Night magazine stated that:

> It will not, after Port Hope, be possible for the Conservative Party to attempt to insinuate itself to the Right of the Liberals. (Its only course) is to seek public approval as a party somewhat further Left than the Liberals but not so disturbingly Left as the CCF.[22]

Increased support for the CCF was reflected in an Ontario provincial election held in August of 1943. The Liberal party was ousted from office and the Conservative party formed the government with a small majority. The CCF had gained 32 percent of the popular vote, and 34 seats in the legislature, only four less than the Conservatives.[23] At the same time federal opinion polls gave the CCF a 1 percent lead over the other parties in September 1943.

The lack of collective bargaining rights resulted in a massive strike wave in 1943, including a nationwide steel workers strike.[24] At this time of increasing labour strife and rising support for the CCF, Canada's post-war settlement with the populace began to appear. In the Speech from the Throne in January 1944, new government departments such as Reconstruction, Health and Welfare, and Veterans Affairs were announced. The government also stated its intention to introduce the baby bonus and health insurance programs. It was not until the mid 1960s that the health insurance program was finally instituted. In February 1944 the government passed Privy Council order 1003 which later became known as the Industrial Relations and Disputes Investigations Act. It established legal recognition of the rights of private sector

workers to organize, bargain collectively, and strike. For the first time there were rules, procedures, and regulatory agencies to help ensure orderly labour relations procedures. Later in 1944 the CCF came to power for the first time in Canada by winning the provincial election in Saskatchewan. It was amidst this atmosphere of relative labour instability that the government established the National Joint Council for civil servants on May 16th, 1944, by an order-in-council.[25] The NJC may have been meant to augment PC 1003 and therefore avoid government embarrassment over their employees' lack of bargaining rights in comparison to private sector employees. Composed of management and employees, the councils' purpose was to achieve greater efficiency and industrial harmony. The right of civil servants to organize into associations had been tacitly recognized over the years, as had the right to make representations. These rights of a consultative nature were explicitly granted by the government in the establishment of the NJC.[26] The NJC never became anything more than an advisory body. John Hodgetts, author of The Canadian Public Service, made the following comments on the NJC and its effects on employee associations:

> Even officials of the associations, who were almost all seconded civil servants retaining their pension rights, could not evade the suspicion that they were working as 'kept' men in company unions. Indeed, their participation on the national council, given its peculiar modus operandi, tended to create problems in preserving the confidence of their members in them and in the contribution of the associations.[27]

In only a few years, with the implementation of new social programs and labour legislation, the Liberals had evolved from the party of the status quo to one of reform. By 1945 the Liberals were campaigning for their "New Social Order"[28] and the CCF found that its distinctive policies had been borrowed by the other parties, particularly the Liberals[29], who were able to maintain their majority standing.

The aforementioned factors, which were conducive to changes in employer-employee relations, were not present in 1961, when the Conservative government of John Diefenbaker introduced Bill C-71, an act respecting the Civil Service of Canada. Consequently the employer-employee relationship remained the same. Bill C-71 was the first major revision to the Civil Service Act in over forty years and preserved the independence of the Civil Service Commission. For the staff associations, the main issue was employee participation in determining rates of pay and working conditions.[30] In their appearances before the House of Commons committee on the Civil Service Act, employee associations were cautious and tentative in their proposals. The majority of employee associations wanted direct negotiations with the government, and arbitration rather than strikes as the final dispute settlement option. In contrast to the goals of the other employee associations, the Canadian Postal Employees' Association, representing 11,000 inside workers, wanted to be brought under the jurisdiction of the Industrial Relations

Donald Fleming, the Minister of Finance, pointed out that the views of the staff associations were not unanimous.[33] The divided stance of the employee associations regarding bargaining procedures appears to have been used by the government as a rationale for not introducing any substantive changes to civil servants' rights. Bill C-71 provided only for consultation between the employee associations and the government. The government would continue to set rates of pay and conditions of service. The CPEA called these amendments to the Civil Service Act "a continuation of the "vassalized setup"...", and called those who viewed the new measures as a step forward (the CSA and CSF) "lame and feeble minded."[34] The postal association called upon the CSF to renounce its drive for compulsory arbitration. If this was not done, then the postal association threatened to withdraw entirely from the CSF. In the meantime, the CPEA ceased making per capita financial contributions to the federation.[35]

In summary, new bills to govern employer-employee relations for the civil service were introduced only during periods when specific economic and political conditions existed. Within the civil service only the Canadian Postal Employees' Association demonstrated attitudes similar to those of trade unions in the private sector. The divergent opinions among employee associations on solutions to improve wages and working conditions developed into a rift between blue collar and white collar employees. The importance of

and Disputes Investigation Act in order to have the same rights as private sector workers to organize, bargain collectively and strike. Calvin Best, the president of the Civil Service Association, representing 25,000 white collar employees, did not think that the IRDIA should be applied to the civil service. The marked difference in philosophy of the CPEA was clearly illustrated when the Professional Institute withdrew from the Joint Action Committee (JAC), formed by the various employee associations to coordinate policy on matters of concern to all associations. The Professional Institute withdrew after hearing statements regarding "strikes, non-purchase of savings bonds, marches on Ottawa, and similar pronouncements by other members of the Joint Action Committee [that] have put us in an untenable position."[31] These statements were put forth by the CPEA as possible actions to put pressure on the government to award wage increases which had been recommended by the Civil Service Commission but withheld by the government. In 1960 the CPEA withdrew from the JAC after it rejected their proposals for a one-day work stoppage, a referendum on strike action and the demand for full collective bargaining. These proposals were once again designed to pressure the government to award wage increases that had been recommended by the CSC.[32] The caution of the Professional Institute shown by its departure from the JAC at the suggestion of the right to strike demonstrates the differences in attitudes between professional employees and blue collar workers. In his appearance before the committee on the Civil Service Act,

these trends was that they would re-emerge during the mid 1960s and have a significant impact on the shape of the Public Service Staff Relations Act.

BARGAINING RIGHTS BECOME A POLITICAL ISSUE

Collective bargaining and arbitration in the federal civil service became a political issue between 1963 and 1965. Three aspects of this development will be considered: the positions taken by the political parties on the collective bargaining and arbitration issue; how the issue was dealt with by the government; and the reactions of employee associations and other interested groups to these events.

In February 1963 the minority Progressive Conservative government of John Diefenbaker was defeated in the House of Commons and an election was called for April 8th. In March 1963, Claude Edwards, a career civil servant and newly elected president of the Civil Service Federation (the largest employee association, representing 80,000 federal employees), wrote that the actions of the province of Ontario (in providing arbitration for civil service wage negotiations) would, he believed, "provide the necessary impetus to have the next government of Canada enact similar legislation for Federal Government employees. I hope history proves me right."[1] Mr. Edwards was not willing to let history go past without actively encouraging movement toward collective bargaining for federal civil servants. On February 14th, 1963, the Civil Service Federation sent an open letter to Prime Minister Diefenbaker and to major political parties (the New Democratic Party, the Liberal Party, and the Social Credit Party) requesting their position "in respect to the principle of negotiation and arbitration for the civil service, and (2) the position of your party in

respect to the specific proposals of the Civil Service Federation for a negotiation procedure in the Civil Service."[2] In the letter sent to the Prime Minister, the government was told that "Since the Federal Government prides itself on being a good employer and in many ways has led rather than followed the example of others in providing good employer-employee relationships, we believe that the time is now most opportune to consider a system of negotiation and arbitration for Federal Government employees."[3] The political parties were more vulnerable to the demands of the employee associations due to the imminent federal election in which no party held a clear lead.

In due course, the political parties responded to the questions put forth by the Civil Service Federation. The common denominator in their positions was a favourable reaction to the requests of the CSF. Leslie Barnes, the executive director of the Professional Institute, commenting on this positive reaction stated that "both of the major parties were blessed almost simultaneously with a revelation of truth in this regard. Whether this was due to the effectiveness of our presentation or the imminence of a general election might be both difficult and embarassing to determine, but the fact is that they fell over themselves to support the new found virtue of the case."[4] The New Democratic Party's response to the questions of the Civil Service Federation came within 24 hours:

> The New Democratic Party believes that the government should stand in the same relationship to its employees as all other employers. We favour passing legislation to make it clear that all labor legislation applies to the Crown in right of Canada. We also would introduce a National Bill of Rights guaranteeing to all employees the right of collective bargaining, maintainence of membership and checkoff.[5]

The NDP was prepared to go much further than the requests of the CSF by granting public employees full collective bargaining rights, and enshrining them in a Bill of Rights. The response of the NDP was in keeping with its social democratic philosophy and traditional ties with the labour movement. Tommy Douglas pointed out that under his leadership as Premier of Saskatchewan public employees had been granted collective bargaining rights in 1944. The letter ended by stating that the basic rights of negotiation and arbitration were inherent in a democratic society.[6]

The Liberal party was next to reply to the CSF questions. They did so in a guarded, although positive, manner. Lester Pearson stated that the official policy of the Liberal Party which he was "in complete agreement with" was that "the Civil Service should be granted the right of joint negotiations and arbitration, while at the same time recognizing that the supremacy of Parliament means that the right to strike cannot be granted."[7] "Such machinery" for negotiation and arbitration would be set up only after the most careful consideration by the government and the fullest

consultation with the representatives of the Civil Service.

Social Credit leader Robert Thompson assured the CSF that their proposals would be taken as "a starting point from which a Social Credit Government would negotiate to set up appropriate negotiation and arbitration procedures."[8] The possibility of a Social Credit government was remote. The party had received less than 7 percent of the popular vote in the previous four general elections.[9] Although their percentage of the popular vote was less than the NDP during the 1962 and 1963 elections, the Social Credit Party out-stripped them by a wide margin in terms of seats gained. Given the mood of the electorate during the 1960s, a more realistic possibility than the formation of a Social Credit government was that the smaller parties could be thrust into a pivotal role in the formation of a minority government. The Civil Service Federation was wise in soliciting the opinions of the smaller parties due to their potential role in the formation of a minority government and corresponding influence upon policy determination.

John Diefenbaker did not reply to the CSF until approximately a month after it had received its reply from the NDP. The government could have responded more quickly; they had been in possession of the CSF position on bargaining rights since August 1962, at which time they had been asked for their opinion. There were tactical advantages for the government in being last to reply. It allowed the government

time to wait until the other parties had made their position known. There was little to gain by granting anything more than was necessary; for instance, by ceding the right to strike a step which could potentially alienate parts of the electorate. The Conservative party's response was more important in relation to the position taken by the Liberal party than to that of either the New Democratic Party or the Social Credit Party. The Conservative and Liberal parties normally look to one another for policy direction. The Liberals were more likely to form a government than either the New Democratic Party or the Social Credit party, and therefore were the main competition for the Conservatives. In his response Diefenbaker stated that "the Government fully endorses acceptance of the principle of collective bargaining." He made note of the fact that the employee associations did "not claim the right to strike."[10] Neither the Liberals nor the Conservatives were willing to voluntarily cede the right to strike. Nor was Diefenbaker prepared to go as far as the NDP and include collective bargaining in the Canadian Bill of Rights which his government had passed.

The electorate did not give the Conservative Party another opportunity to govern. Less than a year earlier the Conservatives had still been enjoying the fruits of their massive election sweep of 1958 when they had gained 208 out of 265 seats. No party emerged from the election of 1963 with an overwhelming lead, but the Liberals gained more

support than any other party, winning 129 seats and 40 percent of the popular vote, only four seats short of a majority. It was their first time in office since the defeat of 1957. The Conservatives held 95 seats and 32 percent of the vote. The New Democratic Party and the Social Credit party maintained their popular vote at 13 percent and 12 percent respectively, while their seat totals declined from 19 to 17 for the NDP; and from 30 to 24 for the Social Credit.[11]

Collective bargaining rights soon became a matter of public discussion extending beyond the political parties. In an editorial on May 2nd, 1963, less than a month after the federal election, The Globe and Mail supported collective bargaining and the right to strike for the federal civil service. The newspaper stated it could "agree only in part" with Prime Minister Pearson's Liberal government and the Civil Service Federation when they considered arbitration only, rather than the right to strike. The editorial went on to comment:

> ...that civil service groups, like any other group of workers should have the right to bargain collectively with their employers. It does not follow that all such bargaining, if it fails to end in voluntary agreement, should go to binding arbitration. There is no reason why many groups of civil servants should not retain the right to strike.
>
> What is involved is a basic freedom; For the employees, the right to give or withhold their labor; for the employer, the right to keep the plant open or close it.[12]

Claude Edwards responded to the editorial by putting forth the position that the use of lockouts by the government would be an abdication of their responsibilities and that they would in effect be saying they could get along without employee services. Strike action was thought to be politically unfeasible, and there was no apparent desire from within the civil service for it.[13] Without delving into a discussion of strikes and lockouts, it is important at this stage to note that although a relatively neutral public voice, The Globe and Mail, (neutral in so far as they did not represent the government or the employees) was calling for the right to strike, this call was rejected by the CSF in favour of arbitration. Ironically, within weeks of Edward's renouncement of the right to strike, the Canadian Labour Congress published a lengthy article in the Civil Service Review on the benefits of collective bargaining and the right to strike for the civil service. Government employees, it was argued, should enjoy the same rights as other citizens: "In what we are pleased to call a free society, the right of association is one of our civil liberties."[14] As a class, civil servants were being "denied those rights which are granted by law and by custom to employees in private industry. To approach one's employer as a suppliant is not the same as approaching him as a representative clothed with authority. There is that much less dignity, status and self-respect." If civil servants were not granted full collective bargaining rights they would be "less free than other employees."[15]

Prime Minister Pearson followed through with his election promise of addressing the issue of collective bargaining by setting up the Preparatory Committee on Collective Bargaining in the Public Service on August 8th, 1963. The mandate of the committee was to "make preparations for the introduction into the Public Service of an appropriate form of collective bargaining and arbitration..."[16] and then to make recommendations to the cabinet. The relationship of the committee to the government was unique, in that it was not a Poyal Commission, and therefore relations were less formal. The basic freedom of the right to strike which The Globe and Mail, the Canadian Labour Congress, and the New Democratic Party had urged for the civil service, had been rejected by the government, just as it had been by Claude Edwards. With the exception of front page coverage in Le Devoir, Pearson's announcement of the committee was placed at the back of most newspapers, and thus drew relatively little public attention.

Arnold Heeney, once the chairman (although often referred to by some as the 'Czar') of the Civil Service Commission and a former Ambassador to the United States, was named as the chairman of the preparatory committee. During the 1950s, Heeney had headed another committee made up of chief federal civil servants who discussed problems of personnel management and whose purpose was to "provide the freedom and flexibility required to enable the administrator

to do the job and, at the same time maintain the measure of central control necessary to ensure a career service based on the merit principle...."[17] The preparatory committee on collective bargaining was faced with the task of examining the civil service, and determining what rights employees should have in relation to those of the government. The Members of the preparatory committee were a homogeneous group in the sense that, as Heeney noted in his autobiography the committee was "Composed entirely of senior officials having broad administrative experience...."[18] It has been well documented that at the top levels of the bureaucracy where policy decisions are made, the administrative process is unavoidably part of the political process. Top civil servants are rarely reduced to the role of purveyors of policy. They reflect the policy and desires of the political party in power although it "is not necessarily due to the administrators' desire that it be so."[19] Harry Arthurs, author of Collective Bargaining By Public Employees In Canada:Five Models, made the following comments about the preparatory committee and its personnel:

> One particular feature of the new Liberal cabinet must be mentioned here, because it helps to explain not only the forthright discharge of an election promise, but also the nature of the committee appointed. The Prime Minister, Lester Pearson, was himself a former civil servant, as were a number of his senior cabinet ministers. Given this affinity between the political leaders of the country and their former colleagues in the federal civil service, it is not surprising that they took immediate steps to harmonize government relations. Similarly, it is not surprising that the committee appointed for the purpose of executing this mission was composed entirely of senior public servants.[20]

The forthright discharge of an election promise was probably due more to the Liberal's minority government than to affinity between the political leadership and the management ranks of the civil service. During the 1963 election one of the major losses for the Progressive Conservatives was the riding of Carleton, formerly held by Richard Bell, to Lloyd Francis, the Liberal candidate. Since Confederation Carleton had been held by the Conservatives and Bell, a Cabinet Minister, won it for three elections, by a majority of 6,000 in 1962. The civil service and armed forces vote tended to be Liberal "to the extent that all six constituencies within the national capital district on both the Ontario and Quebec sides of the river, went to the one party."[21] Richard Bell said "he was slaughtered by the civil service and armed services vote in 1963. [and] The civil service pay freeze, unfrozen too late,...".[22] The fact that a number of Pearson's cabinet ministers were former civil servants demonstrated how relatively easy it was for the bureaucratic elite to move into the political arena. It was the lower levels of the civil service who were disenchanted with the methods of employer-employee relations, not the senior civil servants who in any case would not have been included in the bargaining units that would be created. The people appointed to the committee would represent the employer in any future bargaining system. However, this does not necessarily mean that those representing the management ranks of the civil service on the committee did not also want a new system of employer-employee relations. Less than a year earlier the

Report on Government Organization had severely criticzed government organization. The Commissioners charged that the government was out-dated in terms of personnel and financial management and that human resources were being wasted due to ineffective personnel administration methods.[23] In light of these criticisms it is surprising the government did not appoint members to the committee from outside of the government. Greater balance and alternative viewpoints could have been added to the committee had there been representatives from the business, labour, and academic communities.

Despite the homogeneous nature of the committee, it was greeted exuberantly by most employee associations. Calvin Best, president of the Civil Service Association, stated "To say we are happy would be putting it extremely mildly,.." and "To our view it is one of the most historic events in the history of the civil service."[24] This optimistic attitude was disrupted by the sober reaction of the Canadian Postal Employees' Association. On page three of the business section of The Globe and Mail was the following article which read in its entirety:

> The Canadian Postal Employees' Association will continue to press for legislation giving civil servants the right to strike, Godfrey Cote secretary-treasurer of the association said yesterday. Mr. Cote said legislation granting the staff associations the right to negotiate will not be enough.[25] Full bargaining rights included the right to strike.

Judging by the size of the article and its location it is not surprising that the public would later be caught off guard by postal strikes. From the viewpoint of the postal workers, the entire premise of the preparatory committee was false, since the right to strike was not being considered. The government cannot be faulted entirely for not having included the right to strike in the committee's mandate. Since the other employee associations' desire not to be granted the right to strike was indicative of the wishes of the majority of their members, then the government was proceeding on the requested course in not considering the right to strike.

While the preparatory committee was in session members engaged in public relations missions in order to win over those to whom the bill was aimed. R.G. MacNeil, a member of the committee, and Chairman of the Civil Service Commission, spoke to the Unemployment Insurance Commission Association, (which was affiliated with the Civil Service Federation) on August 27th, 1964. Association members were told that "despite a good many opinions to the contrary, the role of staff associations in pay determination consultations has been a significant one."[26] He pointed out that long-held government prerogatives such as the right to abolish jobs and job classifications due to technological change, and the right to hiring through the merit principle would be retained by the Crown. MacNeill argued for the employee association philosophy by commenting that, in the labour market, "White collar workers are now making gains in the areas of wages and

fringe benefits that were once associated only with the more highly unionized blue collar workers. In the main they are doing so without the benefit of unions."[27] The message that MacNeill was conveying was that unions were by no means necessary to improve wages and working conditions. The status quo in terms of public service representation in his view was satisfactory to meet employees' aspirations. Shortly before the release of the report of the preparatory committee, Arnold Heeney, just as MacNeill had done before him, used the skills he had gained as a diplomat in telling employee associations their preparation for the upcoming age of collective bargaining was "dramatic and impressive." Heeney thought the government had given the preparatory committee a "far reaching mandate".[28] The mandate of the committee was not far-reaching enough for The Globe and Mail, the Canadian Labour Congress, the New Democratic Party, and, more importantly, the postal workers who had shown their public position on the issue.

In early July 1965, Prime Minister Pearson released the report of the Preparatory Committee on Collective Bargaining, telling a press conference that the government intended to introduce legislation "at an early opportunity."[29] The report noted that employee associations desired a system of collective bargaining and arbitration specifically designed for the civil service. Under the proposed legislation, a five-member public service staff relations board would set procedures for negotiating pay, hours of work, holidays and

other matters. If a dispute developed, the board would set up a three-member arbitration tribunal with the chairman appointed by Cabinet, while the other members would be named by the public service staff relations' board. The government could veto an arbitration report if such an action were deemed to be in the national interest. Employee associations were generally pleased with the recommendations of the committee; their major criticism was that the government could overrule an arbitration award.[30] Another concern was that the report called for bargaining units based on horizontal service-wide occupational groups. These units could be a potential threat to the existing employee associations which were based upon departmental organizations. The associations were not displeased that the public service staff relations board would be appointed by the cabinet. They had been told that "appointments would be made after consultation with employee representatives."[31] The Report of the Preparatory Committee on Collective Bargaining in the Public Service received relatively little press attention. Another report, released three days later, co-authored by Arnold Heeney entitled Canada and the United States: Principles for Partnership completely overshadowed it. During the 1960s Canadian-American relations were a contentious domestic political issue for both the Conservative and Liberal governments. Heeney made the following comments about this report in his autobiography:

> Public reaction in Canada focused on paragraph 81 which read in part: 'It is in the abiding interest of both countries that, wherever possible, divergent views between the two governments should be expressed and, if possible resolved in private, through diplomatic channels.' Critics leaped to the conclusion that this emphasis on what they described as 'quiet diplomacy', on the avoidance of public disagreement, was a proposal to gag the Canadian government and to prevent Canadian public criticism of American external policies.[32]

While Canadian-American relations may seem extraneous to collective bargaining in the civil service, the report reflects Heeney's labour relations philosophy and is analagous to the quiet diplomacy bargaining methods that postal workers had been using in their relations with the government. If the opposite of quiet diplomacy is noisy confrontation, then this was the method of negotiating to be employed by postal workers in the coming years. Diplomatic channels were often avoided when traditional negotiating routes of consultation had failed to resolve outstanding issues. The right to strike within the civil service was soon to become a contentious public issue for the first time. One of the repercussions was an irrevocable ideological split among employee associations.

Writing in the July 13th, 1965 issue of The Globe and Mail, labour columnist Wilfred List noted that the Canadian public and the leaders of Canadian unions were witnessing "An upsurge of militancy by rank-and-file union members, unparalleled since the early post-war years, [that] is

shaking Canada's industrial scene." The new round of militancy was shown primarily by an increase in the number of wildcat strikes. During the month of June, nearly one-third of all strikes were unauthorized. The increased militancy of workers also came to the fore at the post office. Postal workers went on strike on July 22nd within two weeks of the release of the preparatory committee's report. The strike was no doubt due in part to the preparatory committee's recommendation of a bargaining system which ended in arbitration. The strike began in Montreal and quickly spread to Oshawa, Hamilton, and Vancouver. By the next day, postal workers in Toronto and forty other centres were out. The strike was a spontaneous out burst by members who were angry over "years of dictatorship by the government in Ottawa."[33] William Houle, a postal employee, noted that "it took 40 years to get the men on the move and it will take a lot more to stop them."[34] The decision to strike was made at a meeting during which union executives "were jeered, derided and shouted down as they pleaded with howling members not to strike."[35] Brotherhood officials conceded that they "may have lost control of the situation"[36] Postal employees said the government would not accede to their demands until they showed they were not afraid to go out on strike.[37] The editors of The Globe and Mail stated that the postal service "is one of the most vital services maintained by the government; and maintained it must be."[38] Rumours abounded that the army and students would be called upon to operate the postal system in place of the striking workers.

For the postal workers the immediate issues in the strike were tension over wages and working conditions. The government appointed Judge J.C. Anderson to investigate the dispute and recommend a settlement. Meanwhile Prime Minister Pearson tried to persuade postal employees to return to work and await the judge's report, which he promised would be acted upon immediately. On July 27th the majority of locals, with the exception of Montreal and Toronto, were convinced to return to work. Postal workers in Toronto voted to end the strike on the 29th, but workers in Montreal stayed out until August 7th. Judge Anderson's interim report, handed down on August 4th, recommended wage increases of between five hundred and five hundred and fifty dollars. The cabinet accepted the proposal and promised an impartial review of working conditions in the post office.[39] Editorial writers and some members of the business community were sympathetic to the desires of the postal employees. The Globe and Mail editorial on July 28th entitled "The miser's deserts" stated: "The fact is that $4,380 a year for outside workers and 4,680 for inside workers' was grossly insufficient pay for people charged with essential, responsible, demanding-and, in the case of carriers-often unpleasant work. The Government's offer of increases of $300 and $360 did not greatly improve the situation. The postal workers knew from many years' past experience that explanation and persuasion had failed to work with a string of miserly Governments. And so they struck."[40] Reginald Dobson, the secretary-manager of the

Windsor Downtown Business Association, commented that "Our people feel the posties should be paid a proper living wage".[41] One reason for his sympathetic comments may have been that Windsor was a heavily unionized city and he did not want to alienate local union members. It is difficult to know how typical his comments were among businessmen.

Postal workers were the largest group of blue-collar operational workers in the civil service and a distinct group in comparison with white-collar employees. This factor made them easier to organize than other government workers. Increased awareness of workers' rights began to surface at the post office in the late 1950s after the Conservative government had twice cancelled promised pay raises. As a result of these cancellations a group of postal workers began to encourage a union atmosphere and organization among their fellow employees. Hundreds of postal workers attended seminars arranged through the Canadian Labor Congress where they were trained in the strategies and tactics necessary to organize employees and familiarize them with union business.[42] This training probably aided in the solidarity that was later evident during the 1965 wildcat strike.

With the exception of the postal and customs workers employee associations, the right to strike had not been a primary concern of the majority of the employee associations or of the Heeney Committee. The committee considered a statute prohibiting strike action in the proposed collective

bargaining system but decided not to recommend statutory prohibition. It concluded that "it would be difficult to justify a prohibition on the grounds of demonstrated need."[43] Based on empirical evidence the committee decided not to recommend laws forbidding strikes since none had occurred. If ever there was a strike, the committee concluded that:

> ..,the government would not be without means to cope with it. At the present time most of the employees to which the proposed system would apply do not have a "right to strike" and would be subject to disciplinary action by the employer if they were to participate in a strike. Nothing in the recommendations of the Committee is intended to change the position.[44]

The threat of disciplinary action had not dissuaded postal workers from going on strike. Commenting on the possibility of disciplinary action against postal employees, Louis Laberge, the president of the Quebec Federation of Labour, stated that "I am also told that a strike would shake the government. Well let me say this: If just one employee should suffer reprisal as a result of the strike, I promise that the combined might of the Quebec Federation of Labor and the Canadian Labor Congress will not only shake the government but will bring it down."[45] As a result of the postal strike, relations between the Canadian Postal Employees' Association and the Civil Service Federation became more acrimonious, resulting once again in internecine warfare. Claude Edwards accused the CPEA of breaking the

common front of civil servants. The CPEA countered that they were affiliated to the Canadian Labour Congress which they considered to be the legitimate trade union centre.[46] During the postal strike Claude Edwards openly condemned the postal workers, further widening the breech between the two organizations. In his book Collective Bargaining By Public Employees In Canada: Five Models Harry Arthurs suggests that Edwards may have been fearful of the public reaction against a more liberalized system of collective bargaining.[47] Relations were further dampened when the Civil Service Association began signing up part-time postal workers in 1965.[48] As alluded to earlier, one of the most important consequences of the 1965 postal strike was that effective industrial unionism became the norm at the post office from this time on.

In the wake of the postal strike, Edgar Benson, the Minister of National Revenue, addressed the 24th Triennial Convention of the Civil Service Federation on August 26th, 1965. Benson reminded his audience that the Liberal government had acted diligently in moving toward collective bargaining and arbitration, which the majority of employee associations had supported. He also noted that Prime Minister Pearson had announced immediately after the release of the Heeney report that the government would introduce legislation as soon as Parliament re-assembled. Referring to the postal strike, Benson stated that it had not weakened the government's intentions of introducing collective bargaining

and arbitration, but on the other hand "It left in its train a multitude of problems and a residue of emotional upset and uncertainty that cannot fail to make more difficult the task of building an effective system of collective bargaining in the Public Service."[49] Although the government still intended to introduce a system of collective bargaining and arbitration the right to strike was not mentioned as a possible dispute settlement procedure.

In conclusion, the federal election of 1963 put the issue of collective bargaining and arbitration directly before the political parties which, in some constituencies, were in a relatively vulnerable position. Civil service issues had an impact on the fortunes of the Liberal and Progressive Conservative parties in the Ottawa region. The Progressive Conservatives, the Social Credit, and the Liberals pledged their support for collective bargaining and arbitration, but unlike the New Democratic Party were not willing to grant the right to strike. In a minority government situation Prime Minister Pearson set up the Heeney Committee whose mandate did not include consideration of the right to strike, a right advocated by The Globe and Mail, the Canadian Labour Congress, and the Canadian Postal Employees Association. The latter organization continued to manifest union traits which made it distinct from the other employee associations. At the time of the release of the Heeney Committee Report, the labour force was becoming restive. This was particularly true of the post office where workers

engaged in a wildcat strike because they thought it was the only effective means of impressing on the government their demands for improved wages and working conditions. The significance of the postal workers' militancy was that their views concerning the right to strike would be reflected in the legislation which was soon to be introduced.

THE GOVERNMENT INTRODUCES THE RIGHT TO STRIKE

The Liberals' introduction of collective bargaining legislation came in April of 1966, eight months after their election victory. To the surprise of many individuals and organizations the new legislation (Bill C-170) did include the right to strike. The following factors in the evolution of the new legislation will be examined; the strategy of the Liberal Party in the 1965 federal election; issues relating to collective bargaining raised during and immediately after the election; and the reaction of parliament, editorialists, magazines and journals to Bill C-170.

The decade between 1957 and 1967 was one of the most turbulent in Canadian political history. Five federal elections were held, resulting in two changes of government, and four minority governments. Due in large measure to its minority standing, the Liberal party of this period was pushed into reforms because the electorate expected them. Throughout the 1960's the Liberal party shifted to the left of centre in an attempt to gain more electoral support. This sequence of events was similar to that which occurred in the mid 1940s. The New Democratic Party was gradually pushed off of its home ground by a Liberal party which had the benefit of being in office and able to implement new policies. In the January 9th, 1965 issue of the Toronto Daily Star, Peter Newman wrote an article entitled "Pearson's men sight new target-NDP". Newman commented that "Aside from its strongly divergent defence policy, the NDP's platform in the 1962 and 1963 campaign mainly included items which had been lifted in

effect if not in detail, by the Liberals, such NDP innovations as a contributory pension plan, co-operative federalism, a national labor code, and the establishment of an area development agency have all been taken over by the Pearson government, and are now law or about to become so."[1] Newman thought "This anti-NDP orientation reflects the Liberal party's recognition that Tommy Douglas has become a potential threat to their majority aspirations."[2] In January 1965, Keith Davey, the Liberal party's national campaign director, commented that the party had "to persuade those people who vote NDP but aren't necessarily socialists, that they're wasting their support on a party which has no possible prospect of enacting the type of measures they espouse. We have to make them realize that we're the party with both the will power and the horsepower to enact their kind of legislation."[3]

The government called the election on September 7th, 1965. Its purpose, according to comments Pearson made in his autobiography, was "to secure a majority in the Commons, 'a vote of confidence' from the electorate to remove from our backs the dread incubus of never knowing when we would be thrown out."[4] Pearson thought a strong government was necessary to deal with the issues of the day. "He mentioned medicare, the Carter commission on taxation, the federal-provincial tax structure committee and collective bargaining for the civil service."[5] Since the Conservative Party was suffering from internal dissension, the Liberal

party hierarchy thought it would provide little threat, except in Western Canada. Only the NDP stood in the path of a Liberal majority government. A Gallup poll released on September 22nd stated that "voters think 2 to 1 that the NDP will gain not lose seats next time." When the Liberals started to mount their campaign the previous spring, Pearson wrote a memorandum on party strategy. Under the heading of The Socialist he stated that:

> Up to the beginning of December 1964, the NDP appeared to have made no progress in popular support since April 1963. But they have recently had an upswing. Certainly they have some claim to feel that they are in better shape than at any time since the bright first days of the new party. At that time we out-played the NDP. But now the 'plague on both your houses' mood is strong and, if it continues, Mr. Douglas and Co may get a new start and new support...Third, we should make sure that the NDP doesn't make all the running with social issues. Our throne speech has been a great help here. We have stolen some of their clothes while they were bathing in holy water![6] Social Credit and the Creditistes we should ignore.

The greater part of the speech from the throne had focused on a Canadian version of the American "War on Poverty", intended to alleviate poverty. Clearly the Liberals perceived the NDP as an increasingly strong rival for the support of the electorate, and in order to undermine them the Liberals found it expedient to usurp "some of their clothes," which included medicare and unemployment insurance. This tactic was demonstrated in a Liberal strategy document leaked to the press. It stated that "Liberals are classified with the

Conservatives as one of the old-line parties. "We must never allow" ourselves to become old-line in our philosophy and our policies. If we do, we will be lumped with the Tories and the NDP will stand to gain."[7]

The issue of employer-employee relations in the civil service was raised by labour organizations and the NDP during the election. Speaking at the national convention of the Canadian Union of Public Employees, Stan Little, the president of CUPE, did not think the government had moved far enough or fast enough in relation to collective bargaining rights for civil servants. He stated that:

> It is in my submission, a distinct reflection of the Government of Canada that it required a strike in our postal service to sufficiently draw to their attention the absolute need for effective collective bargaining as well as a realistic study of their salaries and working conditions. It is not only the postal workers that are in turmoil and suffering organizational frustration, but other sections of the Federal Civil Service are demanding a change in their position of servitude and many are considering affiliating to the main body of the Canadian Labour Movement.[8]

Tommy Douglas was the keynote speaker at the CUPE convention. He commented to the audience that when he was the Premier of Saskatchewan "We recognized when we passed our legislation giving government employees the right to collective bargaining they also had the right to withold their labour because I accepted as a basic tenet of democracy that since the day that Abraham Lincoln freed the slaves nobody could be

compelled to work against his will."[9] Douglas's position on the rights of public employees, including the right to strike, was reported in the newspapers the next day.[10] Newspapers also reported on the Canadian Postal Employees' Association convention. One of the speakers at the convention was Andy Andras of the Canadian Labour Congress. He commented that "the Government would be judge, jury and prosecuting attorney under proposed plans to give public employees the right to collective bargaining."[11] Rick Otto, the National Secretary of the CPEA, described the Heeney Committee proposals for collective bargaining "as a scheme to provide an elaborate, unilaterally controlled consultation procedure instead of full and free collective bargaining."[12] He went on to predict that compulsory arbitration would not stop strikes. William Kay was elected as the new president of the CPEA and the organization changed its name to the Canadian Union of Postal Workers. The status quo in terms of employee representation, which Robert MacNeill had inferred was sufficient to meet employee aspirations was now being broken down.

On October 5th in the midst of the election campaign, Judge J.C. Anderson's final report on the postal workers strike was released by Prime Minister Pearson. In a front page article about the report The Globe and Mail stated that "The reorganization of the Post Office Department as a Crown Corporation and the granting of full bargaining rights, including the right to strike, for postal employees was

recommended For Government consideration...."[13] Pearson said the government would want to examine the suggestion. Meanwhile in the riding of Carleton Richard Bell hoped to regain his seat from the Liberals. In order to do so he had "to get back the relative strength I had in the civil service and to get at least an even break in the armed forces."[14]

All major opinion polls predicted a solid Liberal majority,[15] but Pearson's call for the need of a majority government went unheeded by the electorate and as the Liberal party had feared, support for the NDP increased. Even though the Liberal party's percentage of the popular vote decreased by nearly two percent, they did manage to pick up two more seats for a total of 131. The Conservatives also gained two seats for a total of 97 and remained stable in terms of the popular vote (32 percent). The NDP were the only winners to come out of the election, increasing their popular vote by nearly five percent to 17.9, and adding four additional seats.[16] Pearson had stated in his memorandum outlining party strategy that the Social Credit, and Ralliement des Creditistes parties should be ignored. His perception of their likely support was correct. The Social Credit party lost nineteen seats (9 of which went to the Ralliement des Creditistes) leaving them with only five, and their popular vote declined by approximately two percent.[17]

In early December 1965, a month after the election, a Gallup poll was released which stated that "more than half of

the voters say "yes" to strikes in civil service." The question that had been asked was "DO YOU THINK STRIKES BY CIVIL SERVICE EMPLOYEES SUCH AS OFFICE WORKERS, POSTAL WORKERS, CUSTOMS MEN, ETC., SHOULD OR SHOULD NOT BE FORBIDDEN BY LAW?"[18] It was probably not a coincidence that the question referred specifically to customs and postal workers, the two groups which had demanded the right to strike.[19] The strike by postal workers had demonstrated that they were the most vocal and visible civil servants and their inclusion in the question would perhaps bring out any latent hostility from those who were asked for their opinion. Overall, 33 percent thought strikes should be forbidden, and 54 percent thought strikes should not be forbidden. The remaining 13 percent had "no opinion." One of the most significant statistics to come out of the poll was that farmers (40 percent), more than any other occupational group, thought that strikes should be forbidden.[20] Traditionally, farmers had supported the Conservatives over the Liberals. Even within this group, the results of the poll were not entirely negative for the Liberal government's plan to introduce the right to strike in the civil service. Demographically, farmers were a declining occupational group. The Liberals could at least maintain their support among farmers, while potentially gaining urban voters. During the 1962 federal election the Conservative party lost thirty seats, mainly in urban communities, to the Liberals. The redistribution act of the mid-1960s gave a greater proportion of seats to urban areas and thereby, theoretically, more support to the

Liberals and the New Democratic party. At the same time the Conservatives' rural power base was believed to be declining.

Throughout the winter months of 1966, opposition members in the House of Commons applied pressure on the government to introduce collective bargaining legislation for the civil service. Robert Thompson, the leader of the Social Credit party, was concerned about the "volatile situation in the Post Office."[21] The New Democratic Party had long espoused collective bargaining for the civil service and were more concerned with the content of the legislation than with how quickly it was introduced to meet immediate pressures. At the same time, the NDP reminded the Prime Minister that the government had made a commitment the previous summer to introduce legislation.[22] The Liberals had already adopted the 'clothes' of the NDP (collective bargaining and arbitration) and were now about to adopt the 'body' which was the right to strike. Both parties were contesting for the same segment of the electorate and the Liberals could only move ahead of the Conservatives by gaining votes that would otherwise go to the NDP.

On April 25th, 1966 Prime Minister Pearson moved that the House go into committee to consider legislation dealing with collective bargaining for the civil service. In announcing Bill C-170 Pearson traced its roots to the Glassco Report. The intent of the bill, named the Public Service

Staff Relations Act, and its accompanying legislation, was to "provide an effective instrument for the regulation of employer-employee relationships in the public service."[23] The effective instrument for regulating employer-employee relations was now to include the right to strike. Pearson commented that "Many Canadians feel that the right to strike is fundamental and the government agrees."[24] If anyone doubted this, Pearson could always point to the gallup poll of the previous year. Pearson did not have to resort to the Gallup poll in order to back up his assertion that many Canadians felt the right to strike was fundamental. Bill C-170 was greeted enthusiastically by members of the House of Commons and commentary upon it did not degenerate into a partisan debate. The resolution introducing the bill passed without a dissenting vote. Richard Bell, who had regained his seat in Carleton, had for many years "believed personally that the procedures of negotiation and arbitration for the civil service should be recognized and established and that they should adhere as closely as possible to the law in effect governing relations generally between employers and employees."[25] Tommy Douglas, the leader of the NDP, thought that government employees "should have the same rights and privileges as are now enjoyed by other employees anywhere else in Canada,"[26] and if the government was to compete in a tight labour market, it would not be able to if "persons who have become employees of the government know that they are going to be treated as second class citizens. If we want a good quality of public servants then we must see

to it that they enjoy all the rights and privileges enjoyed by other workers."[27] When the act was introduced the unemployment rate stood at 3.6 percent.[28] The last time it had been lower was 1956, and since 1966 the unemployment rate had steadily increased with only minor interruptions. Douglas noted that although no one wanted to see government workers on strike, he realized "that in the last analysis the strike is the only effective weapon which workers have in the process of collective bargaining."[29]

Only after its introduction in parliament did the issue of collective bargaining for the civil service receive front page coverage in the major Canadian newspapers. The probable reason was that rather than being faced with simply another government study, the newspapers now had a concrete bill on which they could comment, one which was proceeding through parliament to become a statute. The Toronto Daily Star stated that "Prime Minister Pearson made the surprise announcement..."[30] that the majority of government employees would be granted the right to strike, except for those who were essential to the safety and security of the public. The Globe and Mail and the Toronto Daily Star noted that the major departure of the legislation from the advice of the Heeney Committee were the granting of the right to strike and rescinding the government's power to overturn arbitration awards. Prime Minister Pearson stated that the reason for these changes was that "The government has concluded that to follow this proposal would appear to give

the employer an undue advantage."[31] Edgar Benson, whose Treasury Board would negotiate for the government, was careful to note that "he anticipated the effect of the new legislation would be to decrease rather than increase the possibility of strikes in the public service."[32] Benson commented further that "The situation until now has in effect, been of civil servants being presented with a fait accompli without prior negotiations...this was the sort of approach that led to the strike of postal workers last summer...."[33] Benson's comments on why the act was introduced raise some interesting issues concerning labour relations. Most governments in the Western World and large private-sector employers, have generally come to realize that unions are not necessarily a hindrance to society. In most instances they can contribute to society's stability, limiting, rather than increasing social conflict. Employers have an obvious interest in peaceful labour relations and in avoiding conflict. In achieving these goals, unions can often be seen as allies, not adversaries. This was particularly true of the civil service where there were no formal legislative mechanisms in place to deal with conflict. Bill C-170 would institute the appropriate machinery to deal with labour relations.[34]

Editorial reaction to the Public Service Staff Relations Act was generally favourable. The Toronto Daily Star thought the act was "a realistic adjustment to changing times,"[35] and that the experience of strikes by teachers in Quebec and

by the postal workers had shown "there is not much a government can do except negotiate like any other employer. To change the law to acknowledge these facts seems only common sense."[36] The Globe and Mail gave the new bill a more cautious approval by acknowledging that "It is past time that Canada's civil servants be given the rights to organize collectively and bargain with their employers for better wages and working conditions. But the legislation now before the House to achieve this raises questions about its practicality." Their major concern was that parliament might become "a permanent conciliation board" legislating strikers back to work.[37] The most enthusiastic endorsement of Bill C-170 came from The Montreal Star which stated that "If it was a long time coming, Mr. Pearson's proposed legislation to establish a system of collective bargaining for civil servants seems to have been worth waiting for,"[38] and "The rights of civil servants to negotiate over their conditions of work is now generally accepted, not only by all political parties but by the general public."[39] On first reading the bill looked "like an imaginative and sensible act, for which the government deserves credit."[40] In sharp contrast to the editorial opinions of The Montreal Star and the other papers cited, the Winnipeg Free Press, commented that "The Conservative and New Democratic parties have shown unconscionable haste to get aboard the Liberal bandwagon in the proposed treatment of federal civil servants."[41] It was also thought that:

> Another valid argument against giving public servants the right to strike is that the government's record of settling strikes is pretty miserable. When the government has been called in-or forced in-to settle a dispute, the inevitable result has been that the strikers have been given most, if not all, of what they asked for, and the additional costs have been loaded on to the public.[42]

The Montreal Star commented as well on public sector versus private sector employment: "The day has long passed when a civil service job, with its guarantee of security and pension, was something special. Private industry is now competing more than adequately in all of those spheres..."[43] The comments made by the Winnipeg Free Press on the same subject were entirely opposite: "the public servant has enjoyed, and still enjoys, large advantages over workers in private industry. One is security of tenure; it is practically impossible for a permanent civil servant to get fired."[44]

On May 31st, 1966 Bill C-170 received second reading in the House of Commons. Opinions on the bill ranged from how radical it was to how conservative aspects of it were. Alexis Caron of the Liberal party mentioned that the right to strike "was not requested by the employees, postal workers excepted. None of the others asked for it. The right to strike can be dangerous for a civil servant."[45] J.T. Richard of the Liberal party commented that in 1961 it was difficult "to convince the associations that we really could have true collective bargaining. The word "strike" was hardly heard of. Many of the things that have been included as a result of the Glassco Commission, and some of the

representations made by the employee associations, the government and others since that time, are radical in relation to representations made in the past by associations of the civil service."[46] The political affiliation of the employee associations was the main concern of C.A. Gauthier of the Ralliement des Creditistes who stated "The dues of employees should no longer be allowed to help any political party, even though it may claim to protect employees. Mr. Speaker, we are all here to protect the rights of the working man; I cannot see in the house any party in a position to claim exclusive right to defend the rights of the workers and to use that claim to justify the use of such dues."[47] Gauthier's feelings were shared by many politicians who saw themselves as classless, and concerned with serving the entire nation or the national interest. In serving the national interest they appear to feel that special interests and class-oriented demands must be subdued for the good of the populace. The New Democratic Party would be one particular group which Gauthier probably perceived to be a special interest that had to be subdued. This would be accomplished by not allowing the dues of employee associations to go to the NDP, the usual beneficiary of such dues.[48] However, contrary to Gauthier's statement, employee associations did not have the right to make donations, or affiliate to political parties, and the attitude of employee associations toward political affiliation was very cautious. When the Canadian Labour Congress joined forces with the Co-operative Commonwealth

Federation in the late 1950s, the employee associations left the congress even though they had been assured that their political neutrality would be respected.[49] Members of the NDP felt the new bill took away political rights and freedoms of the individual. Stanley Knowles was upset with a provision "against political freedom on the part of civil servants even more severe than anything we have yet seen in any federal legislation."[50] The bill denied any union of public servants that handled money, even on a voluntary basis, for any political party the right to be certified or to engage in collective bargaining. David Orlikow thought civil servants should have the right "to participate actively in politics and work for candidates of any party they choose."[51]

Throughout the month of June, specialized magazines and journals continued to publish articles and editorials concerning Bill C-170. An editorial by Claude Edward's in the Civil Service Review fully endorsed the Public Service Staff Relations Act and its accompanying legislation, Bill C-181 (the Public Service Employment Act), which dealt with the powers of the Public Service Commission, and Bill C-182 (the Financial Administration Act), which transferred the management function of the government to the Treasury Board. It was noted that while Bill C-170 provided for two dispute settlement procedures, the Civil Service Federation's mandate was to support binding arbitration rather than the right to strike. The new system of collective bargaining would ensure

a more expeditious adjustment of wages and working conditions and in turn prevent "the serious time lag...that has characterized the former system of consultation and petition."[52] The June 18 issue of the Financial Post featured an article on the new government bills entitled "Sweeping civil service change making Ottawa business beehive". The title of the article is potentially misleading in that it is uncertain whether businessmen were 'swarming' to Ottawa like bees to protest the new bill, or that Ottawa was being remodeled into a 'business beehive' of efficiency. The latter notion seems to have been the central thesis. The author stated that "Thorny issues such as the right of civil servants to strike have naturally made headlines. But the inwardness of the changes-bringing the public service more into line with modern industrial and corporate practice has largely been ignored even on Parliament Hill."[53] Interestingly the author did not trace the impetus for collective bargaining to the employee associations or the political situation, but rather to the government's desire to increase efficiency. The article posed the following question concerning the origins of the bill; "Why have questions of collective bargaining and the right to strike arisen in the public service? The short answer is the Glassco Royal Commission Report. In the obvious interest of efficiency, Glassco recommended that government departments should have much greater managerial powers of their own and be held responsible for their performance."[54] It was thought that until the time of the postal strike, the

government had had no intention of conceding the right to strike. However, government people were confident that most "civil servants, other than the postal workers, will opt for binding arbitration."[55] This assertion was constantly reinforced by the Civil Service Federation's pronouncements and actions. The emphasis of the article was on the increased efficiency that would result from the new administrative procedures, and not the bargaining rights of employees and their potential implications. These were viewed as ancillary measures, adopted only as a result of the postal strike.

During the period in which Bill C-170 was introduced the labour situation in Canada become so volatile that Prime Minister Pearson appointed a task force to investigate solutions to restore labour peace. Dean H.D. Woods, of McGill University, headed the new task force on labour relations. Union membership stood at an all time high of 1,736,000 in 1966. This was an increase of 9.3 percent over 1965.[56] Labour strife also reached a record high of 5,178,000 working days lost due to strikes.[57] There had not been such a series of major strikes since the immediate postwar period. Strike action in the labour movement appeared to be creeping into the federal civil service. On June 24th, a front page article in The Globe and Mail ("Federal civil service unrest grows as collective bargaining

measure reviewed") stated that "There is sporadic talk of strike action from some groups, but this seems ill-founded. At this stage, strike threats come from the fire-brands who do not represent the thinking of the major civil service staff organizations."[58] This was borne out by a survey taken by the Civil Service Federation which indicated that 70 percent of their members favoured binding arbitration.[59] It was amid this atmosphere of apprehension and volatility in the civil service, and the labour movement in general, that the Special Joint Committee of the Senate and House of Commons concerning the Public Service Staff Relations Act began its hearings in June 1966.

The strategy of the Liberal party in calling an election was to take votes away from the NDP before they could gain further strength and thereby attain a majority government. This was to be accomplished by implementing policies which had originated with the NDP. In doing so the Liberals would not be identified with 'the old line parties.' As the Liberals had feared, the NDP increased their support. The right to strike for civil servants was supported during the election by the NDP, CUPE, and the CLC. The CUPW stated it would strike if not granted full collective bargaining. The government's collective bargaining legislation gave civil servants the right to strike even though it was only requested by postal workers. Individual opinions in parliament varied from how radical to how restrictive the bill was. Editorial and business writers responded

positively to the bill. In less than three years the Liberal and Conservative parties had relenquished the divine right of parliament to rule over her civil servants. As in earlier periods, changes in governing employer-employee relations were implemented by the government when specific economic and political conditions had coalesced and intensified. But the divided stance between the postal unions and other employee associations was to have an impact on how far-reaching those changes actually were.

BILL C-170 IS REVIEWED AND PASSED

Between June 1966 and February 1967 the Public Service Staff Relations Act was reviewed by the Special Joint Committee of the Senate and House of Commons before receiving Royal Assent in March 1967. The following aspects of this process will be considered: the makeup of the committee and the government's explanation of why the right to strike was included; labour, business and committee members' views of the bill and the government's response to their requests; events outside of the hearings pertaining to collective bargaining for civil servants; and finally, opinions of parliamentarians and newspaper editors on the legislation.

The merits and deficiencies of the Public Service Staff Relations Act came under close scrutiny throughout the often gruelling proceedings of the Special Joint Committee of the Senate and House of Commons. There were thirty-six members of parliament and the senate on the committee including twenty Liberals, one independent Liberal, twelve Progressive Conservatives, two New Democrats, and one Social Credit member. The committee work load was unevenly distributed among these thirty-six members. This was not due so much to laziness on the part of individual members, but was rather a function of the relative positions of their parties and the dynamics of any committee, particularly one with partisan political connections. It can be expected that the members of the governing party will be less critical of a bill which their government has put forward. It can be expected also that opposition party members will try to ensure that a bill

fulfils its supposed intent and protects the public interest. In the case of the Public Service Staff Relations Act, this task was borne almost entirely by Richard Bell of the Conservative Party, and David Lewis and Stanley Knowles of the NDP. Legislative assemblies now tend to play a more ancillary role in the decision-making process than they did in the past. Their share of power is often less than that which they are perceived to have. In terms of Bill C-170, it was the executive and top policy-making personnel, primarily from the Treasury Board and the Revenue Ministry, who drafted the bill. This is not to deny that in the end legislative assemblies can play an important and powerful role in policy making. The appointment of Conservative Richard Bell and LIberal Alexis Caron could mean potentially increased electoral support in their constituencies (Carleton and Hull), since these ridings contained a significant number of civil servants. Caron had introduced a private member's bill in 1962 to provide for negotiation and arbitration for the civil service. The NDP would not receive any immediate benefits in a particular constituency for their members' services on the committee. They could only hope for long-term support from the labour movement, one of their primary support groups. The importance which the NDP placed on Bill C-170 was demonstrated by the high stature of the members they appointed to the committee.

The first witness to appear before the committee on June 28th, 1966, was Edgar Benson, the Minister of Revenue,

responsible for guiding Bill C-170 and its accompanying legislation through parliament. His introduction of Bill C-170 described it as "in essence a conventional labour relations act, modified in some areas to conform to the special requirements of the Public Service."[1] The modifications included, transitional provisions between the old and new acts governing labour relations, and the use of two distinct dispute settlement procedures. It was explained that binding arbitration was the dispute settlement procedure that had been recommended by the preparatory (Heeney) committee and supported by the employee associations. This method would protect the public from any disruption of services and at the same time satisfy the employee associations. According to Benson the government had been prepared to implement the original recommendations of the committee when:

> At about the same time that the Preparatory Committee reported, it became increasingly clear that members of the employee organizations in the Post Office department opposed the recommended system of dispute settlement as a matter of principle. In this position they were supported by spokesmen for organized labour in other areas of the community.[2]

In this statement, Benson refers to the fact that postal workers had gone out on strike to support their demand that they be covered by the Industrial Relations and Disputes Investigations Act, and had received moral support from the Canadian Labour Congress. If an outsider was being exposed

for the first time to the issue of collective bargaining for the civil service, he would be left with the impression that the right to strike had not been raised by the postal associations and the CLC before 1965, where as in fact it had been asked for as early as 1950. Benson went on to comment that:

> In the circumstances, the government decided to accommodate the views of those who were opposed to arbitration in principle by including in the legislation an alternative process of dispute settlement directly comparable to that provided in the Industrial Relations and Disputes Investigation Act.[3]

Bill C-170 received a very inhospitable reception from the labour movement after its formal introduction to the committee by Edgar Benson. Labour organizations representing the majority of Canada's unionized employees did not think the bill should have been considered in the first place. Their reasoning was that, contrary to Benson's suggestion, Bill C-170 was not "directly comparable to" the Industrial Relations and Disputes Investigation Act, and if it were, there would be no need to introduce Bill C-170. Any provisions necessary to conform to the special requirements of the civil service could be added to the IRDIA. The Canadian Labour Congress, Canadian Union of Public Employees, Canadian Union of Postal Workers, Letter Carriers Union of Canada, Confederation of National Trade Unions, and many prominent members of the committee thought the IRDIA should have been updated and applied to the civil service. The CLC

pointed out that the IRDIA had been capable of governing essential services such as the railways, air transport, and shipping. It should have worked equally well for civil servants as it did in Saskatchewan.[4] When the Co-operative Commonwealth Federation introduced legislation in Saskatchewan granting civil servants the right to collective bargaining in 1944 they had merely added the phrase "and includes Her Majesty in right of Saskatchewan" under the definition of "employer."[5] The CLC and CUPE felt it would have been more practical to update and improve the IRDIA.[6] If this was not done then Bill C-170 would be based on an act which did not meet the needs of those whom it purported to serve. Speaking for CUPE, Mr. Eady stated that "our union does not agree that in the case he [Heeney] has made that this is a superior form of collective bargaining for the Civil Service."[7] Unlike Heeney and Benson, CUPE considered the Federal Minister of Labour capable of dealing with the responsibility of collective bargaining for civil servants. To illustrate this view, it cited the Province of Quebec, where the Minister of Labour had acted as an umpire in the hospital strike, and the Minister of Health represented the employer.[8] The Canadian Union of Postal Workers' prefaced their comments to the committee by stating they would prefer that the post office be turned into a Crown Corporation. In this manner they would be covered under the IRDIA, a desirable circumstance for a variety of reasons:

> The experience under the I.R.D.I.A. Act is on record and therefore verifiable; we know we could live with our employer under that Act. The claim that Bill C-170 closely parallels the I.R.D.I.A. Act is in our view spurious. If this were so, then surely the Preparatory Committee would have sought to open that Act to federal public employees. The truth of the matter is that the I.R.D.I.A. Act does not contain enough employer control devices to satisfy the Preparatory Committee and thus they have devised a separate statute in order to make certain that federal public employees would not fall under the influence of the legitimate trade union movement of the country.[9]

Another reason why postal employees did not want to be brought under the jurisdiction of Bill C-170 was that "the employees themselves do not consider themselves public servants. Postal employees consider themselves as employees just like another employee in the industry at the present time: that is why we are asking for the Post Office department to be set up as a Crown Corporation."[10] The blue collar attitudes of the postal employees was apparent throughout the hearings. The Confederation of National Trade Unions voiced many of the same concerns as other labour organizations, asking whether Bill C-170 really was comparable to the IRDIA. The Confederation was "of the opinion that Bill C-170 shows an unacceptable preference for extremely rigid, and even totalitarian union structures, and leaves in the background the right of association and freedom of union action."[11]

Opinions expressed by labour organizations regarding the efficacy of Bill C-170 and its comparablity to the IRDIA were

supported by committee members representing the opposition parties. Richard Bell, of the Progressive Conservative Party, stated "I believe there might be a great deal to commend itself by way of amendment to the Industrial Relations and Disputes Investigations Act, rather than through this very cumbersome bill. If the I.R.D.I. act were so amended so it properly protected the merit system, I think it might easily be a superior technique."[12] Judging by the inquisitive nature and tone of Richard Bell's comments to the committee, he appears to represent the 'Progressive' wing of his party. The NDP members of the committee were aware of this as is apparent in the following light-hearted statement by Stanley Knowles. "Now through most of the discussions that we have had--I seem to be in the position of letting Mr. Bell take the extremely radical position, and I am the moderate around here...."[13] Stanley Knowles thought the purpose of the IRDIA was to establish an industrial relations system which would place the opposing parties on an equal footing in their bargaining relationship. However, he noted that when the government had drafted Bill C-170, its intent was to draft:

> ...a bill for relationships between itself and its employees, and with all the will in the world, I do not think that the government has succeeded in developing the pattern of equality, or developing the objectivity, with respect to the relationships between itself and its employees, that it has developed with respect to relations between two other parties. And when we are asking for the Industrial Relations and Disputes Investigations Act to be applied, we are asking for that other principle.[14]

Government officials countered the unions and opposition members who supported the use of the IRDIA by staunchly defending Bill C-170 and raising both hypothetical and concrete reasons for not using the IRDIA. Arnold Heeney believed the conciliation dispute settlement procedure in Bill C-170 which led to the right to strike was "for all practical purposes, exactly the same as that of the I.R.D.I. Act."[15] At the same time he maintained that if the IRDIA were to be employed "what these witnesses are asking for is something which, in my judgement, is quite impossible if you are to preserve the merit system which is only one of a number of reasons."[16] Heeney's general viewpoints were supported by George Davidson, Secretary of the Treasury Board, who raised other hypothetical problems that could be associated with the inclusion of civil servants under the IRDIA. He asked if compulsory arbitration were to be used under the IRDIA:

> Would this be interpreted as the entering of a wedge by which parliament was trying, first of all, to introduce for the public service, and later for a larger segment of organized labour, the concept of compulsory arbitration in a piece of legislation that trade unions regard as the charter of organized labour so far as matters coming under federal jurisdiction are concerned.[17]

If there was a wedge entered into the labour movement, it was not the prospect of both private and public sector workers coming under compulsory arbitration, but rather that Bill C-170 would segregate public sector workers from private

sector workers. This was probably one of the main reasons why the largest and most important labour organizations wanted all unionized employees to be covered under the IRDIA. Representatives of organized labour had not been concerned by the hypothetical possibility of being subjected to compulsory arbitration that George Davidson had suggested might eventually occur. Their criticisms of Bill C-170 were of a general nature and centred on the argument that the bill was not comparable to the IRDIA owing to its many procedural restrictions. But those who supported Bill C-170 held the trump card. Heeney and Davidson voiced similar thoughts in reminding the committee that compulsory arbitration was the dispute settlement method "which has been requested of the Parliament of Canada by organizations representing the majority of the public service."[18] Employee associations appearing before the committee did nothing to refute this view. Bill Gough, President of the Civil Service Association of Canada, introduced his comments by stating that "The Bill in general concepts reflects our policy position adopted at National Conventions for many years..."[19] Claude Edwards thought that if civil servants were covered by the IRDIA it "would prevent many of the people in the professional categories and senior administrative categories from coming under collective bargaining in the public service."[20] The addition of professional and senior administrative categories into bargaining units would tend to weaken their resolve toward strike action, thus making the unions more conservative in outlook. These groups usually believe that

they can advance their careers more successfully without a union. Regardless of Edwards' viewpoints, it would be difficult at this stage for him to disavow Bill C-170 and join with the CLC and the other unions in favour of the IRDIA since he had already published an editorial praising the new bill before it had been reviewed by the committee.

The cohesiveness of the labour movement in their criticisms of Bill C-170 was remarkable in comparison with the situation outside of the committee hearings. During the mid-1960s, the CLC and its affiliates were involved in bitter jurisdictional and raiding disputes among members, in particular with the CNTU which was expanding in Quebec at the expense of CLC members. Despite the labour movements solidarity during the committee hearings, the idea of adopting the IRDIA for the public service floundered. With the exception of the aforementioned opposition members, there was very little support on the committee for the use of the IRDIA. The majority of committee members appear to have been won over by the fact that government employee associations desired Bill C-170. The CLC may also have wanted to ease the tension regarding the use of the IRDIA so that they would not further split the labour movement by alienating the employee associations which were in the process of affiliating with the Canadian Labour Congress. Another consideration may have been the prospect of losing the considerable financial revenue which would be added to the CLC by the employee associations. In an article in <u>The Future Of Public Sector</u>

Industrial Relations, Leo Panitch and Donald Swartz, commented that the trade union movement that developed in Canada during the post war period had a legalistic and bureaucratic outlook and that "These characteristics were reflected in the acceptance of greater restrictions on public employees' freedom of association by the broader labour movement."[21] Although the introduction to their comment is correct, the broader labour movement did not actually accept the greater restrictions, but they could move only as quickly as the PSAC; a group not in favour of the right to strike, which consistently maintained a conservative outlook and discouraged attempts to improve Bill C-170.

The Special Joint Committee heard deputations for only two days in late June 1966 before recessing for the summer. Just as the first round of hearings on Bill C-170 had started with criticism so did the second when the committee met again in October. However, the criticism came now from the opposite end of the spectrum from the labour movement; it came from the business community, which felt the bill was too liberal. The committee received a number of critical submissions advising the government to abandon the bill or, at the very least, make amendments to it, in particular to withdraw the right to strike. The demands from the business community seem to have been caused by a series of work stoppages and high wage settlements involving private and public sector workers which the government had played an active role in settling. These settlements were thought to

be inflationary and thus detrimental to the ability of business to compete profitably. If the government passed the bill this trend would only increase. In a telegram sent to the committee on October 18th, 1966, The Fisheries Council of Canada stated that it "deplore[d] [the] government[s] apparent intent to give civil servants [the] right to strike thus opening the way for successive tie-ups of vital services and further inflationary settlements. [The] Situation is serious and Bill C-170 will aggravate it to frightening proportions...."[22]

The specific work disputes which drew the ire of the business community were those involving Quebec longshoremen, the St. Lawrence Seaway Authority, and the railways. In each dispute, high-level government officials had attempted to bring about a satisfactory resolution. The Prime Minister became personally involved in the longshoremens' dispute, and in the case of the railway strike, Parliament had to be recalled for an emergency session in late August 1966 to legislate a settlement.[23] Wage increases of up to 30 percent were given in the longshoremen and Seaway disputes. When ordering an end to the railway workers' strike, the government had been reluctant to specify what the increase was in order not to appear to be aiding inflation. A letter sent to the committee on October 20th by the Vancouver Board of Trade urged that Bill C-170 "be abandoned," and in support of its position observed that "We believe it to be a completely unsound principle that those engaged in the public

service should have the legal right to take punitive action against the public itself. Disputes should be settled by final and binding arbitration."[24] To this unanimous chorus of criticism from the business community was added a telegram from the Canadian Chamber of Commerce advising the committee "that strikes and lockouts involving employees of the public service be prohibited."[25]

Business magazines were no less scathing in their criticism of the government's involvement in labour disputes and the proposed legislation. An editorial in Western Business and Industry entitled "Ottawa Courts National Disaster" made references to the Quebec longshoremens' and St. Lawrence Seaway disputes which had "injected a new high dimension into the targeted patterns for labor in contract negotiations--30 percent or more for two-year agreements."[26] The effect of these settlements, according to the editorial, was that it disrupted bargaining talks which had been progressing smoothly. In particular the magazine cited the railway unions which were near reaching an agreement until they heard of the settlements and demanded wage increases in line with them. The consequence, said the editorial, was that "nothing more inflationary to wages has occurred in Canada's history".[27] It further commented:

> As if this government blooper were not enough, we must still face in Canada the effects of the incredibly short-sighted and naive decision to give civil servants in such utterly vital services as the Canadian postal system the right to tie up the service with strike action to enforce their demands.
>
> Predictably and very naturally, postal workers are going to exploit this right to "put the arm" on the Canadian Public. Why wouldn't they? The Seaways settlement established clearly the fact that the Canadian Government will make no resolute resistance to an extreme demand if the nuisance value of a strike can be set high enough.[28]

It was then predicted that for the postal workers Ottawa would "make a whopping settlement--but what about the next--and what about the next contract and the next--and what about all the other governmental services which will appear to be stupid if they don't follow the precedent set by the most aggressive wing of civil servants?" The solution to these problems was that the government had to reaffirm its position of leadership and have a "showdown with those who take sheltered jobs in governmental service."[29]

Those wishing a showdown did not have to wait long before more labour strife loomed on the horizon. On October 18th, 1966 Rick Otto, the executive vice-president of the Canadian Union of Postal Workers, announced that the membership had given the executive an overwhelming mandate to strike if their demands were not acceded to. He added that if there was a "strike for higher pay they may as well stay out for other union demands, including exemption from the new civil service collective bargaining law."[30]

On the same day an editorial in The Province warned postal workers that if they pushed their strike threats too heavily, federal and provincial governments would "be inundated with demands for legislative curbs on unions. The gains labor has made over the years could be lost overnight if the public service unions overplay their hands to a point at which politicians would have to pay attention."[31] Several days later, readers responded to the editorial in the 'Voice of The People' column under the title 'Use "Citizen's army" in the case of postal strike'. Their response was whole heartedly sympathetic to the editorial. One reader suggested that "The postal workers strike aimed at Christmas, is one example of the below-the-belt tactics of unions."[32] Another reader thought there were "certainly many hundreds who could take over the not-too-difficult jobs of sorting and delivering the mails on a part-time, unpaid basis during the period of the strike."[33] In actual fact, working at the post office was by no means as easy as the readers imagined. The work was boring, mundane, and low-paid in an environment where the employees and employers viewed one another with suspicion and hostility. Postal workers felt they were like soldiers in an army and subject to arbitrary decisions with no avenue of appeal. The views of the postal employees concerning their working conditions and advice to turn the post office into a Crown Corporation were largely vindicated in October 1966 with the release of the Montpetit Report. It recommended the government study turning the post office

into a Crown Corporation. Harry Arthurs, author of Collective Bargaining By Public Employees In Canada: Five Models, made the following comments about the report:

> For the first time industrial relations within a government department were systematically subjected to comparison with those in the private sector and found completely wanting. The report therefore may be considered an important step in the transition of the public sector to full collective bargaining, in the sense that it helped to dispel the myth of benevolence which had surrounded the traditional public employment system.[34]

The report lends credence to statements the Canadian Labour Congress made three years earlier that the government "no less than any other employer, may be obnoxious, recalcitrant, intransigent, penurious or unjust".[35] In such circumstances it advised that "a public employer of this kind should just as much be exposed to the chastening effect of a collective withdrawl of labour by its employees as any other."[36] This was the course of action which Rick Otto and his fellow workers threatened to pursue.

Before the threatened strike date set by postal employees was reached, the ideological split between their union and the newly formed Public Service Alliance of Canada surfaced once again, resulting in open conflict. The Civil Service Association and the Civil Service Federation were engaged at the time of the Special Joint Committee hearings in a series of meetings aimed at joining the two organizations in a new, disciplined association. The

proposed association could achieve two things: present a united front and represent the majority of federal government employees. The constitution of the new organization, to be known as the Public Service Alliance of Canada, was published in May 1965 but the merger did not take place until November of 1966.[37] At that month's founding covention of the PSAC the new president, Claude Edwards, stated that "There is no room in our philosophy for an attitude or opinion that states the public be damned."[38] Norman Webster, The Globe and Mail reporter who wrote the article, thought that "Edward's remarks were seen as simultaneously a statement of the new alliances philosophy, [and] a criticism of the techniques of the militant postal workers' unions--which remain outside the alliance...."[39] The report said the alliance warned the government "to be careful what it awards to the 20,000 postal workers". This was a reference to the PSAC's representation of 35,000 federal employees in the same bargaining category as the postal workers. The alliance was asking only for an 8 percent increase in contrast to the postal union which sought 19 percent.[40]

The practical effect of Edwards' comments, apart from widening the breech between the two organizations, was to cut out from underneath the postal union its bargaining position since the PSAC was willing to accept much less in a contract settlement. Contrary to the predictions of the editorial in Western Business and Industry, it was the postal workers who would have appeared "to be stupid," if they did not follow

the precedent set by the less aggressive Public Service Alliance of Canada and settle for 8 percent. In this no-win situation the postal union decided to bide its time and forego striking during the Christmas season.

Amid this tumultuous atmosphere, with a threatened postal strike hanging over the heads of the public and politicians, the Special Joint Committee resumed sitting in the fall of 1966. Although Bill C-170, not the IRDIA, was the mechanism through which collective bargaining for civil servants was to be achieved, labour organizations were diligent in their desire to improve the bill to a quality comparable to the IRDIA. This task would be a very arduous one. Were the IRDIA to be employed for civil servants, the only major revision necessary from the standpoint of the labour movement would be the addition of compulsory arbitration clauses for those employee associations which desired that dispute settlement method. The labour movement was dissatisfied with virtually every section of the bill. Inertia favoured the government. As it stood the bill was far too complex and artificially restrictive. Robert Andras of the CLC commented that:

> Our first criticism of Bill No. C-170 is that it is excessively restrictive and that it unecessarily limits the opportunities of the employer and employees to work out their own collective bargaining relations. The government would seem to have stacked the cards in its own favour but we prefer to think that it is merely being unduly cautious about imposing on itself what it has by law established as the code of behaviour for other employers.[41]

The Letter Carriers' Union of Canada was no less critical in its analysis of the restrictive nature of Bill C-170:

> We cannot help but criticize the all too large number of restrictions in Bill C-170 in its present form. It would seem that the government, in its capacity as employer affirms by means of this legislation that it has no intention of allowing a full and free exchange of viewpoints, nor the reciprocal concessions which are so necessary to any good relationship between employer and employees, in a collective bargaining framework.[42]

The effect of the legislation according to the CLC was that the government had removed conditions of employment from the collective bargaining process and was thereby retaining its unilateral decision-making power. Examples of this were clauses 70(3) and 86(3) which prevented an arbitration tribunal or conciliation board from making a settlement concerning "the standards, procedures or processes governing the appointment, appraisal, promotion, demotion, transfer, lay-off or release of employees...."[43] The effect of this clause was to remove job security from the collective bargaining process. David Lewis of the NDP was also concerned with clause 70(3) and supported the unions that opposed it.[44]

The artificially restrictive nature of Bill C-170 was further compounded by the unilateral power invested in the chairman of the Public Service Staff Relations Board who was responsible for overseeing relations between the employer and

employee. Representatives of the Canadian Union of Public Employees and the Civil Service Association thought that the chairman should not have any unilateral power. The CSA stated that "We cannot stress too strongly that areas for unilateral decision are undesirable, with the Chairman becoming so dominant as to render Board members relatively ineffective."[45] It recommended that all unilateral decision-making powers be taken away from the chairman and transferred to the board. Earlier in the hearings, Benson had stated that in terms of dispute settlement powers the chairman of the PSSRB had been given unilateral power because "it is not a task, that could be undertaken by nine persons as effectively as by one,.."[46] The Canadian Labour Congress felt that not only the chairman, but also the board, had too much power. One example cited was that the board would determine the legal and administrative arrangements under which a council of employee organizations would operate. Equally contentious were the conditions an individual had to meet to sit on the board for the purpose of collective bargaining. Clause 13(1)(C) stated that "A person is not eligible to hold office as a member of the Board if he is a member of or holds an office or employment under an employee organization that is a bargaining agent."[47] These restrictions also applied to appointments to arbitration tribunals, boards of adjudication, and boards of conciliation. The CLC commented that these restrictions were "even less justified there since they deprive the employee organization of appointees of their own choosing in these

areas of dispute settlement. Here too, the proposed legislation flies in the face of well-established practice."[48] George Davidson, the President of the Treasury Board, defended clause 13 by stating that "It is not the intention to prescribe that a person who is a member of an employee organization cannot be appointed. It is the intention to prescribe that if he is appointed he must sever his connection with the employee organization concerned."[49] If the intent of the clause was to ensure that the members of the board severed their external connections with employee associations, it could have been expressed more lucidly. As it was written, the language used in the clause lends itself to misinterpretation. It could be interpreted that those who hold office with an employee association are ineligible to be members of the board under any circumstances. George Davidson's explanation of the purpose of the clause implies that members and officers of the employee associations would be inherently biased in their judgements and decisions on the board.

The unilateral and discretionary powers of the chairman and the board were further enhanced by section 99(1)(J) which gave them authority to refer a grievance or settlement to a different adjudicator a second time. Under section 75 the chairman could refer back to an arbitration tribunal any matter in dispute "where it appears to him" that the issue had not been resolved by the arbitral award. Richard Bell and David Lewis requested that clause 75 be revised to make

clear that an issue could only be referred back if the parties concerned requested it and that the power lay with the board rather than the chairman alone.[50] The Professional Institute and the Civil Service Association wanted the conciliator to be appointed by the board rather than by the chairman. The Public Service Alliance of Canada thought that this power should reside in the chairman alone since "a request for a conciliation board should be acted on with despatch and making the appointment a requirement by the board could delay the process."[51] The majority of employee associations and labour unions which made representations to the Special Joint Committee were upset that the Public Service Staff Relations Board had the authority to determine bargaining units and that these decisions were not subject to appeal. Robert Andras, the president of the CLC commented that "The employees are being compressed and extruded into the kind of association or bargaining unit that the government thinks is desirable-not the employee."[52] Arnold Heeney stated that if the PSSRB did not have this power it would "be caught in a crossfire of demands from hundreds, perhaps even thousands, of local employee organizations, seeking the right to represent a narrow occupational group in a particular locality, or establishment. The employee organizations that have so long represented the interest of employees in the public service would almost certainly be torn assunder by geographic and other jurisdictional disputes."[53] Yet if the civil servants identified with their employee associations and perceived that their

interests were being properly represented, then the employee associations that had "so long represented the interest of employees in the public service" would not have to worry about being "torn assunder by geographic and other jurisdictional disputes." George Davidson voiced the same concern as Heeney when he commented that the PSSRB would have to deal with a flood of applications from a wide variety of organizations for certification. There is a some validity to the points raised by Heeney and Davidson. The PSSRB may indeed have been inundated with applications for representation. However, there were actually relatively few unions with the expertise and economic resources needed to act as a bargaining agent for civil servants. The real effect of the powers of the PSSRB in determining bargaining units would be to preserve the status quo; the existing employee associations would continue to act as the bargaining agents for civil servants. The determination of bargaining units and agents would not be left to chance.

Another unique characteristic of Bill C-170 in terms of labour relations law was clause 36 which required the bargaining agent to choose before being certified the dispute settlement procedure to be employed during the collective bargaining process. Once a dispute settlement procedure had been chosen, it was to remain in force for three years. Labour organizations universally criticized the clause. They argued that the choice of dispute settlement procedures should not be made until after the bargaining agent was

certified and should apply only for the duration of the collective agreement. George Davidson maintained that :

> To ensure a measure of stability it has been the view of those who have worked on this legislation that there should be this provision that would discourage and, indeed, prevent an employee organization, which has made one choice, let us say, for arbitration, from reversing its option merely because its initial experience, or single experience, with an arbitration award has been unsatisfactory.[54]

If the bargaining agent was not forced to make a prior choice of dispute settlement method, Edgar Benson believed it might threaten to use another method to meet tactical needs during negotiations. Three years under one settlement method was thought "to be sufficient to provide a reasonable degree of stability in the employer-employee relationship while at the same time reducing the chance that the choice of option would become a continuing bone of contention within employee organizations."[55] Once again the government was being extremely cautious in the latitude of movement allowed to the employee associations. The government was justified in demanding that the bargaining agent choose a dispute settlement procedure. But surely a debate within an employee association regarding the value of alternative dispute settlement methods is a healthy and democratic process. The Public Service Alliance of Canada which represented approximately 70 percent of federal civil servants had stated many times that it was its intention to opt for binding

arbitration. David Lewis proposed an amendment to the act which would have allowed the bargaining agent to choose a dispute settlement procedure after it had been certified, a procedure that would remain in effect until the collective agreement lapsed.[56]

The Public Service Staff Relations Act denied federal public servants full political rights restricting these to being eligable to cast votes during elections. The Civil Service Federation agreed with the government's restrictive position. It thought public servants should not canvass, speak in public or express views in writing on political matters without taking a leave of absence.[57] Other unions insisted that public servants should enjoy full political rights. The Canadian Union of Public Employees commented that public servants in all major Western European countries had the right to belong to political parties. The views of the Canadian Union of Postal Workers' summarized those of other labour organizations:

> If Revenue Minister Benson was serious when he stated this bill initiates a totally new era in the relationship of the government of Canada with its employees, then we feel certain he is also prepared to grant them first class citizenship rights, and we believe, along with a vast preponderance of supporters, that these full rights as Canadian citizens include not only the right to belong to unions and organizations of their choice, free to engage in full collective bargaining but also free to enjoy full political rights.[58]

Apart from the deletion of clause 99(1)(J), giving the chairman of the PSSRB the authority to refer a grievance to an adjudicator a second time where it appeared an issue had not been resolved, Bill C-170 remained essentially intact from the time of its introduction to parliament to receiving Royal Assent.

In February 1967 Bill C-170 received final reading in the House of Commons. Reactions from members of the House were similar to those heard during first reading and ranged from how radical to how conservative the bill was. Richard Mongrain of the Liberal party denigrated union leaders in a curious fashion. He said that although a strike was not a picnic for workers "It might be that for organizers. For them, it is funny and it increases their prestige; they have their picture in the newspapers. They are the saviours of the working class."[59]

Progressive Conservatives were divided in their opinion of the bill. Richard Bell maintained the opinion he had held during the committee hearings. He stated that "In my view a better and a wiser course of action would have been to undertake a complete revision and modernization of the Industrial Relations and Investigations Act and the inclusion therein of a separate part reflecting the different circumstances in the public service."[60]

The opinions of Conservative Patrick Nowlan were oppisite to those of Richard Bell. He said that "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."[61] A report in The Globe and Mail stated that Nowlan "wondered whether militant postal unions may have influenced the government in proposing the strike clause". Since most federal employees did not want the right to strike the report said that Nowlan had "suggested the government consider adopting a postal union proposal that the post office department be made a Crown Agency outside provisions of the bargaining bill. Then postal workers could negotiate under a separate system, presumably with the right to strike."[62] In the House of Commons Nowlan urged that if the right to strike were to be granted "on the one hand we should review the privileges and benefits which public servants enjoy on the other and in this way perhaps balance the two because the security and benefits of the civil servants may help to offset the restrictions."[63] In defense of his position, Nowlan reminded members that the majority of employee associations did not want the right to strike. He further warned that "One has only to look to the province of Quebec to see the potential dangers inherent in the right to strike where a third party, the public, is involved."[64] He was probably referring to the five-week strike by Roman Catholic teachers in Montreal which kept 214,000 students out of school. The strike was not ended

until the Quebec government passed legislation ordering the teachers back to work. Nowlan represented a rural riding where there were few civil servants to appeal to as part of his political constituency. The most damning and extreme indictment of Bill C-170 came from Charles Gauthier, the party whip of the Ralliement des Creditistes. In keeping perhaps with his position outside of the house as director of the Quebec Undertakers Association, he would have preferred burying the bill. The following statement by Gauthier is just one example of an almost endless tirade against the government:

> The favourite weapon of socialists, grandchildren of communists, is the strikes they call throughout the country in an attempt to overthrow the established authority and to win their case.
>
> If we consider the situation, we see the results of our inaction in front of small groups of hard-working socialists, very eager to thrust their opinion on the people. I feel we shall wake up tomorrow faced with the most fantastic revolution Canada has ever known. That is why I am asking the minister to give second thought to this matter.[65]

Gauthier recommended that the right to strike be withdrawn, because this would not please "our petty socialists who need revolutions to slither into power and then do away with the workers' rights." He said "the people of Canada today fear an oncoming revolution provoked by socialist elements that we meet every day and when we see, as I was in a position to observe last Friday, the minister himself consult with the socialists in the Lobbies, I can

assure you that our own fears are intensified."[66] Although Gauthier's remarks are absurdly hyperbolic, it is important to remember that this was an era when the public was "divided on whether or not we are heading towards state socialism".[67] Gauthier apparently wished to stop this trend. His kindest words for the 'socialist,' whom he saw behind every strike, was the fact that they were "hard-working." It is unlikely that his comments in the House offended his rural Quebec constituents. His remarks raised his profile and were probably politically astute given the make-up of his constituency. Gauthier's reaction to Bill C-170 left the false impression that unionized workers had the right to call a strike at will. Under Canadian labour law the right to strike is closely proscribed, limited to interest or monetary disputes. Strikes may only legally take place when a collective agreement has expired and an impasse has been reached between the two parties over a new collective agreement. Even at this point the right to strike is "seriously restrained by the compulsory conciliation requirements of the law."[68]

New Democratic Party members of the House of Commons introduced an amendment to Bill C-170 which would spell out the political rights of civil servants. David Lewis thought that the bill did not state clearly that civil servants could join political parties. The NDP motion was easily defeated.[69] One reason for its defeat was that some members of the House of Commons were concerned that if it

were passed financial aid would be directly or indirectly channeled to the NDP.[70] Stanley Knowles said that "we should extend the same rights [collective bargaining] to our own employees here on the hill."[71] This motion was also unsuccessful.

Editorial opinions on Bill C-170 were as divergent as those of the members of the House of Commons. The Toronto Daily Star's opinion was much the same as it had been when the bill was first introduced. It reiterated that "This change in the law may meet with criticism, but it is essentially realistic and inevitable. The right to withdraw their services simultaneously is the ultimate weapon of employees against their employer."[72] In the Winnipeg Free Press, Maurice Western wrote that the country was getting the bill:

> ...through the efforts of a three-party combine. Whether it agrees with the combine or with a few refractory members is not clear. Those who will be annoyed by it are widely dispersed; those whom it will please are powerfully concentrated in a number of constituencies. Political considerations are not necessarily unimportant even in legislation dealing with the non-political civil service."[73]

The editors of Halifax's The Chronicle-Herald pessimistically prophesied that "Parliament may rue the day it gave federal civil servants a limited licence to use the strike weapon, and the more so when it is realized that these same employees enjoy job security."[74] The paper said also "Those who talk bravely and progressively now about the "rights" of government employees may not only be overlooking

the rights of the public, but doing a long-term disservice to the very civil servants whose cause they espouse."[75] The editorialists did not have to fear an increase in the immediate future in the number of strikes in the public service. The Public Service Alliance of Canada had already pledged that it would choose binding arbitration as its dispute settlement method. Leslie Barnes, the executive director of the Professional Institute of the Public Service of Canada, which represented 16,000 federal employees, referred to strikes as a "demonstration of economic force not economic intelligence".[76] He discounted strikes as an effective tool in the collective bargaining process. Only the postal workers union, which had recently signed a collective agreement with the post office, was on record as pledging to employ the right to strike as the final option in the dispute settlement process.

In passing the Public Service Staff Relations Act the government described the bill as a traditional labour relations act similar to the IRDIA. The right to strike was included owing to the actions of the postal employees. With the exception of government employee associations, other unions and opposition committee members did not think the PSSRA was directly comparable to the IRDIA, which they wanted applied to the civil service. The government defended the PSSRA by stating it was the method favoured by employee associations, and the use of the IRDIA would not accommodate the merit principle. Business groups were concerned about

the inflationary aspects of recent contract settlements and thought the right to strike should be withdrawn and therefore services could not be tied up. Their fears may have been heightened by the CUPW which threatened to strike if they were not granted coverage under the IRDIA. It was also a period during which labour strife reached record proportions. Bill C-170 passed with only minor revisions even though individual members of parliament and newspaper editors were worried about the implications of the right to strike. However, with the exception of business groups, very few categorically called for the repeal of the right to strike. The bill appeared liberal in its concepts and principles, but closer examination revealed it to be a rigid bill which attempted to anticipate all possible threats to labour stability with significant unilateral powers residing with the government.

CONCLUSION

A BILL TO MEET ALL NEEDS

There were many factors that influenced the decision of the Liberal government to introduce legislation for collective bargaining in the civil service. This conclusion reviews the social, political and economic factors which contributed to the change in employer-employee relations; examines the motives of the Progressive Conservatives and Liberals in endorsing the right to strike; and asks why this right was granted not only to postal workers who desired it, but to all civil servants.

The Public Service Staff Relations Act would have been a more restrictive act than it turned out to be, if the legislation proposed by the Heeney Committee had been adopted. There would not have been any right to strike and parliament would have been able to overturn collective agreements. It was only a last minute extra-parliamentary measure, the wildcat strike by postal employees, that drew public attention to the act and led ultimately to the inclusion of the right to strike and a bill which more closely followed the broad outlines of the Industrial Relations and Disputes Investigations Act. Although there were still many restrictions in Bill C-170 the government nonetheless appeared progressive. The Canadian Personnel And Industrial Relations Journal referred to it as a "revolutionary labor relations law".[1] It seemed revolutionary, but in fact it was draconian in comparison to the labour legislation governing the private sector.

A variety of factors acted in concert during the 1960s to help produce the changes which were made to employer-employee relations in the civil service. These factors were an expanding civil service and an accompanying perception of the need for greater efficiency; a low unemployment rate and an economy performing near peak capacity; rapidly expanding union membership and increasing strife in the labour movement; and a relatively unstable political environment.

The civil service was growing along with the expanding role of government and the extension of the welfare state. Between 1965 and 1975, the federal civil service grew from 188,571, to 319,605 employees.[2] The origins of the new administrative methods used in the bureaucracy were traced by Pearson and business leaders to the Glassco Commission's appeal for greater efficiency. Near full employment and the expanding economy provided favourable conditions for the growth and militancy of the labour movement. This militancy resulted in the establishment of the Wood's Task Force on labour relations. The unstable political environment was reflected in successive minority governments and the threat the NDP posed to the Liberals. The NDP made the largest gain in terms of seats and the popular vote in the 1965 election. Gallup polls released throughout the fall and winter of 1966 continued to indicate increased support for the NDP. "Tommy Douglas wins greater approval than other two leaders", (October 19th, 1966); "PC's, down, NDP up again, in latest

party survey", (November 16th, 1966); "Political year shows gain for the NDP; losses to Lib's and PC's", (December 28th, 1966). Polls taken in February of 1967, appeared particularly foreboding for the Liberal and Conservative parties. They indicated that the NDP was in second place, (February 15)[3] and some voters predicted more gains for the NDP over the Tories (Feb. 22).[4] The solution to this problem for the Liberal Party was to continue to present a progressive image and move further to the 'left.' Had the government been defeated in Parliament during this period of increased NDP support, the Liberals stood to lose more ground. The Liberals' lack of success in 1965 was attributed to the absence of progressive policies. This view was clear in the Canadian Annual Review's analysis of the Liberal Party's convention:

> Many Liberals were concerned with the exhaustion of Liberal ideas and policies which had not changed since the Kingston conference of 1961, and they accepted the view of their election committee that the setback in November [election] had been the result of their failure to communicate positive and imaginative proposals to the Canadian public. Party stalwarts proclaimed that they intended to reassess their policies and goals in terms of the current social unrest and intellectual conflict. As Mr. MacEachen explained: "We live in a new age, in new conditions, and as circumstances change we must look for new approaches and new policies. This is and has been the essence of Liberalism."[5]

Prime Minister Pearson was also concerned about the future of the Liberal Party. In the fall of 1966 Walter Gordon had informed Pearson of his intention to retire from politics. The following comments regarding the possible consequences of Gordon's decision are attributed to Pearson in his biography.

They are reminiscent of those made by MacKenzie King twenty-three years earlier:

> It appeared to me that if Walter went, not only might we lose a Toronto by-election to the NDP, which in itself was not so important, but we might finally split the party into 'right' and 'left' leaving a feeling of resentment among the 'left' that might lead to a drift of some to the NDP.[6]

If the Liberals did not introduce new policies, not only would they decrease their chances of taking voters from the NDP, but may also have split the party. Those on the left would go to the NDP and increase its support accordingly, further damaging the prospects of the remaining Liberals. In his biography Pearson went on to say that:

> My last major Cabinet change was the return of Walter Gordon in January 1967. There had been strong pressure from certain of the younger and more 'progressive' members in caucus to get Walter back in Cabinet. They felt that this was absolutely necessary to counteract the impression that our party was moving to the 'right' thus losing support that was going to the NDP.[7]

As in the 1940s, the Liberals were able to refurbish their image, and the NDP found that its distinctive policies had been borrowed. It had also been equally difficult for the NDP to translate voter support at the polls into electoral victory.

The Progressive Conservatives did not have as strong a record as the other major parties in initiating labour

legislation and yet made no effort to stop the passage of Bill C-170. One explanation for the lack of resistance from the Progressive Conservatives is that like the 1940s the party was in a state of disarray and needed to increase their popular support. Diefenbaker's leadership was challenged, partly because the party had failed to increase its standing. By supporting the right to strike for civil servants they may have thought they could regain support in urban ridings. In the fifty metropolitan constituencies located in Montreal, Toronto and Vancouver only one PC was elected in 1965.[8] Richard Bell, a prominent Conservative, stood little chance of regaining his riding if the party adopted policies which hindered the aspirations of civil servants.

One of the curious aspects of Bill C-170 is why the government introduced the right to strike for the entire civil service when only the postal unions requested it. The postal unions wishes, could have been granted by turning the post office into a crown corporation as had been suggested by the Glassco Commission, Judge Montpetit, and Judge Anderson. A possible reason why this was not done was because it was too useful to the Liberal party as a patronage instrument. Richard Bell was one of those who suggested that this was the reason the post office was not turned into a crown corporation.[9] During the hearings of the Special Joint Committee of the Senate and House of Commons concerning the Public Service Staff Relations Act it became evident that patronage was endemic at the post office, illustrated in the

following conversation between members of the committee and Mr. John Leboldus, the National President of the Canadian Post Masters' Association (representing 7,646 employees):

> Mr. Knowles: How do you get these jobs in the first place?
>
> Mr. Leboldus: As a member of parliament, Mr. Knowles, I think you should know something about this.
>
> Mr. Knowles: I suspect how they are got.
>
> Mr. Leboldus: In the past that was the way they were obtained all right.
>
> Mr. Knowles: What does "that" mean?
>
> Mr. Bell (Carleton): Was that for the benefit of the former postmaster general who has just come in.
>
> Mr. Knowles: I presume that "that" refers to political patronage.
>
> Mr. Leboldus: Yes, but we have done what we can to get away from political patronage, Mr. Knowles. We feel that recent appointments are made outside of that sphere. Certainly appointments to positions in grades 1 to 6 are made outside of the sphere of political patronage. These positions are open to competition within the service.[10]

Had the post office been made into a crown corporation its usefulness as a patronage instrument would have been greatly diminished since it presumably would be more independent from the government. In his report, Judge Anderson stated that if the post office was a crown corporation it "would be insulated from politics and the last vestige of patronage would be taken away from it."[11] The solution to the

problem of granting the right to strike to postal workers, yet maintaining the post office for patronage, appears to have been to introduce two dispute settlement methods; the right to strike for postal employees and binding arbitration for the other employee associations.

The Liberal Party satisfied many conflicting demands with the passage of the Public Service Staff Relations Act. The bill appeared progressive and thus mollified those in the party who thought progressive legislation was needed to take electoral support away from the NDP. The postal workers would accept nothing less than the right to strike. This could be achieved in two manners; by turning the post office into a crown corporation or; by granting all civil servants the option of the right to strike. The second method had the advantage of leaving the post office open to patronage appointments and was at the same time progressive labour legislation. The right to strike as defined in Bill C-170 was closely proscribed and could not be employed by the majority of employees in the civil service for several years. In this manner the Liberals were protected for the immediate future from the potentially embarrassing political situations that might result from public service strikes. Bill C-170 was politically astute: it placated almost everyone while it protected the government. As such it attests to the pragmatism of the Liberal Party, a quality which kept them in power for the greater part of this century. Bill C-170 may have been politically expedient, but rather than provide

long term solutions to labour relations in the civil service, it left a multitude of problems in its wake, particularly at the post office where discontent with the legislation would continue to haunt the government.

EPILOGUE

THE "Tar Baby" AND ITS GENESIS REMAINS

Events since the passage of Bill C-170 concerning labour relations in the civil service illustrate that many labour-management issues are the same as those of the 1960s and demonstrate how difficult it is for employee associations to initiate labour legislation when conditions conducive to change are not present. During the hearings of the Special Joint Committee of the Senate and House of Commons on the Public Service Staff Relations Act, Roger Decarie, of the Canadian Union of Postal Workers', stated that once Bill C-170 was enacted, "it can't be changed overnight, it will be a battle lasting years and years before any changes are made."[1] Joe Davidson, the President of CUPW during the mid-1970s, made the following comments on Bill C-170. "We were finding out in painful detail that the supposedly progressive legislation was just the opposite....The Postal unions had been caught in a well-laid legal snare from which there seemed to be no escape."[2] Throughout the 1970s relations between the post office and its unions remained acrimonious with a seemingly endless succession of conflicts. The post office was made a crown corporation by the Liberals in 1981, thirty-one years after the initial request from the postal unions. Michael Warren was chosen as the first head of Canada Post with a mandate to improve service and attain economic self-sufficiency. He soon found that there were many obstacles in his path:

> The post office had also been a traditional fount of constituency-level patronage, from the conferring of sub-post office status on small businesses to the

> awarding of trucking and construction contracts. Putting a stop to that took two years, although Warren had to fight for the same principle against a new crop of politicians when the Tories swept to power last fall.[3]

Warren's plan for self-sufficiency at Canada Post by 1987 was delayed by the Conservatives who put off rate increases and other proposed measures. When the government decided to appoint a private-sector task force to review Canada Post's mandate and progress on productivity Warren stepped down from the President's office. Political interference and delays at the post office is thought to have placed the onus for improved performance squarely on the shoulders of the Progressive Conservative government now that the last ties with the Liberal government have been cut.[4] An article written by David Stewart-Patterson concerning Michael Warren's tenure at Canada Post ended with the following comment; "Canada Post is a tar baby", said one former executive after Warren's resignation. "The government just hugged it. Now it will never get rid of it."[5] Labour dissatisfaction at the post office originated under the Conservative governments of the late 1950s and early 1960s. The Conservatives have now entered the fray again by taking a direct role in the operations of the post office rather than maintaining an arms-length relationship.

Recent struggles between the postal unions and the post office have usually been public relations battles. The postal unions have acted as the defender of the public. They

claim that the post office no longer serves the public interest, since businesses now benefit from lower postal rates than the general public and are provided with fuller service. Now that the post office is a crown corporation it can claim that it must operate in a self-sufficient manner. This may mean that business, rather than the public, has become its main interest group. In March of 1985 the Canadian Union of Postal Workers reached its first contract settlement with the post office since it became a crown corporation. Job security rather than increased wages was the main contract issue for the union. A newspaper report stated that Jean-Claude Parrot had "indicated that talks with Canada Post-a Crown Corporation created in late 1981 to replace the old post office department of the federal government--were smoother than negotiations with the old department."[6] Since the CUPW had insisted for years that they would prefer to bargain under the Canada Labour Code it was important that they reach an agreement with Canada Post without having to strike. This was equally important to Canada Post, which was trying to rebuild public trust and regain business that had been going to other information delivery firms.

Reduced service from Canada Post has meant that the postal unions are under increased pressure. An example of reduced service to the public is the decision to not begin mail deliveries to new housing developments. Presumably the Letter Carriers' Union will eventually decrease in size

through attrition and lay-offs. During the spring of 1985 a student launched a business to deliver mail privately from a postal substation to homes in a new subdivision which was not receiving delivery service. The post office has indicated that the student will likely "be able to launch his project as long as he can provide proof from homeowners that they want his service."[7] The Letter Carriers' Union maintains that the service violates their collective agreement by contracting out mail delivery. Postal officials replied that "they are not contravening any laws" because the subdivision "never had door-to-door service."[8] In a strict definition of the term, it is not contracting out since no contract has been let, but in the end it amounts to contracting out. This situation gives the Letter Carriers' Union a poor image from a public relations perspective. On the surface it appears that an enterprising university student is caught between what is thought to be a powerful union and the post office. The public might easily sympathize with the student's plight. The post office projects a positive image by giving him a means to earn money. The questions that remain unanswered are why the residents do not receive the same service as other members of the public, since they pay the same price for mail service. By using the students services the post office would become very efficient from an economic point of view. There are no wages or benefits to be paid. Accepting, for the sake of debate, that it is proper to contract out mail delivery, the post office should be answering questions such as what happens if the student becomes sick and cannot

deliver the mail, and to whom his customers should look for service in September when he returns to university. Until questions such as these are answered, the delivery scheme warrants little serious credibility.

The Public Service Alliance of Canada has made a complete about face in its position on the Public Service Staff Relations Act. Before the federal election in September 1984, Pierre Samson, the National President of the PSAC, wrote to the leaders of the three major political parties asking them if they would support collective bargaining for civil servants under the Canada Labour Code. He stated that the Public Service Staff Relations Act "severely restricts the rights of federal public service employees to collectively bargain their terms and conditions of employment."[9] The aspirations of the PSAC are unlikely to be met in the near future since current political, social, and economic circumstances mitigate against changes being made. The common factors which led to changes being made in the past to employer-employee relations in the civil service, are no longer present. The civil service is declining in size rather than expanding; unemployment is extremely high while the economy is not performing at peak capacity; union membership is stagnant and labour militancy, as shown through strike days lost, has declined; the political environment is now extremely stable with no threats from alternative or left-wing political parties. The recession, in combination with technological change and the contracting out of work

traditionally thought to be the domain of civil servants, has weakened the position of public service unions. Prior to the release of the federal budget in May of 1985, the PSAC spent $750,000 on a "National awareness campaign"[10] in an effort to show Canadians that they "should be concerned about cutbacks in vital services in the next federal budget."[11] [since] "Most Canadians have come to take for granted the many essential services public service employees perform for them every day."[12] Efficiency in the Western World, particularly in Canada, the United States and the United Kingdom, is now equated with less government.

Increasingly the federal and provinicial governments have been moving to restrict the rights of public sector unions by removing the "equal rights" which had been granted to them. The federal government's "six and five" program unilaterally removed the right to strike for federal employees temporarily and abrogated existing collective agreements. The PSAC challenged the legislation in the courts using the new constitution. A decision reached by a Federal Court Judge determined that "it does not include the economic right to strike."[13] The National Union of Provincial Government Employees has filed an appeal with the United Nations International Labour Organization concerning a series of laws passed in Alberta, British Columbia, Ontario, and Newfoundland, which suspend collective bargaining and the right to strike from provincial employees. A newspaper report noted that "Such ILO activities are more commonly

associated with repressive regimes such as those in Chile, Argentina, Poland and South Africa."[14] In Ontario the Public Service Employees Union is attempting to seek redress through the courts using the Charter of Rights and Freedoms for a section of the Ontario Public Service Act which prohibits civil servants from actively participating in federal and provincial elections.[15] The Charter of Rights and Freedoms is also being employed by groups which oppose labour laws which require employees to join unions and pay dues. These laws, according to the Freedom of Choice organization, which is sponsored by the National Citizens Coalition, are the result of "direct state interference and dictatorship."[16]

At the time of the passage of Bill C-170, business writers speculated that collective bargaining for white collar workers in the public service would open the way for a drive in a similar direction in the private sector.[17] There has been no wide-spread unionization of white collar workers as a result of the introduction of collective bargaining in the civil service. The majority of white collar workers in the banking and retail trades remain outside of collective bargaining. Concern was also voiced that the government would not be able to control the inflationary trends of high wage demands from the civil service.[18] In the short run this may have been true, but the trend has reversed with governments setting the example for the private sector. During the past two years, contracts signed by unionized

employees in Canada were below the rate of inflation. Contracts signed by public sector workers in 1983 had increases averaging 4.6 percent compared to 5.6 percent for unionized workers in the private sector.[19] In British Columbia wage increases for some government employees are falling far behind the rate of inflation. School support staff workers have not had a wage increase since 1981. They had won a 5 percent wage increase through a binding arbitration award which was then over-turned by the government. Wage increases to public sector employees are now to be determined by "the amount of money the Government has made available."[20]

Segments of the business community are still lobbying for changes to Bill C-170. In Canadian Business, Keith Cowan wrote an article entitled "Civil service with a smile: how to undo our big mistake in public-sector bargaining." Cowan stated that "Tragically, the badly advised federal government of the early 1960's rejected the initial recommendation of its own unions and a similar appeal by the ECC [Economic Council of Canada] in its Third Annual Review to conduct wage negotiations on current "comparability of incomes with the good employers" of the private sector."[21] These same sentiments were voiced by the Fraser Institute which commented that "in light of the observation that unions are essentially self-serving institutions, the ability of public sector unions to withdraw their services and prevent others from replacing them represents an on-going threat to the

public interest."[22] The Fraser Institute suggested the same solution as Canadian Business, recommending that the right to strike over monetary issues be withdrawn, and replaced by the prevailing wage principle whereby public sector wages would be set at the same rate as the private sector. The Fraser Institute also recommended that "If public employees become too expensive, public employers must have the right to automate functions or contract them out to companies in the private sector. Layoffs--not simply attrition--must become a feasible form of public sector employment adjustment."[23]

The Globe and Mail, one of the most ardent supporters of collective bargaining rights for civil servants in the 1960s has also changed its attitude. In an editorial the newspaper commented that "Prime Minister Pierre Trudeau recognized, in his early years in office, that the strike tool was inappropriate in the public sector. It is time, at least for the air controllers, that Mr. Trudeau arranged for the matter to be removed from the area of academic disussion and translated into legislation which says that air controllers may not strike."[24] The public sector's right to strike has recently become more tightly circumscribed. As a result of Pierre Samson's campaign before the 1984 federal election to elicit the position of the political parties on collective bargaining in the civil service, he received the following response from the Progressive Conservative Party on whether or not they would support the use of the Canada Labour Code:

> The PC party believes that public servants must be granted greater freedom in collective bargaining through implementation of a new system based on the provisions of the Canada Labour Code. Opinions are divided as to whether public servants should be brought under the Canada Labour Code, or whether the PSSRA (Public Service Staff Relations Act) and the PSEA (Public Service Employment Act) should be amended to conform with the Code. This will have to be resolved through comprehensive study of the issue and direct negotiations with the public servants, which a PC government will undertake as soon as possible after assuming office.[25]

The response of the Progressive Conservative party was more rhetorical than unequivocal. The Liberal party did not respond to the PSAC questionarie. Twenty-years of Liberal government may have eroded some of the affinity between the civil service and the government which was thought to have been a factor in the introduction of the Public Service Staff Relations Act. The 1984 election resulted in one of the largest majority governments in Canadian history. The PSAC appears to be moving further away from the Canada Labour Code rather than closer. In June 1985, as a result of PSAC negotiations with the Conservative government, an agreement with the Treasury Board was signed which limited their right to strike over non-monetary issues. This is the opposite of what many business groups had lobbied for. The PSAC may no longer strike over technological change, health and safety, union security, job security, grievance procedures, severance pay, and sick leave, all of which will be settled by binding conciliation. A ratification vote will not be necessary.[26] Technological change and job security are among the most

important issues to all union members, whether they are in the private or public sector. The right to strike over these issues has been ceded in exchange for a master contract which will unify contract terms for non-monetary issues for the thirty-nine categories of workers that bargain through the PSAC with the Treasury Board.[27] By having the right to strike only over monetary issues the PSAC may find that if there is a strike, they may look greedy, since remuneration would be the only issue involved. From a public relations perspective health and safety, technological change and other issues would arouse more public support. On the government side one of the benefits of the agreement is that it has significantly reduced exposure to strikes, since there will now only be one issue over which the right to strike can be exercised. In defense of the agreement one PSAC component president commented: "I'd like to see us become more militant, but the membership out there is pretty conservative, especially outside Quebec. I'd look like an idiot if I voted against binding conciliation and for the right to strike--that's the farthest thing from anybody's mind."[28] At the Public Service Alliance of Canada's triennial convention, held in June 1985, union members voiced opposition to the agreement and the manner in which it was made. They felt the decision to bargain away the right to strike should have been put before the membership and that there is not a real master contract, since the expiry dates

of collective agreements will continue to be staggered. Alan Lennon, a member of the union, commented:

> These agreements were negotiated in secret, signed in secret and were to be approved by the respective decision-making bodies in secret. This conduct, we expect, from the employer. But a union, whose only strength is that of its members, should not make secret deals with the employer:it should not exclude its members from the collective bargaining process;..[29]

The master contract agreement was not put to the membership for a vote. However, it was narrowly approved (220-196) by union delegates at the triennial convention. Daryl Bean, the PSAC vice-president who signed the agreement with the Treasury Board, opposed those who wanted it to be ratified by a membership referendum, arguing that it would take too long. Delegates at the convention thought the agreement would make the union an outcast in the labour movement. Alan Lennon said that "The alliance leadership has shown itself to be afraid of an active, militant membership."[30]

The current divisive conflicts within the PSAC raise questions regarding its leadership and structure and lend support to statements Joe Davidson made years earlier. In his usual forthright manner he commented that "The Alliance, as Bill Kay and Rick Otto warned repeatedly, was on the road to becoming the biggest company union in Canada. Its political structure was a grotesque affair which provided the top leaders with maximum protection from the will of their

members."[31] This meant "It was an Alice in Wonderland arrangement in which PSAC members were left with virtually no effective means to hold responsible the people who negotiated the collective agreements under which they worked."[32] Lorne Slotnick, The Globe and Mail's labour reporter, wrote an article on the structure and outlook of the PSAC shortly after its triennial conference ended in June 1985. His article began by asking the following question:

> Ottawa--"Are we a union or aren't we?"
> It is not a question one expects to hear at a gathering of one of the country's largest unions, but it echoed on the floor and in the halls last week at the triennial convention of the Public Service Alliance of Canada.
> There is good reason that the question was asked so often:no one really knows what the answer is.
> After nearly 20 years of existence, the alliance representing 180,000 federal Government employees, is still trying to decide whether it is a full-fledged union or a meeker and milder civil service association.[33]

Lorne Slotnick attributed the conservative outlook of the union to its "stifingly bureaucratic nature" and a "membership that is often very cautious, particularly in a period when it perceives the public sector as being under attack by unfriendly governments."[34] During the triennial convention, a dissident group was formed to oppose the master contract, and change the union structure which they feel "entrenches a bureaucracy at the top and limits membership from below." Guy Pelletier, a member of the dissident group stated that "The old guard doesn't really know what the

labour movement is all about; the alliance is more of a club to them than a union. They're still afraid of the employer."[35] Attempts to change the system of selecting delegates failed. Lorne Slotnick felt that the result of this structure and outlook was that the "PSAC has never struck much fear into the federal government."[36] Another major reason for the conservative approach of the PSAC is that the union was formed from above and born through a legal framework rather than through the direct mobilization and struggle of employees to achieve recognition.

It is unlikely that the Public Service Alliance of Canada will come under the Canada Labour Code unless perhaps conditions conducive to change, similar to those present in the 1960s, return. It would be equally necessary that the structure and attitudes within the PSAC change. Otherwise, the PSAC will be a few steps behind the government which in the past has been able to introduce new measures to govern employer-employee relations before an active and concious labour movement developed within the civil service.

NOTES

Notes-Introduction

[1]Joe Davidson and John Deverall, Joe Davidson, (Toronto, 1978), p.168

Notes-Chapter One

[1]J.E. Hodgetts, The Canadian Public Service, (Toronto,1976), p.322

[2]Desmond Morton and Terry Copp, Working People, (Ottawa, 1984), p.49

[3]Hodgetts, op. cit., p.323

[4]Ibid., pp.323-325

[5]Ibid., pp.311-312

[6]Anthony Thomson, "The Large and Generous View:The Debate on Labour Affiliation in the Canadian Civil Service, 1918-1926", Labour/Le Travailler, (Vol.2, 1977), p.123

[7]Hodgetts, op. cit., p.311

[8]Ibid., p.312

[9]Ibid., p.313

[10]Thompson, op. cit., p.115

[11]Ibid., p.130

[12]Hogetts, op. cit., p.320

[13]F.H. Leacy, Historical Statistics Of Canada, (Ottawa, 1983), Table Y211-259

[14]Ibid., Table E175-177

[15]J.L. Granatstein, et al, Twentieth Century Canada, (Toronto, 1983), p.153

[16]Leacy, op. cit., Table Y211-236

[17]Janine M. Brodie and Jane Jenson, Crisis Challenge and Change:Party and Class in Canada, (Toronto, 1980), p.187

[18]Leacy, op. cit., Table E175-177

[19]Morton and Copp, op. cit., p.180

[20]Ibid., p.182

[21]Ibid., p.183

[22]Brodie and Jenson, op. cit., p.203

[23]Morton and Copp, op. cit., p.180

[24]Brodie and Jenson, op. cit., p.194

[25]Hodgetts, op. cit., p.330

[26]Robert Vaison, "Collective Bargaining in the Federal Public Service:The achievement of a milestone in personnel relations", Canadian Public Administration, (Spring, 1969), p.113

[27]Hodgetts, op. cit., p.332

[28]Morton and Copp, op. cit., p.188

[29]Brodie and Jenson. op. cit., p.202

[30]Robert Armstrong, "Some Aspects of Policy Determination In The Development Of Collective Bargaining Legislation In The Public Service Of Canada", Canadian Public Administration, (Spring, 1968), pp.486-487

[31]Maurice Lemlin, The Public Service Alliance of Canada:a look at a union in the public Sector, (Los Angles, 1978), p.60

[32]Ibid., p.61

[33]Minutes of Proceeding and Evidence, House of Commons

Special Committee on the Civil Service Act, (Ottawa, 1961), p.537

[34]Davidson and Deverall, op. cit., p.100

[35]Ibid.

Notes-Chapter Two

[1]Claude Edwards, "Along the Path of Progress", The Civil Service Review, (March 1963):5

[2]"Letter to the Prime Minister", The Civil Service Review, (March 1963):58

[3]Ibid., p.57

[4]John Crispo, Collective Bargaining and the Professional Employee, (Toronto,1966), p.53

[5]"Letters, As Received From The Four Parties In Order Of Peceipt", The Civil Service Review, (April 1963):2

[6]Ibid.

[7]Ibid.

[8]Ibid.

[9]Colin Campbell, Canadian Political Facts, 1945-1976, (Toronto, 1977), P.88

[10]"Letters, As Received From The Four Parties In Order Of Receipt", The Civil Service Review, (April 1963):2

[11]Campbell, op. cit., p.89

[12]"Strikes and the Civil Servants", The Globe and Mail, 2 May 1963, p.6

[13]Claude Edwards, "A May 3 CSF Answer", The Civil Service Review, (June 1963):26

[14]Andy Andras, "Collective Bargaining By Civil Servants", The Civil Service Review, (June 1963):55

[15]Ibid., p.55

[16]Report of the Preparatory Committee on Collective Bargaining in the Public Service, (Ottawa July 1965):1

[17]A.D.P. Heeney, The things that are Caesar's Memoirs of a Canadian public servant, (Toronto, 1972), p.147

[18]Ibid., p.152

[19]Ralph Miliband, The State in Capitalist Society, (London, 1969), p.50

[20]Harry Arthurs, Collective Bargaining By Public Employees In Canada:Five Models, (Michigan, 1971), p.21

[21]George Bain, "The battle for Carleton", The Globe and Mail, 23 September 1965, p.7

[22]Ibid.

[23]The Report on Government Organization also detailed changes that they felt were necessary at the post office.

[24]Robin Green, "Heeney to Establish Civil Service Rights", The Globe and Mail, 8 August 1963, p.3

[25]"Press Strike Rights", The Globe and Mail, 9 August 1963, p.B-3

[26]R.G. MacNeill, "Collective Bargaining", The Civil Service Review, (September 1964):17

[27]Ibid., p.19

[28]A.D.P. Heeney, "Staff Side Preparations For Bargaining Described As Dramatic, Impressive", The Civil Service Review, (June 1965):30

[29]"Committee Proposes Collective Bargaining For Civil Servants", The Globe and Mail, 9 July 1965, p.3

[30] Ibid.

[31] Ibid.

[32] A.D.P. Heeney, The things that are Caesar's Memoirs of a Canadian public servant, (Toronto 1972), p.194

[33] "Strike Result of 7 Years Work", The Globe and Mail, 27 July 1965, p.4

[34] "Agreement Vetoed, Cabinet Takes Over Postmen Vote To Stay On Strike", The Globe and Mail, 28 July 1965, p.1

[35] "Tieup Becomes Virtually Nationwide Toronto Postmen Join Strike", The Globe and Mail, 23 July 1965, p.1

[36] "Postal Tieup Likely to be Nationwide as Major Units Plan Walkout", The Globe and Mail, 22 July 1965, p.4

[37] The Globe and Mail, 23 July 1965, p.3

[38] "The postmen's employer", The Globe and Mail, 23 July 1965, p.6

[39] Arthur Kruger, "Labour", The Canadian Annual Review 1965, ed. John Saywell and Donald Forster, (Toronto, 1966), p.389-390

[40] "The Miser's deserts", The Globe and Mail, 28 July 1965, p.6

[41] "660 or No Return, 3000 Postal Workers From Ontario Declare", The Globe and Mail, 27 July 1965, p.4

[42] "Strike Result of 7 Years Work", The Globe and Mail, 27 July 1965, p.4

[43] Report of the Preparatory Committee on Collective Bargaining in the Public Service, (Ottawa July 1965):80

[44] Ibid.

[45] "Union Appeal Ignored Nationwide Mail Tieup Likely to Start Today", The Globe and Mail, 22 July 1965, p.1

[46]Davidson and Deverall, op. cit., pp.100-101

[47]Harry Arthurs, Collective Bargaining By Public Employees In Canada:Five Models, (Michigan, 1971), p.64

[48]Davidson and Deverall, op. cit., p.86

[49]E.J. Benson, "A Turning Point in Staff Relations", The Civil Service Review, (September 1965):38

Notes-Chapter Three

[1]Peter Newman, Pearson's men sight new a new target-NDP", Toronto Daily Star, 9 January 1965, p.8

[2]Ibid

[3]Ibid

[4]Alex Inglis and John Munro, Mike The Memoirs Of The Right Honourable Lester B. Pearson, Vol.3, (Toronto, 1973), p.197

[5]Anthony Westell, "Pearson Confident of Gaining Majority, Laughs Off Suggestion of Coalition", The Globe and Mail, 11 September 1965, p.4

[6]Inglis and Munro, op. cit., pp.199-200

[7]Anthony Westell, "Paper Reveals Liberal Strategy;Five Key Issues, The Globe and Mail, 9 September 1965, pp.1-2

[8]Canadian Union Of Public Employees, Proceeding Of the second national convention, 1965, p.1

[9]Ibid., p.47

[10]"Dougls Lists Rights Of Public Employees", The Globe and Mail, 24 September 1965, p.8

[11]"Civil Servants' Plan Would Limit Arbitration Board, CLC Chief Says", The Globe and Mail, 24 September 1965, p.4

[12]"Postal Leader Predicts Strike If Arbitration Compulsory", The Globe and Mail, 23 September 1965, p.5

[13]David Scott, "Reorganization of Post Office As Crown Corporation Is Urged", The Globe and Mail, 6 October 1965, pp.1-2

[14]George Bain, "The battle for Carleton", The Globe and Mail, 23 September 1965, p.7

[15]Peter Newman, Distemper Of Our Times, (Toronto, 1968) p.380

[16]Colin Campbell, Canadian Political Facts, 1945-1976, (Toronto, 1977), p.88

[17]Ibid.

[18]"More Than Half The Voters Say "Yes" To Strikes In Civil Service, Canadian Institute Of Public Opinion, 4 December 1966, p.2

[19]Kruger, op. cit., p.39

[20]Public Opinion News Service, op. cit., p.2

[21]House of Commons Debates, (Ottawa, 1966-67, Vol.IV):4109

[22]Ibid., Vol.1, p.713

[23]House of Commons Debates, (Ottawa, 1966-67, Vol.IV):4242

[24]Ibid., p.4246. There are a variety of probable reasons why the government did not introduce the right to strike for civil servants during the election. The postal strike had ended less than a month before the election was called. It would not have been politically astute to introduce such a measure so soon after the postal strike. If this had been done, it may have appeared that the government was bowing to pressure from the postal union. The government also had to await Judge Anderson's report and reflect upon its recommendations. The Gallup poll showing that the public supported the right to strike, as well as the increased support for the NDP may also have influenced the governments decision to introduce the right to strike.

[25] Ibid., p.4247

[26] Ibid., p.4250

[27] Ibid., p.4251

[28] F.H. Leacy, Historical Satatistics Of Canada, (Ottawa, 1983), Table D491-497

[29] House of Commons Debates, (Ottawa, 1966-67, Vol.IV):4251

[30] Michael Best, "Civil Service wins strike right", Toronto Daily Star, 26 April 1966, p.1

[31] Ibid.

[32] Norman Webster, "Ottawa pledges civil servants full strike rights", The Globe and Mail, 27 April 1966, pp.1-2

[33] Ibid., p.2

[34] For information on unions role in society see What Do Unions Do?, by Richard Freeman and James L. Medoff, (New York, N.Y. 1984)

[35] "A qualified right to strike", Toronto Daily Star, 27 April 1966, p.6

[36] Ibid.

[37] "Let the plan be workable", The Globe and Mail, 29 April 1966, p.6

[38] "A New Charter For Civil Servants", The Montreal Star, 30 April 1966,p.6

[39] Ibid.

[40] Ibid.

[41] "Civil Service", Winnipeg Free Press, 29 April 1966, p.53

[42] Ibid.

[43]"A New Charter For Civil Servants", The Montreal Star, 30 April 1966, p.6

[44]"Civil Service", Winnipeg Free Press, 29 April 1966, p.53

[45]House of Commons Debates, (Ottawa, 1966, Vol.VI):5797

[46]Ibid., p.5801

[47]Ibid., p.5800

[48]For information on the attitudes of politicians see The State in Capitalist Society by Ralph Miliband, (London, 1969)

[49]Desmond Morton and Terry Copp, Working People, (Ottawa, 1984), p.237

[50]House of Commons Debates, op.cit., p.6003

[51]Ibid., p.6008

[52]Claude Edwards, "Editorial", The Civil Service Review, (June 1966), p.2

[53]John Bird, "Sweeping civil service change making Ottawa business beehive", Financial Post, Vol.30, (18 June 1966), p.31

[54]Ibid.

[55]Ibid.

[56]Donald Forster, "Labour", in Canadian Annual Review, 1966, ed. John Saywell and Donald Forster, (Toronto, 1967), p.336

[57]Morton and Copp, op. cit., p.295

[58]Murry Goldblatt, "Federal civil service unrest grows as collective bargaining measure reviewed", The Globe and Mail, 24 June 1966, p.1

Notes-Chapter Four

[1] Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, (Ottawa, 1966):200

[2] Ibid., p.204-205

[3] Ibid., p.205

[4] Ibid., p.286

[5] Ibid.

[6] Ibid., p.275

[7] Ibid., p.462

[8] Ibid., p.463

[9] Ibid., p.307

[10] Ibid., p.573

[11] Ibid., p.390

[12] Ibid., p.864

[13] Ibid., p.875

[14] Ibid., pp.874-875

[15] Ibid., p.658

[16] Ibid.

[17] Ibid., p.873

[18] Ibid.

[19] Ibid., p.229

[20] Ibid., p.490

[21] Leo Pantich and Donald Swartz, "From Free Collective Bargaining to Permanent Exceptionalism:The Economic Crisis and the Transformation of Industrial Relations in Canada", in Conflict or Comprimise The Future Of Public Sector Industrial Relations, ed. Mark Thompson and Sene Swimmer, (Montreal, 1984), p.419

[22] Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, (Ottawa, 1966):413

[23] Donald Forster, "Labour", in Canadian Annual Review, 1966, ed. John Saywell and Donald Forster, (Toronto, 1967), p.342

[24] Special Joint Committee of the Senate and House of Commmons-concerning the Public Service Staff Relations Act, (Ottawa, 1966):597

[25] "Urges strike ban in public service", The Globe and Mail, 21 October 1966, p.10

[26] "Ottawa Courts National Disaster", Western Business & Industry, August 1966, p.46

[27] Ibid.

[28] Ibid.

[29] Ibid.

[30] "Mail Workers' Union call meeting for today to consider strike move", The Globe and Mail, 18 October 1966, p.1

[31] "Labor could forge its own chains...", The Province, 18 October 1966, p.4

[32] "Use 'Citizen's army' in case of postal strike", The Province, 20 October 1966, p.4

[33] Ibid.

[34]Harry Arthurs, Collective Bargaining By Public Employees In Canada:Five Models, (Michigan, 1971), p.67

[35]"Andy Andras, "Collective Bargaining By Civil Servants", The Civil Service Review, (June 1963), p.59

[36]Ibid.

[37]Robert Armstrong, "Some Aspects of Policy Determination In The Development Of Collective Bargaining Legislation In The Public Service Of Canada", Canadian Public Administration, (Spring 1968),p.490

[38]Norman Webster, "Public-be-damned policy rejected by first leader of Public Service Alliance", The Globe and Mail, 10 November 1966, p.3

[39]Ibid.

[40]Ibid.

[41]Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, (Ottawa, 1966):284

[42]Ibid., p.314

[43]Ibid., p.289

[44]Ibid., p.1014

[45]Ibid., p.231

[46]Ibid., p.205

[47]Ibid., p.289

[48]Ibid., p.290

[49]Ibid., p.972

[50]Ibid., pp.1019-1020

[51]Ibid., p.269

[52] Ibid., p.516

[53] Ibid., p.353

[54] Ibid., p.1116

[55] Ibid., p.205

[56] Ibid., pp.1115-1116

[57] Ibid., p.268

[58] Ibid., p.309

[59] House of Commons Debates, (Ottawa, 1966-67, Vol.XII):13183

[60] Ibid., p.13159

[61] Ibid., p.13223

[62] "Commons approves bargaining bill for civil service", The Globe and Mail, 21 February 1967, p.31

[63] House of Commons Debates, op. cit., p.13185

[64] Ibid., p.13225

[65] Ibid., p.13195

[66] Ibid., p.13221

[67] 'People divided on whether or not we are headed towards state socialism', Public Opinion News Service, Canadian Institute of Public Opinion, 24 May 1967

[68] Christopher Huxley, "The State Collective Bargaining And The Shape Of Strikes In Canada", in Class State Ideology and Change, ed. Paul Grayson, (Toronto, 1980),p.173

[69] "Political freedom move for federal workers lost", The Globe and Mail, 21 February 1967, p.31

[70] House of Commons Debates, op. cit., p.13170

[71] Ibid., p.13175

[72] "Can we avoid strikes in the Public Service", The Toronto Star, 21 February 1967, p.6

[73] "Strikes and the Civil Service", Winnipeg Free Press, 22 February 1967, p.53

[74] "Strike License", The Chronicle-Herald, 25 February 1967, p.4

[75] Ibid.

[76] "Professionals' strike ruled out by director", The Globe and Mail, 14 March 1967, p.5

Notes-Conclusion

[1] John Carson and Jan Swanson, "Collective Bargaining in the Public Service and the Effect on the Private Sector", The Canadaian Personnel and Industrial Relations Journal, (May 1967):11

[2] Campbell, op. cit. p.52

[3] 'NDP in second place latest polling shows', Public Opinion News Service, Canadian Institute of Public Opinion, 15 February 1967

[4] 'Some voters predict more gains for NDP over Tories', Public Opinion News Service, Canadian Institute of Public Opinion, 22 February 1967

[5] John Saywell and Paul Stevens, "Parliament and Politics", in The Canadian Annual Review, 1966, ed. John Saywell and Donald Forster, (Toronto 1967), p.34

[6] Alex Inglis and John Munro, Mike The Memoirs Of The Right Honourable Lester B. Pearson, Vol.3, (Toronto 1973), p.228

[7] Ibid., p.226

[8]Newman, op. cit., p.381

[9]From an interview with Richard Bell in April of 1985.

[10]Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, (Ottawa, 1966), p.457

[11]David Scott, Reorganization of Post Office As Crown Corporation Urged, The Globe and Mail, 6 October 1965, pp.1-2

Notes-Epilogue

[1]Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, (Ottawa 1966) p.574

[2]Joe Davidson and John Deverall, Joe Davidson, (Toronto, 1978), pp.96-97

[3]David StewartPatterson, "Last Post For The Top Mailman, After four years of trying to sail Canada Post into a deficit-free harbor, Michael Warren came to grief on the Tory reefs", The Report On Business, (Vol.2, No.5, Oct. 85) p.74

[4]Ibid., pp.76-78

[5]Ibid., p.78

[6]"Union gets job security Postal settlement reached", The Globe and Mail, 11 March 1985, pp.1-2

[7]"Scheme to deliver mail meets union roadblock", The Globe and Mail, 18 May 1985, pp. M-1, M-6

[8]Ibid., p.M-6

[9]Letter from Pierre Samson to political parties, 11 July 1984, p.1

[10]"PSAC ad campaign on public service cuts", Canadian Labour, April 1985, Vol.30 no.4, p.3

[11]From an advertisement in The Globe and Mail by the PSAC, 9 April 1985, p.8

[12]Ibid.

[13]"Union appeal on curbs called vital to survival", The Globe and Mail, 29 March 1985, p.3

[14]"ILO fact finding mission cuts focus to 3 provinces", The Globe and Mail, 3 April 1985, p.4

[15]"Union challenge to law put off", The Globe and Mail, 27 April 1985, p.M-1

[16]Bertrand Marotte, "Group plans to challenge laws that force workers to join unions", The Globe and Mail, 4 July 1985, pp.M-1, M-6

[17]John Carson and Jan Swanson, "Collective Bargaining in the Public Service and the Effect on the Private Sector", The Canadian Personnel and Industrial Relations Journal, (May 1967):21

[18]Ibid., p.18

[19]"Restraint programs hold wage increases to 16-year low", The Globe and Mail, 8 March 1984, p.1

[20]"Province's ability to pay wages ruled key to settlements in B.C.", The Globe and Mail, 15 March 1984, pp.1,5

[21]Keith Cowan, "Civil Service with a smile:how to undo our big mistake in public-sector bargaining", Canadian Business, Vol. 54, Oct. 1981, p.202

[22]S. Christensen, Unions And The Public Interest Collective Bargaining in the government sector, The Fraser Insitute, (Vancouver 1980), p.X

[23]Ibid., p.XV

[24]"Your need is irrelevant", The Globe and Mail, 13 April 1984, p.6

[25] Election 84, Public Service Alliance Of Canada, Ottawa, 1984, P.4

[26] Alan Lennon, "Bargaining Away The Right To Strike", Our Times, Vol.4, No.4, June 1985, p.26

[27] Lorne Slotnick, "Union split on limitation of strikes", The Globe and Mail, 18 June 1985, pp.1-2

[28] Ibid., p.2

[29] Lennon, op. cit., p.27-28

[30] Ibid., p.29

[31] Davidson and Deverall, op. cit., p.104

[32] Ibid.

[33] Lorne Slotnick, "Federal union still a prisoner of bureaucracy", The Globe and Mail, 24 June 1985, p.M-1

[34] Ibid.

[35] Ibid.

[36] Ibid., p.M-4

Bibliography

Government and other documents

Canadian Union of Public Employees, Proceedings Of the second National Convention, 1965

Election 84, Public Service Alliance of Canada, Ottawa, 1984

House of Commons Debates, 1966-67, Volumes 4,6,12

Minutes of Proceedings and Evidence, House of Commons Special Committee on the Civil Service Act, Ottawa, 1961

Report of the Preparatory Committee on Collective Bargaining in the Public Service, Ottawa, 1965

Special Joint Committee of the Senate and House of Commons-concerning the Public Service Staff Relations Act, Ottawa, 1966

Journals and Magazines

Canadian Annual Review, 1964-1967

Canadian Labour, 1985

Canadian Public Administration, 1968-69

Civil Service Review, 1962-1966

Western Business and Industry, 1966

Newspapers

Financial Post

Le Devoir

The Chronicle-Herald

The Globe and Mail

The Montreal Star

The Province

Toronto Daily Star

Winnipeg Free Press

Books and Articles

Armstrong, Robert, "Some Aspects Of Policy Determination In The Development Of The Collective Bargaining Legislation In The Public Service Of Canada", Canadian Public Administration, Vol.XI, Spring 1968, pp.485-495

Arthurs, Harry, Collective Bargaining By Public Employees In Canada:Five Models, Michigan, 1971

Brodie, Janine M., and Jenson, Jane, Crisis, Challenge and Change:Party and Class in Canada, Toronto, 1980

Campbell, Colin, Canadian Political Facts, 1945-1976, Toronto,1977

Carson, John, and Swanson, Jan, "Collective Bargaining in the Public Sector and The Effect on the Private Sector", The Canadian Personnel and Industrial Relations Journal, Vol.14, May 1967, pp.11-21

Christensen, Sandra, Unions And The Public Interest Collective Bargaining in the government sector, The Fraser Institute, Vancouver, 1980

Cowan, Kieth, "Civil service with a smile:how to undo our big mistake in public-sector bargaining", Canadian Business, Vol.54 Oct. 1981, pp.202-204

Barnes, L.W.C.S., "Current 'Collective Bargaining' Practices in the World of the Professions" in Collective Bargaining and the Professional Employee, ed. by John Crispo, Toronto, 1966, pp.51-54

Davidson, Joe, and Deverell, John, Joe Davidson, Toronto,

1978

Granatstein, J.L., Abella, Irving M., Bercuson, David J., Brown, R.Craig, Neatby, H.Blair, Twentieth Century Canada, Toronto, 1983

Heeney, A.D.P., The things that are Caesar's Memoirs of a Canadian public servant, Toronto, 1972

Hodgetts, J.E., The Canadian Public Service, Toronto, 1976

Huxley, Christopher, "The State Collective Bargaining And The shape Of Strikes In Canada", in Class, State Ideology and Change, ed. Paul Grayson, Toronto, 1980

Inglis, Alex, and Munro, John, Mike The Memoirs Of The Right Honourable Lester B. Pearson, Vol.3, Toronto, 1973

Lennon, Alan, "Bargaining Away The Right To Strike", Our Times, Vol.4, No.4, June 1985, pp.1, 26-29

Leacy, F.H., ed., Historical Statistics Of Canada, Ottawa, 1983

Lemlin, Maurice, The Public Service Alliance of Canada:a look at a union in the Public Sector, Los Angles, 1978

Miliband, Ralph, The State in Capitalist Society, London, 1969

Morton, Desmond, and Copp, Terry, Working People, Ottawa, 1984

Newman, Peter, Distemper Of Our Times, Toronto, 1968

Panitch, Leo. V., and Swartz, Donald, "From Free Collective Bargaining to Permanent Exceptionalism:The Economic Crisis and the Transformation of Industrial Relations in Canada", in Conflict or Comprimise The Future Of Public Sector Industrial Relations, ed. by Mark Thompson and Gene Swimmer, Montreal 1984, pp.403-436

Thomson, Anthony, "The Large and Generous View:The Debate on Labour Affiliation in the Civil Service, 1918-1928", Labour/Le Travailler, Vol.2, 1977, pp.108-136