Collective Bargaining Comes to Parliament

On June 27, 1986 Bill C-45, the Parliamentary Employment and Staff Relations Act received Royal Assent. Part I applied only to employees of the House of Commons, the Senate and the Library of Parliament and came into force on December 24 of that year. Parts II (Employment Standards) and III (Occupational Safety and Health) provided for application of provisions of the Canadian Labour Code (Occupational Health and Safety and Labour Relations) to apply to those persons as well as to individuals over whom a Member of Parliament had direction and control including those employed to provide research or associated services to the caucus. Parts II and III have yet to be proclaimed. Nevertheless this legislation provided an example of how standard labour relations models could be applied to a legislative environment. This paper looks at early experience under Part I and the prospects for implementation of Parts II and III as well a considering whether certain aspects of the new law may have future application for other legislatures or areas of the Canadian public sector labour relations.

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by George T. Sulzner

The origins of Bill C-45 were varied going back to the late 1960s but accelerating in the early 1980s when the Speaker of the Commons, Jeanne Sauvé, initiated steps to bring the personnel operations of the Commons into step with other sectors of the federal government. Measures designed to rationalize practices including the restructuring of positions also established a climate in which the administration rather than individual members of Parliament was gradually seen by employees to be the employer. Some dissatisfactions with the new classifications, especially among the drivers and messengers of the Operations Sub-Group of the Commons, generated unrest which led to early and unsuccessful efforts of the Teamsters to organize a union in 1982.[1]

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The move toward collective bargaining was energized by staff of the New Democratic Party in the Commons who a decade earlier had secured unlegislated collective bargaining rights for themselves in their dealings with the parliamentary leadership of their party. These efforts, in association with a campaign by the Public Service Alliance of Canada, produced enough support that by 1983 a critical mass of employees within the Commons and the Library of Parliament petitioned the Canada Labour Board to be certified as a collective bargaining unit under the *Canada Labour Code*.[2]

The Alliance, the largest public sector union at the federal government, had a long standing strategic interest in organizing the Parliament of Canada. The harsh realities of the collective bargaining climate from the middle seventies through the early eighties, embodied by the *Public Sector Compensation Restraint Act* of 1982, had convinced a number of its leaders that future gains may depend as much on legislative enactments as on collective bargaining agreements. At a minimum,

developing a legislative presence could do no harm and enhancing knowledge about the way Parliament reaches a decision could be invaluable for attaining elements of the organization's future agenda. As one negotiator for the Alliance put it, "We wanted to change the image of collective bargaining among the MPs. We wanted them to realize that the introduction of collective bargaining is not the end of the world."[3]

The election of Brian Mulroney in 1984 also affected the attitude toward collective bargaining by the controlling party of Parliament. His previous experience as a labour attorney and as President of the Iron Ore Company of Canada had shaped his outlook on federal labour relations. He believed in collective bargaining and let it be known he was not adverse to the process being applied to employees of Parliament.[4] However, the government successfully appealed acceptance of the initial certification petitions by the Canada Labour Board in the federal courts. The government argued that parliamentary employees did not come under jurisdiction of the *Canada Labour Code*. They preferred collective bargaining legislation modelled on the *Public Service Staff Relations Act* of 1967. Accordingly Bill C-45, the *Parliamentary Employment and Staff Relations Act* was, tabled in Parliament in April of 1985.[5]

The legislative committee established to consider Bill C-45 was chaired by Jack Ellis, a Member of the Special Committee on Reform of the House of Commons, and included all the local Ottawa area MPs. Indeed, the House leadership made it clear that the Committee would have considerable autonomy in this matter. In fact, the subject matter of Bill C-45 was changed significantly as a result of the hearing process. Some participants claimed that various members were shocked to learn about certain employee dealings that had occurred in the past. They wanted the Commons to be regarded as a good employer and responded to union and employee lobbying by increasing the jurisdiction of adjudication to include staffing matters, termination of employment for any reason after the probationary period, and job classification issues. This was a significant expansion of employee appeal rights beyond anything contained in the original Bill.

The resulting legislation was,therefore, a complex hybrid. — more restrictive in its bargaining rights than those granted under the *Canada Labour Code*, but more expansive in certain sections (arbitration and adjudication) than the *Public Service Staff Relations Act*.

In brief, the Act was an attempt to bring comparable collective bargaining rights with regard to terms and conditions of employment in the federal service of Canada to Parliament Hill, albeit, taking into account the unique institutional characteristics and constitutional position of the Parliament of Canada.

The distinctive features of the *Parliamentary Employment and Staff Relations Act* relate to the sections dealing with strikes, interest arbitration, and the adjudication of grievances. Sections 73, 74 and 75 prohibit strikes and set forth the fines associated with a strike. These sections are the first direct statutory prohibition of strikes for unionized employees of a federal institution of government. The *Public Service Staff Relations Act* in contrast, provides, once certain conditions are met, for a conciliation/strike alternative for interest dispute resolution. Most federal unions have been opting for this route in their recent contract negotiations. Parliament, however, was not willing to provide a mechanism which could bring the deliberations of the government to an involuntary halt and only an enriched binding arbitration process is provided as a devise to bring closure to interest disputes. Whether this denial of the strike represents a set back for the federal unions is a subject of dispute. On the one hand, it clearly takes away an element of leverage that federal unions have used in the past to produce agreement in negotiations. On the other hand, federal employers have used the employee designation procedure under the conciliation/strike alternative of the *Public Service Staff Relations Act* to vitiate the effectiveness of a strike.[6] It could well be the case that the loss is primarily symbolic, even if deeply felt. Perhaps as a measure of compensation, binding arbitration under the *Parliamentary Employment and Staff Relations Act* has been strengthened compared to the provision incorporated in the older *Public Service Staff Relations Act*.

Binding interest arbitration is established in sections 46 through 61 of the *Parliamentary Employment and Staff Relations Act*. The subject matter of an arbitral award is limited only by the fact that it must fall within the scope of bargaining that has engaged the parties previous to a request for arbitration; does not require an Act of Parliament to put it into effect other than the appropriation of monies; and does not deal with the classifying, organizing, and staffing responsibilities of the employer. These issues are reached by the unions either directly or indirectly through the adjudication process associated with grievances. The breadth of coverage of arbitration is similar to that for conciliation under the *Public Service Staff Relations Act* but very much enlarged compared to arbitration which was restricted to "rates of pay, hours or work, leave entitlements, standards of discipline, and other terms and conditions of employment directly related thereto."[7] Whereas conciliation was advisory and if rejected by either party could lead to a strike, arbitration in the PESRA is binding upon the parties. There is, therefore, in contrast to the PSSRA, more incentive for the unions to request arbitration.

Another segment of the Act that deserves special attention is the scope of adjudication associated with employee grievances. Adjudication beyond the final level of the grievance process under the PSSRA was limited to matters relating to the "interpretation or application of the collective bargaining agreement, or an arbitral award, or a disciplinary action resulting in discharge, suspension or a financial penalty." The Public Service Staff Relations Board was the

agency designated to act on the grievances referred to adjudication under the Act. The PESRA provides adjudication not only for the subjects listed above, but also for terminations of employment for any reason once the probationary period is completed on an initial appointment, demotions, denials of appointments beyond the initial appointment, and the employer's classification of an employee. The statute responds to serious criticisms that have been directed regularly by federal unions and others about the restraints placed on adjudication under the PSSRA. For the first time in the federal sector, adjudications concerning staffing and classification issues have been or are about to be heard by a neutral third party. The Public Service Staff Relations Board hears adjudications relating to contract interpretation, disciplinary action and termination. Grievances concerning demotion, appointment, and classification, however, are referred to an outside adjudicator, selected by the parties, which share equally the associated expenses and remuneration.

Negotiating under the Act

Prior to the end of December 1986 when Part I came into force, the employer and the federal unions were preparing for their new relationship. The Commons hired Michel Latreille as their Director of Staff Relations and Compensation. The Senate chose Paul Pageau as their Staff Relations Officer. The Library of Parliament selected Hugh Fothergill as Chief Negotiator. All three had extensive experience with the negotiations and adjudication unit of the Treasury Board, the designated employer for most of the labour-management relations conducted at the federal level.. They were very familiar with practices under the PSSRA and well equipped to adapt its framework to their respective institutions of Parliament. The only union that had been systematically involved with the bringing of collective bargaining to Parliament was the Public Service Alliance of Canada. They hoped to develop master contracts for eligible employees and were working to produce fairly comprehensive bargaining units within the three employer entities in preparation for certification under the Act.

During the first seven months of 1987 the Public Service Staff Relations Board received twelve applications for certification, seven concerning employees of the House of Commons, three concerning employees of the Senate and two concerning employees of the Library of Parliament. The following table shows the bargaining units, unit size and bargaining agents as of November 1989.

Bargaining Unit	Bargaining Agent	No. of Employees
	(House of Commons as Employer)	
Protective Service Group	House of Commons Security Services Employees Services Association	200
Technical Group	National Association of Broadcast Employees and Technicians	50
Procedural Sub-group and Analysis/Reference Sub-group in the Parliamentary Programs Group	Professional Institute of the Public Service of Canada	80
Operational Group (except part-time cleaners)	Public Service Alliance of Canada	525
Reporting Sub-Group and Text Processing Sub-group in the Parliamentary Programs Group	"	90
Postal Services Sub-group in the Administrative Support Group	"	50
		995
	(Senate of Canada as Employer)	
Legislative Clerk Sub-group in the Administrative Support Group	Professional Institute of the Public Service of Canada	12
Operational Group (except the Protective Service Sub-group)	Public Service Alliance of Canada	100
Protective Service Sub-group in the Operational Group	Senate Protective Service Employees Association	60
		172
	(Library of Parliament as Employer)	
Research Officer Sub-group and Research Assistant Sub-group in the Research and Library Services Group	Public Service Alliance of Canada	60
Library Science (Reference) Sub-group and Library Science (Cataloguing) Sub-group in the Research and Library Services Group	"	50
Library Technician Sub-group in the Research and Library Services Group	"	40
Administrative and Support Group	"	70
		220

One interesting aspect of the certification process was that the Clerical Sub-Group and the Secretarial Sub-Group within the Administrative Support Group of the House of Commons and the Senate were not organized into bargaining units similar to common practice in the federal sector. Part of the explanation is that the largest grouping of clerks and secretaries are employed in the personnel operation which has been traditionally excluded from collective bargaining activity in the federal sector. The remaining individuals are spread widely throughout Parliament and are thus difficult to organize. Not surprisingly, nearly eighty percent of the almost 1,300 employees in bargaining units are employed by the House of Commons. One would expect that over time the Commons would become the lead agent with respect to setting trends for collective bargaining in the Canadian Parliament. This probably will occur, but, it was not the case in the early negotiation rounds.

Aside from the Commons, the respective bargaining units in the Senate and the Library are small. Ordinarily this creates some difficulties for the bargaining agents in representing their own employees effectively in the contract administration stage of collective bargaining. This may be offset a little by the fact that the Public Service Alliance of Canada represents all the organized employees in the Library, two/thirds of the unit employees in the Commons, and sixty percent of the unit employees in the Senate. The Act recognized three separate employers and thirteen distinct bargaining units were certified by the Board. Each employer would conduct, therefore, at least 3 separate negotiations on contracts, with the House of Commons leading the way with a set of six negotiations. It is difficult to imagine a less efficient framework for collective bargaining. Not only was the potential for whip-sawing very evident but the initial round of negotiations was likely to be very protracted; especially given the fact that the Alliance, representing 80 percent of the organized employees, was confronted with the prospect of negotiating eight agreements with three distinct employers.

The early history of collective bargaining in the Canadian Parliament is, thus, occupied nearly exclusively by the process of negotiating first contracts. Similar to most work environments where collective bargaining is introduced, the first series of contract negotiations took an inordinate amount of time with both sides trying to establish a favourable foundation for all the future dealings that would follow. The large number of agreements that had to be negotiated also extended the time-frame for negotiations. The fact that binding arbitration on nearly all bargaining items was available to the parties further contributed to a playing out of the process. Five of the thirteen negotiations were resolved in arbitration. In addition the Public Service Alliance of Canada, which had by far the largest negotiating agenda, went through three different negotiators during the prolonged months of bargaining. The disruption caused by the changes also contributed to lengthening the time for wrapping up the first round of negotiations.

The initial negotiation phase lasted more than two years beginning in April 1987. The first agreements were settled in the late autumn of that year with the Professional Institute of the Public Service of Canada representing the Legislative Clerk Sub-group in the Senate and the Procedural Sub-group and Analysis/Reference Sub-group in the House of Commons. Basically, the master contract of the Institute for their other federal government bargaining unit members was applied, where appropriate, to the occupational environment of these legislative clerks. The pay scales and working conditions embodied in the agreements are quite similar. Both units have negotiated second agreements this past spring. The respective independent security services associations in the House and the Senate also came to agreement quickly and, like PIPS, without having to rely upon arbitration. The security entities were more like social clubs than mature bargaining organizations and their intense concerns appeared to relate to working conditions more than to pay. They had no experience with collective bargaining and their agreements, particularly in the Senate, are not as developed as those produced by the established federal sector unions.

The next bargaining unit to reach cloture on negotiations and, the first to resort to arbitration, was the Technical Group in the Commons, represented by the National Association of Broadcast Employees and Technicians, a union that has operated in the private sector for many years. The bargaining reached a stage of impasse quickly as it became apparent to both sides that only arbitration could resolve numerous deadlocks over whether private sector understandings would be applied to the parliamentary setting. An arbitration panel held hearings in March of 1988 on disputes involving sixteen of the twenty-two articles of the agreement. An award was handed down at the end of May and while it seems the rulings favoured the employer most of the time, the agreement has features that are not approximated in any other federal contract. The most vivid example might be the clause on acting pay where the unit members are paid a flat amount of twenty-five

dollars in addition to the "normal pay and other premiums commencing with the temporary assignment to perform work of a higher classification."[8] This contract language is unique to the Technical Group bargaining unit.

The remaining eight agreements, four of which went to arbitration, were negotiated by the Public Service Alliance of Canada. Five of these negotiations carried over into 1989. The negotiations suffered an initial set back when the union negotiator was dismissed by the Public Service Alliance of Canada two months into the process, for reasons entirely unrelated to the parliamentary bargaining. When a new negotiator was assigned a number of weeks later the local union leaders were able to persuade the Alliance to designate a negotiator solely for the eight negotiations of the parliamentary bargaining units. The Alliance targeted the Operational Group in the Senate for an early negotiating focus. They believed the bargaining climate was most favourable there and a signed and sealed Senate agreement could be used to leverage negotiations in the Commons and in the Library. Negotiations progressed well in the Senate. Paul Pageau, the management negotiator, had indicated to the Alliance that while he would not agree to negotiate its political agenda (classification, political participatory rights for Parliament employees, and staffing) he was prepared to entertain and even try to incorporate the PSAC master contract clauses into the Senate agreement wherever they were compatible with the indigenous organizational characteristics and operations of the Senate. The result, with a quick side trip for conciliation, was the signing of an agreement in July of 1988. This was followed by settlement with the Postal Sub-group in the Commons, and with the Library Science Group in the Library of Parliament. The bringing together of the parties, in both instances, was a product of unique circumstances that had no relevance to the previous Senate negotiations or to the remaining five that were on-going.

The deadlock in the Commons negotiations was centred on the attempt to apply the pay package of the Senate to the Commons Operational Group. This was complicated by a dispute over working hours. The Senate negotiators had agreed to a 40 hour work week with no formal recognition of shorter working hours when the Senate and the House are not in session. The House management team were not willing to move in this direction in return for a higher pay package. Finally, in early September of 1988, the parties agreed to a lower pay settlement in return for a recognition of a shorter work week when Parliament was not in session. The Alliance took the agreement to its members for ratification in October only to have it voted down. Shortly thereafter, the Alliance negotiator took a leave of absence from the job citing negotiating burnout as an element in his decision to remove himself from the parliamentary bargaining scene. The Alliance provided a third negotiator, Luc David, in November and the bargaining process was resumed. David was new to federal collective bargaining having been employed previously as a union negotiator in the private sector and in the province of Quebec. The situation confronting him was formidable. He had to pick up the pieces of the Operational Group negotiations and also very quickly prepare for arbitration hearings in the last ten days of November concerning the negotiations with the Research Officers and Research Assistants Sub-Group and the Library Technicians Sub-Group in the Library of Parliament. The key issues in the arbitrations were pay (particularly for the Research Sub-Group) overtime, working hours and annual leave. David, preparing himself as quickly as possible, decided to challenge the annual leave policy instituted in the mid-eighties for newly hired employees which reduced their leave compared to employees hired prior to that time. He successfully argued that it was a change in working conditions implemented after the acceptance by the Labour Board of the 1983 certification petition of the Alliance and, therefore, was null and void. The separate arbitration awards were issued on February 7, 1989.[9]

The award to the Research Sub-Group was considerably less across the board on all key issues (other than vacation leave) than the bargaining unit members expected. They held the Alliance responsible and, on May 16, 1989, appeared before the Public Service Staff Relations Board concerning an application for certification by the Economists' Sociologists' and Statisticians' Association for their unit. The ruling, issued by Deputy Chairman Wexler, was that the term of the previous arbitral award barred any new certification effort until February 1, 1990.[10]

The award in the Library Technician Sub-Group arbitration was much more palatable to that unit as the two-pronged annual leave policy of Parliament was ruled to contravene accepted labour relations practice and the more generous leave allotment was ordered for all unit employees. The effect was to grant an additional week of leave for all recently hired employees. The award also raised the pay package slightly and reaffirmed past practices relating to hours of work. Clearly, the first two arbitrations under the Act had a mixed result for both management and the Alliance. Their respective interests seemed to be at risk in arbitration. Notwithstanding this perception, however, two of the remaining outstanding negotiations were settled in arbitration during the spring of 1989 and the last was resolved with the assistance of a conciliator in June.

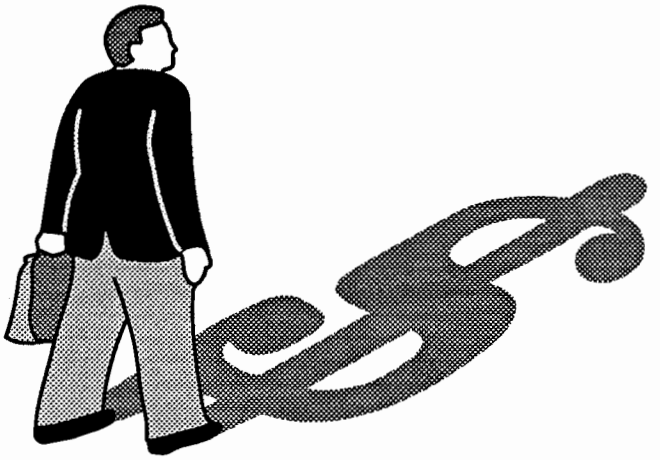
In looking back over this initial experience, representatives of management and the Alliance agreed on a number of points. The first negotiations are always difficult because each side is testing the other, as well as, the intent of the statute. Though there are three separate employers under the,Act, the parties expect pay and conditions of employment to reach a common denominator level over the next several rounds of negotiation. This is already apparent in the second agreements that have been signed. For example, the Commons' is phasing in the old leave policy for unit members in the first of the second agreements, thereby, taking into account the arbitrator's ruling

in the Library Technician case. Moreover, the parties expect the employees to gain in understanding and bring their expectations for bargaining more in line with reality. Some of the tensions associated with the first set of negotiations were directly related to the inexperience of the employees and local union leaders as well as some management personnel with collective bargaining. Finally, the broadening of interest arbitration jurisdiction under the Act encouraged the resort to arbitration by the parties. Even though their perceptions of the Board differ (management thinking it is pro-labour and the Alliance thinking it is pro-management) one can expect arbitration to occur with some frequency even in future negotiations.

Administration

The contract administration aspect of collective bargaining has been limited by the prolonged period of negotiations. Most bargaining units have only had a working agreement for less than a year and nearly half of them are still awaiting the bound and printed copies of the agreement that they will distribute to unit employees. Trends cannot be fully ascertained at this time although some commentary on the early experiences can be made. All the primary labour relations administrators, Fothergill, Latreille, and Pageau, talked about the initial difficulties in getting supervisors and mid-level managers to adapt to a collective-bargaining situation. They noted that while the previous paternalistic treatment of employees was on the whole "good paternalism" (parliamentary employees had better pay, more holidays and annual leave and shorter working hours than other federal employees) it was still a case of relationships based on privilege rather than one of relationships based on rights. The individualized nature of past employee dealings has ceased to be paramount and along with it an accompanying loss of discretion and autonomy for the first or second level manager. Each of them have been involved in efforts to train their operational staff in the "ways and means" of managing with a collective bargaining agreement but everyone agreed it would take some time for the historic mode of political and familial administration to end completely.

The most dramatic difference in managing with a collective bargaining agreement is typically the existence of a contract grievance process and relating to its activation by the bargaining representative. The PESRA has a broad scope grievance section and, for the first time in the federal sector, allowed for terminations, staffing, and classification grievances to be adjudicated by a third party. The negotiated grievance procedure in all the agreements has a three step internal review process prior to any external consideration. All the employers indicated that the number of grievances has increased significantly with the advent of collective bargaining. In the past when an employee grieved they were likely to be "in the dog house" and possibly pay a price on the



job but that type of reaction by a manager is no longer tolerated. Nothing better represents the new relationship of rights under collective bargaining than the existence and use of the grievance process. Data provided by the Commons and the Senate shed some light on this point. The most telling illustration is that, for the calendar year 1988, the House of Commons processed eighty-eight grievances filed by employees represented by bargaining associations and only five from employees not so represented. The largest number of grievances, about a quarter of the total, dealt with disciplinary matters. A large number of others concerned overtime work and contract interpretation disputes, items, like discipline, that are common subjects for grievances. Sixteen grievances, however, related to classification and staffing topics, the new grievance agenda under the PESRA. Nearly half of them appeared to have reached adjudication. Overall, of the eighty-eight grievances lodged in the Commons by employees in bargaining units, fifty-eight (66%) were denied, three were upheld and five partially upheld. Eight were withdrawn, usually at the first step on the grievance process, and thirteen were referred to adjudication. Seven of ten grievances were heard at the final level of the process, a proportion which reflects both the percentage of denials as well as the early phase of collective bargaining when a union is interested in showing employees the virtues of the new system.[11]

The Senate had forty-three grievances filed in 1988. More than half were contract interpretation or disciplinary items. Eight involved staffing or classification disputes. The Senate had a large number of grievances pending at the final level (40%) at the close of 1988. Most of these related to the annual

leave policy of the Senate which undoubtedly will be affected by the arbitration ruling in the Library Technicians case. While it is difficult to make any definitive comparisons between the Commons and the Senate, given the features of the Senate data on grievances, it seems the Senate was a little more prone to uphold the grievances that were lodged than the Commons. Possibly this was tied to difficulties in educating managers in the Senate concerning the nature of contract administration. Pageau claimed it was sometimes more difficult to get agreement in his management caucus than at the table.[12]

Comparable material on grievance activity in the Library of Parliament was unavailable. Grievance activity has increased significantly, according to Hugh Fothergill, and especially with regard to position classifications where he reported sixty grievances were filed and awaiting decision by adjudicators. The Alliance, apparently, decided to test the adjudication mechanism with regard to classification grievances by first using examples from the Library of Parliament. The initial case involves the classification of the President of the Alliance local on Parliament Hill. Hearings were held in late June and early July, but have been postponed until November. Both sides have presented voluminous documentation in this benchmark hearing with management trying to limit the adjudicator's decision to questions of procedure while the union has argued for substantive determination by the adjudicator. The adjudicator indicated that during the interim period he would like to explore whether some agreement might be reached by the parties on the datum of classification and thusly move the process along. Whatever happens, it will have important precedent value in an exercise which contains very high stakes for both sides.[13]

It is too early to tell what the fall-out will be concerning managing within a collective bargaining framework on Parliament Hill. Even in the beginning period, though, it is certain things will not remain as they were. Grievance activity has increased dramatically and is expected to rise further. Unions are pushing to attain through the administrative process what they did not achieve at the table. Managers are being held accountable in a new and different way. Policy and practice are being tightened and the flying-by-the-seat-of-the-pants style of administration is in decline. "Perhaps eighty percent of the previous ways of doing things will remain," one negotiator speculated, "but the new twenty percent will surely leave its mark on the administration of Parliament."

The Future of Parts II and III of the Act

Finally, a few thoughts about the unproclaimed sections of the Act. Part II applies the minimum standards of Canada Labour Code as they relate to hours, wages, leave, other terms of employment. It also references section 61.5 of Code which concerns wrongful dismissals and provides for due process with enforcement by Labour Canada. Part II applies to the party organizations of Parliament, as well as the employees covered under part I.The administration of the code lies with Labour Canada.

Part III deals with the occupational safety and health of the work place. The legislation applies the same coverage that exists for private industry and the federal government to Parliament with the exception that the Public Service Staff Relations Board, rather than the Canada Labour Relations Board, inquires into the safety officer's report which has been referred to it following an employee's refusal to work, and also into employee complaints alleging prohibited employer activity. Both parts bring other government agencies into the regulation of parliamentary employment practices and both parts apply to the terms and conditions of employment of the persons who work for the elected and appointed members of the House and the Senate, the respective political organizations of the two bodies.

Observers seem to agree that Part II has not been implemented for the following reasons. First, the unions have not pushed it because the employees they represent are already considerably above the minimum standards with respect to the terms of the collective agreements they have negotiated. It is largely an irrelevant issue with them, they are prohibited under the Act from organizing the clientele affected by Part II, and thus have little interest in applying pressure to put it into effect. No other source exists, outside the employees themselves, to push for proclamation. Parliament does not like its operations to be subject to outside review. There is some negative reaction to the review exercised by the Public Service Staff Relations Board under Part I, let alone review by Labour Canada. Moreover, while the PESRA is here to stay, some MPs seem to have concluded that bringing collective bargaining to Parliament was equivalent to "shooting oneself in the foot." It is unlikely they would support further restrictions on their autonomy.

Part III should be a different kettle of fish. Dealing with the occupational safety and health of parliamentary employees, it applies the same standards and nearly the same processes which govern private industry and the rest of the federal government to Parliament. The unions, now that negotiations are completed, are mounting a campaign to proclaim Part III. NABET has sent a letter to each MP describing the risks of working in the buildings of Parliament and are poised to launch a media information blitz. Grievances dealing with health and safety concerns are on the rise from all the bargaining units. The obstacle to implementation is the nature of the problem, the Parliamentary Buildings themselves. Built in the late nineteenth century, the costs of bringing them to present day construction code and safety standards is staggering. Moreover, under Part III, Parliament, theoretically, could be brought to a standstill if the respective regulatory body (the Public Service Staff Relations Board) rules that workers should be allowed to leave the job with pay following a safety officer's

report that conditions in various floors of the buildings endanger the health and safety of employees.

Parliament has plans for a fifteen year renovation program but they are not likely, given current budget constraints, to proclaim legislation which will accelerate that commitment. Why did the Commons include part II and III in the *Parliamentary Employment and Staff Relations Act*? Did the members fully understand what they were doing at the time? It seemed a good compromise between having the Canada Labour Code in its entirety apply to employees of Parliament (as it would have if certification by the Canada Labour Board had not been challenged) and having a completely distinct labour relations policy embodied in a unique statute. But if the government apparently decided not to proclaim parts II and II there is little the employees or the unions can do about it.

What impact will the passage and implementation of the *Parliamentary Employment and Staff Relations Act* have on the rest of the federal sector governed currently by the *Public Service Staff Relations Act*? It is doubtful if the conciliation/strike option under the PSSRA will be amended on the basis of the experience on Parliament Hill where strikes are prohibited. One reason is a common recognition of the strategic placement of parliamentary employees that lends legitimacy to the strike prevention aspect of the *Parliamentary Employment and Staff Relations Act* but does not apply with the same force generally to the rest of the federal sector.

Moreover, even under the PSSRA the designation of key employees who would be prohibited from striking under that procedure has become so broad in aspect that the potential of strikes occurring is minimal. The expansion of interest arbitration and grievance adjudication under the PESRA, however, may carry over to amendments being considered for the PSSRA. If amendments to the PSSRA are adopted the broadening of the scope of arbitration and adjudication would be among the changes. Negotiations between the Treasury Board and the Public Service Alliance of Canada have not gone well lately (the last round was settled in an extraordinary mediation session by the Public Service Staff Relations Board) and many observers and participants think something must be done now to make the system work more effectively. One feature in most reform packages for the federal system, facilitation of centralized bargaining, though, will not carry over to the Parliamentary side where the embedded distinctions between the House and the Senate would prevent any movement toward a common employer concept being embodied in legislation.

It will be interesting to see whether some of the enriched negotiated benefits for parliamentary employees (such as shorter work weeks and, particularly, longer annual leaves) will be able to be negotiated by the Alliance and the Professional Institute of the Public Service for other federal government employees. Moreover, the outcome of the classification adjudications are being monitored closely by the staff-relations community at the federal level. The outcome will have consequences for the entire system.

Notes

1. Gary Levy, "Collective Bargaining for Parliamentary Employees," *Canadian Parliamentary Review*, 9(2) Summer, 1986, p. 16; and personal interviews with P. Chodos, senior counsel (labour relations), House of Commons of Canada, July 7, 1986; M. Latreille, Director of Staff Relations and Compensation, House of Commons of Canada, August 23, 1988; D. Broad, President of the Public Service Alliance of Canada local union on Parliament Hill, June 14, 1989.

2. Levy, *Ibid.*, pp. 16-17; and personal interviews with D. Broad; R. G. Perron, Director Collective Bargaining Branch of the Public Service Alliance of Canada, June 16, 1989; R. Yaremko and L. David, negotiators with the Public Service Alliance of Canada for contracts with the House of Commons, the Library of Parliament, and the Senate, June 13, 1989.

3. Personal interviews with R. G. Perron, R. Yaremko and L. David, June 16, 1989 and June 13, 1989.

4. G. T. Sulzner, "Canadian Federal Labour-Management Relations: The Mulroney Difference", *Journal of Collective Negotiations*, 15 (4) pp. 291-299, 1986.

5. Personal interview with P. Chodos, July 7, 1986.

6. G. T. Sulzner, *op. cit.*, pp. 293-294.

7. Chapter P-35, "The Public Service Staff Relations Act, 1966- 67," Section 70 (1), Reproduced in J. Finkelman and S. B. Goldenberg, *Collective Bargaining in the Public Service: The Federal Experience in Canada*; Volume 2 (Montreal, the Institute for Research on Public Policy, 1983) p. 782.

8. *Agreement Between the House of Commons and National Association of Broadcast Employees and Technicians*, CLC, June 15, 1987 to March 31, 1990, Article 16.11 "Temporary Premium," p. 50.

9. The narrative on the Alliance negotiations is a product of personnel interviews with P. Pageau, M. Latreille, H. Fothergill, R. Yaremko, L. David, and D. Broad that occurred from June 12 through June 14, 1989.

10. *Hearing Before the Public Service Staff Relations Board RE: Application for Certification - Research Officer and Research Assistant Sub-Groups in the Research and Library Services Group*, May 16, 1989, File No.: 442-L-12, pp. 16- 17.

11. *1988 Grievance Statistical Report Breakdown: January 1 - December 31, 1988, House of Commons, mimeograph.*

12. *Senate Grievances: December 24, 1987 to December 31, 1988, Memorandum from O. Sauvé to G. Pageau.*

13. *Telephone interview with H. Fothergill, July 12, 1989.*