

# **PRESENTATION TO LAW AMENDMENTS COMMITTEE, NOVA SCOTIA LEGISLATURE**

## **'An Act to Ensure the Provision of Essential Home-support Services'**

By Danny Cavanagh, President, CUPE NS  
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Good afternoon.

My name is Danny Cavanagh and I am the President of the Canadian Union of Public Employees Nova Scotia Division. The Canadian Union of Public Employees is Canada's largest union, with 627,000 public sector members working in almost every community across the country.

In Nova Scotia, we proudly represent more than 18,000 working women and men. Our members work on the front lines of our communities delivering public services to the people of Nova Scotia in home care support services, health care, community and social services, education, public utilities, housing, libraries, municipalities, post-secondary education, early childhood education and care, airlines and in many more sectors of the economy.

I want to thank the members of the Law Amendments Committee for this opportunity to speak to this legislation.

I will direct my remarks to three (3) main points:

### **1. BILL SHOULD NOT INCLUDE CUPE LOCALS**

The CUPE home support locals named in this Bill should be stricken from it.

This Bill as stated applies to employers and employees' bargaining agents who have "been unable to reach a negotiated settlement".

None of the CUPE locals named in this Bill have declared an impasse to their bargaining.

These CUPE locals and their employers continue to bargain in good faith.

This Bill jeopardizes the collective bargaining process that is in process at this moment for these CUPE locals and their employers.

CUPE has five (5) home support locals in Nova Scotia:

Three (3) of these locals are in bargaining: CUPE Local 3936 - Lunenburg County Home Support Services Society; Local 3953 – VON Cumberland; Local 4354 – Victoria County Home Support Services Society.

Two (2) CUPE locals - Local 3885 – Region of Queens Home Support and Local 3986 – New Waterford Homecare Service Society concluded bargaining late last year and have signed collective agreements.

We can see no legitimate reason why CUPE home support locals have been included in this Bill.

## **2. ESSENTIAL SERVICES LEGISLATION AND THE RIGHT TO STRIKE**

As the Supreme Court has confirmed, collective bargaining is protected by the Charter of Rights and Freedoms.

A strike is always a last resort for trade unionists, especially public sector workers. The vast majority of settlements in Nova Scotia are reached without a work stoppage.

Nonetheless, the right to strike is a fundamental right for all workers and a key element of free collective bargaining.

The right to strike is also one of the only ways workers have of effectively warning employers or the general public of problems in their workplace.

If unions are limited to taking 20% or 30% of their members out on strike, that is virtually the same as banning strikes outright.

There is a large body of evidence that shows that essential services legislation prolongs strikes because it alleviates pressure on both parties to come to a speedy resolution.

Essential services legislation does nothing to help the parties resolve the legitimate issues that arise in bargaining. Free and unfettered collective bargaining is the only thing that does that.

### **3. HASTY LEGISLATION**

Finally, legislation made in haste leads to bad public policy. This Bill was clearly conceived in haste, drafted in haste and is will result in poor public policy for Nova Scotia.

There has been no consultation around this legislation. We have seen no background studies or analysis which makes the case for essential services legislation.

While this majority government has the power to pass this bill, CUPE believes that sweeping legislation that will fundamentally alter the labour relations order requires that affected stakeholders and the public are properly consulted.

The Liberal government has absolutely no mandate to enact essential services legislation. Indeed the Premier is on record as saying essential services legislation does not work.

### **CONCLUDING REMARKS**

In conclusion, CUPE Nova Scotia Division urges the members of the Law Amendments Committee to reject this Bill.

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