

Notes for a Submission

By

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Nova Scotia Government and General Employees Union

To the

Law Amendments Committee on Bill 148

**Public Services Sustainability (2015) Act**

**December 14, 2015**

Thank you, Madam Chairperson and members of the Committee for the opportunity to speak with you about Bill 148 – the Public Services Sustainability (2015) Act.

I am a Board Member of the Nova Scotia Government and General Employees Union. I was elected to the Board from the Civil Service Professional Occupational Council. I have also had the pleasure of being a member of the Union Negotiating Committee for at least three rounds of collective bargaining at the table with the Employer. I am a career civil servant employed with Department of Transportation and Infrastructure Renewal as a Policy Advisor.

Over the 30 years, I have worked with the employer to meet their needs. I started as a researcher on transportation issues, that role changed to become a policy advisor on regulatory issues; I went to a different section in the Department to advise on environmental issues which meant upgrading my skills on my time. My point being that civil service employees have recognized the changing needs of government. We have been flexible about the work we do and the roles we have taken on that have continued to build over time. Our positions and roles deserve to be recognized and treated with respect.

Nova Scotia needs to retain talented and skilled public sector workers. This is difficult to do when wages and working conditions are better in provinces like Ontario and Alberta. Bill 148 does nothing to recruit and retain public sector workers. I am at an age where I am looking forward to repurposing myself. This government is making my decision much easier to leave government. However, I worry about;

- Who is going to want to work for the government?

- What skills will they have? And

- What service will they provide to Nova Scotians?

- overall what will be results of this government's actions on the Province of Nova Scotia?

We have seen that this government is willing to legislate rather than consult and negotiate. We have seen several cases were they do the latter after the fact. Is this good government? Do people and businesses look at Nova Scotia and say why would I move to Nova Scotia? We need to attract people and business to Nova Scotia to improve our economy.

Respect for civil servants comes by negotiating our\* collective agreement at the bargaining table and not through the heavy hand of legislation (employer and union). I believe the government actions over the past two years shows a lack of respect for the work we do and the commitment we have to the Province of Nova Scotia.

In the past, I looked forward to being a union representative at the union negotiating committee (UNC) at the bargaining table. We, the union and the employer, have been able to bring issues to the table to discuss our challenges openly. There have been disagreements but there was also learning, collaboration and at the end of the day an agreement.

When we did end up in arbitration and a binding agreement, we both won on some points and lost on other points. The arbitration process helped us reach a conclusion that recognized both positions. What do we have today! Bill 148.

Given the short notice, I do not pretend to understand all sections of Bill 148. However from what little I understand Bill 148 does not comply with the intent of the Civil Service Collective Bargaining Act. This legislation is extremely undemocratic. The Liberals are so concerned about public input that they opened it up to the public in the dead of night, a dark stormy night, a B grade film plot.

The proposed legislation removes items from the collective bargaining process. For example, an arbitrator is limited by the Act to address compensation according to government set limits. The accepted give and take at the bargaining table addresses compensation rates and ranges in consideration of other benefits at the table. It is not collective bargaining when the government takes away a portion of the tools as intended by the Civil Service Collective Bargaining Act.

Civil Servants do not have the right to strike. The Government's solution at the start of the civil service union many years ago was collective bargaining, including access to conciliation and binding arbitration. The current government is concerned about its ability to bargain effectively and has decided to change the rules of bargaining in its favor. If this does not work I wonder what the next step is for this government.

During the current round of "bargaining" the government brought us to the table under the threat of legislation. We did the best we could and sent an offer to our membership recommending acceptance.

The membership was confused with the union recommending acceptance; recognizing the threat of a legislated agreement. The membership was very clear in responding to the bargaining unit negotiating committee members that they were confused. The union is in the process of informing members about the offer and providing an opportunity to answer member questions. The members need information to make an informed vote.

The government response was to set a time line for the union to respond with a vote date. I was shocked at this heavy handed approach. Our approach is not new and it is an accepted approach across Canada. Unions provide sessions to inform and answer

member questions; sounds to me like a step in the democratic process leading to a vote: a vote where the union actually recommended acceptance.

The current actions of the government, in my mind, seek to intimidate the civil service union membership by threat of pecuniary measures, an unfair labor practice pursuant to Section 40 of the Civil Service Collective Bargaining Act (non-negotiated wage rates and placing limits on the Public Service Award).

I also take issue with the government press release where it was stated:

“The legislation also ensures newer, lower-paid public sector employees receive larger pay increases. Some will see step increases of as much as five per cent per year.”

All employees, may be eligible for increments (step increases) pursuant to the collective agreement. The increments are earned based on the employees performance and has nothing to do with being “lower-paid” or newer employees. Yes, employees in a “new to them position” will likely earn increments for several years. The statement seems to be pointing out that the government is targeting “older” “well” paid employees. The statement is an unnecessary one for a government to make, clearly showing a lack of respect for a workforce whose average age is around 48 years old.

Negotiating cannot occur when you legislate your pre-conditions.

Respectfully submitted

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Board Member

NSGEU Local 8 - Civil Service