
From: Amy Graham <[REDACTED]>
Sent: Wednesday, December 16, 2015 4:56 PM
To: Office of the Legislative Counsel
Subject: Submission to the Law Amendments Committee Re: Bill 148
Attachments: Amy Graham Law Amendments Bill 148.pdf

Please see a written statement for the Law Amendments Committee (attached as a pdf) regarding Bill 148. Below is the text in case you have any issues opening the pdf.

Thanks,
Amy Graham

To the honourable members of the Law Amendments Committee:

I am a civil servant, working as a Career Counsellor for the NS Department of Community Services helping people in receipt of Income Assistance develop skills to become gainfully employed. I chose this career path for several reasons, the first of which was that I wanted to make a difference in people's lives. I wanted and still want to help build a better Nova Scotia by meeting people where they are and providing them with the means to achieve their dreams and goals. While I have watched family and friends move to other provinces for employment, I chose to stay here. Why? Because I love its beautiful land, sea, culture and its people. As any career counsellor knows, there are a number of factors one must consider in building a life when choosing a career, which I will get to in a moment.

In the social services field, the work can challenge us mentally and emotionally as we attempt to meet the needs of citizens who are under an enormous amount of stress and often experience health issues. Like a flight attendant tells passengers to put on their own oxygen mask first to be better equipped to help the person beside you, so too must we ensure we take care of our own mental, physical and financial health to better serve the public. This involves ensuring we have access to things like adequate medical coverage, the ability to set roots in the soil by having job security and being able to set up a financially *sustainable* future. These are all determinants of a sound career choice. If you can't have them here, one must find them elsewhere; otherwise our own sustainability is at risk.

The Civil Service Collective agreement (along with other public sector agreements) has protected these elements for decades. As a result, the public sector has attracted talented, intelligent workers and has been able to keep them here as contributing citizens and taxpayers in Nova Scotia. These elements were achieved through a well-established system of collective bargaining between unionized employees and the employer (previous governments), who have actively participated in the thoughtfully-developed steps in the **process**. The partnership involved compromise; discussion; give-and-take. Recently, the McNeil government has decided to unilaterally redefine this process, hastily creating a piece of legislation that will provide them with the **power** to usurp the fair arbitration component which normally enables an impartial third party to make an objective decision.

Like 75,000 other workers, I based my fiscal framework, my financial future, on a collective agreement established over time during bargaining negotiation that took place at the table. Because most previous

governments respected us enough as workers; no, as **people**, to have a two-way conversation. The bargaining table was not a place where one party dictated ultimatums to the other or who used intimidation tactics to coerce a deal. It had to be a place where both sides respected the process and were open to compromise. The ultimatums, the intimidation, the legislation are all examples of how the government has bargained in bad faith. Conciliation and arbitration are civil tools both sides have historically taken part in to resolve conflicting stances on the working conditions brought to the table. These tools are there because we, as civil servants, do not have the right to strike. Introducing legislation that interferes with these important steps in the process is, in my view, a direct violation of the Canadian Charter of Rights and Freedoms. Since the right to strike is not an option, there had to be a form of recourse in its place to ensure a fair collective bargaining process could occur, to avoid a situation where the employer (in this case, the provincial government) could usurp the process and unilaterally determine all working conditions.

It's the same reason clause 46 of the Civil Service Act states that a provision in the collective agreement prevails if in conflict with a legislated regulation: to ensure the government does not contravene the collective bargaining process to satisfy their own agenda. This is partly because the clauses in a collective agreement were the result of a functional bargaining process.

I would even assert that Bill 148 (The Public Service Sustainability Act) is in direct conflict with the Civil Service Act and Civil Service Collective Bargaining Act and the current collective agreement which remains in force until a new agreement has been ratified. Any regulations stipulated by legislation like in Bill 148, then, are in direct conflict with the current terms of the collective agreement. So taking all of this into account, the collective agreement, which still remains in force is paramount over any legislation. To pass a bill that violates the contract not only breaks the contract, but also violates a constitutional right to exercise collective bargaining. I am asking that Bill 148 be withdrawn and allow the collective bargaining process to take its natural course, involving good-faith discussion at the bargaining table, followed by conciliation and arbitration if both sides are unable to reach an agreement.

Thank you.

Sincerely,
Amy Graham