

PRESENTATION TO LAW AMENDMENTS COMMITTEE NOVA SCOTIA LEGISLATURE

"Bill 75 - An Act Respecting a Teachers' Professional Agreement and Classroom Improvements"

By Nan McFadgen, President, CUPE Nova Scotia
February 15, 2017

Good morning.

My name is Nan McFadgen 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 more than 644,000 members across the country.

In Nova Scotia, CUPE proudly represents more than 19,000 men and women working in communities throughout the province to deliver important public services in education, both school boards and post-secondary; healthcare, including hospitals, long term care and home care; municipalities; provincial highways; and community services, among other sectors of the economy.

I want to thank the members of the Law Amendments Committee for this opportunity to speak to Bill 75.

CUPE members in Nova Scotia are proud to provide services that support the development of vibrant, healthy communities and strong local economies. Our union is proud to work in support of safe workplaces and good jobs that provide a decent standard of living and that are the building blocks of thriving communities.

We are disheartened and alarmed that this government does not recognize the valuable role that unions and collective bargaining play in a democratic society. Time and again, this government has used its legislative majority to limit the rights of workers in Nova Scotia. The list is long:

<u>BILL</u>	<u>TITLE AND PROVISIONS</u>	<u>INTRODUCED</u>
--------------------	------------------------------------	--------------------------

Bill 19 ***Trade Union Act Amendments*** **December 6, 2013**

Gutted provisions allowing automatic access to first contract arbitration following union certification. The amendments make it much harder for workers to exercise their right to unionize and for the Labour Board to become involved in the process.

Bill 30 ***Essential Home-support Services Act*** **February 28, 2014**

When home support locals were engaged in collective bargaining, the government passed legislation to prevent the workers from striking until they had entered into essential home support services agreements with their employers. Premier McNeil inserted himself directly into the collective bargaining process publicly warning workers that if they did not accept the final offer made by the employers, the offer would be withdrawn and lower increases would be offered in future rounds of bargaining. The definition of what services were to be considered essential was far reaching, including laundry and light housekeeping.

Bill 37 ***Essential Health and Community Services Act*** **March 31, 2014**

Compelled more than 40,000 workers in acute health care, long term health care facilities, care facilities, group homes, 911 operators, ambulance services, home support, child protection and people working in homes for seniors, youth at risk and the disabled represented by seven different unions to negotiate essential services agreements with their employers six months prior to the expiry of their collective agreement or lose their right to strike.

Bill 1 ***Health Authorities Act*** **September 29, 2014**

A restructuring of the health care system reducing the number of acute health care employers from 10 to two, bargaining units from 50 to four, and banning strikes by acute health care workers during the process. A mediator/arbitrator was given authority to determine union representation; government later "fired" James Dorsey for allegedly disobeying the rules of his appointment and the terms of the legislation.

Bill 100 *Universities Accountability & Sustainability Act* April 22, 2015

The legislation allows universities in the province to enter five-year "revitalization" periods, during which the right of their unionized employees to strike are banned and collective agreements of campus employees are overridden. The legislation applies to unionized cleaners, trades and maintenance workers, administrative support workers, librarians, part-time teachers and faculty, in all of the provinces' universities.

Bill 148 *Public Service Sustainability Act* December 14, 2015

This bill imposes limits on increases to the compensation rates and compensation ranges payable by public sector employers. It also limits the scope of awards at arbitration. In an unusual move, Government has passed this bill but will only make it law (proclamation) to stop a settlement or arbitration award that exceeds the bill's provisions on wages and retirement allowances.

And now we have Bill 75 destroying the rights of teachers to free and fair collective bargaining.

All Nova Scotians pay the cost of weaker collective bargaining rights, not just those who are union members.

Unions play a key role in reducing inequality, both in the workplace and in society as a whole. As the 2008 study of 51 countries by the International Labour Organization (ILO) found, there is a strong correlation between high union density and greater income equality. The weaker unions become, the greater inequality grows.

Unions bring an important element of democracy, often termed "industrial democracy," to the workplace. Voting on one's wages, benefits and working conditions is significant, as is electing a bargaining team to negotiate a new collective agreement based on the issues members voted on and having the opportunity to accept or reject a new tentative settlement. The ability to grieve alleged violations of the collective agreement and resolve issues of due process is also

important. Collective agreements and due process helps protect members against arbitrary decisions and work rules, unfair termination, challenge discrimination on the basis of gender or colour, promote equal pay for similar work, oppose unfair treatment and more.

The process of voting by secret ballot in a union election is similar to voting for a candidate to a provincial legislature or to the federal parliament in Ottawa.

Over the decades, labour movements in Canada and many other countries have been front and centre in the fight for democracy both in the workplace and in society. Canada signed the ILO's Convention 87, which recognizes freedom of association and the right of workers to organize unions as fundamental human rights. Labour rights are seen quite correctly as a key component of human rights.

Across Canada unions have led the fight for the eight-hour workday, better employment or labour standards, training and income support for the unemployed, public pensions (now the Canada Pension Plan), workplace health and safety laws, minimum wages to enable poor workers to live above the poverty line, protections for injured workers, and parental and maternity benefits. In virtually every province these achievements have become common social rights extended to everyone, not only to union members.

Concluding Remarks

In conclusion, CUPE Nova Scotia urges the members of the Law Amendments Committee to support labour rights and free collective bargaining as a social good and reject Bill 75.