



Notes for a Submission  
By  
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To the  
Law Amendments Committee  
On  
Bill 84  
Dalhousie University – Nova Scotia Agricultural College  
Merger Act

May 11, 2012

## Introduction

Thank you and Good Morning. We appreciate this opportunity to speak to the Law Amendments Committee about Bill 84 – Dalhousie University – Nova Scotia Agricultural College Merger Act, although on very short notice.

The Nova Scotia Government and General Employees Union is the largest union in the province. We have the privilege of representing 30,000 public sector employees. This includes 324 employees of the Nova Scotia Agricultural College, of which 58 are faculty and 266 are staff.

We have appeared before the Law Amendments Committee in the past on legislation affecting the NSAC. This includes Bill 119 in 2004 which was the *Agricultural Administration Amendment (2004) Act* and the Nova Scotia Agricultural

College Act of 2008. We were successful in securing provisions which protected the current rights, benefits, and entitlements of our members.

### **Absence of Protection for Employees**

For Bill 84, however, we are very concerned with the absence of protection for employees as the Nova Scotia Agricultural College devolves from the public service to Dalhousie University. In our experience, this has to be the worst piece of legislation we have seen from the point of view of protecting the rights and benefits of our members.

Almost without exception, every statute since 1992, which provided for devolution of a segment of the civil service to another employer covered by the *Trade Union Act*, has included the following three protections for employees:

1. Provision that every employee designated for transfer from the civil service "is employed by [the new employer] on the **same terms and conditions of employment** of those under which the employee was employed [by the Province] until changed by collective agreement or contract of employment";
2. Provision that "**benefits accumulated by an employee while employed** [by the Province] are vested in the employee and the employee is entitled to receive those benefits from the [new employer]"; and
3. Provision that "the **obligations and liabilities** of [the Province] in respect of those employees are the obligations and liabilities of [the new employer] including all employee benefits and entitlements".

Provision that employees continue to be employed on the same terms and conditions of employment, ensure that employees do not lose any of the benefit of their terms and conditions of employment until such changes have been negotiated in collective bargaining.

Provision that benefits accumulated by the employees are vested in the employees, protect the accrued rights that employees have built up as civil servants. They range from accrued rights to sick leave, vacation leave and other types of leave to accrued rights to pay, to overtime pay, to public service awards and many other benefits which were generated either under the collective agreement or under the *Civil Service Act and Regulations*.

Provision that the obligations and liabilities in respect of employees of the Province are the obligations and liabilities of the new employer, makes clear a legislative intention that

the employees are to be fully protected when their services are devolved out of the public service to an employer under a different statutory scheme.

The absence of these provisions from Bill 84 speaks loudly that employees' terms and conditions of employment, their accrued rights, and the obligations and liabilities of the Province toward them will not be protected upon the devolution of the Nova Scotia Agricultural College to Dalhousie University. It is impossible to believe that this is an oversight. These provisions have been virtually universally present in all previous similar legislation.

There are no special circumstances of the Nova Scotia Agricultural College to justify denying these protections to the employee. These provisions were present in the *Nova Scotia Agricultural College Act* which was enacted in 2008. I

refer you specifically to subsections 42(5), (6) and (8) of the statute.

There are particular circumstances which require provision to protect employees at the Nova Scotia Agricultural College.

These provisions were included in the *Nova Scotia*

*Agricultural College Act* and relates specifically to the

preservation of retirement benefits of civil servants and the

continuation of the application of the Nova Scotia Public

Service Long-Term Disability Plan. I refer to sections 43, 45

and 46 of that *Act*. Section 46 of the *Nova Scotia Agricultural*

*College Act* provided for the new employer to provide "the

same or substantially the same level of benefits coverage as

provided to employees of the Province under the Province of

Nova Scotia Group Live Assurance Plan and the

Consolidated Health and Dental Plan".



Section 14(2) of Bill 84 expressly takes away the right of certain employees to a supplementary pension that is available to civil servants under the *Public Service Superannuation Act*. We do not agree that the statute should be used to take away a benefit to which some employees may be entitled. This should be a matter for collective bargaining.

### **Conclusion and Recommendations**

The contrast between the *Nova Scotia Agricultural College Act* and Bill 84 could not be more stark. There clearly are some major omissions in this Bill.

Obviously, there is some agreement with Dalhousie University not to provide benefits that are substantially the same as the employees presently enjoy, not to preserve the retirement allowances that they have accrued through long



years of service, and not to provide the protections of the status quo for the employee that would put the onus on Dalhousie University to negotiate changes rather than impose them.

We find it particularly disappointing that this government is unwilling to provide the protections to employees that have been provided by previous governments in the same circumstances in the last two decades. In fact, there seem to be more protections for dairy quotas in Bill 84 than for the rights and benefits of employees. Let me quickly clarify that we are not against protections for dairy quotas, but we want to see adequate protections for employees as well.

We recommend that several provisions of the *Nova Scotia Agricultural College Act* be added and included in Bill 84.

We are referring to subsections 42 (5), (7) and (8) maintaining same or equal terms and conditions of

employment, benefits accumulated, and obligations and liabilities. In addition, we want included Section 43 of that Act dealing with the Public Service Award, Section 45 dealing with the long-term disability plan, and Section 46 dealing with benefits.

On pensions, we agree present employees should be allowed to continue in the Public Service Superannuation Plan as stated in subsection 14 (1) of the Bill, but we urge that subsection 14 (2) eliminating supplementary pensions for employees who earn above the maximum salaries permitted by the Income Tax Act, be removed so that these eligible employees will continue to have supplementary pension benefits. We also urge that future employees be eligible to join the PSSP, as found in subsection 41 (2) of Bill 17 under Schedule A, the *Nova Scotia Pension Services Corporation Act*.

We wrote to the Minister of Agriculture on May 9 about these amendments, but have not yet received a reply. In our view, they are fairly simple and straightforward amendments which we hope you will seriously consider. We would appreciate your assistance in helping to achieve them.

We thank you for this opportunity. We would be pleased to answer any questions you may have.