

May 11, 2012

Law Amendments Committee  
Office of the Legislative Counsel  
Ninth Floor  
Joseph Howe Building  
1690 Hollis Street  
P O Box 1116  
Halifax NS B3J 2X1

Dear Members:

**Re: Bill 84 - Dalhousie University-Nova Scotia Agricultural College Merger Act**

Due to the short notice regarding the Law Amendments Committee meeting being held this morning, I am unable to appear before the committee in person to express my concerns in relation to the above-noted Bill. Therefore, I respectfully request that you take my letter into consideration.

I am writing to express my concern about the absence of protection for employees in Bill 84 providing for the devolution of the Nova Scotia Agricultural College from the public service to Dalhousie University.

I understand from a letter written to the Minister of Agriculture by Joan Jessome, President of NSGEU (quoting directly from that letter): *"that virtually without exception, every statute since 1996, 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".*

*These provisions have been included in a whole series of statutes enacted over the past two decades. Their presence in these statutes served important purposes.*

*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".*

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*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.*

*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."*

The employees of the NSAC were lead to believe that their retirement allowances (long-term service award) that they have accrued through long years of service would be protected. I am very concerned that all parties involved – Government of Nova Scotia and Dalhousie University - seem to be in a panic mode when it comes to pushing this bill through the Legislature without allowing the employees a chance to give it due diligence to ensure that we are protected. I realize they would like to have everything in place as soon as possible, however, I feel we need more time to consider what this Bill really means for the employees.

It would be greatly appreciated if the Law Amendments Committee would delay sending this bill to Third Reading to allow employees to exercise their democratic right of reviewing and understanding what this bill means for us and also allow the Government of Nova Scotia to amend the bill so that the employees are protected. I don't believe we are asking for anything that has not been provided to Civil Service employees that have faced this situation in the past.

Thank you for your time and consideration.

Yours sincerely,

Marilyn Roberts  
NSAC Employee