



Notes for a Submission

By

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To the
Law Amendments Committee
On
Bill 108 -
Financial Measures (2015) Act

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Introduction

Thank you, Madam Chairperson and members of the Committee for the opportunity to speak to you about Bill 108 – the *Financial Measures (2015) Act*. I am here to speak to you about Part I of the Bill which deals with an amendment to the *Civil Service Collective Bargaining Act*.

The Nova Scotia Government and General Employees Union (NSGEU) is the largest union in the province representing approximately 31,000 workers across the public sector in the provincial civil service, corrections, health care, public schools, community colleges, universities, municipalities, and community organizations. For the civil service, we currently represent approximately 7,500 members, of which 41 were laid off with the elimination of the Department of Economic and Rural Development and Tourism.

We are frankly very concerned with how the lay-offs were handled, and why this part of Bill 108 is being brought forward. We understand that for some of these laid-off members, they were told that they had half an hour to leave and to clear out their offices. To say the least, this is very disrespectful and completely unnecessary. We think the former Minister of EDRT should apologize to each and every one of the workers who were treated this way.

Our main reason for being here today, though, is to strongly object to the proposed amendment in Part I or Section 2 of the Bill. This amendment will allow the government to exclude every single employee of the new Department of Business from being a member of the civil service bargaining unit, and thus, from being a member of NSGEU as their bargaining agent.

Section 11 of the *Civil Service Collective Bargaining Act* clarifies who is not an employee for the purposes of this Act, and in subsection (2), further clarifies who can be employed in a managerial or confidential capacity. Subsection (2)(f) is

the focus of this part of Bill 108. It substitutes the whole "Department of Business" for "Management Board".

In that Subsection (2)(f), the other civil service entities included are the Civil Service (or now what is called, the Public Service) Commission, the Office of the Legislative Counsel, and the Office of the Auditor General. In our view, the Department of Business does not fit with these other excluded entities. While we would challenge even these exclusions, at least, these other entities are not line departments, and have very specific roles to perform.

Our central question is why do all 36 of the employees of the Department have to be excluded from the bargaining unit? What is the rationale for doing this when every other department has a combination of bargaining unit and excluded employees?

Well, there does not appear to be a clear answer to this question. Even the government seems to be confused on this point. On April 29, Minister Furey said during Question Period that: "The excluded classification allows the department that flexibility so that when there are challenges or needs, we're able to assign tasks and responsibilities that meet the needs of clients and business." But on April 20, Labour and Advanced Education Minister Regan said during Question Period that: "My understanding is that this is a policy-based unit, not unlike the Office of Priorities and Planning, and for that reason the employees are excluded".

So, on the one hand, we are told that "flexibility" is the reason, and on the other hand, being "policy-based" is the reason. Whether flexibility or policy is the reason, this does not seem to justify why all employees have be excluded. Other departments have to be flexible and/or to deal with policy, and they have a combination of bargaining unit and excluded staff. Why would being flexible or dealing with policy prevent any employee from being in the bargaining unit?

Furthermore, this amendment would appear to be a violation of the constitution rights of the affected employees to freedom of association and to be part of a union. As a result, we are considering our possible legal options to challenge this provision of Bill 108 if it is passed, especially if we are denied a complete list of all staff positions in the new Department as we have requested.

In the meantime, we would call upon the government and Committee to withdraw this Part or Section of the Bill, and instead, ensure that all Departments, agencies, boards and commissions have a combination of bargaining unit and excluded employees.

Thank you again for this opportunity to speak to this Bill. I hope you will seriously consider our proposal to eliminate Section 2 of Bill 108. I welcome any questions from Committee members.