

**Public Service Sustainability Act
Law Amendments
Speaker: Nancy MacCreedy-Williams
Doctors Nova Scotia
December 15, 2015**

Thank you. As said in the introduction, I am here today as the CEO of Doctors Nova Scotia. Ideally, our President Dr. David Milne would be here. Dr. Milne is an anesthesiologist in Halifax. He, and more importantly his patients, were significantly impacted yesterday with the flood at the VG. As much as he would have wanted to be here today, and as important as this Bill and its implications are for Doctors Nova Scotia and the physician community, he is where he is needed most – with his patients, who always come first.

First let me say that I respect this government's commitment to take care of our province's fiscal state. I don't think anyone can argue that it is important to be accountable with our tax-payers' dollars and look out for our province's economic well-being.

I also want to acknowledge that through this Bill we can see government recognized the unique relationship it has with physicians – as independent contractors rather than employees – and therefore excluded them from the financial framework.

We believe, and think government agrees, that it is through negotiations where we can reach a compensation agreement that best serves Nova Scotia's tax payers, physicians and most importantly every Nova Scotian who accesses our health-care system. We are confident that we can reach a deal that brings much needed system change, and is sensitive to Nova Scotia's economic well-being.

Physicians however are not left untouched by this legislation. The legislation, if passed, removes access to arbitration if physicians and government are unable to come to an agreement through negotiations.

We cannot watch this important bargaining mechanism disappear without voicing our opposition.

Now let me clarify that Nova Scotia's physicians have never resorted to arbitration. We have always been able to come to mutual agreements with government. We have no reason to believe this would change in the foreseeable future. But in our view arbitration is an important tool in motivating both parties to look for solutions and compromises.

There are a few reasons why Doctors Nova Scotia is opposed to this Bill and the removal of recourse to arbitration if agreements cannot be negotiated at the table.

First – it is a diversion from our collaborative relationship with government

With this heavy-handed tactic, government creates an adversarial rather than collaborative working relationship with physicians. This Bill signals government has ultimate authority and is prepared to act in a unilateral and dictatorial manner.

This does not support true collaboration.

This is most disappointing, considering Doctors Nova Scotia and its collaborative relationship with government is often showcased across the country. We are cited as the province that solves problems together and searches for creative and progressive health-care delivery solutions.

We don't have to look far for examples of how this has served our province well.

Developing the province's physician resource plan and together making the difficult decisions that flows from that plan is one example.

Partnering on the shared pilot project where physicians and patients used personal health records is another more recent example.

Both have us leading the country in innovative system change, by working together.

It pains me to think of how many opportunities will be missed if we can no longer partner to move our health-care system forward in meaningful ways.

Secondly, arbitration is an essential tool to address the power imbalance

Physicians are first and foremost about their patients. They have sworn the Hippocratic oath. They have moral and ethical obligations to their patients. And by virtue of their very “calling” to the practice of medicine, they cannot and would never turn their backs on patients. And aren’t we all fortunate that that is the case.

This means that the possibility of “job action” from physicians is a non-starter. But it is for that very reason that access to arbitration is essential. Without the ability to strike as a negotiations tactic, there must be a third party dispute resolution mechanism to address the imbalance in power that is otherwise in effect.

Government has the power to legislate, the power to spend, the power to tax, the power to audit.

What would be their motivation to negotiate mutually beneficial agreements without the risk of either arbitration or job action if an agreement cannot be reached at the negotiation table?

Access to arbitration instills a culture of willingness to negotiate, on both sides of the table.

The right to arbitration motivates both sides to find common ground and come to negotiated agreements.

My third reason for opposing this legislation is that it sends a negative message to physicians working in an already tenuous environment

This government introduced a massive structure change in April with the introduction of the Nova Scotia Health Authority.

As with any change of this size and nature there are significant growing pains. There are disconnects between administrators and care providers. Decisions are getting lost in the shuffle. Most importantly, there is lack of clarity on end goal. What is the new Health Authority's vision for health-care delivery in Nova Scotia? And how do physicians fit in that vision? No one seems to know.

Despite this, physicians are trudging through. They are shouldering the impact for the sake of their patients. They are setting aside their need for more clarity on what role they will be playing in the health-care system in six, 12 and 18 months and focusing on ensuring patients are not negatively impacted by the administrative disconnect.

And while they do this they are feeling disconnected and unappreciated by the larger system. This is not the time to further alienate physicians and signal that they are not valued partners in health-care delivery.

Lastly and quite simply – this legislation lacks leadership.

Taking away a rarely used, but important bargaining tool such as arbitration, is an unnecessary and heavy-handed tactic. It creates barriers not opportunities. It stifles creative and collaborative solutions.

Negotiated solutions are our priority

Despite our deep disappointment, we will continue to negotiate in good faith with government and work toward reaching a deal that brings new and important advancements to our health-care system.

You might wonder what kinds of advancements I am talking about... here are a few key examples:

- We need to change the way that primary care is delivered to Nova Scotians. We firmly believe that every Nova Scotian can and should have a family

physician, ideally working as part of a team that can provide care when and where it is needed most.

- We need to make better use of technology to provide better, more efficient and more convenient care to patients in Nova Scotia.
- We need to improve access to care in this province.
- And, in order to enable all of that and more, we need to ensure we are positioned to recruit and retain the talented physicians that Nova Scotians need and deserve.

I encourage government to continue to work with us to come to long-term solutions to these system challenges at the negotiations table.

Thank you for your time today. I am happy to take any questions you may have.