

Law Amendments Committee

Bill 148 – *Public Sector Sustainability (2015) Act*

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Good evening. The Nova Scotia Nurses' Union is a professional union representing approximately 7,000 Licensed Practical Nurses, Registered Nurses and Nurse Practitioners in Nova Scotia's hospitals, long term care facilities, adult residential centers, VON branches and Canadian Blood Services Centres. All of our members are affected by this Bill. On behalf of the NSNU, thank-you for the opportunity to speak to this legislation.

Systemic Bad Faith Bargaining

The *Public Sector Sustainability Act*, Bill 148, establishes a system of bad faith bargaining. We were told last week that bargaining is ongoing with the teachers. However, government has decided to establish bargaining under the specter of punitive legislation – don't step out of line, or collective bargaining will be cut short by a legislated agreement. It is bargaining under duress. We are asked to enter into free, collective bargaining while we know that it is not

free. We are free to negotiate, provided we accept what the government has set before us. It is bad faith bargaining from the outset. And even if we do bargain, we know that what we agree on collectively with employers now can be removed unilaterally by the government later. In short, this legislation undermines the integrity of the entire process.

Long Service Awards

The legislation threatens to remove negotiated long service awards. This benefit has been legitimately established through collective bargaining processes. To the casual observer it may seem like a gratuitous bonus at the end of one's career. The real story is that bargaining teams over the past 40 years have forgone wage increases or other benefits in order to attain long service awards. They are, simply put, a deferred salary designed to encourage retention and recruitment for a stable and loyal workforce. With their demise, we can expect nurses to take jobs in New Brunswick or many other provinces across the country where these freely negotiated benefits remain in place.

Independent Arbitrators

The ability to refer disputes to a neutral, independent, third party is a cornerstone of a modern liberal democracy. This legislation says that we cannot trust neutral and independent third parties and that government itself will be our arbitrator. To make an analogy with the legal system, this is akin to abolishing the judiciary and making the executive branch both judge and executioner. It concentrates power into the hands of one side of what is supposed to be a two-party contract. The relationship becomes less a respectful dialogue, and more a single party rule. It is this unfair and offensive treatment of workers that lead people to join unions in the first place. This bill is a huge step backwards for labour relations in this province.

Concentration of Power

There are specific elements of this *Act* that explicitly grants further power to a select few within the governing party, namely Cabinet and the Treasury and Policy Board. Cabinet is charged with prescribing the regulations under this *Act*, including designing and appointing members to the Public Services Sustainability Board, the body created to oversee the *Act*. Nova Scotia is already endowed with an independent Labour Board with panel members

appointed from both management and labour. To design a separate board is at best wasteful, and at worst, an underhanded move designed to further weaken the constitutionally protected right of workers to bargain for fair wages and working conditions. The establishment of this new mechanism creates a further divide between the private and public sector – a division that may prove detrimental to both our labour force and our economy.

On behalf of the Nurses' Union, I urge you to set this legislation aside. Allow free collective bargaining to run its course. We are not in a labour disruption; we are not at an impasse. The legislation is designed to address a problem that does not, and may never, exist. A poisonous cure is being proposed before there is even an illness to speak of. Allow nurses and other public sector workers to continue serving the public and to continue to make Nova Scotia a great place to live. Thank you.