

Notes for a Submission

By

Ian Johnson

To the

Law Amendments Committee

On

Bill 148 -

Public Services Sustainability (2015) Act

December 15, 2015

Introduction

Thank you, Madam Chairperson and members of the Committee for the opportunity to speak to you about Bill 148 – the *Public Services Sustainability (2015) Act*. I am Ian Johnson who is almost retired after 20 years as a researcher/policy analyst with NSGEU and after another 20 years of public service at the municipal and provincial level.

Bills 52 (1994) and 148 (2015)

I think it somewhat ironic that I am here to speak with you today, when 21 years ago; I spoke to this Committee about Bill 52 which was the Public Sector Compensation (1994-97) Act. That Bill was quite similar to the current Bill 148. It reduced all public sector wages by 3% for employees earning more than \$25,000 a year, no merit/step increases during the period of May 1/94 to May 1/95, and all public sector collective agreements extended until Oct. 31/95.

Interestingly enough, there was a quote circulating at that time from the late Premier Savage from May 3, 1993:

“We need a government of partnership because government and the public service must work together on reform. We know that the solution is to reform is not cutbacks or downsizing. The new way of governing means supporting and better use of the individuals who serve the public.”

More recently, a similar quote from then Opposition Leader Stephen McNeil from September 2013 is as follows:

"Liberals support collective bargaining and will respect agreements. As well, we will also respect public services and, with civil servants, will see to it that Nova Scotians will not see reductions in direct service." (From Sept. 25/13 reply to NSGEU survey).

Both of these written commitments seem to mean little to the thousands of Nova Scotians affected by them and to the hundreds of thousands of Nova Scotians served by them. There is little or no collective bargaining permitted. Workers' rights are legislated away. I disagreed with Bill 52 and I now disagree with Bill 148.

Legal Challenges

Bill 52 was taken to the International Labour Organization and as I recall, the government was later found to be guilty of violating the covenants of the ILO. However, the Savage government simply disregarded this ruling.

Things are different now. We have recent Supreme Court rulings which clearly state that collective bargaining is a right. There is a legal challenge underway on Bills 30 and 37. If that challenge and another possible one on this Bill go forward, Bill 148 could be struck down leaving the government's plans in tatters.

The government could avoid this messy situation by withdrawing the Bill and allowing the parties to negotiate as they always have. This would certainly be my preferred course of action.

Impact on Public Services

I would suggest that for a Bill about public services, there is actually very little about public services or the staff who provide them. You might think that Bill 148 is truly about the sustainability of public services. It should contain provisions about the delivery of services and staffing levels. This might include assessing the need and effectiveness of public services, about determining the adequacy of services in specific departments and geographical areas, about determining the adequacy of current staffing levels, and about the need for additional training and education of staff.

Of particular concern in terms of staffing might be are there recruitment and retention plans for specific fields. What about succession planning? Should we be doing more to ensure that staffing of public services reflects the mix of equity seeking groups in a specific area? Surely, those concerns should be part of any serious consideration of sustainability of public services which might actually of greater importance than financial sustainability.

Having had parents recently living in nursing homes in Halifax, I am very concerned about the inadequacy of current staff to resident ratios, such as one RN or other staff to eight residents, when the ratio

should be more appropriately one RN or other staff to four residents. This is especially important for an increasing number and proportion of residents with dementia. My wife and I were frequently told by senior staff and front-line staff that it is increasingly difficult to recruit and retain staff. What is being done to address this crucial public service sustainability issue?

Conclusion

In other words, I am concerned that governments seem bound to repeat the mistakes of the past. In this case, is Bill 148 really much different or helpful than Bill 52 of 1994? I would suggest not. What consideration has been given to assessing its constitutionality in light of recent Supreme Court decisions?

I would suggest that the sustainability of public services is also much broader than the government's fiscal plan. It also has to do with needs assessment, adequacy of delivery, staffing levels, recruitment and retention, and reflecting the gender and cultural mix of local geographic communities and communities of interest. I am especially concerned about staffing ratios and recruitment and retention in nursing homes.

I think the Bill should be withdrawn until these important questions have been addressed. I welcome your questions and comments.