



Bill 1: Liberals Legislating Away Workers' Rights

NSGEU

THE 20-20 STAND

FALL 2014





President Jessome rallies members on September 26, outside the legislature.

Dear members.

In the Liberal's throne speech, they identified public sector wages as the biggest threat to the province's finances. Government should understand that public sector workers are not a threat, but an asset. The wages we negotiate are not just an expense, but come back as tax revenues and economic growth as members spend money in local economies throughout Nova Scotia. This keeps the economy stable. Somehow, members of the Liberal caucus have missed the Economics 101 memo and are headed in the wrong direction – down the austerity path. This will only make the economy worse.

The liberals have been so panicked to control the outcome of public sector wage negotiations that they have taken away workers' constitutional rights to do it. First, they brought in Bill 30 to ensure home support workers wouldn't achieve wage parity and would not be allowed to go on strike to achieve it. In April, rather than address nurses' concerns surrounding safe patient care, they brought in Bill 37, which stripped all health care and community services workers of their right to strike.

But on September 29, they introduced their piece-de-resistance: Bill 1.

Bill 1 is the most repressive piece of labour legislation we've ever seen in Canada. It is a clear infringement on the rights of 24,000 health care workers: it means that a third-party (a mediator/arbitrator) will decide which union will represent each grouping of workers, and decide which contract applies for each group of workers. The employer has input into all decisions that will be made by the mediator/arbitrator and the workers have no vote. It also forbids those workers from ever decertifying from the union they have been assigned to, which is contrary to the Trade Union Act. We have launched a constitutional challenge to Bill 1 on Oct. 24. In the meantime we are meeting with the mediator/arbitrator who is gathering information and who will issue orders

as identified in the Bill by Jan. 1.

If the government had shown some respect for workers' rights, Bill 1 could have been avoided. The leaders of all four health care unions worked diligently to answer government's call for fewer bargaining tables in health care. We proposed a Bargaining Association with four sectoral tables that would ensure we could continue to represent the interests of our respective members. The proposal was ultimately rejected. Although we gave them what they asked for, government decided to use legislation to dictate their terms. They should have at least allowed

workers a vote.

If you're not a health care worker, you're probably asking: "Why should I care?" All public sector workers should be very worried about this government's legislative tactics and the effect Bill 1 will have on worker's rights in Nova Scotia. This government has already begun its attack on the civil service in not filling 50% of job vacancies and have made it clear that they are coming after their job security language, and will implement wage restraint for the whole public sector.

We need to remind this government that attacking workers' rights, job security, and pursuing an austerity agenda is not the way to move our province forward. Economists are discovering that stimulation works better than cuts to the public sector in a recession. Cuts further constrict an already constricting economy. I can't find a single mention in the Ivany Report of using wage restraint and taking away worker's rights as a way to retain or attract young people or to keep experienced workers in the workplace. Rather, Ivany focuses on growing the economy and innovation.

We are ready to face these challenges, but we will need you at our side. If you haven't ever been to a Local meeting, or just haven't managed to make it out to one in a while, please make the time to attend the next one! I look forward to hearing from you – and hopefully seeing you at union events.

In solidarity,

Joan Jessome

Joan Jessome
President, NSGEU

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The Union Stand is proudly produced by NSGEU with the help of members of the Unifor Union of Canada in Local 165.



Members and their families took part in the NSGEU Family Fun Day at the River Breeze Corn maze, which included a pumpkin and sunflower u-pick in in Truro, N.S. in September.

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CONNECT WITH US!

We want to hear from our members. If you have thoughts on this issue of The Stand, or ongoing union issues, send us your feedback! You can email us at inquiry@nsgeu.ca or connect with us:



NSGEU TWEETS

- Derrick Bona (@ChefBonesNS)**
@CTVAtlantic @NSGEU down in Eastern Passage at Cow Bay Hall Protesting Bill 1. pic.twitter.com/Pejg7fETtQ
- Gloria Furdas (@glow5)**
@ivyshaw189@NSGEU@CBCMaritimeNoon@KellyReganNS@StephenMcNeil@NSLiberal - union busting isn't going to help Nova Scotia!
- John Thibeau (@John_Thibeau)**
@NSGEU Bahahaha! Yes. It's the Unions that are the cause of all our woes! Curses to them! LOL What a joke.
- Andy Pedersen (@pedersenandy)**
@NSGEU @unifor @NS_nurses @cupe Meet some of the people who brought you Nova Scotia Bill 1 #canlab #nspoli youtu.be/rklv8lw00m0
- Press Progress (@pressprogress)**
Nova Scotia's #Bill1: "Machiavelli would be proud." pressprogress.ca/en/post/watch-...#unifor @CUPENovaScotia @NSGEU@HfxMediaCoop #canlab #nspoli
- Julia Feltham (@Juliafeltham)**
Don't understand what #NovaScotia healthcare workers are upset about? Here's someone explaining the legalese youtube.com/watch?v=kug3nc... @NSGEU
- Jeff Callaghan (@jcallaghan2)**
#Bill1 is an open attack on collective bargaining and workers' rights in #NovaScotia! Shame on @StephenMcNeil and#NSLP#nspoli @NSGEU #SHAME
- Michael Gorman (@CH_mgorman)**
Many people have suggested Bill 1 is about breaking the @NSGEU #nspoli



The Liberals: Legislating

By Holly Fraughton

It's a fundamental right that many of our predecessors fought and died for: the right to vote. On October 3rd, that right was effectively stripped away from more than 24,000 Nova Scotians when the new Liberal Government's Bill 1 was passed and took effect.

This same government relied on the votes of Nova Scotians to come into power less than 12 months before. But now that they're comfortably seated in the Legislature, democratic principles don't seem to matter as much.

BEFORE BILL 1:

Monday, September 29th will be remembered by many as one of the darkest days for Nova Scotia's workers and the trade union movement. This was the day the Liberals finally revealed the details of the legislation they had been secretly crafting behind the scenes.

Union leadership and workers had been kept completely in the dark about this heinous labour legislation. In fact, in the spring, all four unions representing health care workers (NSGEU, NSNU, Unifor and CUPE) had been invited by the Minister of Health & Wellness, Leo Glavine, to develop a solution that would address government's concerns about "streamlining" the collective bargaining process once the new merged health authority was established.

The four union leaders put their differences aside, rolled up their sleeves and got to work. They met dutifully throughout the months that followed to create a plan that not only addressed government's concerns, but ensured their members' interests and

rights would be protected. "There's a lot of history between all the unions involved," said NSGEU President Joan Jessome, "But we did it for the members, because it was the right thing to do."

After many meetings and months of hard work, the unions brought their formal proposal forward to government on August 5: form four Bargaining Associations (one representing each of the core groupings of workers – Nursing, Administrative Professionals, Health Care, and Support Service). Under a Bargaining Association model, all members would stay with their current union, and when the time came for each grouping to negotiate a new collective agreement, the respective unions representing those workers would come together at the bargaining table and bargain jointly with the employer.

"Bargaining Associations would have been the least disruptive option for everyone: the members, the public that relies on their care, even for the government and employer," explained Jessome.

It was a very good idea, but it certainly wasn't a new one: it was based on the bargaining association model that has been in place in British Columbia's health care system for almost two decades. It's important to note that in B.C., since bargaining associations have been in place, there have been no major labour disruptions, either. By all accounts, the model works quite well.

But our government wasn't prepared to work cooperatively with union leadership. Government rejected the Bargaining Association proposal, with McNeil telling media that the plan amounted to the status quo.



away your rights!

NSGEU members took to the streets outside the legislature as Bill 1 was rammed through by the Liberals.

Larry Haiven, a Professor at Saint Mary's Sobey School of Business, disagreed:

"This kind of arrangement has been in operation for almost twenty years in British Columbia; and it works. Government spokespeople say this would simply be the status quo; this is not the status quo; this would be quite effective. A second solution would be to have run-off votes where the workers in each of the four bargaining units would decide which union would represent them; that's how it's been decided in Nova Scotia in the past where hospitals, health districts and municipalities have merged; it's not pretty, but it, too, works. But the government didn't want this either; WHY? The only possible reason is this: under those two scenarios, the Nova Scotia Government & General Employees Union would retain a position of dominance in health care; under the government's scenario, the NSGEU would certainly be decimated. It's as simple as that, and it's disgraceful. Machiavelli would be proud."

Make no mistake – this legislation was aimed squarely at the NSGEU.

For years, the NSGEU has led the way at the bargaining table, most recently setting the wage pattern for all public sector workers with Local 42 members in 2012. This Liberal government was determined to change that, using whatever means necessary. Even if it meant legislating away workers' fundamental rights and in so doing, trampling the democratic rights of all Nova Scotians. On Monday, September 29th, the McNeil government tabled Bill 1- The Health Authorities Act for First Reading. By Friday, October 3rd, the bill had gone through Second Reading, Law Amendments

Committee, Committee of the Whole, Third Reading and Royal Assent. It was passed into law by 42 Liberal and PC women and men who claim to serve as our elected representatives.

BILL 1: THE DEVIL'S IN THE DETAILS:

Bill 1: The Health Authorities Act is the worst piece of anti-labour legislation this country has ever seen. It ultimately allows a government-appointed mediator/arbitrator to:

1. Decide which of the four unions will represent each of the four groupings of health care workers;
2. Decide which contract, or elements of other contracts, will be imposed on each grouping of health care workers;
3. Forbids each grouping of health care workers from ever organizing to decertify from their assigned union.

All of this will be done without any of the affected workers having a say or a vote.

Not only does Bill 1 impose union representation and a first contract on health care workers, it even allows their employer the right to help select the union that will represent its employees. For decades, Canadian workers have had the right to choose their union. The Trade Union Act also prohibits employers from choosing unions for their employees.

Of course it does: it makes no sense to have employers influence who bargains for employee rights. And the law gave workers the

right to bargain for their collective agreement rights. This legislation is an unjustifiable infringement on union members' rights to freedom of association. It's an infringement on their right to form and join a trade union of their choosing, and to have that union bargain collectively on their behalf.

And that's not just our opinion:

"In drafting these rules, the Liberal government is ignoring that joining a union is the most fundamental example of the freedom of association that we enjoy in our democracy," wrote Claire McIlveen, a columnist for The Chronicle Herald. "Unions are democratic, and a duly elected democratic government, of all employers, should acknowledge that in its dealings and legislation concerning them."

THE BATTLE BEGINS:

The passage of Bill 1 was a foregone conclusion, with Liberals having the majority of 33 representatives in the House of Assembly. But the NSGEU wasn't going to go down without putting up a fight.

President Jessome mobilized the members in short order, holding a series of emergency telephone town hall meetings to let all health care workers know that their rights were about to be taken away. Emotions ran high: while most were simply furious with the government's underhanded tactics, others were in a state of shock or disbelief, horrified that their elected officials had not



Members protest outside the legislature on September 29.

only rejected the plan put forward by the unions, but that they would actually legislate unions and take away workers' right to select their union representation.

Then, the protests began. From Monday morning until Friday afternoon, a steady stream of protestors surrounded the Legislature. Wielding picket signs and an impressive array of noisemakers, they shouted until their voices were hoarse. Then, they shouted some more.

Tensions reached a fever pitch on Tuesday, when protestors surrounded McNeil's chauffeured black SUV as it tried to pull out of the Legislature's parking lot. An act of passive resistance escalated quickly, as NSGEU's first vice-president, Jason MacLean, was forcefully arrested, and charged with assaulting a police officer (those charges were dropped).

On September 29, hundreds of health care workers filed into the World Trade and Convention Centre to attend an emergency meeting. There, President Jessome spoke passionately against Bill 1, and labour lawyer Ray Larkin gave a detailed presentation on the legal implications of the legislation (for Larkin's commentary on Bill 1, please see page 8). Afterwards, President Jessome led the members on a silent candlelight vigil back to the Legislature, where she read a poignant eulogy to democracy.

"It was one of the saddest moments in my career: to stand in front of the House of Assembly – which used to be the House of the People – look into the faces of workers, and admit that this government had callously discarded society's democratic principles. It's something I will never forget," said Jessome.

Protests continued the entire week, while in the Legislature, the Liberal government continued to relentlessly push the legislation

What Bill 1 means to some of our members:

"I am starting to wonder what country I am living in! This is Canada and we are supposed to have rights. This is supposed to be a democratic process. I voted for you, but I did not realize I was voting for a dictator! I am truly regretting moving to this province from Ontario. I am very disappointed in the behaviour of this government since you've come into power. You need to think long and hard about what you are trying to accomplish here, as the population in Nova Scotia is already dwindling." (Greg Murphy)

"I don't want to be mandated into another union. I have been both an NSNU and an NSGEU nurse, I'm satisfied with my current representation and uncomfortable with the cozy relationship NSNU leadership has with the Liberal government. I predict it's not the membership who will benefit from new membership arrangements. The very least this government could do is allow me the opportunity to vote on union membership." (Anonymous)

"I will not support a government who dictates which union will represent me. A tax paying citizen of Nova Scotia! There is already a nursing shortage in Nova Scotia and because of this Liberal Government it will be worse than expected. Zero retention!" (Kelly MacDonald)

through. More than 100 people signed up to speak out against Bill 1 in front of the Law Amendments committee, in hopes of convincing MLAs to amend the legislation. But before that process was even complete, the government used its majority on the committee to arbitrarily cut off presentations only a day after the process began, and McNeil held a press conference where he announced that absolutely no amendments would be made to Bill 1.

An editorial in The Chronicle Herald summarized the sad state of affairs quite adeptly: "...the Liberal government rammed through its signature legislation to merge health authorities with an amateurish abandon and a sloppy lack of appreciation for the labour conflicts it has raised."

LIBERAL LEGACY OF LIES & BROKEN PROMISES:

When the NSGEU first raised concerns about the Liberals' election promise to (again) restructure Nova Scotia's health care system, the Liberals responded with an ad in The Chronicle Herald that read:

"We respect and will continue to respect your hard-earned rights and collective agreements ... All existing collective agreements will remain in place; successor rights and benefits and salaries will be carried over into the new system."

Under Bill 1, it is impossible to ensure all members will maintain the exact same benefits, salaries and rights they had under their original collective agreements: some may gain while others will lose.

Minister of Labour and Advanced Education Kelly Regan was also

quick to reassure workers that they didn't need to worry during the Legislative proceedings of May 1st, 2014: "This government will respect the desires of the health care union members in which union they want to belong."

But according to the Premier, workers don't care which union represents them:

"The men and women in the health-care sector who I talk to are less concerned about who represents them than they are about being treated fairly," McNeil said to media.

Well, we beg to differ. In the span of just a few short days, thousands of healthcare workers and Nova Scotians sent emails to their MLAs to express their outrage at having their democratic rights taken away from them. In the weeks that have followed, many more have contacted their elected officials to make it clear that this betrayal will not be forgotten.

The NSGEU has initiated a constitutional challenge against Bill 1. But legal challenges take a long time – months, often years. In the interim, we need to keep the pressure on.

In the meantime, we continue to encourage all members to speak with their family, friends and coworkers about what Bill 1 means for all workers, and to contact their respective MLAs to voice their opinion on this legislation. We are also organizing rallies in front of MLAs' constituency offices and Liberal events, to serve

as a reminder that while the Liberals may have passed the vote by legislation, the fight against Bill 1 has just begun. Healthcare workers will not be silenced. ■



Activist Sharon Murphy shows her support for labour outside the legislature on September 29.

These comments are just a few of hundreds of letters sent to politicians from our members.

"The unions did exactly as asked, only to be totally disregarded as the true intent of Premier McNeil became crystal clear. I simply want to emphasize the contempt I feel for the current government and their plan to obliterate my democratic rights. This action is unconscionable and unprecedented in the entire country. I deserve the right to choose my union representation, just as I have the right to choose my political representation! I sincerely ask for your support in this grave matter." (Barbara O'Brien)

"I voted for this government in the last election but this concern is hitting very close to home for me. I have worked at the IWK for over 30 years – most of those years as a member of the NSGEU. We fought long and hard and voted to have this representation from the NSGEU. The threat of this being taken away by this government and forcing members into other unions without so much as a say in the matter stands at the very heart of democracy. People are very concerned about the impact this will have. Our union reps sat at the table – ready and willing to negotiate a new and fair contract with the Liberal Government but were totally blindsided by this proposed piece of legislation." (Eileen Mallett)

Bill 1: From a legal

Labour lawyer Ray Larkin was just one of the many people who spoke before the Law Amendments committee against the passage of Bill 1, the Health Authorities Act. Here is the basis of the presentation he made to the committee:

Bill 1 will result in a labour relations disaster in the Acute Care Sector in Nova Scotia. It will lead to years of unrest among healthcare workers and produce dysfunctional collective bargaining which will disrupt the orderly and efficient delivery of healthcare services to Nova Scotia.

Bill 1 is fundamentally flawed. It gives the District Health Authorities and the IWK Health Centre a say in a mediation process to select the Union in bargaining units of the merged Authority and the IWK, but gives the employees in those bargaining units no say at all.

Bill 1 gives the Employers a say in the arbitrator's decision as to what union will represent what employees in each of the bargaining units but gives the employees no say. It mandates the arbitrator to determine the selection of the union in each of the bargaining units to be conducive to harmonious labour relations between the Health Authorities and their employees but does not mandate or even permit the arbitrator to consider the wishes of those employees as to the selection of the union who will represent them.

Bill 1 constitutes a form of conscription to require healthcare employees to accept union representation they did not choose and do not support.

This is completely foreign to the labour relations system under the Trade Union Act and in similar legislation across Canada and more broadly in the United States and Western Europe. All of these legal systems prohibit employer interference in the representation of employees by a trade union. Employers do not get a say in the selection of the union to represent employees in bargaining with the employer. If there is a choice to be made, under our system, the employees make that choice.



Ray Larkin speaks to hundreds of NSGEU members gathered at the World Trade and Convention Centre addressing the legal impact of Bill 1.

Starting with the Savage government 20 years ago, there have been many re-organizations in the public sector in Nova Scotia. The Regional Health Board's Act in 1994 consolidated all of the hospitals in the province outside Halifax into four Regional Health Boards. The Act provided that Section 31 of the Trade Union Act applied to this consolidation and confided the labour relations issues resulting from it to the Labour Relations Board. The Board devised the bargaining units after hearing employers and unions and where there was an issue of representation, the Board ordered votes among the affected employees. The choice of bargaining agent was the employees' choice.

In 1996 the Queen Elizabeth II Health Sciences Centre Act merged the Victoria General Hospital, the Halifax Infirmary, the Nova Scotia Rehabilitation Centre and the Cancer Treatment Centre into one entity. The Labour Relations Board devised four bargaining units and conducted a vote among the employees in each of those bargaining units to determine their issues as to the selection of bargaining agent.

During this same time frame, there was legislation which amalgamated municipal units to form the Halifax Regional Municipality and the Cape Breton Regional Municipality. Section 31 applied, the Labour Board determined the bargaining units and, where there was an issue as to which union would represent employees, the employees decided in a vote. The same thing happened in the Community Colleges Act, changes to the Education Act to create the Regional School Boards and later under the Health Authorities Act which divided the Regional Health Boards and created the District Health Authorities and Capital Health. In every case, the Labour Relations Board determined the bargaining units and conducted votes to determine the wishes of the employees. In no case did the Employer have a say in what union would represent employees in bargaining units.

Under the Trade Union Act, a union can only be certified as a bargaining agent with the support of a majority of employees voting in favour. To decertify a union, the Labour Board conducts a vote. To authorize a strike, the employees must vote. If one union

perspective

seeks to displace another, the Labour Board holds a vote.

Section 83 of Bill 1 prohibits applications for certification, decertification and displacement of one union by another. Not only will the employees have no say in the selection of the union to represent them. They will never be able to change that union. It can never be decertified.

Freedom of association is a precious thing. It is a fundamental freedom. It is embodied in the preamble of the Trade Union Act. If Bill 1 is adopted, as proposed, that freedom will be denied to the employees of the merged Health Authority and the IWK Health Centre.

24,000 healthcare workers will be denied a choice of the union to represent them. Thousands of these employees will be assigned to a union that they did not choose. This will create a recipe for labour unrest for years to come. The only freedom to decide left to these employees will be the freedom to reject collective agreements negotiated by their employers. The unions who are selected will be internally divided and incapable of delivering collective agreements which will be accepted by members conscripted by Bill 1.

Bill 1 will be a labour relations disaster. It should be amended to delete the entire mediation/arbitration process. The procedures in the Trade Union Act should be respected where there are genuine issues of representation, the Labour Board will have the employees decide who will represent them. ■

VIDEO: To watch Ray Larkin explain the details of Bill 1 to NSGEU health care workers, visit <http://bit.ly/1FwQ99B>



NSGEU members listen to Larkin speak about the legislation and how it will impact all unionized healthcare workers.



Bill 1: Frequently

What all healthcare workers need to know about how this legislation will affect you

THE BASICS:

What happens now?

Bill 1 came into effect on Friday, October 3rd. Under this legislation, the four unions representing health care workers (NSGEU, NSNU, Unifor & CUPE) and employer have until Friday, October 10th to agree on a mediator. If all parties cannot agree on the mediator, the government will appoint one of their choosing. (Note: All parties agreed on the appointment of James Dorsey as mediator/arbitrator).

The mediation process will begin within 14 days of the appointment of the mediator, and proceed for up to a maximum of 45 days (provided none of the parties declares an impasse). At the end of the 45-day period, the mediator will turn into an arbitrator, and has another 45 days to decide which union represents which group of workers, and what contract will be imposed on each group. The new union representation and contracts will come into effect on April 1st, 2015, to coincide with the official creation of the new district health authority.

How will this legislation affect other workers outside of the healthcare sector?

Bill 1 sets a very dangerous precedent for all unions in Nova Scotia, and the rest of Canada, as it allows a government and employer to have a say in which union represents a group of workers. It also allows a third party to impose a collective agreement without the workers having any opportunity to vote on it, and forbids workers decertifying from their assigned union in the future. It requires the government-appointed mediator/arbitrator to pick the most "harmonious" union in each case. It most certainly is a grave infringement on workers' freedom of association, and we plan to challenge it in the courts. In the interim, however, it will serve to diminish the strength of the NSGEU as a whole, by legislating away up to 9,000 of our members.

Can the government do this? Isn't it illegal?

The Liberals passed Bill 1, which will force health care workers to join unions of a government-appointed mediator/arbitrator's

choice. It's one of the worst pieces of labour legislation we've ever seen in Canada, and is a direct attack on the NSGEU. We plan to launch legal challenges to Bill 1, as we see it as an absolute infringement on the rights of 24,000 health care workers, including the right to freedom of association. Most health care workers did not choose their current union, rather, their union representation was voted upon by their peers and predecessors, and there have always been provisions under the Trade Union Act that would permit workers to decertify if they wanted to change union representation. Bill 1 deprives them of the right to form and join a trade union of their choosing, and to have that union bargain collectively on their behalf.

BARGAINING UNITS/ GROUPINGS:

Which group of workers will go with each union?

We can't say for certain. There will be four groups of health care workers: Nursing, Health Care, Administrative (Clerical) and Support Services. Though the NSGEU plans to participate in the mediation process and do everything we can to protect our members and their collective agreements, it is ultimately up to the government-appointed mediator/arbitrator to determine which group you belong to, and which union will represent you. The law does state only one union can represent one of the four groups.

Will the group that stays with the NSGEU keep their current contract?

That will be decided by the government-appointed mediator/arbitrator. He or she may select our contract or another

contract, or they may choose to compare the relevant contracts within the grouping and pick elements of each (for example, sick leave or job security), creating a new hybrid contract that would be imposed on you.

I understand that the health care grouping is being broken up. Which group will I end up in?

According to Section 90 of Bill 1, the health care group may be made up of people who occupy positions that require them to be engaged primarily in a clinical capacity to provide patient care: In determining the appropriate composition of the bargaining units



asked questions

for each health authority, the mediator-arbitrator shall consider the community of interest among the unionized employees in each proposed bargaining unit in respect of the nature of the work being done, such that

- (a) the nursing bargaining unit is composed of all unionized employees who occupy positions that must be occupied by a registered nurse or a licensed practical nurse;
- (b) the health care bargaining unit is composed of all unionized employees who
 - (i) occupy positions that require them to be engaged primarily in a clinical capacity to provide patient care, and
 - (ii) are not included in the nursing bargaining unit;

Ultimately, it is up to the mediator to decide which grouping you will fall under, and which union will represent you.

What will happen with one-off classifications, or standalone occupations?

The government-appointed mediator/arbitrator will decide whether you should be slotted under the Health Care, Support Services or Administrative (Clerical) grouping. There is no appeal process if you do not agree with your placement.

JOB SECURITY:

How will seniority work?

The government-appointed mediator/arbitrator is obligated to determine where people will be placed on the seniority list within each of the four groupings.

How will job security language change?

Currently, NSGEU members with more than 8 years of service with the employer cannot be laid off. That is not the case with Unifor. The government-appointed mediator/arbitrator has the ability to impose a contract on each of the four groupings. Employees of CDHA or Public Health, Addictions or Continuing Care in districts 1 to 8 have solid job security language which is designed to address more complex situations than others.

Will we be protected from contracting out?

It depends on what union you end up with and the job security language that is chosen by the mediator/arbitrator. For example, Unifor has almost no job security language.

Which services are most at-risk to contracting out?

It's hard to say, but laundry services, housekeeping and restaurant

services will be most vulnerable, especially if the government-appointed mediator/arbitrator assigns these classifications to Unifor and does not include contracting out language in the new imposed contract.

What if I am in a redundant position, waiting to be placed?

Placement provisions imposed on your assigned grouping by the government-appointed mediator/arbitrator will apply.

WAGES & BENEFITS:

Will my wages be impacted?

It is unlikely that your hourly wages will be affected, because in most cases, even between unions, hourly wages are comparable. However, things like shift differentials, market adjustments and weekend/evening premiums may be diminished or not be included in the contract imposed on you. If you are currently in the healthcare grouping and are not yet in receipt of the 25-year long service increment (3.5 per cent), you could lose this if moved outside of the healthcare grouping by the government-appointed mediator/arbitrator.

How will my vacation be affected? Will my time off be "front-loaded" as it is now, or will I need to earn it first?

Your vacation leave is at risk. Unifor, for example, has an inferior vacation entitlement. If the government-appointed mediator/arbitrator selects the NSGEU vacation plan, your vacation benefits will continue to be "front-loaded," which means you do not need to wait to accrue the time before taking it. If they opt for the vacation plan of any of the other unions, you may need to wait until you've banked enough vacation time.

How will my health & dental benefits be affected?

Your health & dental plan is at risk. You will likely assume whatever medical/dental coverage is included in your new collective agreement, which will be determined by the government-appointed mediator/arbitrator. The current NSGEU plan at Capital Health is superior to the HANS plan that most other healthcare workers outside of Capital Health are now in. We do not yet know whether health benefit plans will be "grandfathered" in the new arrangements.



Bill 1: Frequently asked questions

What happens to the grandfathered time off, or overtime and vacation time that we have accrued?

This is at risk. We have no way of knowing whether your new employer or the mediator will respect or recognize banked time off that you have accrued.

Will my union dues change?

The NSGEU currently has the lowest union dues, set at 1.25 per cent of your hourly wage, out of the four unions who represent health care. If you end up being placed with another union, you will pay the dues of that new union (which are higher).

SICK LEAVE:

What about sick leave? How will that change?

Your sick leave plan is at risk. Right now, if you are an employee of Capital Health or Public Health, Addictions or Continuing Care in districts 1 to 8, you will in all likelihood lose your short-term illness (STI) plan and revert to a banked sick leave plan. If you are a member of Local 22 or 23 (an employee at the IWK) or Local 89, 90, or 91 (an employee in Districts 1 to 3), you already have a banked sick leave plan, which may change according to the contract imposed by the government-appointed mediator/arbitrator.

If I am off on STI, long-term disability, or maternity/parental leave, how will I be affected?

People off on long-term disability or maternity/parental leave should not have to worry about their benefits being affected negatively by this legislation. However, it remains to be seen how new STI claims would be dealt with under the new contracts.

RETIREMENT:

What happens to my pension plan? Will my retirement eligibility be affected if I am forced into another union?

Your pension plan is protected. Even if you are designated to another grouping and another union, your pension plan follows you.

What about the retirement allowance? Will I still get it?

Yes, all unions have negotiated this into their contracts over the years, and we have no reason to believe it will be removed by the government-appointed mediator/arbitrator.

Will my retiree benefits be affected?

As an NSGEU member you face a very significant reduction in the funding of your retiree benefits. Right now NSGEU members at Capital Health and those in Locals 93, 94 and 95 in the civil service retiree health plan have retiree benefits cost-shared by their employers for the rest of their lives. The employer pays 65% and the member 35% throughout their entire retirement. But NSNU, CUPE and Unifor only have a cost-share of their benefits until age 65 and then they must pay 100% of their benefit costs. If you are forced to switch to another union and another collective agreement, your cost-shared retiree benefits could be lost after age 65.

NEXT STEPS:

Can we hold a general strike, a wildcat strike or another form of job action?

Bill 1 also includes a complete prohibition on job action/strike until April 2015, which includes stiff fines for both unions and individuals who participate in any form of job action. Interestingly, it overrides Bill 37, which dictated Essential Service staffing levels had to be agreed upon before holding a strike.

Can't we just decertify (vote to leave the union we are assigned to) and go back to the NSGEU?

No. Bill 1 makes it illegal. It includes a clause that prohibits decertification for all four groupings. This means that once you are placed with a union of the government-appointed mediator/arbitrator's choosing, you can never decertify and change to another union.

How can I find out more about Bill 1?

We have lots of information posted on our website: nsgeu.ca. We also have assigned site leaders in the workplace. If you need to know

who your workplace site leader is, please contact us by calling 424-4063 (toll-free 1-877-556-7438) or emailing inquiry@nsgeu.ca.

What can I do to help?

Government needs to hear from you. Send them a message, letting them know what you think of Bill 1 and the rights it will take away from you. Also, talk to your coworkers, friends, family and neighbours: tell them what this legislation means to you, and why they also need to speak out against it. Please keep an eye on your email over the coming weeks for more information on action you can take! ■



Sock it to Poverty kick off!

Struggling individuals and families across Nova Scotia need your help.

NSGEU locals across the province are collecting new winter hats, scarves, mitts, socks, and money for those in need until the middle of November. What is collected in your region, stays in your region. Your local or regional council will decide which organization(s) will receive the donations.

How Can I Make A Difference?

1. Contact your local president and let them know if you have any donations or just bring them to your next local meeting. If you do not know who your local president is, we can help. Please contact us at 424-4063 or toll-free at 1-877-556-7438 or email us at inquiry@nsgeu.ca

2. Ask your local to make a cash donation to the campaign from its discretionary social fund. Cash donations are used by the NSGEU Human Rights Committee to purchase warm accessories in bulk from a local manufacturer. These accessories are returned to your local for you to distribute to organizations in your region.

3. Print off a donation site poster from the NSGEU website at nsgeu.ca and start a collection at your workplace. Decide on a collection end date towards the end of November and once the end date is reached, bring the items or monies to your next local meeting. Keep your local president informed when you set up your donation site.

4. You can also send in any donations you collect to your representative on your regional council. Last year, NSGEU, supported by the Human Rights Committee, collected thousands of dollars' worth of goods during our annual campaign and distributed them to people in need in every region of the province. This year, with your help, we can continue this initiative.



Winter can be a very difficult time for Nova Scotians who are already struggling to make ends meet. On top of high food bills, they also have to cope with rising power and heating bills as the temperatures dip. ■

*Please note: If your local chooses to make a cash donation to the campaign, please have your local president or treasurer make the cheque out to NSGEU and note that it is for the Sock it to Poverty Campaign and mail it to NSGEU, 255 John Savage Ave. Dartmouth, Nova Scotia, B3B 0J3

Family fun day

The NSGEU Cumberland Colchester Regional Council held their Annual Family Fun Day on Sept 14, 2014. Approximately 800 NSGEU members, with their families and friends enjoyed the afternoon filled with fun at Riverbreeze Farm and Cornmaze. Many explored the cornmaze while others spent time following excited children as they checked out the mini excavators, hay maze, jumping pillow, petting farm, cow train, pigtucky races, tube slides and so much more. Added features this year were the free donkey rides and the photo gallery. All of this was accompanied by a delicious BBQ!

Cumberland Colchester Regional Council would like to thank everyone who attended and made our event very successful. Also, a huge thank you to our volunteers.

We have received many comments from members citing a fantastic day for families. If you were unable to be with us this year, we look forward to you joining us next September! ■

In solidarity,

Edie Fraser, Local 35

Member Cumberland/Colchester Regional Council



Members of the Cumberland Colchester Regional Council at the NSGEU Family Fun Day.

Liberal wage restraint and austerity:

By Deedee Slye

There are many ways a government can govern a province. What their priorities are says a great deal about their values. The Speech from the Throne in September reveals that this newly elected government has prioritized wage restraint and cuts to the public service, even privatization, over job creation and innovation. It is an austerity agenda which will only deepen the recession by raising the unemployment rate, lowering tax revenues, and further constrict our economy. Wage restraint and government cuts are the wrong direction for our province at this time and will mean a long economic recovery, which will not be good for Nova Scotians, young or old.

The Speech from the Throne reads: "The central challenge facing our public finances right now is the cost of labour." Later on: "My government will balance the budget by 2017–18 and will do so, in part, by eliminating programs that are not achieving their desired results. To get there, my government is looking with a critical eye to determine how to best deliver services—including asking if the service could be better delivered by the private sector." Government identifies their central priority as lowering labour costs. This reveals the drive behind Bill 1 and their determination to diminish the NSGEU's bargaining influence in health care negotiations even while taking away workers' charter rights.

This government is following the lead of others who cut public services, rolled back wages, and attacked labour rights following the 2008 banking collapse. Time has shown that these economies, like Spain, Greece, and France have not recovered as economists had thought they would. On August 20, 2014, French President Francois Holland, acknowledged what many other countries in Europe understand: that austerity measures are making the economic situation worse in France instead of better.

Wage rollbacks and cuts to public employees constrict the economy. Public employees are shoppers and taxpayers who live in communities across the province. In some communities, people

who work in public services are the economic anchors. These are not the people who hide their money in offshore accounts to get out of paying their fair share. When your wages do not keep up with the cost of living, you spend less. If you believe that your future will only get worse, you spend much less and this slows growth and closes businesses. Unfortunately, this is the climate the Liberals are creating in Nova Scotia.

Governments that took a different path with moderate stimulation, rather than cuts, have fared relatively better since 2008. Economists, even those working for the International Monetary Fund (IMF), are now looking at recessionary economies with a new understanding. In bad times, modest investment in public wages and public services keeps the economy stable and prevents the constriction that happens when you cut wages and employees. This runs contrary to our instinct, or common sense, which is to cut when times are bad. Economists suggest governments should pay off debts in boom times and stimulate the economy in recessionary times. A good

way to do this is through public sector wage stimulation because public sector workers generally spend their wages at businesses near where they live. This has what they call a "multiplier effect," where the money spent at the store is then spent by the store owner in local businesses and so on.

NSGEU members under the strong leadership of President Jessome have stood together over the years to demand wages that try to keep pace with the cost of living. These hard-fought gains, often led with the strength of NSGEU health care workers, have been good for the provincial economy. Wages are not just an expense on the provincial balance sheet, but a source of income, too. They should be looked at with an eye for what they return to the economy and to the tax base. In the throne speech, the government lashes out at the 7.5 per cent increase many public employees have received over the last three years, saying accusingly that each 50 cent increase costs the taxpayers \$50 million dollars. If you factor in the two years of 1 per cent increases before that, the

CONTRACTIONS

Why austerity budgets won't save your economy



© A woman sings a protest song against austerity policies in Portugal. Economics is on her side. (AP Photo / Francisco Seco)

The wrong direction for Nova Scotians

total increases have been 9.5 per cent increase over 5 years. This is less than 2 per cent per year and inflation has surpassed that over the same time frame. The \$50 million they point to should be considered along with the tax revenue that comes back and how these additional wages were spent and returned to the provincial economy through local businesses. Slow steady wage increases in the public sector have kept people spending, taxes rolling in, and businesses open in communities across this province. This has helped to keep our economy stable.

Bill 1, Bill 30 and Bill 37- the three pieces of legislation labour introduced by this government this year- are direct attacks on the NSGEU designed to interfere in bargaining and legislate an advantage for the employer, furthering government's austerity agenda. Cynically, the government refers to this in their throne speech as "restoring balance to bargaining." Their dictatorial approach to labour relations ignores the historic role the Trade Union Act and the Labour Board has played in negotiations. Legislating away labour rights driven by priorities which are to cut labour costs and the number of public employees will face a constitutional challenge.

The Liberal approach will only cause more young people to leave the province in search of work and better opportunities elsewhere, while older workers, the 'mentors', consider retirement. This is ironic when the Minister of Finance, in her Budget Address in April said that the biggest challenge we face threatening our prosperity in Nova Scotia is "a stronger economy and the associated employment opportunities [which] will allow us to retain our youth and increase immigration." We have heard about numbers of health care workers leaving the province because of Bill 37 and Bill 1. Our newest members are leaving, as well as those who are close to retirement. As this austerity agenda continues, more and more young people will be saying 'Farewell Nova Scotia', while the older workers will be leaving sooner than we may want them to, taking their experience and knowledge with them.

Slow public sector wage increases are also one of the best ways to lower inequality which has been identified as one of the biggest threats to the stability of our economic system. Our National Union, NUPGE, has research to show Canadian families are taking home a smaller share of the economic pie today compared to a generation ago. The wealth in Canada has grown but has not been shared fairly and this balance needs to be restored. To create a fairer society and increase equality, governments should strengthen labour rights, develop a modern industrial strategy that puts people, good jobs and nature at the centre of economic development, and have a

fair taxation system which generates revenue for the quality public services we need. Austerity policies are self-defeating: they reduce tax revenues, cripple growth, and create an economy people want to run from. Lets hope the Liberals get the memo on the failure of austerity as a solution and work with labour for a better future for all Nova Scotians before it is too late. ■

msnbc

The Ed Show / Economy

CBO: Turns out austerity is bad for the economy

02/06/13 11:34 AM - UPDATED 09/13/13 08:47 AM

Why Unions Matter

Unions promote economic fairness by:

Negotiating decent wages and working conditions for workers.

Promoting higher levels of economic equality for all citizens. Unions have a positive effect on the wages of non-union workers.

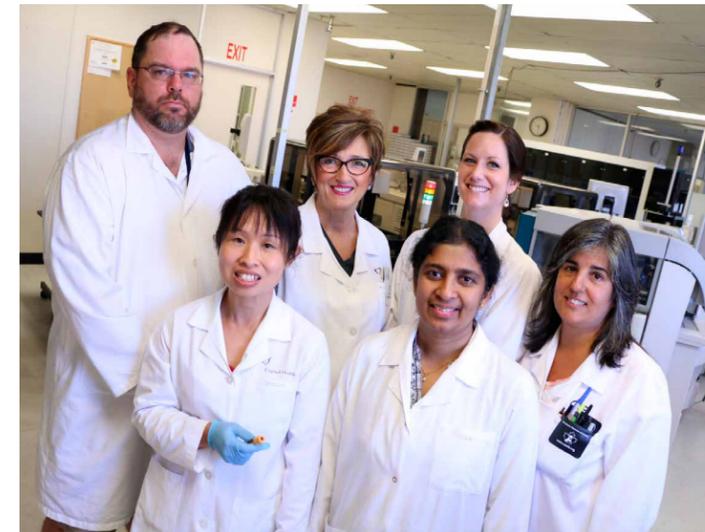
Sustaining local economies by putting more purchasing power to work through good jobs and fair wages.

Making workplaces more productive and innovative.

For more ways that Unions Matter and to find out more about NUPGE research on income inequality, please visit nupge.ca and click on the Why Unions Matter and the All Together Now Campaign.



From left to right: Members and their children participated in the annual Labour Day rally on September 1, in Victoria Park, Halifax. NSGEU MLTs pose for photos as part of a joint campaign with the Nova Scotia College of Medical Laboratory Technologists. NSGEU members also took part in the annual Family Fun Day at Riverbreeze Corn Maze in Truro. A sunflower and pumpkin u-pick proved to be a hit with all ages!



Registered Nurses accept employer's final offer

After many months of painful negotiations with Capital Health and interference by the Liberal government, NSGEU leadership decided to take the employer's final offer forward to Registered Nurses on two pieces of legislation for a vote.

"In the spring, the employer refused to negotiate in good faith, choosing to hide behind the government and the Essential Services legislation they introduced, which severely diminished nurses' right to strike," says NSGEU President Joan Jessome.

"We spent months negotiating essential service staffing levels, only to have the government drop another bill on these workers: Bill 1."

This latest legislation has halted the conciliation process the nurses were in the midst of, and further prevented them from taking any job action, or concluding a collective agreement, until April 2015.

"We didn't feel it was fair or acceptable to ask nurses to wait until next spring to resolve this round of negotiations, especially since their contract is set to expire at the end of this month," says Jessome.

"Unlike in the rest of the province, the democratic process is still alive and well here at the NSGEU."

Members of Local 97 voted in favour of accepting the employer's final offer, which does absolutely nothing to address frontline staff concerns about staffing and patient safety, but does ensure they will have a collective agreement in place while the catastrophic Bill 1 proceeds to implementation.

Out of 2,562 eligible voters, just 1,137 nurses voted on the contract, with 1,095 voting in favour. ■



President Jessome signs the Local 97 contract with Local 97 President Rebecca Norris and Vice President Karen Ferguson.

EDUCATION: NOTICE

For information on upcoming education opportunities visit nsgeu.ca.

Liberal legislation leads to cancellation of Weeklong School

Due to the implications of Bill 1, the NSGEU Executive made the difficult decision to cancel Weeklong School for 2014. The NSGEU is focusing all of its efforts on fighting this anti-democratic legislation and preparing for possible wage restraint legislation in the spring on all public sector workers. ■

UNION THREADS

There's a whole range of colourful NSGEU clothing available at the union office at 255 John Savage Avenue. For more info, call Jackie Creemer at 424-4063 (toll free at 1-877-556-7438) or email jcreemer@nsgeu.ca



\$20.00



\$15.00



\$60.00



\$25.00



\$3.00



\$10.00

Our NSGEU sweaters & jackets would make a great addition to your fall wardrobe!

NSGEU DISCOUNT LIST

Present your NSGEU card to save money on a variety of items and services. Below you will find a selection of discounts available to you as an NSGEU member. For a complete list, visit to nsgeu.ca.

ACCOMMODATION

Holiday Inn Harbourview

101 Wyse Rd., Dartmouth
(902) 463-1100, 1-888-434-0440
info@hiharbourview.ca
\$96 + taxes, preferred rate for NSGEU members, includes Internet & parking.

FLORIST

Gerry's Nursery

Centerville, Kings County
902-678-1255
10% discount

Frame Plus Art

6040 Almon St., Halifax
902-455-6792
frameplusart.ca
20% off framing and plaque mounting

CLOTHING

Tandy Leather Factory

75 Akerley Blvd., Dartmouth
(902) 468-3071
M-F: 9 am - 6 pm & Sat 9 am - 4 pm
www.tandy-leather.ca
In store shopping only - 10% discount on regular retail prices, including leather. Does not include clearance items, or items in the monthly flyer.

Pretty Posies

8877 Commercial St., New Minas
902-681-1166
10% discount

HEALTH AND WELLNESS

Aromatherapy

Roberta Austen, Cert. Aromatherapist
The Advanced Wellness Centre, 7-1480
Carlton St., Halifax (902) 423-5922
15% discount

FRAMING/PRINTING

Atlantic Photo Supply

5505 Spring Garden Rd., Halifax
902-423-6724
atlanticphotosupply.com
10% discount on photo supplies (not including cameras or other equipment).
25 free 4X6 photos when you sign up for online print service.

DECORATING

Jennifer Allan Interiors

121 Illsley Ave., Dartmouth
(902) 832-2572 jenniferallaninteriors.ca
Offering with NSGEU ID at the time of pricing. Up to 50% off all custom blinds, receive an additional 10%.

CAR SERVICE

M & B Transmission

5560 Cunard St., Halifax
(902) 453-4816 or 453-4817
10% discount on parts and labour

NSGEU

LET THEM VOTE .

Nova Scotia's healthcare workers should have the right to decide for themselves which union they want to represent them. Contact Minister of Health and Wellness, Leo Glavine at health.minister@gov.ns.ca and let him know that what his Liberal government is doing is wrong.



NSGEU

Nova Scotia Government and General Employees Union
255 John Savage Avenue, Dartmouth, Nova Scotia, B3B 0J3
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