THANK YOUL FROM THE NSGEU





A PUBLICATION OF THE N.S. GOVERNMENT & GENERAL EMPLOYEES UNION

WINTER 2020



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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:



facebook.com/NSGEU



@NSGEU @JMACL3AN

Dear members,

Outside of wartime years, the year 2020 will go down in history as one of our most difficult here in Nova Scotia. Together, we have faced the largest mass shooting in our country's history, which claimed the lives of 22 Nova Scotians, including of one of our own members, Kristen Beaton; we are struggling with the impacts of systemic racism towards Black and Indigenous peoples; and lost members of our military family in two tragic incidents. And of course, we have experienced all of this amidst a global pandemic.

With COVID-19 cases on the rise again in Nova Scotia, we have moved into a period of further restrictions in order to curb and hopefully stop the spread of the virus. This means that once again we need to stay apart in order to be able to come together sooner. As we move into the holiday season, the NSGEU Board of Directors and myself would like to once again thank all those members who are working on the frontlines during this second wave of the pandemic.

There are so many members doing important jobs at this stressful time. I thank you. We all thank you!

We want to draw attention to the work being done to keep our stores stocked and our public services running. To do this, the Board of Directors endorsed a high-profile television and digital campaign to take our message of thanks to Nova Scotians. Our commercials will run for a minimum of three weeks on all major TV networks and across social media platforms beginning December 13th and running until January 3rd. Now is the time to lift our members up.

I also want to remind all members of your responsibility to work safely and the need to review and strengthen



your personal workplace safety practices. Check to see if your workplace has a functioning Joint Occupational Health and Safety Committee and let the union know if it doesn't. Remember you have the right to refuse unsafe work. Contact the union for more information if you think this is something you need to do.

Currently, all union in-person meetings and some educational courses have been made virtual through Zoom, so please watch your emails for invitations and links. I look forward to seeing you in the union office soon.

Wishing you a safe, happy and healthy holiday season. Jason MacLean,

NSGEU



Meet your union!

The membership of the Nova Scotia Government & General Employees Union is incredibly diverse

Gender

Almost 70 per cent of NSGEU's membership dentify as female. Our union has a very strong & active Women's Issues Committee to represent these members' issues

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NSGEU TWEETS

Brian Tapper (@BPTapper)·

As a retired allied health care worker I want to recognize allied health workers and recognize your impact on quality care.

Dr. Julia M Wright #commitcuriosity #wearamask (@JuliaMWrightDal)

"If the Board genuinely wants stability, as they claim..., the easiest way is to back off their demands for unnecessary...reductions." https://nsadvocate.org/2020/10/19/ conciliation-talks-end-between-dalhousiefaculty-association-and-board-ofgovernors/... It's unconscionable to ask us to help the Board gouge retirees & colleagues (incl @NSGEU) in the middle of a pandemic.

Jerry Earle (@jerry4nape)

Great to join the National Executive Board @NUPGE, President Larry Brown discussing issues that affect members, frontline workers in each of our components from NL to BC @NSGEU @NBUSNB @PeiUpse @OPSEU @ MGEUnion @HSAAlberta @bcgeu @hsabc #Solidarity from coast to coast

Suzanne MacNeil (@esooze)

I stand with my friend Jason MacLean (@ JMACL3AN), President of @NSGEU on this, and alongside my Black & Indigenous neighbours, friends & other BIPOC folks here in #NovaScotia. African Nova Scotians & other BIPOC folks should be leading this. #NSpoli #HFXpoli #canlab #racism

THE STAND

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The NSGEU is affiliated with the Canadian Labour Congress, the Nova Scotia Federation of Labour, and the National Union of Public and General Employees. <u>unionsyeah.ca</u>





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Acute Care Bargaining Strategy Session

On Tuesday, October 13th, a group of NSGEU health care members gathered at the NSGEU office to start preparing for the upcoming round of health care bargaining.

These members were elected by their colleagues to represent them at one of four bargaining tables: Administrative Professional, Support Services, Nursing, and Health Care.

The day started with an opening address from **NSGEU President Jason MacLean**, who talked about the political climate we face going into bargaining with Premier Stephen McNeil stepping down in February. He pointed out that historically, no provincial government in Nova Scotia that has gone onto a fifth year of their mandate has gotten re-elected in the following election, and that we have yet to see how each of the three Liberal leadership candidates will approach labour relations and collective bargaining.

With many collective agreements due to expire within six months, we have to consider the political landscape: in the Spring, the Premier said that we have a \$850 million deficit, and that the public sector "has to play its part."

However, our economic picture looks a bit better than expected after a summer of low COVID numbers, and the provincial Liberals are now in a different state. They are only holding onto their majority by one seat. With the Premier stepping down, will they maintain their historically right-wing stance, or try and go left and create relationships with labour groups?

Regardless of the political climate, MacLean emphasized "it's very important that we remain focused on advancing our collective agreements and making them better."

NSGEU Executive Director Robin MacLean pointed out that all of the health care agreements expire on October 31st, 2020, and after seven years of government austerity and wage restraint, it will be fair to say we'll

be looking for a better wage package this time.

But, as she pointed out, bargaining isn't just about wages. She called on the committee members to review surveys from last round of bargaining to see how they can be improved for this round.

She noted that although she saw some familiar faces in the room, this will be a very different round of bargaining due to the amalgamation to health authorities and the creation of the bargaining councils with other unions.

Finally, Shawn Fuller, Director of Negotiations & Servicing, took the mic to discuss what he expects during this round of bargaining.

This time around, he is hoping the process will be less complicated than last, as we won't be trying to combine 55 collective agreements into four.

However, he spoke in detail about the national bargaining picture:

• Quebec-West is a complete mess, both due to COVID and from a political perspective. These governments have been clawing back benefits and legislating wage patterns;

• Manitoba is not allowing more than 10 people in social gatherings, and while workplaces are an exception to that rule, unions are excluded from that: they are not allowed to meet with more than 10 members;

• In Alberta, civil servants have been forced to take five days off without pay and they've brought in legislation to privatize support services;

• PEI was expecting a small increase for their health care bargaining unit of 1.5 to 2 per cent;

• Newfoundland settled in advance of COVID, essentially extending the current collective agreement and achieving a deal that was extended to entire public sector, with wage increases of 2 per cent, 1 per cent and 1 per cent.



Fuller noted that in the wake of COVID, most unions are now considering new clauses related to working from home, and suggested that committee members may want to consider this while developing bargaining surveys.

Finally, the four bargaining groups broke off to review bargaining surveys from last round, and develop the survey questions to send to the members this round.

If you are a member of one of the acute health care bargaining units, please keep an eye out for your surveys, which should be coming out shortly. It's very important your committee members have your input for the next round of negotiations: they need to know what matters to you!









David Barry – Turning the Tables on PTSD



David Barry leans back on his camping chair in front of a warm wood stove in his shop, which sits behind his house on a forested suburban street in Fall River. His shop is full of wood – arranged and stacked, each piece separated by small sticks, drying. The smell of a wood fire and freshly cut wood is thick in the air. It is clear David loves timber.

"The wood takes about a year to dry", he says. "Then I move it to the solar kiln where it will sit for a few months continuing to dry."

The final stage, he says, is back in the shop for the final month where it acclimatizes.

He spends days here, cutting and sanding and oiling cutting boards, bowls, tables, and many other things.

"It's not always a good day," he explains, "Sometimes I really get in a groove and I'm focused and everything is flowing and then others... Well... it's just not a good day. So, instead of getting more frustrated, I'll sit by the fire."

David has always had a passion for woodworking, but it was not always a full-time pursuit. He worked as a Correctional Officer at the Nova Scotia Correctional







Facility in Burnside from June 2009 to May 2018. He spent his first five years working in the North Unit Day Rooms at Burnside.

"It was a place with heavy action where I got to know everyone. In those first years I was keen to do a good job, get a promotion, so I got into training."

David was a founding member of a dog training program for inmates called WOOF. He facilitated firstaid courses and was a member of the CISM (critical incident stress management). After working his first eight (8) years solely on and within dayroom units, he became a facilitator for Direct Supervision because he wanted to share his experiences with the Direct Supervision program with new Officers who were just getting a start with their careers.

Although a correctional facility can sometimes be a negative environment to work within, David found it difficult at times due to the verbal, physical violence that staff endure over time. The violence is more frequent than most people think, he says. Within the dayrooms/units, he saw the results of brutal beatings inmates gave each other, and even witnessed suicides. And there were frequent assaults on staff, such as inmates throwing feces and urine at Officers. Day-in







and day-out, the violence takes a toll, he explains.

"I did end up visiting the Cobequid Mental Health Clinic at one point."

Even under this strain, working 12-hour shifts, he "kept on", as he put it, and a couple years passed, until an incident where David became the target of violence himself. Following this, he was advised to see a therapist and diagnosed with complex Post Traumatic Stress Disorder (PTSD).

He says that in the early stages after the incident, he couldn't do anything. Then, when a neighbor suggested he should take up a hobby, he drew on his wood-turning background and began working with wood. "Woodworking has really helped, he says. "It builds confidence. When I put a tool in my hand, I switch off all other problems."

Working with wood demands focus and attention. This seems to help relieve some of the symptoms of PTSD.

Now, David is offering up his woodworking shop to other people suffering with PTSD including his

co-workers who are still working at Burnside. He calls this workshop, "Woodworking for Vets".

"I know there are a lot people out there suffering in silence. I really want to help them if I can".

His shop has three lathes and he provides safety equipment and tools for visitors. "When someone comes out to my shop, it is secure, safe, comfortable. There is no judgement. It's very important to meet people where they are at."

You can reach David to book a time to drop in by emailing him at <u>naturalwood14@gmail.com</u>.

The NSGEU has been working hard for decades to have the Workers' Compensation Board (WCB) recognize PTSD as a presumptive work-related illness for a wide variety of workers who work with the public and experience a high level of stress and potential trauma through their work.

In the past, workers would have to argue with the WCB to prove that their PTSD was work-related which was stressful, to say the least. But now, thanks to





pressure from unions and the provincial government, we have a number of occupations for which PTSD is now presumptive. This list includes first responders like paramedics, health care workers, firefighters, correctional officers and probation officers, but does not yet include social workers who experience traumatic incidents (the NSGEU continues to lobby for their inclusion in the list).

"With David, everything worked as it should after he reported the incident", says Rick Wiseman, Employee Relations Officer for members of NSGEU Local 480, provincial corrections, "He didn't have to fight for WCB coverage, and that was great."

Rick worries about other members who may be experiencing symptoms but haven't been able to get covered or who do not have automatic coverage and have to wait and fight for support. As David points out, he could not have managed any kind of fight the way he was feeling at first.

"I can't imagine what it is like for those people who have to fight for coverage... I couldn't have done it," he says.

For those who are struggling, NSGEU President Jason MacLean has been participating in a PTSD Steering Committee which has just launched a website for people suffering with undiagnosed/diagnosed PTSD. This new website, <u>https://firstrespondersmentalhealthns.</u> <u>com/</u> will help first responders manage the toll of the trauma they experience at work and support their recovery from traumatic psychological injury. If you are struggling with your mental health or don't feel quite right, another great resource is the Office of Workplace Mental Health, which is available to all Correctional Officers as well as all members who work for the Public Service Commission, Nova Scotia Pension Corporation, or Tourism Nova Scotia. Someone there will help you navigate the Nova Scotia Mental Health care system. You can reach them at <u>https://beta.</u> <u>novascotia.ca/government/office-workplace-mental-</u> <u>health</u> or by phone at 902-424-2273, Toll-free: 1-833-389-2273 or by email at <u>owmh@novascotia.ca</u>

David has listed some other helpful resources as: Canadian Mental Health Association, https://cmha. ca/; Mental Health Foundation of Nova Scotia, https:// www.mentalhealthns.ca/; New Pathways PTSD Support Group, 902-462-2957 or email at <u>bdempsey@hmed.</u> <u>ca</u>. He also wants you to know that he is there, if you want to send him an email and arrange to come by, he will show you how woodworking can help. Thank

you David for reaching out to help others with what you have learned – you are an inspiration and we appreciate it.



Alberta Health Care Battle

Public sector workers in Nova Scotia have been fighting our provincial Liberal government's legislative attacks on union members since 2012. Elsewhere in the country, provincial leaders have started following Stephen McNeil's lead: union members across Canada have been fighting off privatization attempts, and different pieces of legislation that will diminish their rights in the workplace.

One of the province's with the most regressive anti-union legislation has been Alberta, where the United Conservative Party (UCP) decided to begin dismantling their public health care system in the midst of a global pandemic.

More specifically, they announced they would privatize health care support services (laundry, food service, laboratory, and other services), which will result in the layoff of up to 11,000 health care workers in that province.

The NSGEU is an affiliate of the National Union of Public & General Employees (NUPGE), which also represents HSAA, one of the unions representing public sector workers in Alberta. They issued the following statement in support of our colleagues working in health care in that province back in late October:

NUPGE statement on action by Alberta health care workers

Ottawa (27 Oct. 2020) — The National Union of Public and General Employees (NUPGE) stands in solidarity with members of the Alberta Union of Provincial Employees (AUPE) who have been forced by the United Conservative Party (UCP) government to take desperate action.

According to Larry Brown, President of NUPGE, "Health care workers have been forced to walk off the job because they have no other way to respond to the United Conservative Party government's attempts to gut Alberta's front-line health care system."

Since March, the health care workers whose jobs are now threatened with privatization have been working tirelessly on the frontlines of the health care system to protect Albertans from COVID-19. Now they are having

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Since March, the health care workers whose jobs are now threatened with privatization have been working tirelessly on the frontiines of the health care system to protect Albertans from COVID-19. Now they are having to walk the line to protect the health care system from the ideologically driven privatization schemes of the UCP.

Privatization hurts health care

When hospital support services have been privatized, quality suffers. Research# has shown a rise in hospital-acquired infections after hospital cleaning was privatized.

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Privatization hurts health care

When hospital support services have been privatized, quality suffers. Research has shown a rise in hospitalacquired infections after hospital cleaning was privatized.

Given the consequences, privatization of hospital support services is dangerous at the best of times. To privatize services like hospital cleaning or lab testing when COVID-19 cases are still rising in Alberta is something that only politicians so blinkered by ideology that they have lost sight of reality could do.

Then there is the appalling way health care workers whose jobs have been privatized are being treated. Since the start of the pandemic these workers have been putting in long hours in difficult conditions. They are the front-line workers who politicians were showering with praise. And now the UCP government is rewarding their dedication and commitment with a kick in the teeth.

The fact that members of the AUPE have been driven to the point where they felt compelled to walk off the jobs shows that the UCP government is rotten to the core. NUPGE salutes the AUPE members in the health



care sector who walked off the job and offers them our support and solidarity.

We need to pay attention to what is happening across the country with our public health care services. It is clear that political leaders often are unimaginative and rather than come up with new ideas or solutions, choose to borrow from playbooks of their counterparts in other parts of the country.

As one columnist noted:

"It is likely this strike is not the last direct action we see from Alberta's public sector workers. The UCP government is engaging in a series of highprofile conflicts with its workers. A burning war with Alberta's doctors remains unresolved. The announced health privatization plan is regarded by many as the first step towards a more aggressive move toward American-style health care. Dramatic funding cuts to education, social services, and post-secondary institutions are leading to thousands of layoffs in those sectors. And the government has strongly hinted at demands for wage rollbacks for all public sector workers in current bargaining rounds. On many fronts, public sector workers have reason to be concerned, angry and prepared to take action."

Does any of this sound familiar?

POLITICS 10/19/2020 19:01 EDT | Updated 10/20/2020 10:53 EDT

Jason Kenney's UCP Voted To Support Privatized Health Care. Here's What That Means.

One expert says "American-style" health care isn't on its way to Alberta, but there's still cause for concern.

By Mel Woods



Alberta unions rally against health-care cuts and privatization

Mark Villani CTV News Calgary Video Journalist CTVMarkVillani | Contact Published Thursday, November 5, 2020 8:24AM MST Last Updated Thursday, November 5, 2020 8:30AM MST





Essential Health Care Workers Program

COVID-19 has opened many Nova Scotian's eyes to a lot of things that have long gone unseen. Cracks in our health care system were tragically exposed, this crisis and were completely ignored by the program.

Case aids, and child welfare social workers, continued to deliver services to vulnerable Nova Scotians throughout this

fissures in our social safety nets were observed and covid also brought about a public recognition of workers in our communities and throughout Nova Scotia whose day to day jobs were shown to be absolutely essential.

In May 2020, Premier McNeil announced Nova Scotia's Essential Health Care Workers Program, a joint initiative of the Federal and Provincial

government that would provide health care workers with a bonus of up to \$2,000. The announcement included few details and it wasn't until August 2020 that further details were released. Health care workers were required to

fill out an application and faced tight deadlines to apply.

Worse was the fact that the program failed to recognize all frontline workers in Nova Scotia. There were many essential workers providing care to Nova Scotian who were left out of this program entirely. The NSGEU has numerous members working in essential positions who continued to provide services to Nova Scotians during raise this issue with government and remains adamant that this program needs to recognize all of those who worked to get Nova Scotia through the first wave of the pandemic.



crisis. Corrections

officers, especially

beyond during this crisis.

The disparity continued throughout health care where workers in similar occupations, sometimes in the same office, were treated differently.

The NSGEU continues to





Racism in the Workplace Survey

As issues of social justice, discrimination, and racism continue to dominate local, national, and global headlines, and the force for change continues to gain strength, the NSGEU felt it was time to survey the membership on their experiences of racism in the workplace. The survey was live for two weeks and sent out to every member of the union by email. Our intention is to use the results to help open up a dialogue with our employers about where change is needed to have a more equitable and less discriminatory workplace. In order to encourage participation in the survey, we offered a prize of a \$500 VISA card, which was won by Bruno Ray, a member of Local 77 at Dalhousie University. His name was drawn on November 13th. The survey was well received with 5,130 respondents and our staff researcher is busy compiling and analyzing the results so we can decide next steps. We wanted to thank you to all those who promoted the survey and who filled it out.



2020 Sock It to Poverty Campaign

The NSGEU's Human Rights Committee is very pleased to report that we have collected \$8,500 in donations from our Locals to purchase socks from Stanfields for our annual Sock It To Poverty campaign!

Thank you to all of the Locals who made generous contributions this year! We hope to be able to return to collecting individual donations of warm winter items next year.

If any Local would like to donate to Sock it to Poverty, please send a cheque to NSGEU in early 2021. The Human Rights committee will use any monies collected in 2021 to purchase the 2021 sock donations.



Occupational Health & Safety

Your Health & Safety Committee is key to safety at work: Make sure you have one, and it is meeting regularly.

As we navigate the waters of our second wave in this pandemic, with a vaccine on the horizon, we wanted to remind you of your OHS rights.

Public Health has general guidelines for PPE and safety controls for Nova Scotians. They can be found here: <u>https://novascotia.ca/coronavirus/working-during-</u> <u>covid-19/</u>. The actual application of these guidelines will differ from job to job and from site to site depending on what you do, what your abilities are, and where you work. For example, if you are a Case Aide, your car may be your workplace, as your job is to drive children to their access visits. PPE and safety controls will be different than someone who is immune compromised working in the Department of Finance, and different again from someone working on the front desk at a Service Nova Scotia Office, or in the Emergency Department of the QEII.

We want to remind you that you have an important role to play in workplace safety along with your employer. You actually share the responsibility of working safe. The employer must make every effort to provide a safe workplace, including the equipment and training to keep you safe in your job. However, you also have a responsibility to make your employer aware where there are safety weaknesses and continually work to strengthen them in your workplace.

If your workplace has more than 20 employees, by law, you should have a Joint Occupational Health & Safety Committee – we call that a JOHSC (pronounced Josh) Committee. If you have questions about your safety, you would bring these to your supervisor and if they are still a concern, you would bring them to your JOHSC Committee for review and a decision. If your workplace has less than 20 employees, by law, you should still have a health and safety representative. As we move forward it is very important these committees are formed and functioning.

Ask your employer if you have a Health & Safety Committee that is meeting regularly (at least once a month). If you don't have a committee or a health & safety rep at your workplace, please give us a call and we can help make sure you get one.

We also want to ensure you are aware of your right to refuse unsafe work. If you have any concerns or questions, or are considering exercising your right to refuse, you can give the union a call and we will help you through the process. You can ask to speak to your Employee Relations Officer or our Occupational Health & Safety Officer Paul Cormier. You can reach the Union at 902-424-4063, 877-556-7438 (toll-free) or by email inquiry@nsgeu.ca.

It is up to all of us, together with employers, to establish and maintain safe practices and PPE for the variety of jobs you do and job sites you work in. The NSGEU is there to support you as we work to continually improve workplace safety.



OH&S Officer Paul Cormier



New Website for First Responders



President MacLean has been participating in a First Responder Steering Committee which has just launched a website on December 2 that provides support and information to people who are suffering as a result of stress or trauma at work.

This new website will help first responders including, paramedics, firefighters, police officers, corrections officers, and health services workers – manage the toll of the trauma they experience at work, and support their recovery from traumatic psychological injury. Developed by first responders, for first responders, www.

FirstRespondersMentalHealthNS.com features vivid images of real first responders as part of a broader campaign that aims to address the stigma that still exists in emergency response occupations, and sometimes prevents workers from speaking up when they need help.

The website connects First Responders with a mix of mental health resources for themselves, their families, and the places where they work or volunteer. It links to self-assessments, online counselling, mobile apps, and tools for supervisors. It's modelled after a similar, successful program from British Columbia. The direct involvement of first responders, and the first-time collaboration among the various emergency service organizations from across Nova Scotia are what make it unique.

Shelley Rowan, Vice President of Prevention and Service Delivery at the Workers' Compension Board in Nova Scotia is also on the Steering Committee. She notes that the WCB has seen a steady increase in PTSD claims over the past two years. She is pleased to see this launch of this website and to play a part in supporting the tremendous commitment from first responders and their employers to work together and develop the mental health supports they need.

Please visit the website for more informaiton.





NSGEU FRONTLINE FACES







MAK & JANES - Organ



























Bill 148 Update

It has been years since the Stephen McNeil's Liberal government passed and proclaimed Bill 148 – the Public Service Sustainability Act.

This piece of legislation did three things that interfere with your right to full, free, collective bargaining:

1. It imposed a non-negotiated wage pattern on the entire public sector (0%, 0%, 1.0%, 1.5% & an additional 0.5% on the last day of the agreement);

2. It removed long-standing articles from the Civil Service master agreement (ending the retirement allowance/public service award as of April 1, 2015);

3. Prohibiting an arbitrator from awarding anything above the above-noted wage pattern.

Even before government proclaimed the Bill into force, the threat of legislation hobbled the unions' bargaining power and prevented us from being able to freely conclude the collective bargaining process, because it took away the leverage of wages and monetary items like the service award off the table completely. After a significant amount of time with very little progress in bargaining at any major tables, the NSGEU announced in late summer 2017 that it would apply to the Labour Board to appoint an Interest Arbitration Board to settle the Civil Service Master Agreement, as is our right under the legislation that applied. Government proclaimed the legislation to prevent the interest arbitrator from awarding any monetary increases that were higher than was set out in the legislation.

In the five years that have passed since the legislation was passed, the NSGEU has been working hard alongside seven other unions who represent unionized workers to try and have this unjust legislation overturned by the courts.

The unions' argument is that Bill 148 breeches Section 2(d) of the Charter, which guarantees Canadians Freedom of Association and protects the right to collective bargaining and the right to strike.

The unions knew pursuing legal action would be a slow process, and that has proven to be true, especially since the government is delaying every step of the way.

Nova Scotia

Nova Scotia's top court to look at controversial sections of Bill 148

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Province has asked Appeal Court to examine bill's language on long-service award Susan Bradley - CBC News - Posted: Oct 04. 2017 2:54 PM AT | Last Updated: October 5. 2017



Protesters gather in front of Province House in 2016 to protest Bill 148. (Catharine Tunney/CBC)

Here is an update on what has taken place so far, and what our next steps are:

• On August 22, 2017, the government referred a question about the constitutionality of Bill 148 to the Court of Appeal. Originally, they planned to ask one question: Do the wage provisions of Bill 148 contravene the Canadian Charter of Rights and Freedoms? And if so, is that violation saved under Section One of the Charter? It was only after pressure from the NSGEU that the government eventually added the Service Award and Retirement Allowance provisions to the Constitutional question.

• This case is known as a Reference to the Court of Appeal. The Court of Appeal does not typically deal with evidence and witnesses: they usually hear appeals and only are reviewing decisions made by a tribunal or the Nova Scotia Supreme Court. Because there is technically only one party involved in this reference (the Government of Nova Scotia), the eight unions



representing workers affected by this legislation had to

file for Intervener Status, which was eventually granted in January 2018.

• Part of the Reference procedure is for the government to then file what is called a Record with the Court of Appeal, which is essentially what it says it relied on when passing the legislation. It took almost a year (December 2018) for government to file its Record: 16 volumes of over 250 documents to support its position that the legislation is Constitutional.

• Since the unions' first appearance before the Court of Appeal in October 2017, the legal team representing the unions has made it clear that the unions intend to seek permission from the Court to rely on affidavit evidence and expert reports. Our positions is that it is necessary for the Court to have the perspective of those who are most directly affected by the Legislation. Initially, government seemed not to be averse to that.

• Once we saw what the government's Record included, the unions were able to determine what additional information was required. We knew we needed to file extensive





Bill 148 Protests in 2015

evidence from each of the unions: we filed 10 affidavits

from each of the unions and three expert reports by June 2018.

• The evidence outlines the importance of wages and the retirement allowance/ long-service award in relation to our bargaining power at the table, among other things. Expert opinions include an analysis of Freedom of Association within the labour relations context; industrial relations and

experience conducting collective bargaining; and an opinion on the finances of the Province at the time Bill 148 was passed.

• The unions submitted our evidence & expert reports to government in Spring 2018. They took their time reviewing that evidence before responding that they planned to object to the unions' filing any evidence or expert opinion with the Court of Appeal.

• In September 2019, the unions were able to schedule a hearing before the Court of Appeal and requested relevant Cabinet documents be released to the Court: we knew government had been compelled to produce these documents during the NSTU's Charter challenge to the legislation that imposed an



agreement on them. Government had attempted to claim this information was privileged. These Cabinet documents included presentations from January and June 2015 that "referred to the preparation of settlement legislation for the fall sitting to apply wage pattern and freeze service awards." The chronology indicates that this was all before there was any real collective bargaining at major tables.

• Government objected to producing these documents in our challenge, and has further attempted to delay the court case by arguing that the Court of Appeal first had to rule on whether it had the authority to compel one: an application has been filed with the Supreme Court alleging all of the same arguments to be put forward at the Court of Appeal. The intent is to hold these applications in abeyance and await the Court of Appeal's decision;

2. The government could choose to withdraw or end the Court of Appeal reference case at any time: since they initiated the court action, they could simply choose to withdraw it;

3. If the Court of Appeal decides that there is no right to file evidence/expert testimony, we have the option of proceeding to the NS Supreme Court.

NEXT STEPS:

If the unions are

successful in our

argument to file

there is a wait for

government to file

their own affidavits

and expert reports,

want to schedule

our witnesses and

delay this process.

experts, and further

as they will certainly

cross-examination of

evidence, then

the government to produce documents. The Court has issued a decision that said it does have the power to do this under the right circumstances.

• In March 2020, the pandemic hit Nova Scotia. It wasn't until this summer that we could get back to schedule a hearing to determine whether the unions could file evidence and reports, and whether



Jason MacLean attends Bill 148 Protests in 2015

the government would be compelled to produce the documents. That hearing went well: lawyers for the unions believe we have a strong argument and that the law is on our side. We are now waiting for the Court to decide on whether the unions will be allowed to file evidence and expert testimony. We hope to have this decision in the next few months.

IN THE MEAN TIME:

The NSGEU has initiated our own action with the Supreme Court of Nova Scotia for three reasons:

1. The government's Court of Appeal reference case will only result in a decision on the Constitutionality of the legislation. This Court will not award a remedy. So even if this Court rules the Bill was unconstitutional and the Province does not choose to take action to remedy the Breach of the Charter, we won't be starting at square The unions must then show there was substantial interference with collective bargaining. If the unions can prove a breach of Section 2(d), then we get to Section 1, which is where government can try and justify a breach of the Charter. The arguments will be that there was no pressing and substantial objective of this legislation, because the province was not in a financial emergency, and that they had other options available.

POTENTIAL REMEDIES:

Unfortunately, Courts do not award substantial remedies in Charter cases often. They could make a declaration of invalidity, but are reluctant to go further than that.

The unions would be seeking reinstatement of the Service Award and Retirement Allowance to all of the collective agreements it was removed from by Bill 148.



We would also likely seek retroactive remedies for anyone who took a payout of the allowance or award that was less than they would have gotten if they have before passing the legislation and that in the past, and then when government had sought wage restraint, they had been able to successfully bargain it by offering

been allowed to continue to accrue.

The unions also would seek damages, but that will be a tough fight.

The unions will be carefully watching other similar cases as they unfold here (the Nova Scotia Teachers Union currently has a Charter Challenge underway which is similar to ours, and Bill 148 will be a feature of their litigation). They have hearing dates scheduled for late February and early March.

Earlier this year, a Judge of the Manitoba Court of Queen's Bench found that

wage restraint legislation imposed on public sector workers in that province infringed on Section 2(d) and was not saved under Section 1. It is important to note that Manitoba's legislation was found to be modelled directly after NS's Bill 148. Unions in that case relied on expert reports from two of the experts we are attempting to file with the Court of Appeal. In the Manitoba case, the Court relied on evidence to find that wage restraint provisions of that legislation essentially destroyed bargaining power of unions at the table and this constituted a substantial interference with collective bargaining under Section 2 (d). Furthermore, they found that this breach was not saved by Section 1, because there was virtually no consultation with the unions



Bill 148 Protests in 2015



alternatives.

IN CONCLUSION:

The government has spent the past five years wasting time and public resources. They are simply trying to further delay this matter, and are clearly disinterested in participating in a full and fair process.

We know that Manitoba's Court of Queen's Bench has struck down legislation that was clearly modeled on Nova Scotia's Bill 148. However, the government of Manitoba has filed notice with the province's Court of Appeal that it

intends to challenge ruling, meaning that the Manitoba case is far from over.

"It's been delay, delay, delay for the last three years," said NSGEU President Jason MacLean, "If government was so confident it wasn't a breach of the Constitution, why would they be delaying the Court process at every turn?"

This is a long process, but the unions believe that they will prevail. Everyone involved in this fight appreciates the patience and support of NSGEU members while the process unfolds.



Education 2021

New Courses

NSGEU 101 (1 day) ONLINE EXCLUSIVELY (Will be available on the NSGEU website)

• Any member in good standing can register

In this online workshop, members will learn the history of NSGEU, how the NSGEU is structured, and why NSGEU and other unions exist.

Steward Orientation (2 days) SHORT 2 HOUR COURSE TO BE OFFERED **ONLINE**

Must be a local steward

In this two (2) day workshop, Stewards will better understand their role as Educators, Grievance Handlers, Communicators, Leaders, Organizers and Activists. Tools are provided to assist Stewards in supporting local members.

Workers in Transition (.5 day) (Chief Stewards will receive invitations via email)

Must be a Chief Steward

In this 1/2 day course, Chief Stewards will better understand the role we all play to better protect the rights of our trans members and ensure they have the support they need in our workplaces, in our unions and in our communities."

Short Local Delivered Courses

(Participant and Facilitator booklets and more information will be found on the **NSGEU** website)

Local Executives can provided these 1 hour guick courses independently.

Time Management: Finding Time for the Important Things

Participants will: review some basic principles of time management, set goals and priorities and find time in their schedules for their goals and priorities

Facing the Employer

Participants will build their confidence in facing management, identify common issues and management tactics when challenged and strategize for meetings with management

Effective One on One Communications

Participants will choose the most effective mechanism for communicating each message to their members, use non-verbal communication skills effectively, recognize the non-verbal message when others are speaking, match how they are saying something with the message they are conveying and write and deliver an effective message.

Public Speaking

Participants will build confidence in speaking publicly, practice body language and vocal delivery and practice giving an impromptu speech using the "5 Magic Phrases" technique.









Ongoing Education

Workplace Mapping

There will be ongoing training with Occupational Councils on Building Local Steward Networks through Workplace Mapping.

Workplace Mapping is the process of obtaining accurate and relevant information about where, and who, the local members are. It can form the basis of most successful union activity, including recruiting, communications, developing activists and campaigning around issues. Developing strong local steward networks is the goal!

Steward Orientation (2 days) • Must be a local steward (Members will receive invitations via email)

In this two (2) day workshop, Stewards discuss their role as Educators, Grievance Handlers, Communicators, Leaders, Organizers and Activists. Tools are provided to assist Stewards in supporting local members.

Dealing with Workplace Conflict (1.5 days) (Members will receive invitations via email)

Must be a Steward or Local Executive Officer

In this one-and-a-half (1.5) day workshop, we will define and analyse conflict and look at the range of processes aimed at alleviating or eliminating sources of conflict. We will also look at mediation and its role in conflict resolution. Any steward or local executive officer that has not previously attended this workshop is eligible to attend.

Domestic Violence: Why is it a Workplace Issue? (.5 day) (Locals, who have not participated, will be contacted via email)

This will be offered via Zoom to Chief Stewards (or an Executive Officer if Chief Steward is unavailable) who were unable to attend in 2020

• In this ¹/₂ day course, Chief Stewards will learn about the impact of intimate partner violence in the workplace. Chief Stewards will be provided tools to support members who experience Intimate Partner Violence in the Workplace.

President, Steward, Secretary and Treasurer Toolkits will be updated with Domestic Violence: Why is it a Workplace Issue? resources.

Labour School 2021

Labour School will be offered a bit differently in 2021. Given the current global pandemic we must be careful to keep everyone safe. We will offer 5 courses, but on separate weeks at the NSGEU building pending covid restriction being lifted. This will give the members the academic experience. Unfortunately, the plenaries and social connection won't be planned/encouraged. We will be able to abide by distancing guidelines and keep everyone safe.

Communications, Advanced Steward, Leadership, Mobilizing through the Generations and a new course, Political Action, will be offered.



Additional Resources

A new Bargaining Guide Supplement will be available along with Running Effective Local Meetings, Effective Local Elections, Rules of Order, Workplace Mapping. Toolkits for President, Secretary, Treasurer and Steward will be regularly updated.

All Toolkits and Supplements can be found in the executive portal on the NSGEU website and here; https://nsgeu.ca/education-3-2/stewardsresources/

Educational videos, including an introduction to the NSGEU and short introductions to Local Executive roles as well as one on Labour/ Management Committees, and Rules of Order available on the NSGEU website here; <u>https://nsgeu.ca/educationvideos/</u>

Local Officer Training will happen 4x/year via Zoom

Pre-Retirement Seminars, Joint Occupational Health and Safety Training, Executive, Regional and Occupational Council and Board training are ongoing.

Please visit the new member library off of the Solarium in the member office area in the Main NSGEU office in Dartmouth. These books include children's books, so take some time to go discover what we have there.



Scholarships & Bursaries

Spring 2020 Member Bursaries

Last Name	First Name	Local	Award	Bursary Name
Whynot	Shelly	70	\$1,000.00	,
Fraser	Venita	66	\$1,000.00	Cheryl Morton
MacNutt	Kaylynn	1246	\$1,000.00	Linda Sirota
Shaver	Alison	1246	\$1,000.00	
Forsyth	Linda	71C	\$1,000.00	
Alexander	Rena	102	\$1,000.00	
Grandy	Leanne	1	\$1,000.00	
Newell	Renée	8	\$1,000.00	
Guy	Victoria	101	\$1,000.00	
Dorman	Chris	73	\$1,000.00	
Leach	Francine	102	\$1,000.00	
Schneider	Amanda	423	\$1,000.00	
Curiston	Deidré	100	\$1,000.00	
Ou	Anna	8	\$1,000.00	



Deidre Curiston



Linda Forsyth



Adam Giles





Kaylynn MacNutt



Victoria Guy



Rena Alexander

Last Name	First Name	Member Name	Local	Award	Scholarship name
Hiscock	K Mitchell	Lisa Ashford Hiscock	1	\$1,500.00	Joan Jessome
Giles	Adam	Catherine Giles	122	\$1,000.00	
Linehan	Kathleen	Una Linehan	5	\$1,000.00	
Maini	Kriti	Ajay Maini	8	\$1,000.00	
Hearn	Brooklyn	Wanda Hearn	33	\$1,000.00	



Spring	2020	Dependent	Scholarships
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Anna Ou

2020 Amateur Sports & Fine Arts Awards Recipients

Ratified by the NSGEU Board of Directors and in accordance with the NSGEU Policy 2.10; the NSGEU Social Recreation Committee recommends that the \$300.00 Amateur Sports and Fine Arts Awards be awarded to each of the following fifteen members, or dependent children of the members.

The winner of the newly named David Lawrence Award is:

Baxter, Evan, Member: Jennifer Baxter, Local 73 (Hockey)

The other 14 awards go to:

Bell, Jaeonah, Member: Tricia Bell, Local 7 (Cheerleading)

Bowser, Brian, Local 8 (Haidong Gumdo – Korean Sword)

Collins, Rylie, Member: Dawn Collins, Local 81 (Cheerleading)

Davidson, Baraack, Member: Tara Davidson, Local 73 (Snowboarding)

Devoe, Ashlynn, Member: Stephen Hardy, Local 470D (Volleyball)

Foster, Abigail, Member: Terr-Lynn Foster, Local 70 (Equestrian)

Gallant, Makayla, Member: Johnelle Gallant, Local 1 (Volleyball)

Gallant, Megan, Member: Johnelle Gallant, Local 1 (Volleyball)

Henry, Kobi, Member: Olivene Royes, Local 41 (Volleyball)

Rafuse, Abbygail, Member: Gina Walsh, Local 5 (Volleyball)

Seddon, Kirsty, Local 8 (Highland Dance)

Shay, Gillian, Local 55 (Ultimate Frisbee)

Umali, Raigne, Member: Emmylou Umali, Local 1246 (Dance)

Warner, Michael, Local 8 (Dance)











Your Union: So Much More than Bargaining & Servicing

This fall, we published statements from our Human Rights Committee supporting social and political actions on behalf of Black Lives Matter and on behalf of Indigenous Treaty Rights. We are including them below.

We did receive some criticism of our positions and a common theme was that as a union we should stick to bargaining and negotiations. We appreciate those who feel this way, but we will not be doing that. The NSGEU is a democratic organization that is involved in much more than negotiating and servicing your collective agreements – our mandate and priorities are set out at our Triennial Convention by elected delegates. In the past, we have set direction that includes playing a role in our communities and fighting for the rights of all Nova Scotians. Our members know that our lives do not start and stop with work and we are members of our communities first. At convention we have been directed to build a more just, fair, and equal society. It is why we have a Human Rights Committee in the first place, made up of volunteers from the membership.

If you are interested in being on one of our Committees (Human Rights; Women's Issues; Health Safety & the Environment; Constitution & By-Laws Committee; Resolutions Committee; Finance Committee; Political Action Committee; Education Committee; Social/Recreation Committee) you would put your name forward to be part of a committee pool and the Provincial Executive arranges members in Committees in a way that provides regional representation to each. The Committees are established at the beginning of each term after Convention. The next call for Committee members would be 2022.

Here are our statements:



Black Lives Matter

The NSGEU's Human Rights Committee condemns acts of anti-Black racism we are witnessing not only in the United States and other parts of the world, but in our own country, province and communities.

We stand in solidarity with those who have experienced trauma caused by anti-Black racism. We are outraged and condemn the injustices we have witnessed recently and throughout history.

We are more committed than ever to highlighting and promoting human rights issues, and to lead efforts to educate our members on how to recognize and combat anti-black racism in their workplaces and communities.

We stand by and reiterate the statements from the NSGEU in committing to continue to protect and advocate for more diversity, equality and inclusiveness, and to call out hate, prejudice and racism when and wherever it occurs.

We believe Black Lives Matter and support the mandate of the Black Lives Matter movement.



Protect Indigenous Fishers From Violence as Tensions Rise in Response to Mi'kmaw Rights-based Fishery

The NSGEU's Human Rights Committee calls on the federal government to keep the peace and protect indigenous fishers from violence in Nova Scotia. The Assembly of Nova Scotia Mi'kmaw Chiefs have declared a State of Emergency as tensions rise in response to the establishment of a Mi'kmaw rights-based fishery.

The provincial and federal governments must uphold the inherent rights of Indigenous peoples, as set out in section 35 of the Constitution, the 1752 Peace & Friendship Treaty, and attendant case law. https://www.thecanadianencyclopedia. ca/en/article/peace-and-friendship-treaties. The Committee calls on the federal government to:

(1) Uphold the rule of law and respect treaty rights;

(2) Address and stop the threats, attacks and discrimination against Mi'kmaq peoples, including from DFO Officials who have unjustly criminalized Mi'kmaq lobster harvesters;

(3) Ensure the safety and security of Mi'kmaq people as they exercise their legal treaty rights.

Background

Section 35 of the Canadian Constitution recognizes the inherent rights of Aboriginal Peoples to hunt, fish, and gather for food, social and ceremonial purposes. https://laws-lois.justice.gc.ca/eng/const/page-16.html The Peace & Friendship Treaties of 1760 and 1761 guarantee the rights of Mi'kmaq to hunt and fish, https://www.thecanadianencyclopedia.ca/en/article/peace-and-friendshiptreaties as affirmed by the Supreme Court of Canada in the R v. Marshall case in 1999. https://thecanadianencyclopedia.ca/en/article/marshall-case. The Marshall decision states that the Mi'kmaq have a treaty right to earn a "moderate livelihood" from fishing and hunting.

On September 18, 2020, Sipekne'katik First Nation announced its own self-

regulated moderate livelihood fishery, as a sovereign people. Licenses and tags were distributed during a peaceful ceremony and celebration. Meanwhile, non-Mi'kmaq fishers have perpetrated a campaign of violence and threats against their Mi'kmaq counterparts in order to stop the Mi'kmaq from asserting their constitutional rights.

The NSGEU Human Rights Committee stands with all Mi'kmaq fishers to exercise their treaty rights to fish in all the waters around Nova Scotia.





Municipal Elections

Municipal elections were held on October 17, 2020 and NSGEU offered support to any member who was interested in running for local office. The NSGEU offered to print campaign material (excluding lawn signs) at no cost for any NSGEU member who ran for municipal office except for candidates who ran in the Halifax Regional Municipality (HRM). HRM passed a bylaw in 2018 only allowing donations by individuals.

Important decisions that can have long lasting impacts on our local communities are made by municipal governments. The voice and perspective of working people is not often represented in local government. By encouraging members to seek representation on municipal members have the opportunity to bring this perspective to key debates, issues and decisions that will impact local communities.

Requests for assistance were received from 15 members from across the province and the following members were successful in winning a seat on councils in their communities

Congratulations to:

Lisa Patton, Local 3 won a seat for Colchester Council in District 8.

Dawn Peters, Local 122, won a seat for New Glasgow Town Council in Ward 2.

Sean Cameron, Local 14, won a seat on the Antigonish Town Council.

Nick Hilton, Local 195, won a seat on the Municipality of the District of Yarmouth in District 7.

Russell Borden, Local 71, won a seat on New Glasgow Town Council for Ward 1.

Meghan Bragg, Local 193, won a seat on Westville Town Council.

While we were unable to assist HRM candidates NSGEU member Iona Stoddard was successful in winning a seat on HRM Council for District 12.

Congratulations to everyone and thanks to everyone who put their names on a ballot.



Phone: 902-754-5411 Email: mb4wtc@gmail.com Facebook: @mb4wtc Instagram: @mbforwtc

LEADERSHIP AND INITIATIVE

 Proven leadership skills
 Self-motivated, highly organized
 Hardworking team player
 Dedicated to her community
 Strong voice and advocacy skills
 Effectively manages multiple projects Solution focused & positive

attitude 2019/2020 Grants she has written and secured funding for: - Feed North Nova Food Insecurity Grant (\$2,000) - Mental Health programming Grant for Youth (\$10,000)

ELECTION INFORMATION ELECTION INFORMATION Due to the pandemic, voting will occur by phone or electronic voting only. You will receive a pin # by mail. Voting opens on October 5th until October 17th. Dawn and her team will be making heir way around town and be assured that they will be practicin strict Covid-19 safety guidelines a outlined by Public Health.

Dawn would love to hear your concerns and ideas Dawn Peters

Phone: (902) 755-1519 E-mail: dawnpeters71@hotmail.com ebook: facebook.com/dawnpetersw Authorized by the Official Agent Nancy MacRae



For Westville

Town Council

HANGE OU CAN RUST



For more information, watch your mailbo for a letter on voting details, or call the Returning Officer at 902-485-2248.

DAWN PETERS LEAD, ENGAGE, CHANGE

Dawn lives with her husband Aaron Smith and their two sons Jack and Roman, who attend North Nova Education Centre. Dawn carries on the values of her late parents, Dave and Ann Marie Peters who taught her the importance of giving back to your community.

giving back to your community. When her children were young she volunteered at the North End Rec Centre on such initiatives as bookings, outdoor rink, chocolate festival, summerfest and haunted hikes. She has since volunteered in the schools with baskeball, music auxiliary, home and school and social jus-tice issues. Through theatre, she has been in-volved in many fundraising initiatives for the Hospital Auxillary, Tearman, Pictou County Women Resource and Sexual Assault Centre, Wirknes.

She has been a healthcare worker for th 25 years working in the field of addictio mental health. She is passionate about h beople and has a lot to offer in knowled perience and energy. Along with her ed, nov



Young Workers Spotlight

Hi everyone!

My name is Kristy Osbourne and I am employed with the Western Regional Housing Authority as an Income Review Clerk. I am thirty one years old and have been with The WRHA for almost 10 years now. What drew me to this job, this direction was truly just my urge and love for wanting to helping people. When I started with the WRHA almost 10 years ago, it was as a Receptionist and after much growth and determination, I have been in my new position as Income Review Clerk for just under 2 years. My job is challenging most days but what I enjoy most is knowing I am helping someone's day even in the

slightest way. There are good and bad days as any job would have but at least one a day could can count on putting a smile on someones face.

Since COVID 19 things have changed, and we have all including myself found the need to adapt to a new way of communicating and getting

work done. Quality and timely client service is a key part in my position and I strive everyday to do my best to help the seniors and families I work with each day.



Unions make a difference in our lives.

VOUNG

NSGE

WORKERS

Unions fought for many of the benefits workers enjoy today: Sick leave, maternity & paternity leave, vacation, minimum wage, paid breaks, overtime, workplace safety standards and regulations, collective bargaining rights, and much, much more.

Do you know of a group of non-unionized workers who might be

interested in joining the NSGEU? Please contact:

Lori Smith, Education & Organizing Officer 902-456-6531 or 1-877-556-7438 or lsmith@nsgeu.ca







Services are available to all our members of the Civil Service as well as members working for Nova Scotia Pension Services Corporation and Tourism Nova Scotia.

Office of Workplace Mental Health

A safe and confidential place where managers and employees can access the mental health and wellness supports they need.

We will help create a positive culture of mental health and wellness, help employees access the supports they need, and help leaders and managers create supportive workplaces.

Contact Us

Local: 902-424-CARE (2273) Toll Free: 1-833-389-CARE (2273) Email: OWMH@novascotia.ca

All calls and emails are confidential.







NSGEUwear

There's a whole range of colourful NSGEU clothing available at the union office at 255 John Savage Avenue, Dartmouth. For more information, call the NSGEU at 424-4063 (toll free at 1-877-556-7438) or email <u>inquiry@nsgeu.ca</u>.

Vest - \$45.00 Unisex sizes Black





Hoodie - \$20.00 Ladies & Unisex sizes Royal Blue, Black, Navy, Red, White, Yellow, Grey



Long Sleeved T-Shirt with Pocket. Logo on sleeve and back.- \$15.00 Unisex sizes Black & Charcoal



T-Shirt - \$15.00 Unisex sizes Royal Blue, Red, Navy







Fleece Jacket - \$20.00 Ladies & Unisex sizes Grey & Navy



Happy Holidays

The NSGEU would like to wish you and your loved ones a safe and happy holiday season and much success in the New Year ahead!



Nova Scotia Government and General Employees Union 255 John Savage Avenue, Dartmouth, Nova Scotia, B3B 0J3 902.424.4063 | 1.877.556.7438 | nsgeu.ca | inquiry@nsgeu.ca Publication Mail Number 40010698

