

# Bill 2: The Public Services Sustainability Repeal Act

**March, 2022**



## **Template for Legislative Submissions on Bill 2: *The Public Services Sustainability Repeal Act***

This document is meant to assist unions in preparing legislative submissions and speaking notes about Bill 2: *The Public Services Sustainability Repeal Act*.

### **Background**

Despite opposition from Manitoba's unions, the Pallister government passed *The Public Services Sustainability Act* (PSSA) (also known as Bill 28) in 2017. The law undermined the collective bargaining rights of over 120,000 public sector workers in Manitoba by legislating wage freezes for the first two years of any newly bargained contract and limiting increases in years three and four to 0.75% and 1%.

Government unilaterally froze the wages of more than 120,000 hardworking public sector workers, like nurses, paramedics, health care aides, teachers, school bus drivers, custodians, group home staff, social workers, snowplow drivers, construction workers, plumbers, electricians and many more. These are the people who provide the services that Manitoba families count on every day.

The labour movement opposed passing the bill in the first place and has called for the PSSA to be repealed ever since it was passed into law.

In July 2017, a coalition of Manitoba unions with members who work in the public services impacted by the PSSA joined together to form the Partnership to Defend Public Services (PDPS) and challenge the PSSA in court.

While the Manitoba Court of Queen's Bench ruled in 2020 that the PSSA was unconstitutional, calling the law "Draconian," the Manitoba Court of Appeal overturned that decision in 2021 (The Court of Appeal upheld the lower court's decision on government interference in bargaining between the University of Manitoba and UMFA, the University of Manitoba Faculty Union in 2016).

The PDPS has asked the Supreme Court to give us an opportunity to appeal, as there are important matters of law regarding the Charter rights of workers to collective bargaining still to be settled. As Manitoba's Court of Queen's Bench and Court of Appeal issued drastically different rulings, we believe it is essential to have the law made clear for everyone by the Supreme Court.

The Stefanson government has so far opposed the PDPS' request for the Supreme Court to hear the case. In fact, they have cited their intention to repeal the PSSA (Bill 28) as a key reason for why they believe the Supreme Court should not hear our appeal.

## **Collective Bargaining Works**

In previous decisions, the Supreme Court of Canada has said that the right to collective bargaining is protected under the Charter of Rights and Freedoms. Collective bargaining works for several reasons.

Firstly, it requires workers to come together and prioritize things such as safer working conditions, fair wages and retirement plans, and then negotiate their narrowed-down list with their employer.

Secondly, collective bargaining requires compromise. Just as employers do not want to see their operations halted, workers do not want to see the services they provide affected, or the paycheques their families rely on disappear.

Lastly, the process provides stability for workers and employers through the life of the contract.

### **Main Messages:**

Manitoba's unions have been calling for this law to be repealed for over five years, so we are not here tonight to praise you for being late to the game. This harmful law has negatively impacted 120,000 working families, people who work hard every day to deliver the public services that we all count on, and it continues to harm workers even now.

In fact, tens of thousands of public sector workers still remain without a contract today because of the damage this law has caused.

***[Insert first-hand accounts of your union's experiences with the PSSA (Bill 28) and how it has impacted your members.]***

I know your government is looking to get some credit for taking steps to repeal a law you should have never passed in the first place – a law that each and every member of the PC Caucus voted to pass into law, including Premier Stefanson. But the fact is, your government's decisions have hurt working families. You have hurt the public services that we all rely on. And you have made a mess of the collective bargaining process in the public sector.

You need to do a whole lot more than just repeal this bad law to repair the damage you have done.

If the Stefanson government is serious about wanting to reset the relationship with workers and unions, you need to do two important things immediately.

Firstly, stop interfering in public sector bargaining, both through this law and through micro-managing what employers can bargain through restrictive mandates. It is shameful that tens of thousands of workers have been without a contract for years and years because of this government.

Secondly, make a clear and genuine commitment that the government will not oppose the PDPS' application to have the Supreme Court consider the constitutionality of your government's wage-freeze legislation. Let the highest court in the country decide if this law was unconstitutional or not.

We rely on dedicated Manitobans to deliver public services we all count on. The COVID-19 pandemic has only highlighted how important these workers and the services they provide are to all of us. And while your government has been calling them heroes, you haven't been treating them with respect.

Costs are going up across the board these days and it's getting harder for working families to keep up. You should be investing in the public services that keep life affordable, and the public sectors workers that we all count on.

We know that collective bargaining works when it is fair. It is a tried and tested process that allows workers and employers to reach fair deals that make sense for both sides. But it only works if government allows it to happen.

We urge you to stop Brian Pallister's approach, get out of the way of the collective bargaining process in the public sector, and get to work for working families.

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