

# Bill 3 The Public Service Act

**April 21, 2021**



### ***Bill 3: The Public Service Act***

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, made up of 30 affiliated unions and representing the interests of more than 100,000 unionized workers in our province. While there are some provisions in bill that make sense, the heart of Bill 3 is yet another attack on the people who provide critical provincial public services to Manitobans and we therefore urge the government to withdraw Bill 3.

I want to start off by saying that there are some parts of the bill which we agree with. The changes that highlight the values of public service and implement anti-harassment language and processes as they pertain to both the core public service and broader public service are measures that we support. These initiatives could be pursued and implemented separately from this bill, rather than being included in such a fundamental attack on collective bargaining rights of provincial civil servants.

There are problematic elements to this bill that would remove critical processes that allows civil servants and their employer to reach fair collective agreements without work stoppages that could impact services that Manitobans rely on. Currently, upon the request of the union or the employer, *The Civil Service Act* requires the appointment of an impartial, third-party arbitration panel to hear both sides and determine a settlement. This ability to engage in binding arbitration creates an incentive for both the employer and the union to negotiate in good faith, and to reach agreements that both sides can live with – rather than having one imposed by a third party, which one side may not like.

We do note that the Finance Minister had been refusing to appoint an arbitration panel, and was directed to do so recently by the Court of Queen's Bench. This ruling follows last summer's Court of Queen's Bench decision that struck down provincial wage-freeze legislation as unconstitutional, and which called that legislation "draconian."<sup>1</sup> When it comes to its attacks on workers' rights, this government has a low batting average in court. It makes us wonder why this government is choosing to spend more

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<sup>1</sup> Manitoba Federation of Labour et al v. The Government of Manitoba, 2020 MBQB 92 (CanLII), <<https://canlii.ca/t/j897q>>, retrieved on 2021-04-13. Para [426]

time and money on appealing the provincial wage-freeze decision.

Fairly bargaining contracts in good faith is in the interest of the employer (government), the dedicated public servants who are employed in the civil service, and it is good for all Manitobans. Inexplicably, this bill would eliminate this provision that has helped ensure successful collective bargaining for many years. Simply put, if it ain't broke, don't fix it.

Bill 3 also removes another long-standing tool to encourage harmonious labour relations. *The Civil Service Act* currently establishes a Joint Council – a forum where the government and the union and can get together on regular basis to discuss ongoing issues, to consult, to problem solve, and to work together to improve public services. Historically, Joint Council has been a venue for free and frank discussion and has helped strengthen the working relationship between the government and the MGEU. Manitobans know that the best way to work through differences is to discuss them, and try to find common ground and work towards solutions. It makes no sense to eliminate a tried and tested forum for the employer and employees to meet, discuss and solve problems together.

I want to end by saying that this government has consistently made decisions to impede collective bargaining, to attempt to strip away workers' rights, and to disregard the very real needs and priorities that working families have in this province. Funding cuts, privatization of services, wage freezes, and layoffs are not the answer as we face the unprecedented challenges of the COVID-19 crisis.

Manitobans are a fair-minded people, and we want employers and employees to work together to settle fair deals that are good for our economy. It is unfortunate that this government does not share that goal.

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