

# Bill 45 The Public Schools Amendment and MTS Amendment Act

**April 14, 2021**



## **Bill 45: *The Public Schools Amendment and Manitoba Teachers' Society Amendment Act***

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing the interests of more than 100,000 unionized workers in our province. The MFL has consistently opposed this government's attempts to interfere in free and fair collective bargaining for public sector workers in our province, and we will do so again here tonight.

We support the Manitoba Teachers' Society (MTS) and their concerns with this bill. As you know, in exchange for giving up the right to strike, Manitoba teachers have a guaranteed right to a fair, independent, and meaningful interest arbitration process. This right is set out in law. This bill would interfere in the binding arbitration process and threaten the collective bargaining rights of teachers.

I want to start off by thanking teachers and school support staff for their dedication to students throughout this pandemic. They have truly gone above and beyond for students, and working families and our province are better off because their efforts.

Like all workers, teachers have the right to meaningful collective bargaining with their employer. This right was affirmed last summer when the Court of Queen's Bench struck down this government's unconstitutional wage freeze legislation, referring to it as "draconian."<sup>1</sup> Imposing restrictions on the arbitration process for teachers is just another attempt by this government to interfere with free and fair collective bargaining.

This government's chronic underfunding of education, coupled with restrictions on the amount of funds that can be raised through property taxes, has weakened the revenue base for school divisions. Furthermore, it has put school divisions in the unenviable position of making tough choices about whether funds should be directed into student programming or towards staff. Since working conditions and learning conditions are inter-connected, funding one aspect while short-changing the other will negatively impact student outcomes.

In short, the "ability to pay" definition in this bill does not address the economic or fiscal capacities in the education system. Instead, it speaks to this government's willingness to pay, a willingness reflected in its ideological preference slash revenue available to schools, providing less resources than needed for students, teachers and school support staff.

This bill would potentially limit the salaries and benefits of teachers to the amounts pre-determined by a division/district's budget – a budget largely determined by the provincial government - before any collective bargaining has taken place. This would amount to

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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]

interference in the arbitration process as it would impose an obligation on the arbitration board to consider the willingness to pay.

We support the MTS in calling for the withdrawal of the obligation to take "ability to pay" into account. Otherwise, this provision would effectively remove teachers' right to meaningful collective bargaining and replace this right with the employers' ability to unilaterally impose salaries and working conditions under the guise of bargaining.

This government seems to have an obsession with suppressing workers' right to free and fair collective bargaining. The ability to pay clause in Bill 45 is just the latest in a string of attacks.

We also support the MTS in their concerns with the timeline of this bill coming into effect. Bill 45, as currently written, would effectively end local teacher collective bargaining upon its proclamation – possibly as early as June 1, 2021. This means that following proclamation, no collective bargaining will occur until the MTS and the government representative at a provincial table commence negotiations for a provincial collective agreement

Except for six collective agreements – Louis Riel, Pembina Trails, Beautiful Plains, South West Horizon and Frontier – the effect of Bill 45's proclamation would indefinitely freeze the terms and conditions of 31 teacher collective agreements from July 1, 2018 until succeeded by a provincial contract.

The commencement date of the provincial negotiations is unknown and given the complexity of blending 37 local collective agreements into one agreement, it is likely such a process will, in fact, take several years following the commencement of bargaining. Taking away the right to bargain from teachers, and simultaneously freezing the terms and conditions of their local collective agreements into place – the majority of which expired on June 30, 2018 – for an indefinite number of years would effectively eliminate teachers' right to use collective bargaining to address key employment issues.

Teachers do work that is of tremendous value to young people, working families, and our society as a whole. Like all workers, they deserve a meaningful collective bargaining process along with a fair and independent arbitration procedure, the Charter of Rights and Freedoms guarantees their right to such.

We echo the MTS' calls to amend Bill 45 by removing the "ability to pay" provision and making July 1, 2022 the effective date for the provincial collective agreement.

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