

# The Overturning of Bill 148

Public Services Sustainability Act

# Agenda

- 1) Introduction
- 2) History of Monetary Benefits
- 3) Declaration of Bill 148
- 4) BC Teachers Supreme Court Win
- 5) NS Supreme Court Decision
- 6) What Happens Now?

# When were you hired?

- Check in: what do you know about how your wages/compensation are determined?

# History

- Unions Service Awards –Negotiated in public service in mid 1970's to aid in retention and in lieu of a higher raise
- Still exists in Schedules 2, 3,& 4 of Collective Agreements
- Unfunded liability

# History – MacNeil’s War on Unions

August 22, 2015 – Public Services Sustainability Act

## **1) Imposes a non negotiated wage settlement**

**a) 0,0, 1, 1.5 +0.5**

b) Prohibits interest arbitrators from awarding rates of pay inconsistent with the four year restraint scheme

## **2) Uses Legislation to unilaterally remove longstanding articles from collective agreements.**

**a) Bye Bye Service Awards**

# Aftermath

- MacNeil government forced all public sector unions into collective agreements with wage increases set in stone
- Paid out service awards and discontinued them
- MacNeil sent sections of the bill to NS Supreme Court to check the constitutionality of the bill (initially he left out the wage theft sections out of the Court documents but added them in 2 months later bowing to public pressure) knowing he would be long gone when final decision rendered

Sept 6, 2015 - 8 Public Sector Unions banded together for “Party status” to present documents in the Supreme Court decision

# Tangent: 2002 BC Teachers Dispute

- In 2002, BC enacted legislation that unilaterally stripped language from teacher collective agreements
- Union argued using Section 2(d) of the Charter of Rights and Freedoms: The Freedom of Association strictly includes the right to unionize, strike, and bargain collectively.
- Supreme Court of Canada decision on November 10, 2016, which restored constitutional protection to teachers' collective bargaining rights, specifically regarding class size, class composition, and specialist staffing levels.
- *British Columbia Teachers' Federation v. British Columbia*, the Supreme Court found that the B.C. government violated the Canadian Charter of Rights and Freedoms. The Court ruled that governments cannot bypass good-faith negotiations to unilaterally legislate away negotiated contract provisions.

# Now:

## Supreme Court declared Bill 148 Unconstitutional

Justice Ann E. Smith ruled that the 2015 legislation substantially interfered with public sector workers' Charter rights to free and fair collective bargaining.

- Government and Unions given a one-year window to negotiate a resolution and remedies among themselves before Justice Smith determines them herself.
- This is precedent setting in Nova Scotia
- Government has not appealed the decision.

# Currently

- In 2021, Premier Tim Houston campaigned on a promise that Bill 148 should be null and void.
- Unions met with government prior to Court ruling to bargain
- Premier Tim Houston has acknowledged that remedying the impacts of the bill could cost the province upwards of \$300 million.

# Check the numbers

Year	Approximate Inflation Rate in NS	Raise
2014	2%	0
2015	1.1%	0
2016	0.3%	1%
2017	1.6%	1.5%
2018	2.3%	2%
2019	1.6%	2%
2020	0.3% but food and energy at 2%	0.5% (got a bit more when next agreement signed.)

# Service Award

- College Service Award equal to one percent (1%) of the Faculty Member's annual salary for each year of continuous service to a maximum of twenty-five (25) years.

# Question: How does any government go back and fix this mess?

- All Unions should work together to decide priorities – need coordinated effort
- Should Largest Unions go first in bargaining to set the base rates?
- Will service awards come back?
- Will the wage theft be remedied without killing current rounds of bargaining?

# Worrying point

- Will Houston avoid settlement and kick it back to Supreme Court?

# Make Your Voices Heard!



Contact your MLAs to demand action



Send your thoughts/ideas to your Union  
and to the Federation of Labour