

Canadian Merchant Service Guild Government Ships' Officers (GSO) Update – May 2015

Federal Budget Bill Violates GSO Collective Bargaining Rights

The omnibus budget implementation bill (Bill C-59) was tabled May 7th 2015. This bill attacks the collective bargaining rights of federal public service workers by overriding provisions of the *Public Service Labour Relations Act*, which governs collective bargaining in the federal public service.

The bill gives the Treasury Board President the power to:

- a) override existing terms and conditions and impose unilateral changes to sick leave provisions in federal public service collective agreements,
- b) introduce a future short-term disability plan, and,
- c) introduce unilateral changes to the existing long-term disability program.

C-59, will affect the future of collective bargaining. While this bill is still currently before parliament, once it is passed, it will give Treasury Board full authority to determine the amount of annual sick leave public servants will be entitled to and how the existing sick-leave banks will be eliminated.

In our February 2015 GSO Update on the Guild website, we explained the employer's appetite to eliminate sick leave banks and we highlighted how Bill C-4, a previous omnibus budget bill, dramatically changed the rules of collective bargaining.

Introducing Bill C-59 now is yet another attack on the labour movement in this country by authorizing the Treasury Board to modify collective agreements to remove sick leave and impose a short and long term disability plan outside of collective agreements. Our constitutional right to collectively bargain is being dismantled piece by piece. Bill C-59 not only circumvents the *Public Service Labour Relations Act* but also undermines the current collective bargaining that is ongoing.

The Parliamentary Budget Officer and Statistics Canada have refuted claims by the government that sick leave is abused or too costly. The federal government has not made a case for how eliminating the existing sick leave regime will make the public service a healthier place to work. The employer's proposal would force workers to choose between getting paid and going to work sick, which is unacceptable.

To briefly re-cap:

- The Government Ships' Officers (GSO) Collective Agreement for Guild Members employed by Coast Guard and DND expired at the end of March 2014.
- The previous (2014) omnibus Budget Bill C-4 changed the bargaining process to undermine union effectiveness in the following manner:
 - The employer now determines unilaterally whether strike or arbitration is used to settle an impasse reached at the bargaining table and ...
 - To ensure that the effectiveness of any strike is reduced dramatically, the employer now unilaterally designates which employees are essential and are required to continue working throughout a strike and to even be required to work overtime and to perform any other duties required during a strike.

The employer is required by the provisions introduced in Bill C-4 to officially notify the Guild and GSO's who occupy positions that are designated as essential to provide safety and security services to the Canadian public. This has been taking place over the past few months and 96% of GSO's are being designated as essential by the Treasury Board. These Members will not be permitted to engage in a strike in the event that the collective bargaining process was to ever reach a final impasse.

Due to bill C-4, there is no longer any recourse for the Guild or our Members if there is dissatisfaction regarding the number of employees who are designated as essential. GSO's are being required by the employer to sign individual letters acknowledging that they have been informed that they have been designated. There is no alternative to signing these letters and no recourse is available.

On January 30th, 2015 the Supreme Court of Canada issued a ruling that legislation similar to Bill C-4 that had been recently introduced in the Province of Saskatchewan is in fact illegal. The Court determined that it is a violation of the Charter of Rights to attempt to prevent effective collective bargaining by not providing for an impartial dispute resolution mechanism to solve an impasse in negotiations.

The federal Treasury Board has emphasized a strong appetite to delete paid sick leave provisions from the collective agreement and to offer a short-term disability plan through a private insurance company "outside the contract".

The employer's goal is to attempt to have the Guild agree to eliminate existing banks of unused sick leave so that Officers who are absent due to illness will be placed either on "leave without pay" for a number of days or will have their pay reduced. On the other hand, the objective of the Guild bargaining committee is to preserve the hard-won rights of Guild Members and negotiate an improved collective agreement that will make the public service a healthy and productive place to work.

The plan being proposed by the employer is a significant concession and does not improve sick leave provisions by closing the gaps in the current sick leave articles in our contract. Any plan that will financially penalize employees who are absent due to illness will encourage sick employees to report for work sick, which does not contribute to a healthy workplace, impedes recovery and puts co-workers at risk – which undermines the ability of our Members to deliver vital services to Canadians.

Sick leave provisions are a benefit we have negotiated and that are included in our collective agreement. Removing these provisions from our contract and depending on the employer and a third-party commercial company to administer sick leave is suspicious. Other "unrelated benefits" that apply to public service employees, but have been "outside" any public service collective agreements for many years, are already at risk of being "tampered with" by the employer.

The federal government has identified estimated savings of \$900 million dollars by eliminating sick leave banks but this figure does not stand up under careful scrutiny and a proper analysis has not been performed to address the risk of a short-term disability plan administered by a private insurance company outside the collective agreement actually costing more than the current sick leave provisions.

We are taking every available opportunity to aggressively oppose this legislation. Together with our affiliated unions, the Guild is contributing to a constitutional challenge of these patently unfair bills - based in part on the Saskatchewan Supreme Court decision. We have also filed a complaint at the International Labour Organization (ILO) in Geneva (document posted on Guild website) as these measures are contrary to international conventions that have been ratified by Canada. We are also seeking a court injunction to attempt to prevent portions of the most-recent legislation from coming into effect. The heads of all 18 federal unions (including the Guild) continue to meet frequently in Ottawa to determine strategies to counter the employer's efforts to undermine union effectiveness.

Bargaining is still in the early stages and GSO members will continue to be kept informed by bulletins. There is no significant progress to report from the most-recent round of negotiations which took place in February. No dates have been set for the next round of bargaining yet as the Guild Members on the bargaining committee have not been available on any of the dates being proposed so far by the employer.