

Public Services Sustainability Act December 2019



The law that is on the Books (Bill 28)

The Public Services Sustainability Act (PSSA), brought in by the Pallister government, is a law that fundamentally undermines collective bargaining rights in Manitoba. It is both unfair and unconstitutional, and that's why Manitoba's unions are challenging the Pallister government in court.

The PSSA unilaterally freezes the wages of more 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 PSSA completely disregards the right to free and fair collective bargaining by legislating that compensation be frozen for all public sector workers for two years, and then limiting any increases in years three and four to 0.75% and 1% respectively. This law has been passed by the Pallister government, it is on the books, and it has been having a negative impact on the collective bargaining process across the public sector.

The Pallister government is saying that a court challenge is premature because the law has not gone through the technicality of being proclaimed, but public-sector workers know it is having a negative impact on bargaining right now.

What's this I heard about Pallister wanting to change the law?

The Pallister government has desperately introduced some proposed amendments to the law in the Legislature twice now. The bill (known as Bill 9) is an attempt by the government to tinker around the edges of their bad, unconstitutional law, but the violation of collective bargaining rights for public sector workers is still in place.

These amendments would:

1. give more power to cabinet to pick and choose what happens with collective agreements;
2. allow the government to claw back pay increases that they feel are against the requirements of the PSSA; and
3. attack the independence of arbitration processes.

Bill 9 is the Pallister government's second attempt at passing these amendments. A few weeks before our court case began in November, they introduced the same minor amendments, and tried to get our trial delayed. But thanks to the NDP opposition, they were unsuccessful and our trial was able to proceed as planned.

The Manitoba NDP has said publicly that they will stand up for workers and delay the bill from becoming law for as long as they can.

Why does Pallister say this law is needed?

When they brought in the PSSA, the Pallister government claimed that Manitoba was facing a fiscal crisis. That wasn't true, and we have seen that the Pallister government has balanced the budget four years earlier than they said they would, according to the Auditor General of Manitoba.

The real reason this law was passed was to attack the rights of working Manitobans in the public sector, and limit their ability to bargain collectively with their employers.

Collective Bargaining is a Charter Right

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.

First, 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.

Now this process is under threat from the Pallister government, which has unilaterally decided to use the heavy hand of legislation to freeze compensation rather than come to the bargaining table to hammer out a fair deal.

The Partnership to Defend Public Services

A coalition has been formed to fight back against the PSSA. More than two dozen public sector unions and labour bodies, representing over 110,000 public sector workers in Manitoba, have joined together to create the Partnership to Defend Public Services (PDPS), and are

challenging Pallister's law in court.

Public sector unions are already feeling the constraining effects of the law at the bargaining table, as employers say they are unable to bargain outside the handcuffs of the law.

The PDPS has launched a full challenge to the constitutional validity of the law.

The legal challenge is expected to take considerable time, but Manitoba's unions are committed to defending the Charter right of workers to free and fair collective bargaining. The court case begins on November 18, 2019.

The Partnership to Defend Public Services

represents more than 110,000 workers who are members of: AESES, CUPE, General Teamsters Local 979, IBEW 2034, IBEW 2085, IBEW 435, Operating Engineers of Manitoba Local 987, LALA, MAHCP, MGEU, MNU, MTS, PIPSC, UA Local 254, PSAC, UFCW 832, UMFA, UNIFOR, USW 7106, USW 7975, USW 8223, USW 9074, UWFA, WAPSO IFPTE Local 162, BUFA, IATSE Local 63, UBC Local 1515, PCAM, and the MFL.

