

# Bill 2 The Public Services Sustainability Repeal Act

**May, 2022**



## ***Bill 2: The Public Services Sustainability Repeal Act***

The Manitoba Federation of Labour (MFL) is Manitoba's central labour body, representing some 30 affiliated unions and the interests of more than 125,000 unionized workers. Manitoba's unions have stood in opposition to the *Public Services Sustainability Act* (PSSA) since it was first introduced as Bill 28 in the spring of 2017.

Since your government was elected, we were clear with you that Manitoba could balance the budget along your government's stated eight-year timeline without interfering in the collective bargaining process and unilaterally freezing the wages of over 120,000 dedicated and hardworking Manitobans. And we were clear with Brian Pallister and the rest of you from day one that this law should be repealed, or better yet, that it should have never been introduced in the first place.

So, I am not here tonight to praise you for being late to the game. At a time when Manitobans are working hard, but finding it harder and harder to get ahead, you have deliberately stood in the way of public-sector workers as they tried to bargain fair contracts with their employers. These are people who have to feed their kids, pay their rent or mortgage, pay taxes, and spend money in the local economy just like any other Manitoban. I know your government is looking to get some credit for taking steps to repeal a law you should have never passed in the first place – a law that each and every member of the PC Caucus voted for, including Premier Stefanson.

The fact is: your government's decisions have hurt working families. You have hurt the public services that we all rely on. And you have made a mess of the collective bargaining process in the public sector. You, all of you, unilaterally froze the wages of nurses, paramedics, health

care aides, teachers, school bus drivers, school custodians, group home staff, social workers, snowplow drivers, construction workers, plumbers, electricians and many others.

The PSSA has negatively impacted 120,000 working families, people who work hard every day to deliver the public services that we all count on. And it continues to harm workers even now, at a time when working families are seeing sharp increases at the pumps, at the grocery store, and in the price of basically everything else we need to live, work, and raise a family.

To protect the right to collective bargaining, in July 2017, a coalition of Manitoba unions with members who work in the public services impacted by the PSSA joined together to form the Partnership to Defend Public Services (PDPS) and challenge the PSSA in court. While the Manitoba Court of Queen's Bench ruled in 2020 that the PSSA was unconstitutional, calling the law "Draconian," the Manitoba Court of Appeal overturned that decision in 2021.

Through the strength and solidarity of working people, since our initial victory at the Court of Queen's Bench Manitoba's unions have been able to settle over 80 collective agreements above the terms of the PSSA through a combination of strikes, binding arbitrations, and negotiations. But even today, five years later, tens of thousands of public sector workers are working under expired contracts because of the mess that this law and your government have caused to the collective bargaining process in our province.

These are the people who provide the services that Manitoba families count on every day. They are people who we have relied on throughout the COVID-19 pandemic, who you all said were heroes. And yet, while you were publicly calling them heroes, you froze their wages and ripped up their right to collectively bargain fair contracts with their employers. We all know that actions speak louder than words. And you have failed to actually stand up and support working families in this province.

In previous decisions, the Supreme Court of Canada has said that the right to collective bargaining is protected under the Charter of Rights and Freedoms. As we have said all along, the right to collective bargaining is the right to a process, not to the outcome of an agreement. And that's fine because bargaining is what we do – we believe in it and we know it works when the process is fair. And collective bargaining works for several reasons.

First, it requires workers to come together and prioritize things such as benefits, safer working conditions, fair wages, or 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.

All along, we have said that we want this law off the books, and for government to get out of the way and let workers and employers bargain. Because it is a process that works when it is allowed to work, free from government interference.

As you know, the Partnership to Defend Public Services has asked the Supreme Court to give us an opportunity to hear our appeal of the Manitoba Court of Appeal decision, as there are important matters of law regarding the Charter rights of workers to collective bargaining still to be settled. As Manitoba's Court of Queen's Bench and Court of Appeal issued drastically different rulings, we believe it is essential to have the law made clear for everyone by the Supreme Court.

If you are actually interested in anything other than following in Brian Pallister's footsteps, to repair the damage you have done, you need to do a whole lot more than just repeal this law. If the Stefanson government is serious about wanting to reset the relationship with workers and unions, you need to do two important things immediately.

First, stop interfering in public sector bargaining, both through this law and through micro-managing what employers can bargain through restrictive mandates. It is shameful that tens of thousands of workers have been without a contract for years because of this government. You should make it a priority to ensure these outstanding contracts are settled fairly.

Second, withdraw your opposition to the PDPS' application to have the Supreme Court consider the constitutionality of your government's wage-freeze legislation. Let the highest court in the country decide if this law was unconstitutional or not. You can't pretend that repealing this is about resetting the relationship while you are also trying to prevent the Supreme Court from hearing our case.

The COVID-19 pandemic has only highlighted how important public-sector workers and the services they provide are, and they are important to all of us. Despite your government calling these workers heroes, you haven't been treating them with respect. Costs are going up across the board these days and it's getting harder for working families to keep up. You should be investing in the public services that keep life affordable, and the public sector workers that we all count on.

We know that collective bargaining works when it is fair. It is a tried and tested process that allows workers and employers to reach fair deals that make sense for both sides. But it only works if government allows it to happen freely and fairly. We urge you to get out of the way

of the collective bargaining process in the public sector. Let the people who know their workplaces best come together and hammer out fair deals that both sides can live with.

The PSSA should never have been introduced in the first place. Simply repealing it now will not undo all the damage you have caused to working families in our province. In order to start making a difference in the lives of working people, you need to take concrete and meaningful steps like the ones I have outlined tonight. It is time for your government to start working for working families.

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