

THE CONSERVATIVE ATTACK

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The Conservative government of Stephen Harper is launching an all-out attack on the collective rights and working conditions of federal public servants that will have devastating and long-term effects on members of UCCO-SACC-CSN. This is the first in a series of flyers that will detail the nature and impact of this anti-union offensive. In Bill C-4 and other legislative measures, the government is reversing decades of progress in an effort to take Canada back to the dark ages of labour relations. UCCO-SACC-CSN fought hard over the past 14 years to improve our working conditions. More than ever, we must again mobilize to protect our gains and to secure our future.

Bill C-4: an attack on collective bargaining rights

What the bill contains and how it will affect us

Dispute-resolution during bargaining impasse

- The right to choose a negotiating method is eliminated; we will now be forced to binding arbitration because we are 100% designated as an essential service. Conciliation via a Public Interest Commission will no longer be an option.
- Instead of five factors that must be considered by an arbitrator determining appropriate compensation levels and other terms and conditions, Bill C-4 introduces only two primary factors: (1) the necessity of attracting competent persons to, and retaining them in, the public service; and (2) Canada's fiscal circumstances relative to its stated budgetary policies.

These changes will force the government's economic agenda onto negotiating tables, heavily favouring the employer. This will restrict our ability to bargain for specific items exclusive to correctional officers – pensions, seniority, schedules and so on – as we have in past negotiations.

What's more, an arbitration board could also be directed to review its award if the government determines that the previously mentioned factors were not properly applied. This destroys the principles underlying collective bargaining by concentrating power in the employer's hands.

Policy grievances

- It will no longer be possible to present policy grievances if the enforcement could have been sought by an individual grievance.
- Nor will we be able to submit a policy grievance on the application or interpretation of the collective agreement; only to enforce an obligation arising from the latter.
- An adjudicator's power to award corrective measures will be restricted. The adjudicator can only declare a correct interpretation, application or administration of the collective agreement.
- Adjudicators will no longer have the power to retroactivity apply their decision.

These changes appear to be intended to limit employer liability.

Miscellaneous

- Federal public-service workers will no longer have access to the Canadian Human Rights Commission and Tribunal over workplace discrimination complaints; they will instead have to file their complaint directly with their employer.
- Adjudicators will be able to dismiss grievances if they consider them trivial, frivolous, vexatious or made in bad faith.
- The costs of adjudication hearings will be divided in equal parts between the employer and the union, a measure that will financially limit the ability of unions to defend their members and create incentives to prematurely settle grievances.

These major changes to the Public Service Labour Relations Act (PSLRA) will have a major impact on labour relations in the federal public service. The Conservatives are dismantling a long-established and functioning process of collective bargaining in the Canadian federal public service. These changes are hidden in a 308-page omnibus budget implementation bill, but have nothing at all to do with the budget. Neither, it goes without saying, were there any consultations with federal public-service unions.

The government plans on pushing this bill through the House of Commons by the end of November. If passed, it will radically change the way we negotiate our collective agreement. UCCO-SACC-CSN has strongly established that the work we do is unique in the federal public service; work that requires unique provisions in our collective agreement.

This legislation will drastically limit our ability to win provisions that apply to our work environment. Indeed, it is an attempt to silence us. We encourage you to take the time to contact your local MP and convey your opposition to this undemocratic bill, which will have a dangerous impact on you and your family.

