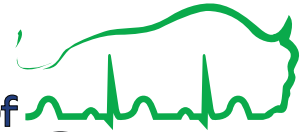


NEWS

Manitoba Association of

HEALTHCARE



June 2018

Professionals

Court hears arguments for, against Bill 28 injunction

Bernice Pontanilla,
Communications Officer

Lawyers for the Pallister government and the Partnership to Defend Public Services, of which MAHCP is a member, squared off recently over an injunction request regarding Bill 28.

As a quick recap, the Pallister government introduced the Public Services Sustainability Act, also known as Bill 28, which would impose a four-year wage cap for all unionized public-sector workers. This cap is zero increase in years one and two, 0.75% in year three and 1% in year four.

Unions affected by this cap joined forces in the summer of 2017 to create the Partnership to Defend Public Services and filed an injunction and a statement of claim on Bill 28.

It took several months, but hearings for the injunction were held on May 29 and 30 before Justice James Edmond.

Mere minutes into the hearing, Justice Edmond ruled that the request for the injunction on Bill 28 is not frivolous or vexatious, and allowed the hearing to continue.

Garth Smorang of Myers LLP, lawyer for the Partnership, argued that this case is about working people and the importance of the collective bargaining process. He also added that Bill 28 amounted to substantial interference.



MAHCP Executive Council members Shelley Kowalchuk, Margrét Thomas and President Bob Moroz at the MFL's Rally for Public Services on Sunday, May 27, 2018. Photo by Bernice Pontanilla

That term also came up on Wednesday when Pallister government lawyer Heather Leonoff argued before the judge that governments have the right to set their own policy and can legislate "up to the point of substantial interference."

"It is a high bar that my friends must meet," she added. "We are talking about a handful of cases in Canadian history."

Leonoff did state that the Pallister government would not proclaim Bill 28 until Justice Edmond delivered his decision on the injunction, which is expected in July.

Jake Giesbrecht, MAHCP Legal Counsel, said the

government is trying to interfere with the affairs of employers and workers in Manitoba by imposing legislative restrictions on collective bargaining.

"The Court will evaluate this legislation in the context of the Canadian Charter of Rights and Freedoms that provides Canadian workers, through their unions, the freedom to engage in collective bargaining," he added.

"If the government has gone too far in its restriction of that freedom, the Court will hopefully do what it is empowered to do and impose an injunction against the implementation of the legislation."