

NEWS

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Professionals

MAHCP vows to fight on despite injunction decision

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Manitoba unions representing public sector workers are vowing to fight on after a Court of Queen's Bench judge dismissed their request for an injunction to the Pallister government's wage-mandating Bill 28.

Hearings for the injunction to Bill 28: The Public Services Sustainability Act (PSSA), took place on May 29 and 30, 2018, with lawyers for the Partnership to Defend Public Services – made up of dozens of unions including MAHCP – squaring off with lawyers representing the Pallister government.

Bill 28 would impose a four-year wage cap for all unionized public-sector workers of zero increases in years one and two, 0.75% in year three and 1% in year four.

On July 20, Justice James Edmond made public his decision, stating that "In balancing the three-stage test for granting an interlocutory injunction and/or a stay or suspension of the PSSA pending a full trial to determine the constitutionality of the legislation, I am not satisfied that an injunction or stay should be granted. I find that there is a serious question to be tried and that there is a prospect that the plaintiffs will



suffer irreparable harm if no injunction or stay is granted. However, in assessing the relative risks of harm to the parties from granting or withholding interlocutory relief, the balance of convenience and the public interest weigh heavily against granting an injunction or a stay in this case."

In other words, Justice Edmond preferred not to wade into the debate over this bill's constitutionality and therefore did not grant the injunction.

More favourably, Justice Edmond did state that the case on the constitutionality of the law "will proceed on an expedited basis" and lawyers should come to the Aug. 31 case conference "ready to schedule the trial at that time."

MAHCP President Bob Moroz said that while the decision is

disappointing, "we will continue to stand shoulder-to-shoulder with our fellow unions in the fight to challenge the constitutionality of this law."

Jake Giesbrecht, MAHCP's Legal Counsel, said interim injunctions are difficult to obtain and hardly ever granted by the courts, so it's not surprising that the PDPS was not successful in this case.

"However, in light of the aggressive actions taken by this government against unionized workers, it is incumbent on us to do everything at the union's disposal to strongly represent our membership," he added. "That is what unions in the health care sector did in pursuing the injunction. That representation will continue as this case proceeds to the trial."