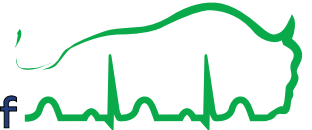


NEWS

Manitoba Association of
HEALTHCARE



September 2017

Professionals



MAHCP President Bob Moroz (back row, second from right) listens as Manitoba Federation of Labour President Kevin Rebeck (at podium) is interviewed by reporters during the July 4 Partnership to Defend Public Services press conference.

Photo by Bernice Pontanilla

Unions challenge wage bill in court

Bernice Pontanilla, Communications Officer

Manitoba's allied health workers continue to face an uncertain future that may, in fact, be decided in court.

This past summer, the Manitoba Association of Health Care Professionals joined more than 25 other unions, locals and the MFL to form the Partnership to Defend Public Services.

The Partnership's first course of action was to file an injunction and statement of claim against the Pallister Government's proposed Bill 28: The Public Services Sustainability Act (PSSA). This bill, which has not yet been proclaimed, would establish a four-year wage cap for all unionized public-sector workers.

On July 4, MAHCP President Bob Moroz stood with a couple dozen other union leaders as Kevin Rebeck, president of the

Manitoba Federation of Labour, explained to reporters why the move was necessary.

Rebeck said that for months public-sector unions (including MAHCP) made every effort to engage in a constructive way with government officials, but the process was not productive because these officials refused to answer any questions including those about their basic objectives or financial assumptions, provided no feedback on proposals brought forward by the unions, and made no amendments to Bill 28, despite numerous concerns raised by labour at the committee hearings.

Moroz, who shared his concerns about Bill 28 at the May 8 committee hearing, said MAHCP had no choice but to stand with fellow public-sector unions.

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Status of Lawsuit

Public sector unions filed a statement of claim in the Manitoba Court of Queen's Bench on July 4, 2017. The government has not filed a defense to the claim. At this time, there is no court date set to hear any aspect of the claim.

What the Unions are Seeking

The claim filed by the unions is for:

- an injunction prohibiting the Manitoba Government from proclaiming The Public Services Sustainability Act, S.M. 2017, c. 24 (the "PSSA") into force;
- a declaration that Manitoba Government violated the Canadian Charter of Rights and Freedoms by failing to give public sector unions an opportunity to engage in a timely, good faith process of negotiation and meaningful consultation and ultimately in a fair collective bargaining process with their respective employers;
- an order for compensation and damages for all losses incurred by employees affected by the PSSA as a result of the violation of Charter rights and freedoms, including damages for employees who have been required to forego compensation as a result of the PSSA

-Jake Giesbrecht, MAHCP Legal Counsel

Unions challenge wage bill in court *(cont'd from page 1)*

"Bill 28 undermines the process of meaningful, good-faith bargaining by preventing public-sector unions from negotiating the terms of conditions of employment for public-sector workers," said Moroz. "This is a right that we at MAHCP and as a union take seriously and are prepared to defend."

Jake Giesbrecht, MAHCP's legal counsel, said the reason for the lawsuit is that the government is attempting to deprive unions (and the Manitoba citizens they represent) of legal rights that they have relied on for many years.

Collective bargaining between unions and employers in Manitoba is governed by the

Labour Relations Act ("LRA"), which requires parties to bargain in good faith, and to make every reasonable effort to conclude and sign a collective agreement.

"Once an agreement is tentatively reached between the parties at the bargaining table, the LRA mandates a democratic and fair process by which employees vote by secret ballot to accept or reject the proposed collective agreement," said Giesbrecht. "The Manitoba Labour Board oversees the operation of the LRA and to intervene, when necessary, to ensure that the Act is complied with by employers and unions in Manitoba."

Giesbrecht said when the government enacted the PSSA, it changed the law so as to remove some of the rights to a fair and democratic process of bargaining

under the LRA. The PSSA imposes a four-year "Sustainability Period" during which time rates of pay increases are limited to 0% in the first 12-month period; 0% in the second 12-month period; 0.75% in the third 12-month period; and 1.0% in the fourth 12-month period. The PSSA prohibits a collective agreement or interest arbitration decision from varying these rates of pay during the Sustainability Period.

"Public sector unions feel that their rights to a fair and democratic process for collective bargaining is protected by the Canadian Constitution," he added. "By bringing the suit against the government, public sector unions in Manitoba are asking the courts to uphold the law of Canada and to strike down the provisions of the PSSA that violate the Charter."

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