



PS union files labour complaint over Conservatives' sick-leave changes

Kathryn May, *The Ottawa Citizen*, July 11, 2014

The Conservative government could face a barrage of unfair labour practices complaints for charging ahead with a new short-term disability plan to replace public servants' existing sick leave scheme.

The giant Public Service Alliance of Canada was the first of the 17 unions to wade in with a formal bad faith bargaining complaint against the government for sending "misleading and false" communications to employees that it was introducing a short-term disability plan as the centrepiece of a new "wellness and productivity" strategy.

PSAC is the largest of the federal unions that have all pledged to present a unified front in current contract bargaining against a new disability plan that could claw back existing sick leave benefits. PSAC had no sooner filed its complaint when other unions initiated plans to do the same.

Shannon Bittman, vice-president of the Professional Institute of the Public Service of Canada, said the union is filing its own complaint with the Public Service Labour Relations Board on Friday and expects other unions will do the same.

The complaints are the first salvo in what is expected to be a tense round of collective bargaining since the Conservatives introduced sweeping new rules in 2013 that blunt the unions' bargaining clout. Unions argue that enforcing the government's duty to bargain in good faith is one of the few tools left in their arsenal since the government changed the rules.

"Our position has remained consistent, we will work with the bargaining agents, at the negotiating table, to reach an agreement that is fair and reasonable to both taxpayers and employees," said Treasury Board President Tony Clement, whose department is negotiating the new deal.

"We hope to see the PSLRB interpret the legal concept of good faith in an outcome that is equitable to all parties."

The unions have complained for months that the government has presented the short-term disability plan as a fait accompli and only details like the number of sick days remain to be negotiated at the table.

They complained about communiqués posted on websites, letters sent directly to employees in May and then the “consultations” that Treasury Board recently invited unions to attend to help design details of the plan before it seeks bids from the insurance industry to manage it.

Clement further inflamed unions this week — in the midst of contract talks with PSAC — when he said unions “spurned” his “olive branch” by rejecting his invitation to the consultations.

“The (government’s) messages have all been extensions of the same theme: ‘There is no point in discussing sick leave because our mind is made up,’ ” said Ron Cochrane, co-chair of the labour — management National Joint Council.

A bad faith complaint is typically based on what’s said at the bargaining table but Clement’s public remarks, which seemed to close the door on any meaningful discussion of sick leave, will be part of the grounds for the PIPSC complaint, said Bittman.

“If it was said away from the bargaining table, the case is harder to make except that the speaker happens to be the boss of the negotiator, so either way I think the minister may have made a crucial error in the opening round of negotiations,” said Cochrane.

The unions argue a new short-term disability plan is unnecessary and they want to negotiate improvements to the existing system.

In its complaint, PSAC alleges the mass communications to employees since May clearly stated the government was in the process of implementing the “wellness strategy” that included the new disability plan, “giving the impression these terms and conditions of employment are a fait accompli rather than a bargaining proposal.”

Chris Aylward, PSAC’s vice-president, said the union asked the government to stop sending these letters but that wasn’t done. The complaint argues the emails and other communications were “false and misleading,” violating the duty to bargain in good faith and interfering with the union’s representation of its members.