

Clement rejects public service unions' proposal to work together on labour law reforms

By Kathryn May, OTTAWA CITIZEN November 13, 2013



Robyn Benson, president of the Public Service Alliance of Canada, recently met with Treasury Board President Tony Clement to present a counter-proposal to the Conservatives' proposed amendments to the Public Service Labour Relations Act. Clement rejected it out of hand, she said. Photograph by: Jean Levac, Ottawa Citizen/Postmedia News

OTTAWA — Canada's 17 federal unions are resigned to the fact that they can't stop the Conservatives' proposed labour law changes and are shifting their protest to a long-term strategy of undoing the reforms that will drastically weaken unions and their bargaining power.

Robyn Benson, president of the Public Service Alliance of Canada, recently met with Treasury Board President Tony Clement on behalf of all the unions to present a counter-proposal to the amendments to the Public Service Labour Relations Act introduced in the omnibus budget bill. She said Clement rejected it out of hand.

In her blog, Benson said the meeting was "little more than being on the receiving end of a government fait accompli."

Benson said Clement would brook no compromise on the four issues she raised — including a request that he stop insulting public servants and treat them more respectfully and stop calling labour leaders “union bosses.”

“I call him minister or Mr. Clement,” she said, “but he said he was just being flowery.”

“We didn’t raise voices or anything. It was a civil meeting but it’s very clear they have no intention of consulting with us nor would they ever,” she said.

An appeal to Clement to withdraw the changes from the budget bill and instead consult with them on new legislation was the first step in the unions’ strategy. They are looking for a labour regime patterned after the Canada Labour Code, which governs the private sector, and argued that any changes to the labour relations act since its passage in 1967 were made after consultations with all stakeholders.

But most labour leaders privately admit they held little hope that Clement — a strong supporter of the various anti-labour resolutions at the Conservative convention in Calgary earlier this month — would change his mind.

In fact, shortly after the meeting Clement tweeted that Benson wanted “co-governance with Parliament. Takes ‘union boss’ to a whole new level.”

“I didn’t say any such thing, of course,” wrote Benson. “I ... stressed the idea of consultation — working with the employer to resolve problems together. But Clement is not a person who places much stock in co-operation. And after our meeting, lacking even a veneer of professionalism, he proceeded to misrepresent and name-call on Twitter.”

When contacted, Clement’s office said the minister doesn’t comment on private meetings.

With “the door closed on consultation,” Benson said unions will now shift their short-term strategy to lobbying MPs and explaining the implications of the changes, which rewrite 50 years of collective bargaining in the public service.

The reforms effectively put the government in the driver’s seat when determining which unions get to strike and which ones go to arbitration to resolve any contract disputes. They also give the government the exclusive right to decide which workers are essential and can’t strike. Changes also reduce the independence of arbitrators and ensure they base their awards on the government’s budgetary priorities.

At the same time, PSAC and other unions are holding a series of public meetings and telephone town halls across the country to explain to public servants what the changes mean for them. A series of meetings is being held in Ottawa and Gatineau this week.

They are also planning their strategy for collective bargaining next year. Longer term, they are developing plans for the 2015 federal election campaign as well as how they might undo the legislation down the road.

In the past, PSAC targeted federal candidates in some ridings, but Benson said her approach will be to inform members of the issues, where the parties stand and encourage them to get out and vote.

Another possibility is a constitutional challenge of the law.

“We will have a multi-prong approach,” said Lisa Blais, president of the Association of Justice Counsel. “We will do what we can now, but we’re all mindful time is not on our side and we are dealing with a government that has a majority that is using a confidence bill to embed sweeping changes that have nothing to do with the budget. We will do what we can. We’re playing the long game.”

Benson said Clement wants his reforms in place by Christmas, before collective bargaining begins next year. This round was shaping up to be a potentially explosive standoff over Clement’s demands to replace sick leave with a short-term disability plan, but it’s unclear how it will play out under the new rules, which effectively strip unions of their bargaining clout.

The PSAC has been the most outspoken so far, refusing to make any concessions for sick leave. Benson said she reiterated that position in her meeting with Clement. All the unions are expected to take a similar stance when bargaining begins and will press to fix problems with the existing sick leave and disability regime rather than replace it.

The unions are gearing for an all-out fight. Along with the changes to the labour relations act, they’re braced for more legislation that will weaken all unions, including right-to-work legislation and a push to abolish the Rand formula, which allows unions to collect dues from workers they represent whether those workers join the union or not.

It has left some leaders rethinking their role beyond collective bargaining and how to better connect to their members.

The Professional Institute of the Public Service of Canada, the second-largest union, passed a special resolution at its annual meeting in Ottawa last week to “apply all necessary resources” to protect public services for Canadians and bargaining rights for public servants. Delegates also approved a \$7 a month dues increase and a new “Working Together” campaign to better connect the union to grassroots members.

Former Parliamentary budget officer Kevin Page told the same meeting that unions have an opportunity to tap into their base and uphold the values of transparency, openness and accountability for a “ground-up” reform of the public service.

Blais said Clement’s denigration of the public service seems to be working to the unions’ advantage. Public servants are normally an apathetic bunch, but she said they seem united against what they see as swipes Clement takes at them when he talks about reforming sick leave and performance management, leaving the impression public servants are lazy, overpaid and not productive enough.

“You never know what is around the corner with (Clement) and his government ... There used to be mutual respect for each other’s role even when relations didn’t work but that’s gone by the wayside and I think that’s at the government’s own peril,” Blais said. “We feel the heat now, but if the government keeps attacking its own, I think there will consequences to pay, whether internally or services to Canadians. There will be a toll.”