

PS unions fear Conservatives will trigger strike to win election

By Elizabeth Thompson, iPolitics, September 8, 2014

Canada's federal public service unions are bracing for tough contract talks, concerned that Prime Minister Stephen Harper's government will attempt to provoke a confrontation or even a strike as part of its re-election strategy.

At the same time, at least one union is hoping to take advantage of the election and is reaching out to leaders of the federal parties in an effort to get its issues on their radar in the upcoming election campaign.

As unions representing tens-of-thousands of federal public servants prepare to get serious this fall about renegotiating contracts, union leaders are hoping for the best but admit they are bracing for the worst.

→ "I can tell you from meeting with the bargaining agent heads that there is some thought that the government is not in any big hurry to move things along because any big sticking points, they would like to be able to use politically in the election," said Len MacKay, president of the 2,700 member Association of Justice Counsel (AJC) which represents federal government lawyers.

"So, if they want to point to the unions as holding out for these golden benefits that they have, that they want to be able to use that in their campaign."

Claude Poirier, president of the 12,000-member Canadian Association of Professional Employees (CAPE) says he suspects the government may use next spring's budget to trigger a confrontation with public servants.

"If I had my choice, I would prefer to negotiate with another government but I don't think they will wait that late. If the election is in October of 2015, they won't wait that long to provoke something."

However, Debi Daviau, president of the Professional Institute of the Public Service of Canada which counts more than 51,000 members, suggested public sector union-bashing to win an election could backfire on the government.

“From the start it has been a constant attack on the public service but I guess what is hopeful is that the Canadian public seems to be getting a little bit sick of this approach and hopefully that will result in lower numbers in the polls for the Conservative government.”

While Daviau expects the government to try to use the contract talks to boost its election chances, she said her union is hoping to leverage the election as well.

“Although PIPSC doesn’t intend to get partisan – we’ve always been non-partisan – we do intend to be far more politically active on the issues that are affecting our members and getting the word out to our members about the positions of parties on those issues.”

“So we will definitely be seeking positions and commitments from parties in the run up to the next federal election that will benefit our membership as a whole and we earnestly believe that when you benefit professional public servants, you benefit the country.”

However, Daviau said she is expecting tough bargaining regardless of who forms the next government.

“No government is going to hand us our terms and conditions on a silver platter. We’re going to have to fight for it no matter who is in play.”

Collective agreements for most unionized public servants expired in recent months. Most of those that remain in effect are due to expire by the end of the year.

Talks are off to a slow start, in part because the government has not yet tipped its hand on a couple of fronts. Most departments have not revealed which jobs they plan to designate as “essential” in the event of a strike or job action and while some negotiators have had informal conversations, unions have still not received the details of its plan to overhaul the public service’s system of sick days.

Treasury Board President Tony Clement wants to replace the existing system of bankable sick days with a smaller number of sick days coupled with a short-term disability plan.

Public service unions have vowed to work together to fight Clement’s plan. While each union will still bargain separately, they are sharing things like research and information.

Also new this time is the government’s decision to arbitrarily change the rules surrounding essential services and arbitration – making it harder for the unions to exert pressure on the government. According to guidelines posted recently on the Treasury Board’s website, the government and departmental managers have “the exclusive right” to designate jobs that will be considered essential and “may exercise the right to designate at any time.”

However, most unions have not yet been provided with the list of which positions the government plans to designate as essential.

“Most of our groups are still waiting on those, so we are very hesitant to go to the table without those in place,” explained Daviau. “Technically, you need to know if 80 per cent or 5 per cent of your groups are designated as essential services in the event of a strike.”

Larry Rousseau, executive vice-president for the National Capital Region for the 170,000-member Public Service Alliance of Canada, said PSAC is also waiting to see which positions will be designated as essential. It is already preparing to challenge what it sees as an attempt by the government to change the nature of what is considered an essential service, an attempt that he said is open to abuse.

“We are going to challenge it in any way we can and those legal avenues will be open and of course we are going to be asking the courts to interpret that because we believe that it goes against our ability to represent.”

Some union leaders say the government’s decision to change the rules on essential services and arbitration leaves unions few options outside of strikes or job action if they can’t reach a deal.

“They have taken arbitration away from most of the groups that usually want to arbitrate and they have take the strike away from the folks who were most likely going to strike,” explained MacKay. “So virtually all the bargaining agents have lost their preferred leverage.”

“If we can’t reach an agreement, the only option we have now is job action so we seriously have to look at that,” he later added.

Poirier said his union tends to opt for arbitration. If the only option left is non-binding conciliation, the result may be a strike, he said.

“The employer himself is trying to push us to go to a strike.”

Rousseau, however, is taking one step at a time – focusing on the bargaining that resumes for his union this week rather than the possibility of the Conservative government provoking a showdown with unions to boost its re-election chances.

“It may be a concern but it is not taking our focus from the fact that the only place we are going to get a collective agreement for our members is at the table.... The rest is a lot of noise at this point, as far as we’re concerned.”