

Trade union rights denied

by Ron Stockton

Before the early 1970's, Nova Scotia's provincial government employees deserved their traditional image, that of passive "Civil Servants". Until then they had accepted, with hardly a murmur, long-standing legal restrictions on some of their most basic rights, including the right to strike.

Their trade union, the Nova Scotia Government Employee's Association (NSGEA), had begun as a pure and simple company union. Founded under government tutelage in 1956, it soon adopted the slogan "Let's work it out"; its leaders, often supervisors who abhorred trade unionism, promoted servility.

In 1973 came the first winds of change, when the nurses at Halifax's Victoria General Hospital, still denied the right to strike, resigned to protest a government wage offer. Then early in 1975, Halifax's Medical Technicians staged a resignation/strike lasting six weeks. The wave of trade unionism sweeping Canada's public employee's organizations had reached Nova Scotia. Their old image was on its way out.

A new demand surfaced—full trade union rights for provincial employees. Despite weak NSGEA leadership, the pressure for new Civil Service legislation grew.

Eventually, in February 1978, the N.S. government had to deal with the issue, though they still couldn't face it squarely. Regan's Liberals came up with what some government workers properly called, "The Civil Slave Act."

Opposing the Legislation

It fell far short of granting the full trade union rights the workers had been looking for. The NSGEA's leadership called the new bill a "straight jacket," promising to fight it "with every available weapon." Trade union leaders across Canada called it



NSGEA members outside Nova Scotia's Province House last spring. The sign says Kill the Bill.

the most regressive piece of labour legislation in the country. More than 500 NSGEA members came to Halifax and stormed around the legislature, chanting "Kill the Bill."

The Liberals withdrew the legislation "for amendments," but vowed to stick with the anti-labour slant of its basic provisions. The NSGEA's leaders replied that the bill was so bad it couldn't be amended. Scrap it, they said, and start again. Confrontation seemed certain.

But then, in a startling move which caught the NSGEA's members by surprise and undercut the growing protest, the association's leaders turned into accommodating diplomats. "We

can live without the right to strike," they said, and they agreed to join the amending process they'd already said couldn't work.

The new act's legislative approval suddenly became anticlimactic. The bill, in its barely-amended form, was made law on May 5.

What the bill does to worker's rights

It saddles provincial government workers with an almost unreal list of restrictions, including:

- A new three-person Civil Service Employee Relations Board, which can rule on which employees are in the union, whether a collective agreement is in effect, and which items can be referred (and when) to an Arbitration Board. When the NSGEA and the government can't agree on an arbitrator, the Board will make the appointment. Even worse than the usual "neutral" boards which favour the employer, this one is **appointed by the employer**, the government of Nova Scotia.

- Other sections of the act let the Civil Service Commission, the formal employer and a government agency, make regulations changing the new law. If by some miracle the NSGEA finds favourable clauses in the act, the employer can simply move to have them changed, or thrown out.

- Arbitration, a procedure traditionally weighted against workers, is even more one-sided than usual. The Arbitration Board must take into account at least five restrictions when it makes its decisions, including undefined "interests of the public"—which is often a honeyed way of saying "interests of those in power." One other restriction is an Average Comparability of Total Compensation (ACTA) clause, similar to the one the Federal government's employees are being threatened with. (This new concept ties public service wage hikes to those in the private sector, and imposes bargaining by computer; this takes all decisions on contract conditions out of the union members' hands.)

- Strike action?? The act simply

outlaws it, imposing heavy fines on anyone who encourages or takes part in a walkout. And, the definition of a strike is now broad enough to encompass mass resignations. In the law's usual evenhanded fashion, the bar on strikes is coupled with prohibitions on lockouts, though these are **later allowed, albeit** by another name. Even if the government is convicted of unfair labour practices as an employer, the act provides no penalty.

- The list of government employees excluded from the union is one of the longest in any of Canada's civil service laws. It includes even low level employees who spend "substantial" time in the supervision of others and (to triple the impact) persons confidential to them. The list of bargainable items is the shortest.

It is a bad, backward, repressive piece of labour legislation.

The association's activity since last May—a September rally taking the Regan government to task, and an expensive series of newspaper ads during the provincial election campaign—can't hide the NSGEA's leaders' part in slapping this law on the 7000-plus workers they are supposed to represent.

When the government demonstrates its wish to control public employees, to suppress any movement for change, the union has to demonstrate its willingness to fight back. You can't beat them if you won't fight, and in this battle, the union will have to rely on, and encourage, rank-and-file initiative.

to build membership militance, instead of knuckling under before the battle was joined, the outcome could have been full trade union coverage for Nova Scotia's government workers. Until trade union strength is used to the fullest, our labour movement—with public employees caught out in the front trenches—is going to lose more of the big battles than it wins.

[Ron Stockton is a member of the Nova Scotia Labour Research and Support Centre.]

Who is Affected?

The NSGEA members fall under two sets of legislation. About 10% of the members are organized under the Trade Union Act—they are employees of provincial boards and commissions.

The other 90% are Civil Servants—persons who are appointed under the Civil Service Act. These 7500 people are in a wide variety of occupations and are grouped into eight "components" for bargaining:

Services—bakers, butchers, porters and laundry workers in provincial operated institutions (nearly 500 people);

Health Services "A"—nurses and nursing assistants in the provincially operated hospitals and clinics, like the Victoria General Hospital or the Nova Scotia Hospital (nearly 1100 people);

Health Services "B"—medical laboratory technicians (most of whom are in the Pathology Institute), (nearly 350 people);

Clerical—stenographers, secretaries, clerks, keypunchers in government offices throughout the province (nearly 2200 people);

Education "A" and "B"—teachers at vocational schools, technical schools and professors at the agricultural and teachers colleges (nearly 500 people);

Maintenance and Operational Service—skilled tradespeople and janitors. This group includes operating engineers, carpenters and electricians as well as janitors in the government buildings;

Technical—most of whom have certificates, diplomas or degrees indicating their advanced academic training. The group includes draughtspeople, survey technicians, cartographers and various sorts of inspectors as well as bookkeepers and auditors (1450); and

Professionals—people who have "advanced" academic training including economists, social workers, engineers, accountants, statisticians, as well as a handful of top administrators.