



Our Rights are Essential – Labour Rights are Human Rights

Backgrounder

September, 2009

The Sask. Party government has introduced several laws that take away our rights as workers and as union members.

The *Public Services Essential Services Act (Bill 5)* and amendments to the *Trade Union Act (Bill 6)* became law on May 14, 2008.

The Trespass to Property Act (Bill 43) became law in May, 2009 and amendments to the *Construction Industry Labour Relations Act (Bill 80)* are scheduled to become law this year.

Turn the page to learn more.

1. The *Public Services Essential Services Act (Bill 5)* takes away workers' rights:

- The law applies to all unionized workers who work for: the government of Saskatchewan, Crown corporations, rural and urban municipalities, health regions, universities, SIAST, the Cancer agency, and the police. And anyone else Cabinet decides.
- Your boss gets to designate which workers are 'essential' in the event of a strike.
- If you are designated 'essential', you have to work during the strike.
- According to the Act, you will not be allowed to participate in a work stoppage which includes any form of solidarity actions like work-to-rule and picket support to try to improve your working conditions.
- If you participate in any strike action at all, you can be fined \$2,000 plus \$400 per day.
- If you are designated 'essential', you have to do all of your regular duties of your job, not just the 'essential' duties. You may even be denied vacation.
- Healthcare employers are designating up to 95 per cent of workers as 'essential'.
- Management can designate your bargaining committees, your shop stewards, and your union activists as essential employees.
- With that many people who cannot participate in a strike to support collective bargaining, how will unions get collective agreements?
- Some provinces with essential services laws have the option to go to independent, third-party arbitrators to get a settlement. Not here.
- Unions have always provided emergency services during strikes and lockouts. There is no need for a law to force workers to work during strikes.
- The Sask. Party says this law is about balancing workers' rights and public safety. Unions have never put the public at risk during a strike because union members are the public too.
- 95.5% of contracts in the public sector are settled without a strike. Collective bargaining worked fine the way it was. Bill 5 was totally unnecessary.
- The Supreme Court of Canada has ruled that collective bargaining is protected under the Charter of Rights and Freedoms. Job action, including any work stoppage in support of collective bargaining, ought to be protected as well.
- Why is the Saskatchewan Party government stripping workers of their human rights?

2. The amendments to the *Trade Union Act* (Bill 6) take away rights from all workers and unions:

- Bill 6 changes the rules for how to join or to form a union. Employees used to be able to sign union cards, and-as long as 50% + 1 of all employees signed cards, the workers became unionized.
- The workers made their decision to sign a card in private without the boss even knowing they were considering joining a union.
- Now, even if 100% of the workers sign union cards, they also have to participate in a secret ballot vote in front of the boss.
- The boss is notified by the Labour Relations Board that there is a union organizing drive before that secret ballot vote is held.
- And there is no set time limit between when the boss is told, and when the vote takes place.
- In some cases, the boss has weeks, even months, to campaign against the union before the vote.
- The new law also allows the boss to give his ‘opinion’ about whether or not the workers should join a union.
- The boss can give his opinion on any and all union matters, like grievances, collective bargaining proposals, union elections, and so on.
- In other provinces where this change has been made, new union organizing has basically died. Fewer and fewer workers have the benefits and protections that unions provide. Once union density is decreased, wages and benefits are eroded.
- The new law also invites employer-accommodating associations like CLAC (the Christian Labour Association of Canada) into Saskatchewan. CLAC is known for its sub-standard collective agreements, (which have the effect of driving down wages and benefits for all workers) and its anti-democratic structures and processes.
- The Sask. Party government says the new Trade Union Act makes labour relations more fair and balanced.
- Why is the Sask. Party government making it impossible for workers to form unions?

3. The amendments to the *Construction Industry Labour Relations Act* (Bill 80) are an attack on the building trades unions:

- Carpenters, plumbers, pipefitters, electricians, and all other unionized trades bargain with their employers through this Act. They certify into unions and negotiate agreements on a province-wide, trade-by-trade basis. This kind of sectoral bargaining is good because it ensures common basic standards for hiring, apprenticing, benefits, and so on.
- This system has worked well for contractors and workers. There has not been a strike in the construction industry since 1982.
- Bill 80 removes the requirement to bargain sectorally. This encourages anti-union employers to set up shop and undermine collective bargaining.
- It is a direct attack on Saskatchewan workers who have chosen their careers as certified, qualified tradespeople by allowing non-union contractors to bring in workers from outside Saskatchewan.
- It is a direct attack on the protection and benefits given to tradespeople through the union hiring hall process. This hiring hall process allows workers to gain employment and carry benefits like pensions and health and welfare from one employer to another.
- It will seriously weaken the unionized apprenticeship and trade certification process. The unionized trades provide over 90 training courses to apprentices, training that is not offered anywhere else including SIAST.
- Bill 80 is a personal invitation for CLAC to enter Saskatchewan. The Assistant Deputy Minister of Labour admitted that the only organization (other than employer organizations) who asked for this law was CLAC. He also acknowledged that he excluded the building trades unions from the consultation process.
- We also know that anti-union, Alberta contractors wanted and supported this Bill (they were at the legislature the day Bill 80 was introduced).

4. *The Trespass to Property Act (Bill 43)*, takes away rights from all workers and citizens:

- The Act makes it illegal for anyone to be on public property without the consent of the Sask. Party government (the ‘Crown’).
- This includes picketing, demonstrations, marches, rallies and protests anywhere in Saskatchewan.
- Unlike other provinces, the Bill does not include an exemption for citizens exercising their human and Charter rights to freedom of association, freedom of peaceful assembly, and freedom of expression.
- In essence, this could jeopardize your right to picket, demonstrate and rally in our province.
- The Sask. Party government has admitted that this law could violate your rights to freedom of assembly and expression.
- The Sask. Party government refused to pass an amendment that was proposed by the NDP Opposition, which would have clarified the protection of those rights.
- Does this mean peaceful protestors and picketers on public property will have to wait until they are arrested, fined and in court to have their Charter Rights enforced?
- Bill 43 became law on May 14, 2009.

Unions are Essential to Democracy

Taken together, these four laws are an attack on workers’ ability to join unions, to collectively bargain, and to express themselves as trade unionists.

- Workers have the right to collectively bargain, guaranteed by the Charter of Rights and Freedoms. The Supreme Court of Canada has said so.
- Workers have the right to organize into unions under the Charter, and the Supreme Court has confirmed this.
- Workers have the right to express themselves in a peaceful manner by leafleting and secondary picketing under the Charter. The Supreme Court has decided this. We believe the right to take job action should also be protected.

These fundamental rights are our human rights and are protected by international law.

The SFL and nineteen unions have filed a complaint about Bills 5 and 6 with the International Labour Organization, and have also filed a legal challenge against the provincial government in court to defend and protect these rights.

The union movement has always played a vital role in building democracy in our province, from universal healthcare, to equality rights, to ending poverty, and more.

We fought for and won: pensions, holidays, vacations, maternity leave, minimum wage, employment insurance, and more.

We continue to fight for and defend publicly-owned and publicly-delivered services, like Crown Corporations (power, energy, phone, water, government insurance). We defend and promote public education system, medicare, and publicly-owned and operated recreations services.

Union jobs keep our economy humming by putting upward pressure on wages and by increasing our tax revenue.

And of course, every day at work, union members fight for safe workplaces, fair wages and benefits, job security, and better working conditions.

In Saskatchewan, we're proud to be Union.

When the Sask. Party government attacks the union movement, they are undermining democracy and the ability of citizens to create a more free and democratic society for everyone.

What Can We Do.

- ✓ Call, write, e-mail your MLAs. Demand that they repeal Bills 5 and 6, and scrap Bills 80 and 43. This is union-busting, plain and simple and we won't stand for it.
- ✓ Talk to your Union about ordering a Labour Rights are Human Rights workshop through the SFL.

We provide interactive, informative and mobilizing workshops, educational and presentations.



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