



OSSTF/FEESO Submission to the Legislative Committee on General Government re Bill 124, *Protecting a Sustainable Public Sector for Future Generations Act, 2019*

My name is Harvey Bischof and I am the President of the Ontario Secondary School Teachers' Federation. Founded 100 years ago in 1919, OSSTF/FEESO represents over 60,000 public high school teachers and support staff working in settings from junior kindergarten to university.

I come here today to speak to you about our serious concerns regarding Bill 124, The Protecting a Sustainable Public Sector for Future Generations Act.

This is not the first time we have seen a government fail to put the appropriate level of trust in the collective bargaining process. The labour relations regime across the country and in Ontario has been developed as a safety valve to regulate tensions that can arise in contract negotiations. Any effort to circumvent that process improperly can result in escalating pressures that may lead to actions that are no longer governable under the applicable rules and processes. Both sides of the bargaining table need to respect the process if that pressure relief valve is to remain effective. Short-term thinking and improper political interference in negotiations can lead us back to the very environments that led to the creation of a fair and balanced labour relations structure in the first place. As just one example, the legal right to strike was not granted in order to create strikes where none had existed before; it was granted to create an orderly and governable approach to strikes that otherwise operated outside any clearly definable rules.

As mentioned, we have seen governments quite recently fail to trust the process and attempt to restrict the scope for collective bargaining. In Ontario, this occurred within the education sector with Bill 160, The Education Quality Improvement Act, in the late 1990s and Bill 115, The Putting Students First Act in 2012. In both cases, the effort to short-circuit the collective bargaining process led to long-term disruption and instability. Stability and good will only returned when subsequent governments negotiated an agreement. Additionally, OSSTF/FEESO and others challenged the Putting Students First Act in court as a violation of our members' right to freedom of association under the Charter and we were upheld by the court. This was just one in a string of relatively recent court decisions protecting the right to bargain freely.

As well, in 2014, in a case between the Alberta government and its employees' union, an Alberta judge accepted that when governments interfere in collective bargaining it has deep ramifications for the process. The judge agreed on the following points that interfering in collective bargaining:

1. communicates that bargaining efforts are irrelevant;

2. discourages creative bargaining attempts as these are a waste of time and effort when government intervention is a possibility;
3. causes workers to feel powerless, and engage in alternative and potentially inappropriate steps to push back against employer control.

The potential for a court-ordered remedy is not the only adverse outcome the legislature should consider. In 2012, the Commission on the Reform of Ontario's Public Services, otherwise known as the Drummond Report, pointed out the negative implications of improper interference in bargaining for compensation. In fact, Don Drummond, hardly a noted left-winger or union supporter, pointed out that attempting to artificially restrict compensation resulted in a phenomenon much like standing on a garden hose. Eventually the pressure will build up and the ensuing bulge will have to move through. This does not lead to long-term stability or predictability in public sector spending.

That is not to say that employers or their government funders cannot come to the table with a financial negotiations mandate, even a restrictive financial mandate. That is quite normal and acceptable and still allows for the free flow of collective bargaining to lead to creative solutions to which both sides can willingly sign their names. Where a government has a legitimate financial pressure, other areas of collective agreements can be explored in order to reach an agreement. Improper legislative interference eliminates that opportunity for creativity. It communicates, as noted above, that the effort to bargain meaningfully is fruitless.

There remains, though, a question regarding the legitimacy of the pressure the government is claiming to be under. We know that the supposed \$15 billion dollar deficit never, in fact, stood at \$15 billion. We know it is half that and that it is likely to be lowered again by reflecting some portion of public sector pension plan surpluses. We know that the government and the Premier himself are publicly making much of the growth in the province's economy. We have seen job growth numbers that surely suggest rising government revenues are on their way. And yet, somehow the public sector is to be uniquely saddled with the burden of addressing the government's fiscal concerns, however exaggerated they may be.

And finally, we hear two interconnected claims to support Bill 124's improper interference in free collective bargaining, neither of which bears up under scrutiny. First, we hear that public sector workers must make a sacrifice to keep the province's fiscal house in order. Setting aside the dubious justification for that claim, I can tell you that my members have sacrificed. In fact, since 2012, in every year but one, my members' compensation increases have significantly lagged behind inflation for a cumulative 10% loss in buying power over those years. For all my members, this is significant, but it is especially significant for hard working support staff who work with some of our highest needs students and earn an average of \$38,000 per year. Falling

further behind inflation with their limited discretionary income, when all the necessities of life continue to increase in cost, cannot be justified.

Additionally, we hear from certain quarters that public sector wages are out of control and are not mirrored in the private sector. In fact, there is no statistical evidence to support this claim. While the government of the day looks to improperly cap compensation in the public sector at 1%, the Conference Board of Canada is reporting that average wage growth in Ontario will be 1.9% this year, 2.6% next year, and an expected 2.5% in each of the three years after that.

In summary, governments should not lightly infringe on the civil rights of their citizens. They should rely on tried and tested bargaining processes that lead both to creativity in the process and stability thereafter. There is no crisis that requires extraordinary interference in that process. My members' sacrifices over the last seven years should be acknowledged, as should be the current economic environment in which the ongoing imposition of austerity on one sector of workers is unjustifiable.

Under these circumstances, there are no amendments to Bill 124 that would make it supportable. It should simply be withdrawn.