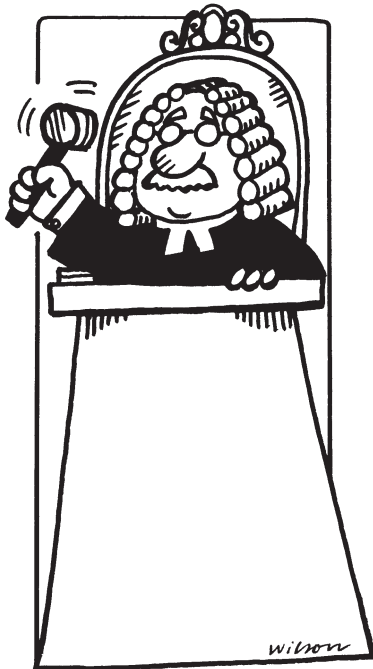


**Tabletalk –**  
*your bargaining resource – publishes four times a year. Its goal is to give CUPE Local bargaining committees, elected officers and servicing representatives useful information for preparing – and negotiating – bargaining demands. Tabletalk's three-hole punch style makes it easy to keep in reference binders. Feel free to make copies or use the material to fit your members' needs. Comments welcome at [research@cupe.ca](mailto:research@cupe.ca)*

*Disponible en français*



## Talk about a Bargaining Breakthrough!

In June, the Supreme Court of Canada issued a groundbreaking ruling that workers' rights to bargain collectively are protected by the Charter of Rights and Freedoms.

Health care unions led by HEU, BCGEU and BCNU appealed to the courts over Bill 29, legislation introduced by the BC Liberal government in 2002. The Bill eliminated collective agreement provisions for health care workers resulting in layoffs of up to 8,000 health care workers, paving the way for more privatization in the health care industry. Essentially, the government ripped up the freely negotiated collective agreement and effectively excluded health care workers from the labour laws that protect other workers.

The impact on workers was severe. Many lost their homes and suffered financial hardship that strained family relations, putting workers under tremendous pressure at work and at home. (For more information on the impact on workers, see *The Pains of Privatization*, Jane Stinson, Nancy Pollack, Marcy Cohen, April 2005, at [policyalternatives.ca](http://policyalternatives.ca).)

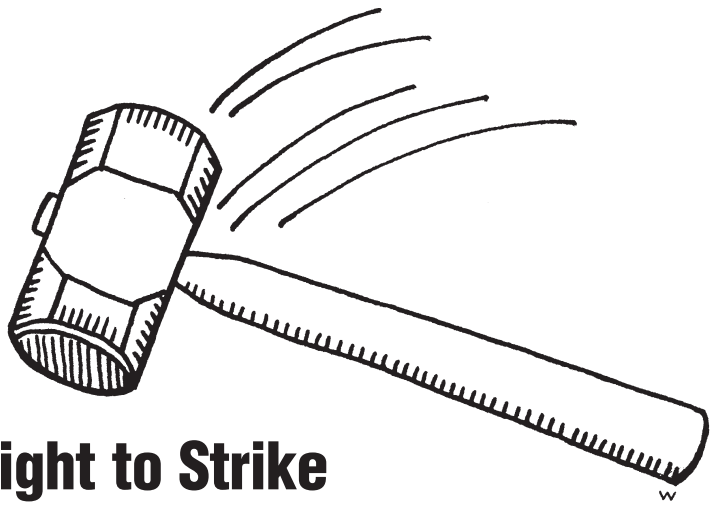
The Supreme Court ruled that sections of Bill 29, dealing with the elimination of contract protections against contracting out and bumping rights for senior employees, interfered with the collective bargaining process and violated the rights of workers protected under Canada's Charter of Rights and Freedoms. The Court granted the BC government one year to bring Bill 29 into compliance with the Charter. Health care unions in BC are demanding meetings with governments and employers to discuss the implications of the decision for members. The HEU has demanded an immediate moratorium on pending and planned layoffs of health care workers.

The Supreme Court decision has widespread implications for workers in this country. From now on, governments that interfere with freely negotiated collective agreements and the collective bargaining rights

(continued on page 2)

of employees must justify their actions against the protection provided by the Charter of Rights. ■

(Sources: Health Employees Union (HEU) *Newsletter* and [cupe.ca](http://cupe.ca))



## NS Health Care Workers' Right to Strike

"It's like using a sledge hammer to swat a fly!" says Danny Cavanaugh, President of CUPE Nova Scotia.

The Nova Scotia Conservative government wants to ban strikes for health care workers. Why?

- Is it because there have been a lot of strikes in the province?

or

- Is the government trying to divert attention from problems that need fixing, such as emergency room closures, recruitment and retention, unacceptable wait times, bed shortages, and difficulty accessing health services such as surgeries?

or

- Is it because the Tories are slipping in the polls and politicians seem to think that beating up on workers is a good way to boost support among voters?

The Nova Scotia government acknowledges that 97 per cent of agreements in the province have been settled without a strike. The most recent strike at the Izaak Walton Killam Health Sciences Centre lasted just 15 hours!



We know that strikes have caused much less disruption in health care services than the chronic understaffing and suspension of services by the Nova Scotia department of Health.

We also know from experiences in other provinces that strike bans don't work. The longest strikes by health care workers in recent memory were in Ontario and Alberta, both provinces where strikes are banned.

Clearly, a ban on strikes will not reduce the workload of health care workers nor will a ban reduce wait times or improve health care services.

CUPE Nova Scotia is fighting back in a coalition of unions formed against the MacDonald government's attempt to strip the right of health care workers to strike. CUPE health care workers in Nova Scotia work in 33 hospitals and 35 nursing homes in rural and mainland Nova Scotia, in home support, in community services and countless other services within the health care system. The coalition includes CUPE, NSGEU (Government Employees Union), NSNU (Nurses' Union), IUOE (Operating Engineers), CAW (Canadian Auto Workers), and SEIU (Service Employees), representing about 65,000 workers across the province. ■

# TILMA and Collective Bargaining

Have you heard of TILMA? How about ATLANTICA?

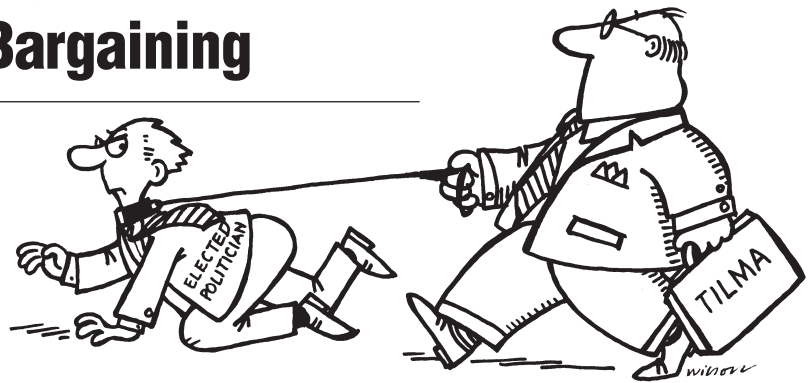
No, these are not new summer blockbuster movies! They are trade deals that are being negotiated behind closed doors without democratic process and without consultation with elected provincial legislatures and municipalities.

TILMA (Trade, Investment and Labour Mobility Agreement) is a signed agreement between the governments of British Columbia and Alberta. Ontario has expressed interest in signing up; the Saskatchewan government recently decided not to join TILMA. ATLANTICA is a similar proposal to establish a cross-border economic region between Atlantic Canada and the New England States. In BC, the proposed trade deal is being called the "Gateway Initiative."

TILMA and the other deals are really corporate agendas disguised as trade agreements, which give individuals and business the power to force elected bodies to remove laws and regulations they don't like.

TILMA strips power from our employers – municipalities, school boards, health care providers, and publicly-funded academic and social service bodies – and transfers it to investors and business people who can challenge a regulation, policy or bylaw on the grounds that it hinders their ability to make money.

- What about education activists in BC who have fought against the introduction of Charter Schools because they undermine the public system? Any restrictions on private, for-profit schools would violate TILMA's prohibition of obstacles to investment.
- What about municipalities that have passed environmental bylaws banning pesticide spraying? Individuals or businesses could challenge such actions as a violation of TILMA's prohibition of



new regulations restricting investment; democratically elected municipal councillors would have to comply.

- What about school board recreation programs for students? If an investor wanted to build a private, for-profit recreation facility, they could challenge the school board's right to provide that service because it inhibits investment.
- What about health and safety? TILMA exempts what is called "social policy," including "labour standards and codes, minimum wages, employment insurance, social assistance benefits, and workers' compensation." Occupational health and safety is not listed as an exemption, but we've seen how many employers balk at occupational health and safety rules; we can expect these rules to be threatened as well.

TILMA rules can be invoked by business to challenge the regulations, programs, and funding arrangements that public services depend on, claiming that such measures restrict, impair, or discriminate against private sector service providers.

TILMA's binding Disputes Panel allows investors and business to sue for compensation from provincial and municipal governments. The appointed Panel can overrule an elected body if it considers TILMA has been violated. Even if a regulation is accepted as serving legitimate public policy goals, it can still be overturned if the Panel feels it is not the least restrictive way to achieve the objective, throwing open the doors to more contracting out and privatization of public services.

(continued on page 4)

## Wage Increases Outpace Inflation

The members of CUPE Local 2745 – School District Clerical, Teacher Assistants and Librarians in New Brunswick – ratified a new three-year agreement with economic wage increases of 12.5 per cent over three years. They also achieved major improvements in job security language including a guarantee of 39 weeks of work over a 43-consecutive-week period, and a guarantee of hours for TAs, Student Attendants and School Intervention Workers.

The major lobbying campaign by the provincial executive illustrates the connection of political action and collective bargaining, and is being credited with this victory. ■

(Source: *Report on Bargaining Trends: Legislative Trends and Regional Campaigns Covering the Period March 1 to May 31, 2007*, CUPE Organizing and Regional Services Department)

## Green Unions!

In March, the Université du Québec à Trois-Rivières (UQTR) launched its environmental program “À vos bacs, prêts, triez!” (On your recycle bins ... get set ... sort!).

This issue has been of particular concern to the student association as well as to the university’s inter-union coalition, the *Intersyndicale de l’UQTR*. Each of the organizations contributed \$5,000 to support activities such as the purchase of 150 recycling islands that will, from now on, be found on campus. ■



(Source: *CUPE in Brief*, SCFP, vol. 8, no. 5, April 23, 2007)

In a recent challenge to the North American Free Trade Agreement (NAFTA), a panel ruled against US parcel giant UPS in their suit against Canada Post, which won the right to continue delivering parcels, but only after seven years of litigation! Do school boards, municipalities, and local health authorities have the resources to take on that kind of challenge?

Haven’t municipalities always tried to attract investment to their communities? What’s different now? Municipalities have used good schools, good roads, plentiful (usually public) recreation facilities, and affordable power and water to attract business. But, it’s not a better water system or garbage collection business wants, it is the freedom to make money, unfettered by rules and regulations.

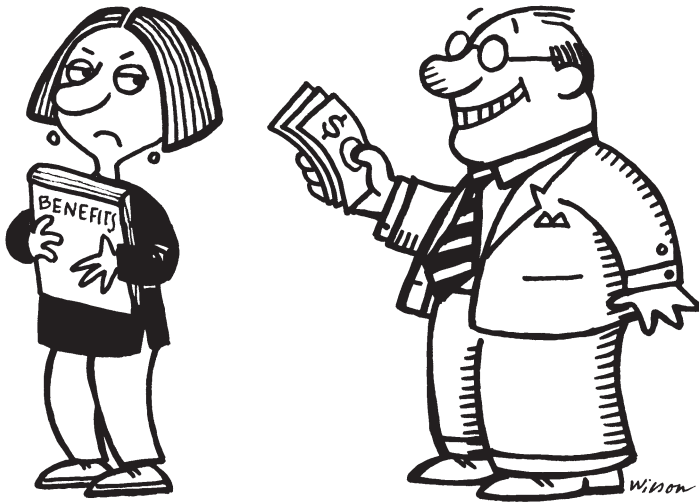
### What about collective bargaining?

Collective bargaining is one of the ways we can preserve equity, fairness and justice at work. History shows that collective agreements have protected workers from health and safety threats, promoted wage fairness through pay equity, enforced workload limits, and provided access to pensions and benefits for workers and their families. Are these now under threat from TILMA?

If municipalities, school boards and health authorities are challenged on the level or quality of services they provide, then our collective agreements may well be threatened because they protect the quality of the services with provisions for workload, staffing levels, and overtime, to name a few.

For more information check out the legal opinion produced by Steven Shrybman for CUPE at [cupe.ca](http://cupe.ca), Ellen Gould’s analysis at [policyalternatives.ca](http://policyalternatives.ca), and The Council of Canadians’ website for their presentation called “What’s the Deal? Ontario, TILMA and the Threat to Local Democracy” at [canadians.org](http://canadians.org). ■

# Workers Value Their Benefit Plans!



Income was also a factor in respondents' willingness to pay more for supplemental coverage. Those with higher incomes reported they are less willing to pay "extra" for benefits. Respondents earning less than \$30,000 reported more willingness to purchase coverage. Those with lower incomes may rely more on their private plans when ill or injured because they do not have the disposable income to pay for vital services not covered by Medicare and may be willing to pay small amounts now to avoid devastating costs in the future. This concern may make them more vulnerable to marketing by carriers and/or employers to provide supplemental plans at a cost.

The survey was conducted by Ipsos Reid for the pharmaceutical maker Sanofi-Aventis. n

Would you be willing to give up your extended health care benefits for cash? According to a recent survey, 61 per cent of respondents answered NO. Even though they know their benefits are usually worth a fraction of that amount, they still did not want to give up their benefit plans for cash. Such commitment may mean tough negotiations and possibly job action when employers threaten members' benefit plans.

(Source: *The Sanofi-Aventis Healthcare Survey, 2007*)

Not surprisingly, income was a factor in how people responded. When asked to rate the quality of their plan, the following described their plan as excellent or very good:

- those who earn \$100,000 or more: 61 per cent
- those who earn \$60,000 to \$99,999: 64 per cent
- those who earn \$30,000 to \$60,000: 54 per cent
- those who earn less than \$30,000: 44 per cent

**FACTOID**  
**South Africa has fewer than 7 doctors per 10,000 people.**  
**Cuba has 65 doctors per 10,000 people.**  
**Canada had 19 doctors per 10,000 people in 2005.**

(Source: *Supply, Distribution and Migration of Canadian Physicians, Canadian Institute for Health Information, 2005*)



# Innovative Language

Are you protected if you choose to report unmet standards or wasteful spending by your employer?

As a result of whistle blowing, the largest for-profit hospital chain in the US was forced to pay more than \$1.7 billion in criminal and civil fines to settle charges of defrauding federal and state-funded health care programs. HCA – The Healthcare Company, formerly known as Columbia/HCA – faced a long list of allegations including improper laboratory billing, misreporting services as higher-priced procedures, and billing for home health services that were “medically unnecessary or never provided.” ■

(Source: CUPE *Public Health Care: Count Me In!* June 2003, cupe.ca)

Here is an example of language designed to protect “whistleblowers”:

## **CUPE Local 402 and the City of Surrey, expiry December 2006**

### *13.10 Report of Violations of Law, Statutes or Regulations*

*No action will be taken by the City against an employee who reports a violation of a law, statute or regulation by the City as long as the City has been notified of the alleged violation and provided a reasonable opportunity to investigate and respond to the matter before the Union and/or the employee pursues the matter further. The City and the Union agree to advise one another promptly of any alleged violation or action to be taken.*



## **CAIS**

CUPE represents members in over 2,500 locals covered by over 3,700 collective agreements. CUPE’s Collective Agreement Information System (CAIS) is a database of CUPE collective agreements, coded by wage rate and collective agreement provision. The reports listed were prepared by CAIS staff for specific CUPE events.

The following CDs include analyses of wage rates and provisions and electronic copies of some, but not all, collective agreements used in the analyses.

### *Ontario Municipal Employees Coordinating Committee 2007 Conference:*

- CAIS Wage Report (English only)
- CAIS Provisions Report (English only)
- Electronic Collective Agreements

### *Ontario School Boards Coordinating Committee 2007 Conference:*

- CAIS Wage Report (English and French)
- CAIS Provisions Report (English and French)
- Electronic Collective Agreements

If you would like a copy of any of the above CDs, please contact your CUPE staff representative and ask them to email [research@cupe.ca](mailto:research@cupe.ca) with the name of the CD you want and a mailing address.



## Consumer Price Index by Province, June 2006 to June 2007

Newfoundland and Labrador	1.4
Prince Edward Island	1.6
Nova Scotia	1.8
New Brunswick	1.9
Quebec	1.5
Ontario	1.6
Manitoba	2.2
Saskatchewan	3.2
Alberta	6.3
British Columbia	1.5

(Source: Statistics Canada, *The Daily*, Wednesday, July 18, 2007)

The two major factors pushing up inflation recently have been continued increases in housing and shelter costs and rising food prices.

The real impact is probably higher because, in calculating the CPI, Statistics Canada underestimates the impact of house price increases on inflation, especially in major centres such as Vancouver and Toronto. House price increases have started to taper off in recent months, with the new housing price index rising.

The Bank of Canada has strongly indicated that it will increase short-term interest rates soon. This has already led to higher mortgage and consumer credit interest rates, higher prices for consumers and an increase in the value of the dollar. The higher dollar and higher interest rates will cause more damage and job loss for Canada's manufacturing, forestry and other struggling export sectors.

The interest rate increase so far this year would translate into extra interest costs of more than \$1,100 a year for a standard 20- or 25-year mortgage of \$225,000 (75 per cent of the value of a \$300,000 home, the average home selling price in Canada now). The banks have benefited from these higher rates. Most of the major banks in Canada have reported double-digit increases in profits, amounting to about \$4.5 billion in the second quarter of this year for the big five banks.

Food price increases particularly hurt lower- and middle-income earners: Food and grocery bills account for 17 per cent of total spending by lower income households, double the average 8.3 per cent share for higher income households.

The culprit for rising grocery bills is what is being marketed as a green alternative to gasoline: ethanol and other biofuels. In North America, ethanol and biofuels are mainly produced from food crops, such as corn, wheat, canola, and even soybeans. Regulations to mandate minimum biofuel content in gasoline in Canada and the United States, together with billions in subsidies for the industry, have resulted in the diversion of billions of bushels of corn and other crops to ethanol production.

The Harper government passed a regulation requiring 5 per cent average ethanol or other biofuel content in Canadian gasoline by 2010, and announced \$2 billion in subsidies for production of these fuels. This, together with similar actions in the US, has pushed the price of corn to its highest level in a decade, double what it was about a year ago, and driven the price of other cereals much higher as well. ■

(Source: *CUPE's Economic Climate*, Summer 2007)

# Current and Upcoming Key Negotiations – June 15, 2007 (covering 500 or more employees)

## Federal Jurisdiction

### Public Sector

Employer	Union	# of Employees	Status	Expiry Month
Government of Canada	Various unions	110,160	arbitration/conciliation/bargaining/	Mar 06-Jun 07
Via Rail Canada	CAW-CANADA	3,260	conciliation	Dec 06
Government of Nunavut	PSAC	2,100	bargaining	Sep 06
National Research Council Canada	Various unions	1,020	bargaining	Mar 07

### Private Sector

Canadian Pacific Railway	Teamsters	6,700	conciliation/bargaining tentative agreement	Dec 06
Canadian National Railway	UTU	3,000	arbitration	Dec 06

## Provincial and Territorial Jurisdictions

### Public Sector

Employer	Union	# of Employees	Status	Expiry Month
Provincial Health Authorities of Alberta	Nurses	23,000	bargaining	Mar 07
City of Montréal	Various unions	17,800	bargaining	Dec 06
Capital District Health Authority	NSGEU	7,900	bargaining	Oct 06
Société de transport de Montréal	CUPE/CSN	6,250	bargaining/conciliation	Mar 07
City of Vancouver	CUPE	5,270	bargaining	Dec 06
Nova Scotia Association of Health Organizations	Nurses	4,000	bargaining	Oct 06
Saskatchewan Telecommunications	CEP	3,600	tentative agreement	Mar 07
City of Toronto	IAFF	2,950	bargaining	Dec 06
Saskatchewan Association of Health Organizations	HSAS	2,700	bargaining	Mar 07
Government of Prince Edward Island	PEIUPSE	2,440	bargaining	Mar 07
Health Authorities of Prince Edward Island	IUOE/CUPE	1,440	conciliation/bargaining	Mar 06-Mar 07

### Private Sector

Greater Vancouver Hotel Employers Association	UNITE HERE CANADA	1,240	bargaining	Jun 07
Nova Scotia Power Inc.	IBEW	900	bargaining	Jul 07

## Upcoming 'Key' Negotiations

Employer	Union	# of Employees	Expiry Month
New Dominion Stores (Ont.)	CAW-CANADA	8,500	Jul 07
Great Atlantic and Pacific Company of Canada Limited (Ont.)	UFCW	6,300	Jun 07
Government of New Brunswick	CUPE	6,290	Jun 07
Government of Nova Scotia	NSGEU	5,800	Mar 07
City of Québec	Various unions	4,020	Dec 06
Security Industry Employers Bargaining Association	Steelworkers	3,500	Jun 07
Algoma Steel Inc. (Ont.)	USWA	3,000	Jul 07
National Research Council Canada	RCEA/PIPSC	2,600	Jun/Jul 07
GO Transit (Ont.)	ATU	910	Jun 07

(Source: Labour Policy and Workplace Information, Labour Program – HRSDC, June 15, 2007)