

SUMMARY

Division 20 of Bill C-59 is unconstitutional. It is a violation of the Charter of Rights and Freedoms as well as creates legislation to circumvent existing legislation.

BACKGROUND:

Charter of Rights and Freedoms: Section 2 (d) states the freedom to associate. Later court cases expanded this to include the right to collectively bargain and strike.

Public Service Labour Relations Act (PSLRA) states in section 107: denotes the legislative freeze which means each terms and conditions remain in effect until a new agreement is signed.

Bill C-59 Division 20 proposes to give Treasury Board the Right to reach into the collective agreement and ignore the PSLRA section noted above and subsequently violates the Charter of Rights and Freedoms by taking away the right to collectively bargain and strike on the issue of sick leave.

Treasury Board and Public Service Alliance of Canada (PSAC) had met for 15 days when this proposed legislation was tabled. The first 3 days were the exchange of demands, leaving 12 days of negotiation, less than 2 weeks and legislation is tabled. This is not a reasonable, nor could be considered bargaining in good faith.

There is no evidence that the sick leave as it exists is a cost burden to the taxpayers. Public servants are typically not replaced when they go on sick leave, as evidenced by the Parliamentary Budget Officer and CRA, with the exception of Long Term sick leave (which is not related to the existing sick leave provisions). Treasury Board allocates A based funding (salary dollars) to all departments. If a public sector worker is sick, their salary is still paid as budgeted, therefore no savings. In fact Treasury Board, under its proposed legislation would allocate salary dollars AND pay taxpayers dollars to a private sector company thus increasing the cost to Canadians.

Finally, the government has suggested that the large bank of sick leave time represents a liability to the Canadian taxpayers. A large bank of unused sick leave indicates it is not being used/abused. Bank sick leave is not cashed out when a member retires or otherwise leaves the Federal Public Service.

RECOMMENDATION:

Remove Division 20 from Bill C-59

Respectfully Submitted,

Kelly Bush

