

Nova Scotia to outlaw strikes by health care workers

A correspondent
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Nova Scotia's Tory provincial government has introduced legislation stripping almost 10,000 health care workers of their basic trade union rights until April 2004.

Bill 68, the Health Care Services Continuation Act, prohibits strikes by nurses and other employees of district health authorities for the next three years and empowers the government to dictate the workers' terms of employment, including wages, by cabinet order.

Workers who defy the law will face fines of up to \$2,000 per day, while any union sanctioning a strike will be liable to \$50,000 fines.

The draconian nature of the legislation is underlined by a clause that proclaims it exempt from judicial review. (Constitutional lawyers doubt that this clause will survive a court challenge, since the Tories did not invoke the "notwithstanding clause" that allows federal and provincial governments to adopt laws that contravene the Canadian constitution's Charter of Rights and Freedoms.)

To ensure Bill 68 becomes law before June 27, when several groups of health care workers will be in a legal strike position, the Tories are forcing the provincial legislature to sit round the clock. Both the Liberals and the social-democrats of the New Democratic Party are making a show of opposing the bill, although their counterparts in other provinces have adopted similar strikebreaking legislation.

The Nova Scotia Tories' bill differs from previous strikebreaking laws in that the Tories have given themselves the power to write the workers' contracts, rather than delegating the task to an arbitrator appointed by the government and working under its terms of reference. Also, other governments have generally waited until workers have actually walked off the job

before proclaiming an emergency and introducing strikebreaking legislation.

Last week, the Tories recalled the legislature, claiming any disruption in service would place patients' health and lives at risk. In fact, both the Nova Scotia Government Employees Union (NSGEU) and the Nova Scotia Nurses Union (NSNU) had pledged to provide essential services and were reportedly close to reaching an agreement with the district health authorities on what services they would provide in the event of a walkout, when the Tories announced their intention to render any strike illegal.

Premier John Hamm and other Tory spokesman have said that were the district health authorities to offer wage increases greater than the 3-3.5 percent per year they are currently offering, the government's plan to table a balanced budget by next year would be placed in jeopardy.

Health care workers in Nova Scotia, like those in the rest of the country, have seen their real wages plummet and their workload soar during a decade of steep government budget-cuts. Nurses in Nova Scotia have received a total wage increase of just 36 cents an hour over the past decade.

Lab technicians, orderlies and other workers affiliated with the NSGEU have twice rejected tentative contract settlements recommended by their union leadership, most recently last weekend.

Following this strong display of rank-and-file discontent, the unions felt compelled to authorize a work-to-rule campaign. They have also called for a demonstration outside the legislature today. Health Minister Jamie Muir has indicated the Tories will move to have the work-to-rule campaign deemed an illegal strike if the unions persists with it once Bill 68 is adopted. "I just hope it doesn't come down to that," he

said Sunday.

Canadian governments, federal and provincial, have passed a battery of strikebreaking laws during the past two decades, as they have sought to roll back, then dismantle the Welfare State programs established in the post-Second World War era. Invariably, the union leaders have denounced these laws. But never has there ever been any question of their coupling defiance, in the form of militant industrial action, with the political mobilization of the working class in defence of social and public services.

Indeed, the union bureaucrats have frequently found in these laws a convenient pretext for arguing that they have waged “the good fight” and any further opposition to government’s concession demands and budget cuts is futile. Big business governments, meanwhile, have relied on the union bureaucrats to police their antiunion laws, thus avoiding the necessity of mobilizing the police and judiciary to enforce them and risk sparking a major political crisis.



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