

“An Act to amend the Public Service Labour Relations Act, the Public Service Labour Relations and Employment Board Act and other Acts and to provide for certain other measures”

April 14, 2016

BACKGROUND

My name is Roy Hill and I presently live in St. John’s, Nfld. I served in the RCMP for over 40 yrs and am now retired. My service was in Ontario, Manitoba, New Brunswick and Newfoundland & Labrador. My service was as an investigator and later as a supervisor and in charge of various units, including detachments, major crime, proceeds of crime, internal investigations and having the privilege of serving the RCMP members as their elected labour relations representative in the Staff Relations Representative Program (SRRP) for over 13 years in Newfoundland & Labrador. I might add, prior to this, I also served as an elected sub representative for 13 yrs.

Having received several awards during my service, I am most proud of the Order of Merit of the Police Forces (M.O.M) honoring my leadership and exceptional service and distinctive merit and also recognizing my contribution to policing, community development and my commitment to the country of Canada.

Why am I here today? For the same reasons that I assisted and represented RCMP members for some 26 yrs – to speak on their behalf to ensure that they are treated fairly and equitably on any matter that affects their welfare and dignity. Specifically, I am here to represent the 16,500 RCMP members who made the voluntary decision to join and pay dues to the Mounted Police Members’ Legal Fund (Legal Fund), which for many years has been an important component of the RCMP’s labour relations system. By the way, the Legal Fund is administered by serving members on their own time, other than the secretary/treasurer and his assistant, both of whom are retired.

In my comments today on behalf of the Legal Fund’s members, I want to describe the extremely concerning - and deteriorating - situation that RCMP members currently face in respect of their basic working conditions. Specifically, I want to describe:

1) The actions that RCMP management is currently taking that are having a significant and detrimental impact on RCMP members, and particularly on their current ability to access any form of collective representation regarding workplace issues; and,

2) RCMP members’ serious concerns with the substance of Bill C-7. As I will explain, RCMP members are very concerned with: the significant restrictions that C-7 will impose on negotiations between RCMP management and the bargaining agent for RCMP members; and the fact that C-7 would place RCMP members under the jurisdiction of the various provincial worker compensation authorities in respect of occupational health matters.

Background: The Legal Fund

I would like to begin by providing some background on the Legal Fund.

Recognizing the need to have the ability to research and challenge issues on behalf of RCMP members, in 1997 a Corporation, separate and apart from the RCMP, was created, known as Legal Fund. The Legal Fund is totally independent from the RCMP.

The Legal Fund is a non-profit corporation that promotes the improvement of member conditions of employment or work by:

- a. taking action to bring a resolution of issues between members of the Legal Fund and the Government of Canada;
- b. taking actions collectively or individually with respect to matters which affect the dignity or welfare of a member or members of the Legal Fund which are not funded under benefit programs, including any Treasury Board policies and directives or any RCMP policies and directives, in effect by the RCMP or the Government of Canada for the benefit of members of the RCMP; and,
- c. researching, investigating, exploring, analyzing, examining, collecting of information or data and hiring outside counsel or organizations to do any of the foregoing in respect of issues described in (a) or (b) above.

Throughout its history, the Legal Fund has provided financial and other support to RCMP members so that they can advance their interests concerning issues that affect their welfare and dignity through legal proceedings and other avenues. At present, the Legal Fund has a national membership of approximately 16,500 members out of approximately 19,000 RCMP members. Legal Fund members join voluntarily and sign up for automatic payroll deduction for their dues, which are presently \$4.00 per pay or \$104 per year.

If the Legal Fund were not currently in existence and available to its members, then those members who are facing challenges and request Legal Fund assistance to meet those challenges would face financial ruin and/or the destruction of their character and career.

RCMP Management's Unilateral Actions Against RCMP Members

On behalf of the Legal Fund, I want to describe actions that RCMP management is currently taking that are having a significant and detrimental impact on RCMP members.

First, the RCMP Commissioner has just unilaterally cut-off the process of automatic payroll deductions for membership dues that funds the work of the Legal Fund on behalf of its members.

Second, the Commissioner has announced a plan to replace the current SRRP system with a much diminished Member Workplace Services Advisors (MWSAs) program. Under this

program, RCMP members will not have any access to a form of collective representation in respect of workplace matters or other issues that may affect their dignity or welfare.

I will deal with each in turn.

1) End of Voluntary Payroll Deductions

As I have already mentioned, throughout its existence the monies in the Fund came from payroll deductions from the members who voluntarily signed for a deduction of \$4.00 per pay and asked the Commissioner to deduct the dues from their pay cheques. That system, commencing in 1998, was in place until March 30, 2016. Approval for the deductions was given by Commissioner Philip Murray in 1997 and confirmed again in 2008 by Commissioner William Elliott.

However, on February 18th, 2016 the present Commissioner, without any discussion or consultation with the Executive of the Legal Fund, notified the Legal Fund that deductions would cease as of March 30, 2016. This notification came approximately three hours before RCMP management sent out a Bulletin to all RCMP members advising them of this significant change.

Efforts to have a dialogue with the Commissioner on this matter, including possible remedies to address any management concerns with the process, were sent to him immediately in writing on February 18, 2016. However, the Legal Fund did not receive a response from him. Ultimately, a memo from one of his Assistant Commissioners was received on March 31, 2016 that refused to entertain anything in relation to the matter.

Efforts then were made to bring this serious matter to the attention of the Minister of Public Safety. While contact was made with some of the staff, nothing was done to address the matter and there has been no meaningful dialogue in this regard.

In the end, on March 30, 2016, the RCMP unilaterally terminated the longstanding, voluntary dues collection process that I have just described.

Why is this serious?

In the short term, the end of voluntary payroll deductions threatens the very existence of the Legal Fund. Indeed, as I have already described, RCMP management knows that (1) the Legal Fund depends exclusively on this payroll deduction system to fund its work on behalf of RCMP members and (2) as a result, arbitrarily stopping the deductions will have a dramatic adverse effect on the Legal Fund and its ability to assist members on their issues.

In fact, the end of payroll deductions could result in the end of the Legal Fund.

2) Creation of the Member Workplace Services Advisors (MWSA) Program

Second, on May 16, 2016, RCMP management will terminate the Staff Relations Program and put in place a Member Workplace Services Advisors (MWSA) program. Under this program,

RCMP members will no longer have access to any form of collective representation in respect of workplace matters or other issues that may affect their dignity or welfare. In doing so, the program will prevent RCMP members from obtaining any form of meaningful representation concerning these issues. Furthermore, it will do so until a bargaining agent is certified under the legislative framework.

By the way, the Staff Relations Representatives as of February 5 2016 and until May 16 2016 cannot advocate on behalf of any member on any issue. As per (e) of the Commissioner's Bulletin, **"unless approved by the Commissioner, the SRR's shall not communicate with the media, Minister of Public Safety, Parliament, and Senate or the general public concerning any matters related to the RCMP; the Transition Team is strictly available to assist members and reservists in their employment matters with the RCMP"**. This Bulletin is attached.

We believe that this course of action is entirely at odds with the principles set out by the Supreme Court of Canada in *Mounted Police Association of Ontario v. Canada (Attorney General)*, 2015 SCC 1 (*MPAO*), the decision that caused the Government to introduce Bill C-7. While the Supreme Court found that the current RCMP labour relations system violates the protection for freedom of association section 2(d) of the Charter due to insufficient choice and independence, there is nothing in the decision to support the total elimination of the current RCMP labour relations system - and with it the only forum for collective representation that RCMP members have - prior to the implementation of a new collective bargaining regime for RCMP members. On the contrary, the decision to eliminate the SRRP exacerbates the freedom of association violation identified in *MPAO* by making the labour relations situation worse for RCMP members.

To summarize, rather than *improving* RCMP members' ability to exercise their freedom of association, RCMP management's current course of action is totally *eliminating* collective representation in the RCMP.

On this basis, the Legal Fund requests that this Committee ensure that:

1) The longstanding and voluntary system of automatic payroll deductions for Legal fund members' dues be continued.

Bill C-7

I also want to voice the significant concerns of RCMP members regarding the substance of Bill C-7.

Let's get to the heart of the matter. We would submit that RCMP management and this Government know how vulnerable the RCMP members are at this point in time. I just related to you some of the actions of RCMP management in stifling any form of representation of members. Now we have Bill C-7, which is intended to *improve* the working conditions of RCMP members, as per the ruling of the Supreme Court of Canada. Instead, we have RCMP members across Canada, enraged over the contents of this Bill.

Why are they angry about Bill C-7? Because the legislation (1) imposes restrictions on what will be the subject of negotiations in the new labour relations scheme and (2) would place RCMP members under the jurisdiction of the various provincial worker compensation authorities in respect of occupational health and injury matters.

1) Restrictions on Negotiations

Let me begin with the significant restrictions that Bill C-7 places on what RCMP management must negotiate with RCMP members.

Let me give you an example. Some of the issues that cannot be negotiated in C-7 include staffing levels and postings. Are they large and serious issues? You bet they are. Who is in complete control of these issues? Management. Was there any input from the members of the RCMP in respect of the development of Bill C-7? No. The only messages that the government hears is that of the Commissioner and his senior management team. They are powerful, unbridled positions. It is not from the grass roots, the women and men who are boots on the ground 24/7 across Canada, who are serving in locations that no other agency would dare set up an office, unless an RCMP member is present.

Understaffed Detachments and offices are the norm, including the smaller detachments. Officer safety and burn out ever taking place, but yet RCMP members continue to put themselves in harm's way, to protect citizens. So, staffing levels are very much relevant and important, but they can't be negotiated? This makes no sense. RCMP members have to agree to serve anywhere in Canada if they want to enlist in the Force. That means that throughout one's career you could serve in several provinces and at various locations. But the details of this cannot be negotiated?

In other words, some of the most important working terms and conditions that apply to RCMP members cannot be negotiated under Bill C-7. This is simply unfair and at odds with the Supreme Court's decision in *MPAO*.

2) Worker Compensation

The second major problem with Bill C-7 is that it would place RCMP members under the jurisdiction of the various provincial worker compensation authorities in respect of occupational health and injury matters.

Health coverage of RCMP members has been one of the pillars over the decades that attracted people to join the RCMP. It does not take long after enlistment to appreciate that no matter the posting, health services would be made available with none of the wrangling associated with dealing with provincial compensation boards. The radio talk shows are flooded every week with calls from irate citizens who are frustrated with provincial compensation boards, the bureaucracy and the constant struggle to be heard and dealt with fairly, including the financial losses.

I would be doing a disservice if I did not bring to your attention the impact all of these issues and postings have on others who are part of the 'package' when RCMP members are posted to their duties and locations. Spouses/partners often give up their careers, with no opportunities to work at various locations and at the end of their work life have no pensions. Often, at postings they supplement the staff in doing things that could help save lives, including their love ones. By the

way, children are often impacted as well. Personally, my three children were in three different schools in one school year. To this day my three adult children often negatively refer to this very traumatic experience, which to them is unforgivable.

I have read some emails that spouses/partners have written to Members of Parliament, including the Minister of Treasury Board, Honorable Scott Brison, the sponsor of Bill C-7. The writer of one message, Ms Campbell, spouse of an RCMP member, makes a passionate plea based on experience to please back away from the provincial compensation boards coverage and described it as completely unacceptable. She gave her reasons for this request. She related, ".....I have taken more phone calls than I care to recall from my spouse saying that he was going to be late because, "I'm just getting x rays done, I might have broken my hand", "I was in a car accident", "I have been bitten", "can't talk I'm at a shots fired complaint" and the list goes on. I am at every call with him in spirit and prayer and take on some part of the toll it takes on him! These are most likely a common story of most members and spouses in the RCMP and for you to table legislation that takes them out of the Federal coverage and most likely away from the Veterans Affairs coverage for on duty in injuries is at best a slap in the face and worst the sign of a cold, callously and purposefully planned means to punish members for wanting fair and just representation and wiping the slate clean and tying the hands of the membership before they even have a chance to choose the means of representation they want".

This spouse went on to say to Minister Brison, ".....the RCMP is the National Police Force and is unique from all others. They deserve to have the benefits under the Federal medical coverage because they are told they will serve anywhere in Canada. They deserve to be treated fairly at the bargaining table. They deserved to be taken care of when injured in the line of duty protecting me, my family and you and your family as well as the security of the Nation! Please reconsider your position on Bill C-7. It is not too late for you and the other MP's to do the right thing. Remember "a police officer is a peace time soldier, always at War". The members of the RCMP deserve your support and have earned what benefits have been promised to them to take care of them when they are injured in the service of our country". Her complete email is attached.

Given the time constraints, I will end my comments at this point. Thank you.

Roy Hill, M.O.M
Assistant secretary/treasurer of the Mounted Police Members' Legal Fund