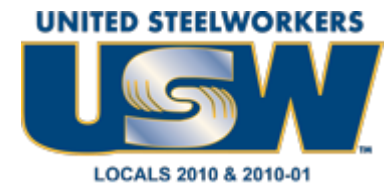


***CUPE*229**

***CUPE*254**

***CUPE*1302**



# BILL 124 WAGE CAP UPDATE

April 18, 2023

Hosted by Unity Council | **CUPE PSAC USW**

# JOIN THE **BILL 124 CAMPAIGN** TEXT MESSAGE LIST



Sign up at

<https://eztxt.net/P17WXf>

Scan QRC on the screen now with  
your smart phone

Click on the link in the chat

**NOTE:**

The **“tapme...” links** sent in future  
text messages are safe; they are  
*short-links* for better texting

## ZOOM MEETING DETAILS

- This is an *open* Town Hall meeting
- If you join the meeting via phone, long distance charges may apply
- Use the **chat line** to submit your questions to the Moderator throughout the presentation (privately or to everyone)
- When using the **chat line**, *please add your Local Union number* (e.g., 229, 901, 2010, etc.)
- Questions will be answered at the end of the presentation
- This meeting **will be** recorded
- We ask that Members use the video feature in Zoom once the presentation begins



**chat line open**

send questions via the chat line  
for the Q&A session at the end

# **INDIGENOUS ACKNOWLEDGEMENT**

Aaniin, She:kon, Welcome,

We acknowledge that we gather today as unionized employees of Queen's University, on territory, traditionally shared between the Anishinaabe and Haudenosonee peoples. We acknowledge and respect all treaties and agreements and through actions of reconciliation will ensure our Indigenous unionized colleagues are recognized and respected within our Collective Agreements. We finally acknowledge our Indigenous unionized colleagues and their community that still today live, travel and work alongside us.

Miigwech, Nyawen'ko: wa, Thank you



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# AGENDA

Unity Council

What is Bill 124

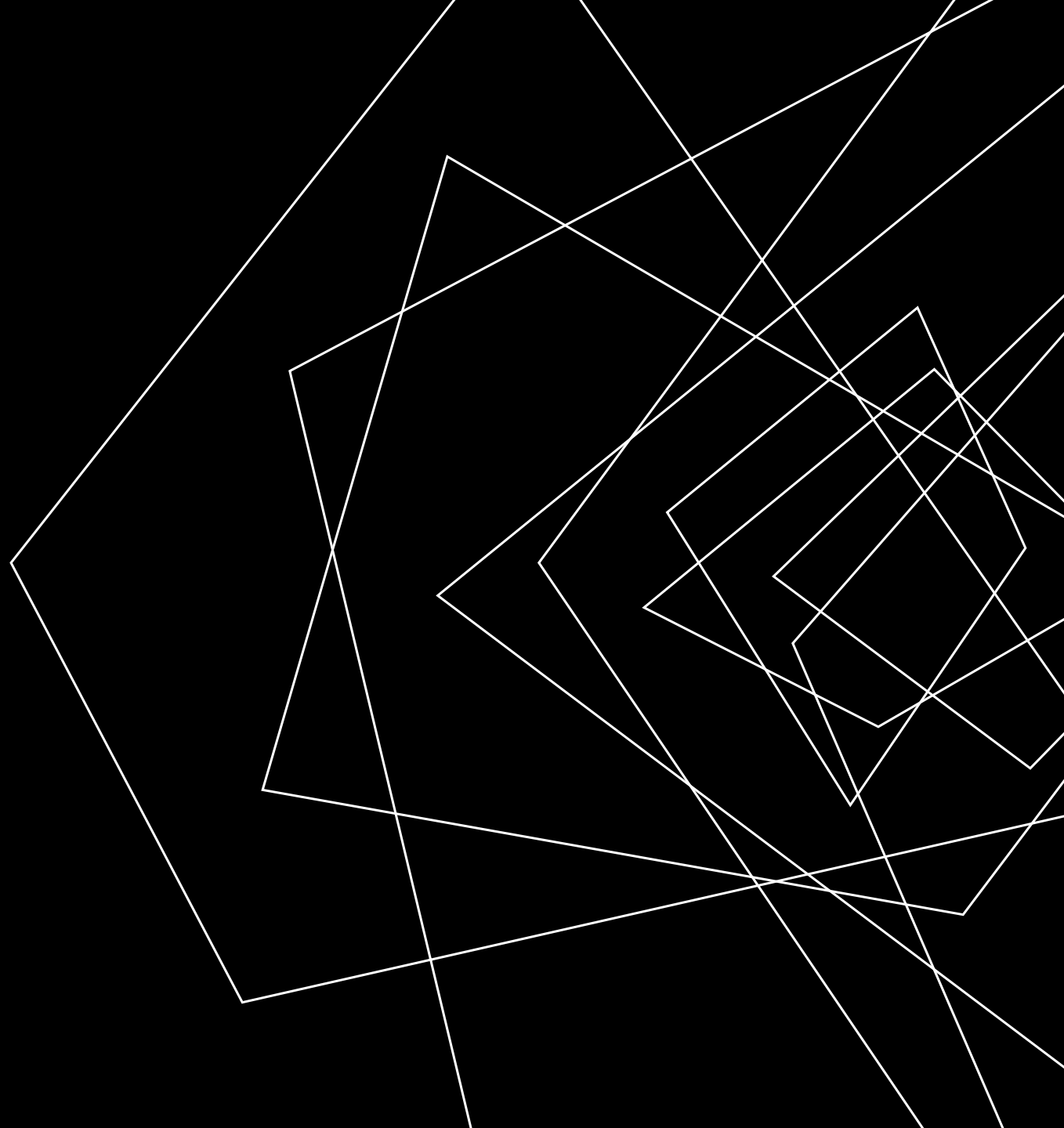
Ontario Superior Court of Justice

Supreme Court of Canada

Timeline & Discussion Points

Next Steps

Q&A



# UNITY COUNCIL

## BILL 124 TASK FORCE

### Unionized Groups at Queen's:

- **CUPE 229** – Maintenance/Custodial/Food Service Employees
- **CUPE 254** – Technical and Lab Support Technicians
- **CUPE 1302** – Archivists and Library Technicians
- **ONA 67** – Nurses
- **OPSEU** – Family Health Team
- **PSAC 901 Unit 1** – Teaching Assistants and Teaching Fellows
- **PSAC 901 Unit 2** – Post Docs
- **PSAC 901 Unit 3** – Research Assistants
- **QUFA** – Faculty/Librarians
- **USW 2010** – Support Staff
- **USW 2010-01** – Academic Assistants

### Meeting Hosts:

- CUPE 229, 254, 1302
- PSAC 901 Units 1 & 2
- USW 2010, 2010-01



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## What is Bill 124?

- The Ford government introduced/passed **Bill 124, *Protecting a Sustainable Public Sector for Future Generations Act, 2019***, in October 2019.
- It is wage-suppression legislation that restricts compensation growth within the public and broader-public sectors for all **employees**.
- Applies to not-for-profit organizations that received at least \$1 million in Ontario government funding in the **fiscal year 2018-2019** (*received by Queen's University*).
- It applies to both *unionized and non-unionized* **employees**.
- Increases to compensation are limited to 1% (*or less*) in each of the 3 moderation years.
- Includes benefits and one-time payments.



## How does Bill 124 work?

- Bill 124 **restricts our right to bargain** both wages and new entitlements (*anything that costs the Employer more*).
- Bill 124 also prohibits Queen's from providing increases to salary or compensation **before or after** the 3-year moderation period (*“anti-avoidance measures”*).
- Significant compliance powers afforded to **Ontario Treasury Board** (*penalties/sanctions against employers*).
- The **Minister of Labour** can also **order the cancellation** of Collective Agreements or Arbitration Awards/Rulings inconsistent with Bill 124.
- No meaningful change to Provincial Budget. Provincial funding is allocated on a per-student basis, **not wages of employees**. On average, provincial funding represents only one-third ( $\frac{1}{3}$ ) of university revenue in Ontario.
- Wage increases in university sector have had a negligible impact on a provincial deficit, both pre-and-post pandemic.





## WHICH LOCALS HAVE BEEN IMPACTED?

EMPLOYEE GROUPS:	DATES:
CUPE 229	July 1, 2022 – June 30, 2024
CUPE 254	July 1, 2022 – June 30, 2024
CUPE 1302	July 1, 2022 – June 30, 2024
PSAC 901 Unit 1	May 1, 2021 – April 30, 2024
PSAC 901 Unit 2	July 1, 2020 – June 30, 2023
USW 2010	July 1, 2022 – June 30, 2024
USW 2010-01	September 1, 2020 – August 31, 2023



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# WHO IS NOT IMPACTED BY BILL 124?

Bill 124 does not apply to “*designated executives within the meaning of the Broader Public Sector Executive Compensation Act, 2014*”.

Essentially, it applies to **employees** only, not management.

For personnel at Queen’s this means it **does not apply** to:

- Senior Leadership,
- Salary Grades 10-14, or,
- Grades 8-9 who are excluded from a bargaining unit because they are “deemed a Manager”.

Queen’s however, adopted a “*same as you*” or “*parity*” policy and paid the personnel noted in accordance with Bill 124 parameters.

Essentially 1% per year for 3 years the same as other employee groups.

3 Year Moderation Period:  
July 1, 2022 to June 30, 2024



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**CUPE, PSAC and USW were in bargaining in the last couple of years and had to comply with the Bill 124 legislation.**

- CUPE 229 – Maintenance/Custodial/Food Service Employees
- CUPE 254 – Technical and Lab Support Technicians
- CUPE 1302 – Archivists and Library Technicians
- **ONA 67 – Nurses**
- **OPSEU – Family Health Team**
- PSAC 901 Unit 1 – Teaching Assistants and Teaching Fellows
- PSAC 901 Unit 2 – Post Docs
- PSAC 901 Unit 3 – Research Assistants
- **QUFA – Faculty/Librarians**
- **USW 2010 – Support Staff**
- **USW 2010-01 – Academic Assistants**

# UNITY COUNCIL

## BILL 124 TASK FORCE

### **ONA & OPSEU are in bargaining now**

ONA: ~15 Members

OPSEU: ~40 Members

### **QUFA finished bargaining in Feb**

~1000 Members

QUFA bargained their annual ATB (cost-of-living adjustment) for each of the 3 years of their new contract at the rate of:

- 2022 - 3.5%
- 2023 - 3%
- 2024 - 3%

**Unity Council has met/continues to meet to discuss the issues surrounding Bill 124, since the Ontario Superior Court of Justice decision in November 2022 that declared Bill 124 to be unconstitutional.**

December 19, 2022      Unity Council sent a letter to the Employer requesting a meeting to discuss Bill 124 on December 19, 2022.

January 23, 2023      On January 23, 2023, the Employer sent a response email acknowledging the request to meet and indicating that the "***University is in the process of finalizing its view***" on the situation.

February 15, 2023      Unity Council resent the letter from December to the Employer stressing the need to meet to discuss Bill 124.

March 8, 2023      Unity Council met with the Employer.  
CUPE 229, CUPE 254, CUPE 1302, PSAC 901, USW 2010, and USW 2010-01.  
***Each Union presented their reasoning to the Employer as to why their Members require their wage packages reopened, and why renegotiations need to begin soon between each Local and the Employer.***

**UNITY COUNCIL**

## Ontario Superior Court of Justice Decision regarding Bill 124

- Coalition of Ontario Unions put forward a legal challenge to this legislation.
- In November 2022, the **Ontario Superior Court of Justice**, Justice Koehnen declared the Act, Bill 124, to be unconstitutional and deferred the specific remedy to a later hearing.
- The Ford government submitted an appeal of this decision but did not request to a “stay”, which would make Bill 124 stay in force and effect until the outcome of the appeal.
- The Appeal is to be heard in June 2023.



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# TIMELINES

## Ontario Superior Court of Justice

Oct 2019 Bill was introduced/passed.

Nov 2022, Bill 124 was declared unconstitutional.

Justice Koehnan deferred the specific remedy to a later hearing.

The Ford Government appealed this decision.

The Appeal regarding the **Ontario Superior Court of Justice** Decision, will be heard June 20-21, 2023.

The **Appeal Decision** will take weeks to be publicly released (*potentially September 2023 or later*).

## Supreme Court of Canada

If the **Appeal Decision** agrees with the original Superior Court of Justice Decision (*ruled unconstitutional*), the Ford Government could decide to appeal a final time to the **Supreme Court of Canada**.

Submitting a second appeal and scheduling the hearings could potentially take another 6 months.

## Remedy Hearing

If a decisive/final decision marks Bill 124 as unconstitutional, the **Remedy Hearing** will need to be scheduled.

Could take another 6 months at least to move through the process.

## Charting the Timelines

When charting the timelines as shown, we are close to September 2024.

Approximately 2 months after the **CUPE CA** expire (June 30, 2023).

Approximately 3-4 months before the **USW 2010 CA** expires (Dec 31, 2024).

Approximately 4 months after the **PSAC Unit 1 CA** expires (April 30, 2024).

## Employer's Position

The Employer continues to be firm in asserting that they still have not finalized their "view" or "position" on the Bill 124 issue.

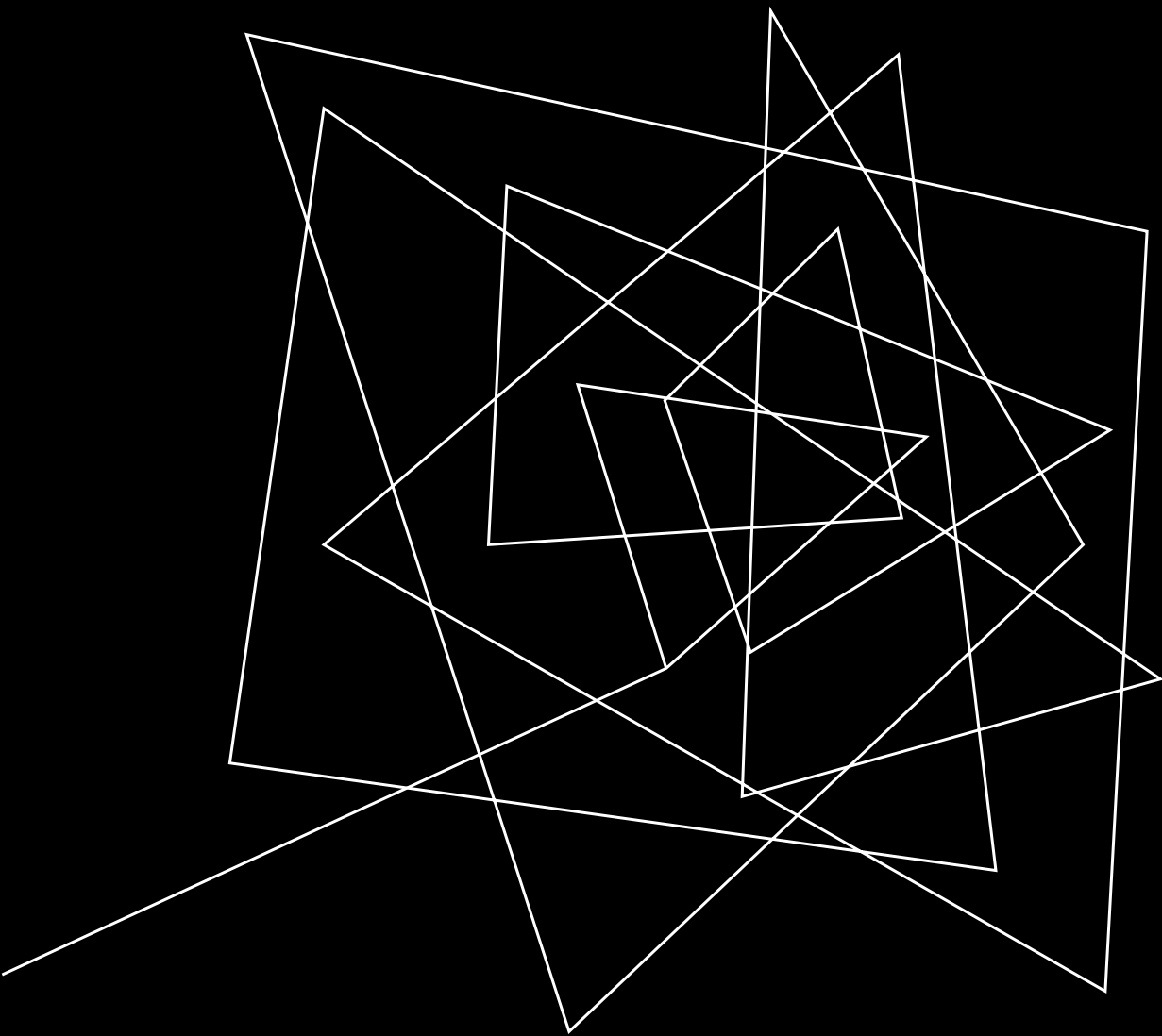
The Employer is also unable to provide an approximate date in which they will finalize a position or view on the issue.

# DISCUSSION POINTS WITH EMPLOYER – MARCH 8<sup>TH</sup>

## Expressions made by Unity Council included:

- There is an open window of time now that the Employer could renegotiate wages while the Government works through their processes.
- Cost-of-living adjustment (COLA) parity should be an acceptable approach for all employees at Queen's (e.g. QUFA just received 3.5; 3.0; 3.0 for their COLA).
- Workers need the higher wage adjustment now to offset inflation and rising living costs (e.g. food, gas, etc.).
- If the Government upholds the Bill 124 legislation, and Ontario public sector workers are required to take 1% each year of 3 years, then it can be discussed in the next round of bargaining (2024/2025).
- If the Employer can afford to adjust the highest paid employees on campus (QUFA Members) with the highest adjustments, then the University can afford to pay the average-paid the same COLA rates.
- Waiting another 2 years does not make sense for workers when regular living expenses are extremely high and still rising now.
- Essentially, we need the higher cost of living rates now, not in 2 years.

**Sadly, however, it is the belief of Unity Council that the Employer is simply going to run out the timelines, not take a position in a timely manner, and not renegotiate higher COLA rates.**



## NEXT STEPS

- *Campaign*
- *Collaborative Job Action Activities*



## CAN'T DO

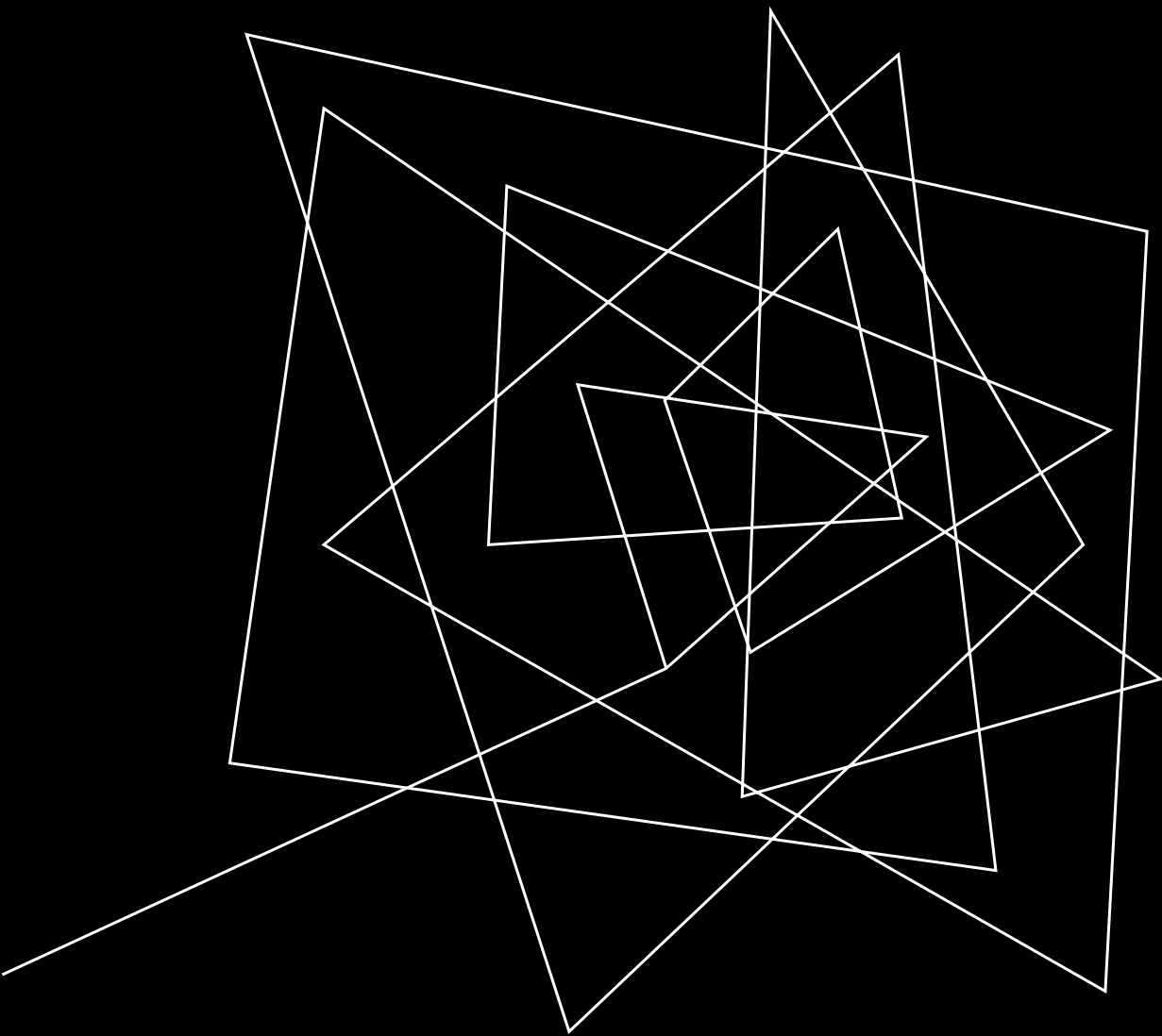
1. **Strike!** A legal strike can only occur when a Local Union is in bargaining with the Employer.
2. If we attempt an illegal “wild-cat strike” each Local can be fined by Ministry of Labour.

## CAN DO

1. **Public campaign** to impress on Queen’s that we want re-negotiations to begin now for each Local currently in the 3-year moderation period.
2. Would you like to see Unity Council launch a public campaign (*e.g., ads on social media, ads on bus stops, interviews with newspapers etc.*)?
3. If so, what supportive **Job Action activities** would you be willing to participate in?

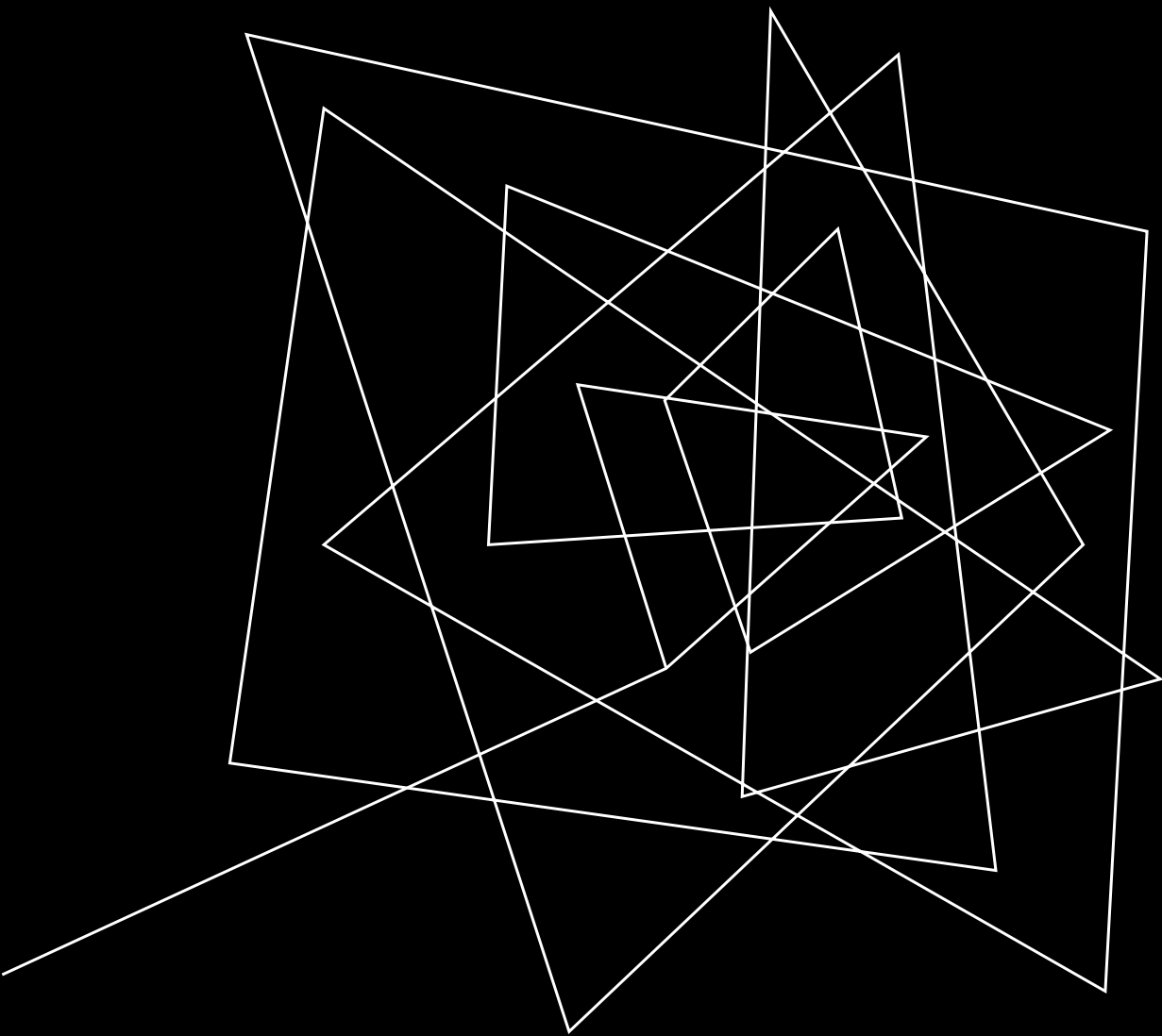
# SUPPORTIVE ACTIVITIES

1. **Would you participate** and be willing to show the Employer that you and your Union are serious about Bill 124 discussions now?
2. **Take your full 1-hour unpaid lunch every day** (*ideally leaving your workspace during this time*).
3. **Take both your morning and afternoon 15-minute breaks** (*ideally leaving your workspace during this time*).
4. **TAKE BACK YOUR TIME** and not work over your contracted/paid hours when performing duties for the Employer
5. **ALL Union MEMBERS take their 15-minute break AT THE SAME TIME/SAME DATE** (*e.g., everyone takes 15 on Monday, April XX at 10:15-10:30AM & 3:15-3:30PM*).
6. **One-time Rally** at Richardson Hall or other highly visible location during unpaid time (*over the lunch hour*).
7. **One-time sit-in** at Richardson Hall or other highly visible location during unpaid time (*over the lunch hour*).
8. **Sign Electronic Petition**
9. **Send a templated letter** to Principal/Queen's Senior Admin
10. **Reoccurring informational pickets/sit-ins** during unpaid time (*over the lunch hour*)
11. **Zoom backgrounds in work meetings** (Queen's may ask for these not to be used)



# POLLS

- *Watch your screen to participate*



# QUESTIONS & ANSWERS

CHAT LINE OPEN