

# MEMBER UPDATE

## **BILL 9 UNDER FIRE: AUPE WINS INJUNCTION IN THE COURTS, BUT THE BATTLE'S FAR FROM OVER**

*Our injunction was successful. With that in place, members will go forward with their third-year wage arbitrations as scheduled...but not if the UCP have their way.*

Tuesday, the Queen's Court granted AUPE an interim injunction against the UCP's anti-worker bill 9, which the party gifted itself in June. Justice Macklin delivered his decision late yesterday afternoon.

AUPE members employed by the Government of Alberta (GOA) and Alberta Health Services (AHS) will now continue with wage re-openers as scheduled, on Aug. 7, 8 and 9, where they'll present a case for their 2019 wage proposals to an independent arbitrator.

Justice Macklin was clear in his ruling: "...government cannot unilaterally change its contractual obligations through legislation."

### **Background on the ruling**

*Bill 9: the Public Sector Wage Arbitration Deferral Act* gave the government the power to overwrite 70,000 AUPE members' collective agreements. It violated contract provisions that guaranteed wage arbitration would be held in June, delaying arbitrations until after Oct. 31, 2019, affecting those of you working in provincial government services, boards and agencies, education and health care.

These wage re-openers were negotiated in good faith, promised to you, fair and square. Justice Macklin's decision sends a clear message to the UCP that workers rights aren't something to be trampled on.

It's only right the people who care for our province day in and out should have the power to advocate for themselves, especially when their government doesn't. This injunction will help you do that.

### **The battle continues**

The UCP feel different and are dead set on maintaining the delays until after their hand-selected blue ribbon panel provides its recommendations on the province's finances. Shortly after the injunction was announced, they declared their plan to appeal the decision. This means the courts have to review the case, which could lead to them reversing or changing the decision.

Why? The government says they need more information about Alberta's economic situation before they can negotiate the modest wages of the province's public sector workers. Many AUPE members know the blue-ribbon panel report will likely propose cuts to funding for a number of crucial community services you deliver.

We expect a second Bill in the fall, which the UCP will likely use to freeze or roll back wages and benefits. We

know AUPE members will fight even harder against any illegal attempts to take away our collective bargaining rights.

The courts recognized Tuesday that a government claiming to represent Albertans – among them, public service workers – doesn't need more economic information to negotiate workers' modest wages. It should already know the province's economic situation.

Many AUPE members are chiming in, also wondering how the government could go ahead with corporate taxes,

cutting the public purse off from \$3.7 billion over four years, without knowing Alberta's economic situation.

The UCP aren't friends of the frontlines, which is why we need to stay vigilant and keep fighting back together. Solidarity in the streets is what will keep us strong as we face off with this two-faced government. Continue to check [aupe.org/fightback](http://aupe.org/fightback) and join any upcoming information pickets near you.

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## ***WHAT'S IN STORE?***

### **Wage Arbitrations and the Courts**

Bill 9 is not dead and more decisions about it need to be made in the courts.

When AUPE applied for an injunction, we also filed a statement of claim against the UCP in the Court of Queen's Bench on the grounds that Bill 9 is a violation of the Charter rights to free collective bargaining and freedom of association.

Our win yesterday recognizes those rights, but our claim, which will proceed through the courts, is aimed at striking Bill 9 down in its entirety. A full and complete ruling will take time.

As a result of yesterday's injunction decision, previously scheduled arbitration hearings will continue on August 7, 8 and 9. If you do secure a wage increase in arbitration, it will be suspended until a decision is made on the statement of claim. If AUPE wins this case, you will receive any wage increases resulting from your wage reopeners after the court's decision, retroactive to April 1, 2019

In the meantime the fight back against Bill 9 continues, and the fight against any hits this government delivers to Albertans continues. We're standing up for our jobs, our neighbours, and the public services we all rely on. The UCP might have the power of the state, but together we represent the power of the people!