

MEMBER COMMUNICATION 57
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Dear RCMP Membership:

The recent survey and town hall discussions initiated by the Minister of Public Safety have prompted renewed discussion amongst the membership about labour relations in policing. In the course of this dialogue reference has been made to “the Wagner Model” and members have asked what this is and how the RCMP’s SRR Program and the labour relations system in place in other police forces each compare to the Wagner Model. The following is a discussion of these questions.

What is meant by “The Wagner Model”?

The “Wagner Model” of labour relations refers to the typical labour relations model that has been used in North American workplaces since the 1930s. It is a statutory regime that provides for employees to join together in unions or associations to engage in good faith collective bargaining aimed at achieving a collective agreement covering the employees’ terms of work. Under this model, the employer is required to recognize the association with the most employee support as the employees’ bargaining agent, and then negotiate exclusively with it. There are rules in place to protect employees against “unfair labour practices”, which is conduct by the employer which might undermine the employees’ free choice and participation in the association and bargaining processes. Likewise, bargaining agents take on obligations to fairly represent the employees. The model also provides options to the parties where bargaining is not successful, such as recourse to strikes / lockouts, conciliation, mediation and/or arbitration.

Labour Relations in other Police Forces:

Essentially all other police forces in Canada are covered by Wagner model statutes that provide for members of those forces to associate and bargain. In some cases, the police force is captured under a statute that applies to other government workers, and in some cases, there is a separate statute for that police force. In most cases, police are prohibited from striking, and instead have bargaining impasses resolved through binding arbitration. Ultimately, collective agreements are reached and they usually apply for a 2-3 year period, although this varies.

The Origin of the SRR Program:

The SRR Program is unique to the RCMP and was implemented in its early form in the 1970’s by Commissioner Nadon, in response to member unrest, and instead of acceding to members’ requests to grant access to unionization and collective bargaining. The SRR Program was imposed to head off unionization in the RCMP and set in place as the exclusive means by which RCMP management would communi-

cate with members on employment matters, and member associations were shut out of the process and ignored. The government was maintaining a long standing policy not to permit RCMP members to associate and bargain, and since the program was implemented before the introduction of the Charter of Rights and Freedoms and the recognition of the right to engage in collective bargaining as part of the freedom of association, members were without legal recourse. Ultimately, the government was forced to recognize members' rights through the constitutional challenge that resulted in the January 16, 2015 Supreme Court of Canada decision.

Why Bring the Constitutional Challenge?

MPPAC members supported the constitutional challenge of the SRR Program, and members' exclusion from the Public Service Labour Relations Act, in order to obtain greater opportunities for members to influence their workplace and working conditions. Association representation in policing is the norm in western society, and it is the means by which essentially every other police force in Canada negotiates collective agreements setting out terms and conditions of work. Over the years, our members have worked side by side with colleagues from other forces and have seen the differences an independent association and collective bargaining can make. The opportunity to enjoy those same benefits was what the challenge was all about.

The SRR Program differs from the Wager model in many ways – the SRR program does not constitute an association of members who have chosen to come together to pursue their collective interests, and it is not independent of the force, but rather part of it and does not contain independent binding arbitration as a mechanism to resolve impasses. Another big difference between the SRR Program and Wagner Model regime enjoyed by all of our policing colleagues, is one of control. Through the Wagner Model, an association chosen by those employees, which is independent of force management, can and will set and pursue their own agendas created and driven by their membership's needs and interests. Under the Wagner model, an independent association will determine their relative priorities, and when and how to pursue them through the process of collective bargaining with their employer. This has never been available to our members through the SRR Program. There may be discussion, but there is no negotiation as management has the final say, and there is no mechanism to allow members to overcome this, unlike our colleagues in other forces who can seek binding arbitration for bargaining impasses. The nature of the SRR Program was made perfectly clear by the government through the SRR's challenge to members' wage rollbacks introduced in late 2008; in which it filed sworn evidence stating that Treasury Board unilaterally sets wages for RCMP members and that it does not negotiate nor does it enter into collective or any agreements regarding terms and working conditions for RCMP members.

It is MPPAC's opinion that the SRR Program has always been a handicapped, ineffective program because of the severe limitations inherent in it and the fact that it has and always will be controlled by the employer. We have fought for and obtained the right to a system which will allow members greater influence in our workplace including working conditions, safety as well as pay and benefits to name just a few. Now, we must join together to use that opportunity and make it a reality!

What Comes Next:

The Supreme Court of Canada determined that the SRR Program prevented members from exercising their freedom of association, including the opportunity to join together in an independent association chosen by the members for the purpose of engaging in collective bargaining with our employer. Our employer, the Treasury Board is now consulting the membership via a survey and town hall meetings to obtain feedback from all RCMP members on how best to implement the Supreme Court's decision. We have urged all members to participate in these processes and to let the Treasury Board and government know that the Supreme Court of Canada has endorsed our constitutional rights and we are exercising them. MPPAC has sent correspondence to The Treasury Board of Canada requesting to be part of these processes so far without success. We are concerned that any results from these initiatives, surveys and town hall meetings, will not be accurately reflected in any reports generated on this matter without MPPAC's participation and oversight. We will not stand idly by and allow this to happen but will continue to lobby our employer the Treasury Board and government to be part of these processes as we already represent members in every division and possess executives in every region of Canada. In this capacity we can address the different issues inherent in the various regions of the country which affect our membership.

We need you to continue to be our voices and advocates to ensure that all RCMP members are informed and educated and will make the decision for positive change today. Neither the Treasury Board, the government nor the soon to be abolished SRR program will provide you with the information and education of what a truly independent Police Association can and will do for you. We are the body who have fought for your rights to collectively bargain, fought for your right to choose your labour representatives and who are independent from management. We have become aware that the government is going after the sick leave of federal employees beginning with PSAC. PSAC has filed a court injunction to protect their members sick leave benefits: <http://psacunion.ca/psac-seeks-court-order-protect-sick-leave-treasury>

Who will be there for you when the Treasury Board comes after your sick leave benefits? Who will be there to fight for your rights when the Treasury Board seeks to remove indexing from your pension plan? Yes, this will affect all members and senior members who are operating under the belief that they don't need to join MPPAC as these changes will not affect them. You need to reconsider your decision and pay attention! This will affect you: <http://www.fsna.com/blog/2015/08/canadian-coalition-for-retirement-security-calls-for-pension-protection/>

MPPAC has been in communications with the Federal Superannuates National Association (FSNA) in regard to this looming potential attack on our retired members pension plans. We will be supporting their efforts to protect the members who are part of our Retired Members Alliance (RMA): <http://mppac.ca/retired-member-alliance/>

You need to take a positive step today and join your colleagues who are already part of MPPAC so that you, will have a national voice who will continue to fight on your behalf for all of your benefits and to improve your work conditions. We have the support and backing of the Customs and Immigration Union (representing all CBSA employees) and the Canadian Police Association (CPA) which represents every major police force across Canada. With the support of these national partners we have the expertise to organize, the expertise to negotiate, the expertise to create our first collective agreement and the ability to cross the finish line. To finish we need you! We need to get 50% plus one member to certify. Join us and your fellow colleagues who are already part of MPPAC and be part of the bright future of our RCMP.

LET US BE YOUR ADVOCATE

The Mounted Police Professional Association of Canada (MPPAC) aims to become the independent labour representative for all non-commissioned RCMP members. MPPAC was established in 2010 to fight for the right to engage in collective bargaining through an independent association on behalf of RCMP regular and civilian members across Canada. We strive for excellence in our conduct and obligations. We provide leadership to all of our membership, on justice issues which affect the quality of life of all Canadians. The Association does not seek or support the right to strike. To learn more, visit www.mppac.ca.

Become a member today and let's put forward a collective voice on work issues that concern us all. Please forward this message to your RCMP colleagues who are not yet members of MPPAC.

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ACPMP | Association Canadienne de la Police Montée Professionnelle

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