

STATEMENT to the MOTION—JULIE GREEN, MLA YELLOWKNIFE CENTRE

**MOTION 31-18(3):
REQUEST FOR GOVERNMENT OF THE NORTHWEST TERRITORIES TO ENTER
BINDING ARBITRATION WITH UNION OF NORTHERN WORKERS,**

February 8, 2019

MS. GREEN: Mahsi, Mr. Speaker.

WHEREAS the Government of the Northwest Territories and the Union of Northern Workers have been negotiating a collective agreement for the last three years;

AND WHEREAS the Union of Northern Workers and the Government of the Northwest Territories have agreed to mediation scheduled to take place on February 8 and February 9, 2019, in an attempt to reach a collective agreement;

AND WHEREAS the Union of Northern Workers has served the Government of the Northwest Territories with strike notice for 12:01 a.m. on February 11, 2019, in the event that mediation fails;

AND WHEREAS the Union of Northern Workers has agreed to enter into binding arbitration to produce a new collective agreement;

NOW THEREFORE I MOVE, seconded by the honourable Member for Kam Lake, that this Assembly call on the Government of the Northwest Territories to agree to enter into binding arbitration before the scheduled strike begins. Mahsi, Mr. Speaker.

MR. SPEAKER: Masi. The motion is in order. To the motion. Member for Yellowknife Centre. To the motion.

MS. GREEN: Mahsi, Mr. Speaker. Mr. Speaker, I am proposing this motion because I believe that entering into binding arbitration is preferable to a strike. If both parties agree to arbitration, then the strike action will be cancelled.

Arbitration acknowledges that collective bargaining has failed, and it provides a path forward to resolve this dispute in a way that is fair to both sides. It allows for the government and the union to save face without the parties calling one another "winners" or "losers."

Mr. Speaker, I have the greatest respect for collective bargaining. My father was a proud member of the trade union for most of his work life. I wrote my Masters' thesis on western Canadian labour history about the appalling working conditions that resulted in hundreds of miners dying in the Crowsnest Pass. I was a member of the union during my 16 years at CBC. In that time, strikes happened on what felt like a regular schedule. When I think about those events at the CBC, I think about the tension of having to cross the picket line because my union was not on strike. I remember a riot at the broadcast centre in Toronto at the end of one of those strikes, where there was a brawl in the atrium and police outside on horseback. It was ugly.

Mr. Speaker, Yellowknife has its own tragic experience with strikes. I am of course

talking about the labour dispute at the Giant Mine. I did not live here then, but what happened in Yellowknife was news everywhere. Labour action polarized the community. People threw punches, ended friendships, and moved away. I got to witness the fallout while I was a reporter covering the civil trial in 2003-2004. Widows and mothers talked about their lost husbands and sons, their lives broken and unable to mend without them. At the trial, union members watched video of the mayhem on the picket line and said they did not recognize themselves as those angry, volatile people of 10 years earlier. They told the judge they said and did things in the heat of the moment that they still regretted.

My point is that strikes can be dangerous because stakes are high, tempers flare, and the results are unpredictable. We have already seen the tension rising. The union served legal strike notice. Government put out an email to staff highlighting the possibility of crossing the picket line. The union confronted the Premier at his constituency meeting. Most recently, the government has distributed a waiver for people to sign who want to cross the picket line. It's easy to see how confrontation on the picket line is not just likely, it is inevitable.

Mr. Speaker, I have had dozens of emails and messages supporting the union's request for binding arbitration. One woman is a single mom, a relief worker with two part-time jobs. She is struggling to keep up with her bills. She is asking for an end to casual positions so that she has job security. Another woman has talked about the need to end the widespread use of casual and term positions in order to build up a permanent northern workforce.

I am touched that people have shared their personal circumstances with me and their belief that I, that all of us, can help them by supporting this motion. I believe that, of all of the communities, Yellowknife has the most to lose if there is a strike. We have the biggest number of workers who are eligible to strike, and we have the largest retail sector. A strike is bad news in every way. At a minimum, it will divide the community and put families on the financial ropes. I have also heard from people who are not members of the union, but who are worried about their small businesses, specifically that a strike will dry up consumer spending and result in them laying off staff or even closing shop. Mr. Speaker, there is no upside to a strike; none at all.

Mr. Speaker, I want to make a couple of points that may be obvious to us as MLAs, but may not be clear to the public. The first is that this motion is legal, and what it is requesting is legal. The Public Service Act does not say anything about arbitration in these circumstances, but that doesn't mean it can't happen. The union did not give up the ability to participate in arbitration when they acquired the right to strike. The two are not mutually exclusive.

The starting point for arbitration is to have the GNWT and the Union of Northern Workers agree between themselves to enter binding arbitration, and they can do this at any point. In fact, they could decide to do it today as a backstop to the possibility that mediation doesn't produce an agreement this weekend. The rules of arbitration would be set by the parties themselves, and they would agree on the choice of the arbitrator. As I said earlier, once the parties agree to arbitration, the strike action is cancelled.

To clear up any confusion around the issue of whether the union has formally requested arbitration, the president of the union wrote a letter to the Minister of Finance this week requesting the government to agree to enter binding arbitration. We are waiting for the Minister to respond.

Mr. Speaker, these negotiations have gone on for far too long. Negotiations began in January of 2016, and while the two sides met frequently through that year and in 2017, there was only one negotiation session last year. It's hard to say what mediation produced in the fall, except an agreement to meet again this weekend.

I haven't given up hope that an agreement is still possible. I encourage both parties to put aside the escalating tensions of this week, and work hard to get an agreement through mediation. It is the last opportunity to negotiate an agreement that both parties have a say in. If that fails, binding arbitration moves everything to a third party, and he or she will decide on the concessions. There are no guarantees that either side will get what they want, but this process is preferable to a strike.

Mr. Speaker, I am aware that this motion is not binding on the government even if all Regular MLAs vote for it, but it important for us to provide advice to this government. We have the right as MLAs to speak on any topic in this House, especially on one of the biggest issues of our Assembly. We are not interfering. We are doing our jobs. I truly believe that a strike would be a disaster for Yellowknife, for our families and friends, for our communities and our territory, and that's what I've heard from constituents throughout the last few days.

Colleagues, I urge each and every one of you to support this motion, and bring the possibility of a strike to an end before it starts. Mahsi, Mr. Speaker.

MS. GREEN: Mahsi, Mr. Speaker. Mr. Speaker, I would like to start by saying that I appreciate the positions that my colleagues have taken. I think some of them I don't agree with, but I appreciate their efforts to make themselves understood.

Mr. Speaker, make no mistake. This is a political discussion, and we are making a political decision. This is a place in which politics happens. We are here to demonstrate leadership in the most pressing issue facing our territory at this time. It is my take on my role that I can express this leadership by forwarding this motion.

From a legal point of view, we have been advised by people who are lawyers that the fact that there is no binding arbitration in the Public Service Act is not an impediment to entering into binding arbitration. It is one of the options. It is important to note that the Minister has not said that binding arbitration can't happen. He simply hasn't said anything about it.

Where I am at now is that I have lost confidence that the process that we are engaged in now is going to produce a result that both sides will accept and that it will result in a no-strike action on Monday. The timing of this motion is related to the soonest possible that we could debate it. This is not a stunt. I think, if there is one thing that I have been impressed by today, it is the sincerity with which people hold their beliefs. This is not a game. We are not playing poker here. We are talking about the future of our territory and the people who live in it. The stakes are incredibly high.

I want to say that the timing of the motion, I recognize that the motion is non-binding. It wouldn't matter if we had the motion today or Monday or next week or any other time. The effect of the motion is to give advice to the government. They are not obliged to act on it. I understand that, but I still feel that I need to provide that advice.

I reject the idea that we are in any way interfering in the current process. Mediation is happening now. I hope that it continues and is productive, but we have to think in terms of what happens next. As my colleague from Frame Lake said, we need the off-ramp. We need the off-ramp in place before the highway runs out.

I know that there are people here, my colleagues here who want to talk themselves out of the political leadership that they were elected to demonstrate, and I will leave that to them and their constituents to sort out.

Mr. Speaker, I would finally just say that I have a history in this House of doing what is right and not necessarily what is popular. I have been on the losing end of motions before, and I am prepared to be in that position today because I sincerely believe that we need to do everything possible to avert a strike and its disastrous consequences.

With that, I would like to request a recorded vote.

MR. SPEAKER: Masi. Member has requested a recorded vote. All those in favour, please stand.

RECORDED VOTE

CLERK OF THE HOUSE (Mr. Mercer): The Member for Yellowknife Centre, the Member for Hay River North, the Member for Mackenzie Delta, the Member for Kam Lake, the Member for Nahendeh, the Member for Frame Lake.

MR. SPEAKER: All those against, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Deh Cho, the Member for Nunakput, the Member for Inuvik Boot Lake, the Member for Range Lake, the Member for Great Slave, the Member for Yellowknife South, the Member for Inuvik Twin Lakes, the Member for Hay River South, the Member for Thebacha, the Member for Sahtu, the Member for Yellowknife North.

MR. SPEAKER: All those abstaining, please stand.

CLERK OF THE HOUSE (Mr. Mercer): The Member for Tu Nedhe-Wiilideh.

MR. SPEAKER: The results of the recorded vote: all in favour, six; all opposed, 11; abstention, one. The motion is defeated.