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NEU Motion Reveals Government's Intentional Attempt to Leverage Incompetence

FOR IMMEDIATE RELEASE: October 15, 2021 – Iqaluit, NU: Documents obtained through a September 24th Nunavut Employees Union (NEU) notice of motion filed with the Nunavut Court of Justice as part of the Union's ongoing [Bad Faith Bargaining Claim](#) revealed the Government of Nunavut's intentional attempt to leverage their incompetence at the bargaining table.

The Bad Faith Bargaining claim was filed by the NEU in 2019 after the GN withdrew \$17 million from an earlier \$33 million offer on the Nunavut Northern Allowance (NNA). This was the key factor that led to an impasse and the failure of mediation. The 2019 litigation against GN and last month's associated filing is the only reason that the NEU now knows that the GN intentionally withheld information about the \$17 million error in their calculations from the Union for four months, revealing it only days before the parties were to meet in mediation.

"It should now be clear to everyone that the GN plays fast and loose with the truth," said Bill (William) Fennell, past NEU President, "They were trying to leverage their incompetence by withholding information until just before mediation rather than revealing it 'promptly' as they say they did in their Statement of Defence to the 2019 litigation."

The GN's Statement of Defence asserts that "The GN promptly took steps to notify the NEU of the Workbook Error prior to the mediation sessions scheduled for October 28-31, 2019 in Iqaluit."

While the NEU was informed of the error on October 24th, four days before mediation was scheduled to begin, documents within the NEU motion reveal that the GN learned of their error in June of 2019, but intentionally withheld the information. Although the parties had agreed to engage in mediation to conclude a Collective Agreement, the GN's sudden and last-minute revelation of the \$17 million reduction in their offer created a bargaining impasse.

Evidence provided by Grant McMichael, Assistant Deputy Minister of Operations, Department of Human Resources, reveals that the GN learned of the calculation error on June 19th, contacted their legal counsel Glenn Tait to "let him know of the issue and took his advice" on the matter. Mr. McMichael's testimony also reveals that the matter was a topic of discussion amongst senior bureaucrats in the GN as late as September 25th, with Deputy Minister of Human Resources Sheila Kolola asking in an email "On another note, how is the bargaining team going to tell the NEU about the miscalculation in the NNA?"

"The GN had plenty of opportunity to reveal their error," said newly elected NEU President Jason Rochon. "They chose not to do so for strategic reasons, to shock us into accepting an unfair deal. Their strategy caused a bargaining impasse and has left our Members without a contract. It's time for the GN to fully recognize that it was their workers - our Members - who protected Nunavut from COVID-19."

More than three years after the previous Collective Agreement has expired, Rochon asks "How, after so long, how can this not be at the forefront of discussion? A strategy that neglects the overextended efforts of workers shines a poor light on this employer. Get back to the table. Stop spending money on defending bad faith conduct and stop using your incompetence to force the Union into a race to the bottom."

The NEU is a component of the Public Service Alliance of Canada (PSAC) and Rochon's sentiment is echoed and backed by the PSAC. "We want to be back at the bargaining table. Members deserve a fair deal and it's overdue. I'm disappointed by what seems to be deliberate delays by GN to achieve a fair deal," says Lorraine Rousseau, PSAC North Regional Executive Vice-President. "My message to Members is that they provide vital and essential services to communities across Nunavut. PSAC will always support you and we will always have your back."

NEU/PSAC is the certified bargaining agent for more than 4000 GN employees across Nunavut. They have been engaged in bargaining for a new contract with the GN since January of 2019.

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