

# ALERT

A special bulletin for all  
Component 4 members

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## Bill 29 Q's and A's

*The Supreme Court of Canada has ruled that three sections of Bill 29 – the Health and Social Services Delivery Improvement Act – violate the Canadian Charter of Rights and Freedoms.*

*This is a significant decision for BCGEU members and workers across Canada. The decision establishes for the first time that workers in Canada have a Charter-protected right to free collective bargaining.*

### **What does government have to do now?**

The Court declared three sections of Bill 29 to be unconstitutional: the restrictions on contracting out and the alterations of the layoff and bumping rights language. However, the declaration was suspended for a period of 12 months to allow the government to address the repercussions of the Court decision.

### **Can the government appeal this decision?**

No. The Supreme Court of Canada is the highest court in the country and as such, its decisions cannot be appealed.

### **Does this decision mean that BCGEU members and those in other unions in the facilities subsector will get their 15 percent wage rollback returned?**

The legislation that rolled back health care workers' wages in 2004 was *Bill 37*. *Bill 37* was not part of the Charter challenge, which was launched in 2002.

### **If I lost my job to contracting out because of *Bill 29*, will I get my job back?**

Facilities Bargaining Association talks with government about the impact of *Bill 29* are underway now. Other health association tables are expected to follow.

### **I am a contract worker. Will I lose my job?**

The Supreme Court did not direct government to lay off existing contract workers.

### **If I lost an opportunity to bump because of *Bill 29* am I entitled to damages?**

This is a hotly contested topic. The government says that there is no right to damages but the unions say that employees who lost wages because of *Bill 29* removing contracting out, bumping and layoff language are entitled to damages. The unions are pursuing these claims and if you filed a *Bill 29* grievance you might be contacted by the union to get the details of your losses.

### **What is the BCGEU and other unions demanding from government now that the Supreme Court has ruled against sections of *Bill 29*?**

The BCGEU and other health unions are meeting with government and health employers to discuss the ramifications and consequences of the Court ruling to determine how to move forward from here.

The unions also demanded a moratorium on pending and planned layoffs, which the government has ignored.

### **How does this decision impact the community social services sector?**

*Bill 29* dealt with the health sector and the community social services sector. This decision does not have an impact on the government's decision regarding community social service workers. A course of action to take on the community social services issues will be decided in the future.

### **Does this ruling mean we will go back to the bargaining table?**

Unions are meeting with the government and employers to determine what steps can be taken in the best interest of our members.

