

ALERT

A special bulletin for all
BCGEU members

Please post
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Bill 29 victory for workers

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

In a groundbreaking ruling extending the freedom of association provision of the Charter to include the right to free collective bargaining, the Court struck down key provisions of the 2002 law that restricted and gutted the bargaining rights of health care workers.

It's a decision that has widespread implications for unions across the country.

BCGEU president George Heyman says that the right to free collective bargaining has been critical for the protection of public health care and decent jobs.

"Workers have fought for free collective bargaining for decades," said Heyman. "This decision confirms that right is encompassed and protected by the Canadian Charter of Rights and Freedoms and cannot be arbitrarily trampled on at the whim of government."

The Supreme Court has given the B.C. Liberal government one year to bring the legislation into compliance with the Charter.

Health unions led by the BCGEU, the Hospital Employees' Union (HEU) and the BC Nurses Union (BCNU) launched the Charter challenge in 2002.

"The verdict has been in on Bill 29 for the last five years – it's a bad law that's wreaked havoc in health care," says Judy Darcy, the HEU secretary-business manager. "Now the highest court in the land has declared that this law violates the constitutionally-protected charter rights of our members."

Up to 8,000 health care workers were fired in the B.C. Liberal government's first term and, as a result, facilitated the most extensive privatization of health services in Canada.

Cleaning, dietary and other hospital support services in the province's largest population centres were contracted out to multinational corporations which in turn slashed wages by half causing high staff turnover and undermining service quality.

The legislation has also encouraged the chronic flipping of commercial contracts between long-term care operators and their sub-contractors as they sought to undermine collective bargaining and keep wages low.

BCNU president Debra McPherson says that health unions worked for decades to bring wages in long-term care up to provincial standards and that Bill 29 wiped out that progress with the stroke of a pen.

"Overnight Bill 29 created chaos that continues today for seniors and other residents of long term care facilities," says McPherson. "It also made hundreds of nurses and other care providers into second class citizens by denying them the standards and protections of their legally-negotiated contracts."

Impact of ruling on BCGEU members

At Windsor Manor in Kelowna, the operator of the facility used Bill 29 in August 2006 to fire 70 care givers. The employer threatened to bring in foreign workers to replace the fired staff, saying there weren't enough trained workers around.

"The actions by AdvoCare (the operator at Windsor Manor) were appalling and an example of

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how employers used Bill 29 to fire workers and gut collective agreements,” said Heyman.

BCGEU Local 407 Chair Bernadette Bigattini saw what happened to the workers at Windsor Manor. “Bill 29 disrupted the lives of the workers. It led to the demoralization of the staff and there are still complaints about the level of service at the Manor.”

In a note of caution, Heyman said the Court did not find the government’s scrapping of the Employment Security and Labour Adjustment (ESLA) program to be unconstitutional. This program provided employees a year of training

and financial assistance if they were to be laid off. A number of BCGEU members have filed grievances on this issue and will not benefit from the broader decision of the Court on Bill 29.

Bill 29 deals with both the health and community social services sector. This case only dealt with the health sector, but the union has also started a second court challenge to the constitutionality of Bill 29 as it impacts workers in the social services sector.

We will keep you informed of any further developments.