



HOSPITAL EMPLOYEES' UNION

BACKGROUND

Investigation under *Community Care and Assisted Living Act*

HEU is calling on Health Minister George Abbott to use his powers under the 2002 *Community Care and Assisted Living Act* to investigate and report on the potential impact on seniors resulting from mass layoffs of the staff who provide the bulk of their personal care.

Section 4(1)(d)(ii) of the *Act* provides broad powers to the director of licensing – a designate of the minister – to “carry out or order the investigation of a matter affecting the health and safety of a person in care.”

Under Section 4(1)(a)(i) of the *Act*, the director of licensing can “require a health authority to provide routine or special reports on the operation of licensed community care facilities within the area for which the health authority has responsibility.”

Timeline of recent contract-flipping and termination notices

May 7 – Retirement Concepts cancels its sub-contract with CareSource, leading to the termination of more than 160 health care workers at Nanaimo Seniors Village. It's the third time since 2003 that these workers have been laid off and the contracts flipped. It is unclear which new company will provide care services in September, when the terminations take effect.

May 30 – SimpeQ, a sub-contractor at three privately owned facilities – Windermere Care Centre, Inglewood Care Centre and Dufferin Care Centre – terminates more than 450 health care workers after it cancels its contracts with facility operators. It is unclear which new company will provide care services after September 30, when the terminations take effect.

June 1 – CareSource, a sub-contractor at West Vancouver Care Centre, terminates 41 health care workers after the facility's owner cancels its contract with the company. It is unclear which company will provide care services in the future.

Bill 29 and Bill 94

Bill 29, the *Health and Social Services Delivery Improvement Act*, is the controversial 2002 legislation that removed or rewrote contracting out, seniority and other provisions of health care and community social services collective agreements. The legislation restricts

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free collective bargaining on many of these issues. *Bill 29* also excluded health care and community social services workers from the successorship provisions of the *B.C. Labour Code*. Successorship allows workers to retain their negotiated wages and benefits and union representation with a new employer.

On June 8, the Supreme Court of Canada will render a decision on health unions' legal arguments that *Bill 29* should be declared in violation of the *Canadian Charter of Rights and Freedoms*.

Bill 94, the *Health Sector Partnerships Agreement Act*, is the 2003 legislation that extended many of the special rights given to health employers in *Bill 29* to sub-contractors.

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