



HOSPITAL EMPLOYEES' UNION

NEWSLETTER

PLEASE POST

Supreme Court of Canada ruling on *Bill 29* – what does it mean?

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 workers across Canada and a huge victory for HEU members.

It establishes for the first time that workers in Canada have a Charter-protected right to free collective bargaining. And it recognizes that B.C.'s Liberal government violated health care workers' rights under the "freedom of association" provisions of the Charter when they passed *Bill 29* in 2002.

At the same time, the Court rejected our challenge that government also violated the equality provisions of the Charter (Section 15).

What does government have to do now?

The Court has given the government one year to bring *Bill 29* into compliance with the *Canadian Charter of Rights and Freedoms*. After that time, the three sections of *Bill 29* found to be in violation of the Charter will become null and void.

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 members in the facilities subsector will get their 15 per cent 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?

Health care unions are reviewing the decision closely. The decision does not directly address the issue of past job losses.

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

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

What is HEU demanding from government now that the Supreme Court has ruled against sections of *Bill 29*?

HEU and other health unions are demanding meetings with government and health employers to discuss the ramifications and consequences of the Court ruling to determine how to move forward from here.

...more



The union is also demanding an immediate moratorium on pending and planned layoffs.

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

It is too soon to tell what the process will be to rectify the wrongs done under *Bill 29*.

However, there is no question that the unions will be insisting the process include negotiations. At this time, we are working with our legal team to identify all the options and determine how best to proceed in the interest of our members.

Where can I find the Supreme Court's decision on *Bill 29*?

You can read it on the Supreme Court's website.

Last updated June 11, 2007 at 1450 (2:50 PM).