B.C. wants to turn back the clock

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Illustration: Black & White Photo: King Studio, Vancouver Public Library, Special Collections, Vpl 71111c / Female workers at Vancouver General Hospital clean, press and fold laundry in the 1940s.

VANCOUVER - Can Gordon Campbell's British Columbia government use its legislative majority to reverse decades of progress toward pay equity for tens of thousands of women and run roughshod over the collective rights of unionized workers? Does the law underpinning the most aggressive health privatization scheme in Canada since the advent of medicare run afoul of the Canadian Charter of Rights and Freedoms?

These are the questions that have been slowly winding their way to the Supreme Court of Canada since March, 2002, when B.C. unions representing nearly 100,000 health care workers launched a constitutional challenge to legislation that shredded legally negotiated collective agreements. With the B.C. Court of Appeal having dismissed the case last week, we will now seek leave to bring the matter before the highest court in the land.

At issue is a January, 2002, law, Bill 29, that removed long-standing provisions of health-care collective agreements protecting workers against contracting out, prohibited unions from renegotiating any restrictions to this practice and exempted health care workers from basic protections available to all other B.C. workers under provincial labour law.

It was the legislative hammer that the Campbell government needed to embark on the largest mass firing of female workers in Canadian history, accompanied by an unprecedented campaign of health-care privatization. More than 8,000 workers -- 90% of them women -- have lost decent jobs paying an average of $18/hour as a direct result of the legislation. Their work -- most of it in hospital cleaning, dietary services, laundry and security -- has been contracted out to foreign corporations which pay $9-$11/hour and provide few benefits.

The wages of those who clean operating rooms, sterilize their linens and prepare and serve patient food throughout B.C.'s largest and most expensive metropolitan areas are now the lowest in the country. Care aides and nurses -- especially those providing care to seniors -- have also been hit hard by job losses, and Bill 29 has left many other health care workers vulnerable.

In little more than two years, the Campbell government has reversed decades of progress in overcoming systemic wage discrimination in occupations dominated by women and -- compared to the B.C. workforce as a whole -- by older workers and women from visible minorities. In effect, the purchasing power of these workers' wages has been eroded to levels not seen since the late 1960s.

Not only does Bill 29 violate the equality rights guaranteed to our members in Section 15 of the Charter; it is also in conflict with the freedom of association provision contained in Section 2. By stripping away some of the most fundamental collective rights of unionized health care workers, it undermines the entire purpose of union membership.

Let's be clear: Bill 29 was not a stopgap measure to deal with cost pressures (real or imagined), and it was not preceded by any discussions with health care unions to address such issues proactively. Under the rubric of "flexibility," the law surgically removed whole categories of workers from the employ of public health facilities, and delivered their work to private corporations unshackled from any obligation to meet long-standing pay-equity obligations. These corporations are not bound to any other previously negotiated collective agreement provisions, as would be the case for any other group of unionized workers in any other sector of the B.C. economy.

Bill 29 has undermined worker confidence in the value of negotiated contracts, and emboldened the Campbell government to use its legislative majority to continue to interfere in the collective bargaining process. The back-to-work legislation that greeted this spring's province-wide health care strike was the latest and most dramatic example of the B.C. Liberals' penchant for trampling over workers' rights in the confines of the legislature.

Of concern to all Canadians should be the possibility of such behaviour finding its way east of the Rockies. Over the past eight months, right-wing provincial governments in Newfoundland and Labrador, Quebec and New Brunswick have shown a willingness to render workers' collective rights meaningless by legislative fiat.

Labour relations have evolved considerably since the proclamation of the Charter, to the point where collective bargaining often establishes the framework through which discriminatory practices are addressed and economic and social rights are gained. Governments' growing appetite for infringing upon those rights raises fundamental questions about the relationship between collective bargaining and the Charter. Hopefully, this will lend new interest and urgency to the constitutional challenge we've launched from this side of the country.