



Newsletter

Judge reserves decision on contempt of court fines until June 11

HEU, health employers discuss financial impact of strike in BC Supreme Court

THE HOSPITAL EMPLOYEES' UNION will learn on June 11 whether it will be fined for the May 2 contempt of court charge for the three days of illegal job action that followed an LRB decision upholding back-to-work legislation.

BC Supreme Court Justice Robert Bauman reserved his decision on sentencing until that date after hearing arguments on Monday by lawyers for HEU and health employers on the financial impact of illegal job action.

The Health Employers Association of B.C. was not seeking specific fines or damages, and did not argue as to the size of any potential fine levied against HEU. But its lawyer, testifying as to the financial impact of job action on the system, claimed that the three days of illegal action cost \$6.4 million.

However, a sworn affidavit filed by HEU on May 13 estimates that B.C.'s health employers saved \$6 million in unpaid wages and benefits from April 30 to May 2.

That estimate suggests that the total cost of the illegal strike to the health care system was closer to \$386,000.

HEABC based its figure mostly on cancelled surgeries and other medical procedures. But HEU lawyer Patrick Dickie said that health employers' "significant omission" of \$6.015 million in unpaid wages distorted the actual cost to the system.

"The balance is in the hundreds of thousands," Dickie argued in court. "It's not much on which to base a significant financial loss to the health system."

Given that staffing levels were at approximately 50 per cent during the job action, HEU calculates that the average daily savings to the health system from unpaid wages to HEU members would be approximately \$1,604,757. Additional savings from unpaid benefits including Canada Pension Plan, Long Term Disability, Employment Insurance, Municipal Pension Plan and WCB, would amount to approximately \$401,189 per day.

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Dickey argued that if any fine is to be levied on June 11, the total amount should be no more than between \$10,000 and \$50,000.

HEU secretary-business manager Chris Allnutt said outside the court that even that amount would be substantial.

“It’s significant,” he said. “There’s no question that’s money we would like to use for other purposes.”

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