



HOSPITAL EMPLOYEES' UNION

# NEWS RELEASE

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## Health workers gain expanded rights in tentative settlement with government on Bill 29 court ruling

*Settlement includes \$75 million compensation and training package, action on staffing shortages, improved scrutiny of health privatization*

Unions representing 40,000 health care workers have reached a tentative settlement to implement last June's landmark Supreme Court of Canada ruling on Bill 29. It includes expanded rights and protections plus a significant compensation and training package for workers impacted by Bill 29, as well as tools for developing public sector alternatives to contracting out.

The B.C. Liberals imposed the law exactly six years ago today clearing the way for an unparalleled contracting out of health services that led to the layoff of more than 9000 health care workers.

In its decision the court established collective bargaining as a right protected under the *Canadian Charter of Rights and Freedoms*. It ruled that Bill 29 provisions – which eliminated contracting out protections from current and future collective agreements, and prohibited union consultation on contracting out plans – violated the *Charter* right to freedom of association.

Hospital Employees' Union secretary-business manager Judy Darcy – who led the multi-union Facilities Bargaining Association negotiating team over the last four months – says the agreement is a milestone for health care workers and will mean improved health care services for British Columbians.

“Our members have been struggling for six long years to regain rights that were stripped away by the B.C. legislature,” says Darcy. “This agreement delivers long overdue justice to those whose rights were trampled by Bill 29.

“And in future rounds of bargaining, as a result of this agreement and the court's ruling, our members can once again freely negotiate on fundamental issues like contracting out and consultation.”

Darcy says that B.C. patients will see a direct benefit from the retraining and consultation provisions of the agreement.

“We can now work with employers to target skills shortages in the sector and ensure that experienced workers stay in health care and are trained to fill those jobs,” says Darcy.

“This agreement will also provide a process through which employers and health unions can fully assess any future proposals to privatize services, and find ways to improve the public delivery of these services as an alternative to contracting out.”

The agreement, reached by the FBA with the provincial government and the Health Employers Association of B.C., includes a \$70 million compensation and training package for workers impacted by Bill 29 in the past.

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An additional \$5 million has been set aside to retrain workers, affected by any future contracting out, in areas where skills shortages exist.

Also in the agreement are expanded rights and protections for health care workers in the future. For instance, unions must now be consulted and given the opportunity to recommend alternatives to contracting out, including cases where currently contracted out services are retendered. Bill 29 had previously prohibited such consultation.

Laid off workers will also have the right to apply for a job vacancy in another region of the province.

The court gave the B.C. government one year to deal with the repercussions of the ruling. As a result, government and health employers have been meeting with the FBA, and three other health care bargaining associations, since last October to reach agreement on implementation.

HEU members make up more than 90 per cent of the health care workers represented by the FBA. The BC Government and Service Employees' Union, the International Union of Operating Engineers Local 882 and seven other unions are also represented in the FBA.

The main elements of the FBA agreement with government include:

- \$70 million in compensation payments to health care workers affected by Bill 29 in the past (including \$2 million for retraining)
- \$5 million to retrain workers laid off as a result of contracting out in the future
- Opportunities for workers laid off as a result of contracting out to apply for job vacancies in health authorities throughout the province
- Union consultation on future plans to contract out services or retender services already contracted out and an opportunity to propose both alternatives to contracting out and labour adjustment measures for affected workers (Bill 29 had prohibited any language on contracting out consultations from health care collective agreements)
- The maintenance of a 700 FTE cap on contracting out, negotiated in 2006, with this language now governed by the grievance and arbitration process rather than the *Commercial Arbitration Act* (Bill 29 prohibited restrictions on contracting out in health care collective agreements)
- Removal by government of legislative restrictions on collective bargaining that are inconsistent with the agreement

The non-compensation elements of the agreement will be appended to the 2006-2010 collective agreement. Throughout February, information meetings will be held for HEU members, who will also vote on the tentative settlement.