



HOSPITAL EMPLOYEES' UNION

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HEU members approve Bill 29 settlement

Agreement boosts ability to put health privatization plans under a microscope

Hospital Employees' Union members have voted 94 per cent in favour of labour adjustment measures and **new** rights that are part of a settlement to last year's Supreme Court of Canada ruling striking down anti-labour legislation imposed by the BC Liberals in 2002.

As a result, government will introduce legislation to bring the offending law into compliance with the Court's June 2007 decision on *Bill 29*, and with the terms of the agreement.

That means health care workers will go to the bargaining table in 2010 without legislative restrictions on their ability to negotiate contracting-out issues.

That's good news for patients and the future of public health care, says HEU secretary-business manager Judy Darcy, as health employers will now be forced to consult with workers before they make any decisions to privatize health services.

"The privatization of everything from seniors' care to hospital food to the cleaning of patient rooms has been a monumental failure for patients and seniors," says Darcy.

"Now we have 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 also sets out new rights and expanded options for workers affected by contracting out. It includes \$75 million in compensation and re-training funds.

Seventy million dollars of that amount will be distributed as compensation and re-training to health care workers impacted by *Bill 29* in the past.

Darcy says that re-training funds and expanded job security provisions for workers facing layoff will help address health care's real sustainability crisis – a severe and growing shortage of skilled, experienced health care workers.

"With this agreement, we can now work with health 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.

The BC Liberals imposed *Bill 29 – The Health and Social Services Delivery Improvement Act* – six years ago, clearing the way for an unparalleled contracting out of health services that led to the layoff of more than 9,000 health care workers.

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Health unions challenged *Bill 29* all the way to the Supreme Court of Canada which last June ruled that *Bill 29* provisions eliminating contracting-out protections from current and future collective agreements, and prohibited union consultation on contracting-out plans, violated workers' charter-protected right to freedom of association.

As a result of the ruling, collective bargaining has now been established as a constitutionally protected right for the first time.

The Court gave the B.C. government one year to deal with the repercussions of the ruling. Government and health unions met for several months and reached agreements on the implementation of the ruling late last month.

HEU members voted on labour adjustment measures contained in the agreement covering the 40,000-member Facilities Bargaining Association (FBA) – an association of 10 unions that were the most affected by *Bill 29*. HEU members make up more than 90 per cent of the health care workers represented by the FBA.

The main elements of the FBA agreement with government include:

- \$5 million to re-train workers laid off as a result of contracting out in the future;
- \$70 million in compensation payments to health care workers affected by *Bill 29* in the past (including \$2 million for re-training);
- union consultation on future plans to contract out services or re-tender services already contracted out; an opportunity to propose alternatives to contracting out; as well as labour adjustment measures for affected workers (*Bill 29* had prohibited any such language in health care collective agreements);
- maintenance of a 700 full-time equivalent 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, and
- opportunities for workers laid off as a result of contracting out to apply for job vacancies in health authorities throughout the province.

Agreements reached with other health unions representing community health workers, health sciences professionals and registered nurses include compensation and training packages worth another \$10 million.