



Bill 29 Update

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January 28, 2008

Bill 29 settlement includes new rights, \$75 million for compensation and training

HEU and its union partners in the Facilities Bargaining Association have reached a tentative settlement with the B.C. government and HEABC on implementing last year's Bill 29 Supreme Court decision.

The settlement agreement includes \$75 million for compensation and training along with a number of expanded rights in the future, including the right to negotiate on issues like contracting out.

HEU's Provincial Executive reviewed the terms of settlement on Sunday and they are recommending that members support the agreement in votes that will take place over the next few weeks.

HEU secretary-business manager Judy Darcy says the agreement benefits current HEU members by delivering expanded rights and options in the future. And it provides redress for workers impacted by Bill 29 in the past.

"Our victory in the Supreme Court was of fundamental importance to Canadian workers and has already made a big difference in other provinces," says Darcy.

"But the court did not specify an outcome in their decision. We were left to work out the details with a government that insisted on an unfettered right to contract out, and that rejected any responsibility to provide redress to members who were impacted by Bill 29.

"Despite this, we've expanded options for members who may be laid off under the existing cap and secured new rights to challenge contracting out in the future.

"We've also negotiated compensation for members whose rights were violated and who have already waited too long for justice without another drawn-out court battle."

"It was six years ago today that the B.C. Liberals imposed Bill 29, and undermined our legally negotiated collective agreement," says Darcy. "In 2010, we won't be bargaining with one arm tied behind our backs."

A report on the details of the agreement is being prepared for HEU members. But here are some of the major elements of the agreement.

Compensation: Workers impacted by Bill 29 qualify for \$68 million in compensation and \$2 million in retraining funds, under the agreement.

A joint union/employer committee chaired by respected labour arbitrator/mediator Vince Ready will oversee the compensation process.

Please watch the HEU website for more details as they become available.

MAIN POINTS OF FBA SETTLEMENT AGREEMENT

Compensation and Redress

- \$70 million for members impacted by Bill 29 in the past (\$68m for compensation; \$2m for retraining)
- A joint committee chaired by Vince Ready will oversee the compensation process

Expanded Rights

- Right to negotiate on contracting out in the future
- \$5 million for retraining of workers laid off under current 700 FTE cap
- Workers laid off under the cap can post into vacancies in another health authority and port seniority and service
- Unions will be able to make the case for alternatives to contracting out before RFPs are issued
- Prior to the retendering of currently contracted out services, unions can make a case to return work in-house

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Expanded Rights: HEU and the other FBA unions now have the right to review plans to contract out services and propose alternatives to contracting out.

The unions must be provided 60 days notice before a request for proposals (RFP) is issued – 90 days if the plans include a significant number of sites or more than one health authority.

Unions will also have a right to make a case for returning services “in-house” if a currently contracted out service is retendered.

“Our members have a lot of experience working with employers to keep services in-house,” says Darcy.

“Now we have a process where our members – the front-line experts – can work with employers to improve the public delivery of services.”

Workers laid-off under the existing 700 FTE cap, first negotiated in 2006 and maintained in this agreement, have more options to remain employed in health care. They can now apply for vacancies in a different health authority. They can also access retraining funds.

Retraining: Workers laid off as a result of contracting out in the future can access a \$5 million retraining fund. The retraining funds will be administered by a joint union/employer committee.

Retraining will be in areas of need and may include jobs within the community health sector. Funds cover the costs of training including a stipend to cover living expenses, where appropriate, while enrolled in a course.

Laid off workers that are retraining will be placed on the casual list and must make a commitment to remain in the health care sector for a set time period linked to the length of the training period. For up to six months after they’ve completed their training, workers can restore their service and seniority.

“These are significant retraining funds that will ensure that the public’s investment in skilled, experienced workers is preserved,” says Darcy. “Skills shortages are crippling the health care system. The retraining fund will help make sure that our members fill those vacancies.”

Darcy says that HEU members should feel pride at what they’ve achieved over the last six years.

“Health care workers in B.C. took this fight to the highest court in the land and won recognition that our collective bargaining rights are fundamental rights,” says Darcy.

“Today, we have secured recognition for those whose rights were violated and we’ve gained expanded rights that we can use to defend members’ jobs and public services.

“And in 2010, we will go to the bargaining table without legislative restrictions on what we can negotiate.”

WHAT’S NEXT

Information Meetings and Votes

- A summary of the agreement is being prepared and will be made available for upcoming information meetings
- Information meetings and votes will be held through February
- Watch for more information at www.heu.org or on the HEU bulletin board at your worksite.