

IN THE MATTER OF AN ARBITRATION

BETWEEN:

HEALTH EMPLOYERS' ASSOCIATION OF BRITISH COLUMBIA

(the "Employer")

AND:

FACILITIES BARGAINING ASSOCIATION

(the "Unions")

ARBITRATOR:

Vincent L. Ready

COUNSEL:

Elaine Doyle for  
the Employer

Bonnie Pearson for  
the Unions

HEARING:

October 27, 2008  
Vancouver, BC

PUBLISHED:

November 6, 2008

The parties agreed I was properly constituted as an arbitrator under the terms of the Settlement Agreement (the Agreement) reached on January 25, 2008 between the Government of the Province of British Columbia and the Health Employers' Association of British Columbia (HEABC) and the Facilities Bargaining Association (FBA). The Agreement was reached following a decision of the Supreme Court of Canada striking down certain sections of the *Health and Social Services Delivery Improvement Act* (Bill 29).

In an award dated March 31, 2008, I issued a Claim Form to be completed by impacted individuals. On August 14, 2008, I assigned point values to the criteria in the Claim Form. The Claim Form, with an additional column including the points for each answer, was attached as Appendix "A" to that award.

A number of additional issues have arisen regarding the interpretation and implementation of the Agreement. Having heard comprehensive submissions from the parties, I make the following determinations:

1. The Employers' contributions to the Employment Insurance and Canada Pension Plan will be allocations from the lump sum of sixty-eight million dollars (\$68,000,000) (the "Fund").
2. Each point assigned to the Claim Form in my August 14, 2008 award shall have a value of three hundred and ninety-four dollars (\$394.00).
3. Any money remaining in the Fund after processing payments to impacted individuals and the allocations above, shall be added to the funds allocated for re-training for individuals previously laid off due to contracting out as set out at 7.1A of the Agreement.

4. For the purposes of this award only, health authorities will process claim payments for closed contracted service providers from within their health authority.

It is so awarded.

Dated at the City of Vancouver in the Province of British Columbia this 6<sup>th</sup> day of November, 2008.



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Vincent L. Ready  
Chair, Joint Governance Committee