

Key information on health unions' *Bill 29* Charter challenge

January 28, 2002

Bill 29 eliminates negotiated protections for unionized health care and community social services workers, including:

- 20-year-old, contracting-out provisions that safeguarded health services from privatization;
- basic bumping provisions that have existed for 30 years, and
- labour force adjustment provisions and programs such as retraining and job placement.

It imposes new transfer provisions that allow employers to move caregivers around, both to different hospitals within one shift, as well as to worksites hundreds of kilometres away for temporary assignments.

March 19, 2002

B.C. unions representing more than 100,000 health care workers launch legal action in B.C. Supreme Court alleging that the Campbell government's contract-breaking legislation – the *Health and Social Services Delivery Improvement Act (Bill 29, January 28, 2002)* is unconstitutional and violates the *Canadian Charter of Rights and Freedoms*.

Freedom of association (*Charter S. 2 (D)*):

Bill 29 eliminates the most fundamental collective rights of unionized health care workers – including exempting health care workers from successorship provisions contained in the *B.C. Labour Code* that apply to all unionized workers in any industry sector – and undermines the whole purpose of being a member of a union.

Equality rights (*Charter S. 15*):

Bill 29 – whether intentionally or not – negatively and disproportionately impacts women health care and community social services workers, and therefore violates the Charter's equality provisions. The legislation targets specific, female-dominated occupational groups by removing contracting-out protections and severely eroding job security provisions in their collective agreements.

March 2003

The International Labour Organization (ILO), a United Nations agency, concludes that *Bill 29* violates international conventions that protect workers' rights to freely associate and organize.

The ILO calls on the B.C. government to repeal or rewrite the laws to bring them into line with international labour standards.

Government fails to comply.

September 2003

B.C. Supreme Court dismisses unions' constitutional challenge; unions appeal.

November 2003

B.C. government passes *Bill 94* – the *Health Sector Partnerships Agreement Act* – which extends *Bill 29* by allowing private-sector companies to cancel commercial health support and care services contracts and terminate staff repeatedly in order to avoid unionization and collective agreements that would improve wages and working conditions.

2002 – 2003

Bill 29 precipitates the first wave of health privatization in the province resulting in the closure of more than 50 health facilities, including hospitals and long-term care centres, and the contracting out of hospital security, laundry, housekeeping and dietary services in the Vancouver Coastal, Fraser and Vancouver Island health authorities.

Unionized staff in seniors' care facilities across the province are also laid-off as operators sign support and care services deals with newly-formed private contractors.

Up to 8,000 health care workers – the vast majority women – lose decent, family-supporting jobs in what is the largest mass firing of female workers in Canadian history.

July 2004

B.C. Court of Appeal upholds B.C. Supreme Court ruling; unions petition the Supreme Court of Canada for leave to appeal.

March 2005

The International Labour Organization (ILO) concludes that *Bill 94* violates international conventions that protect workers' rights to freely associate and organize, and again calls on the government to repeal or rewrite the laws to bring them into line with international labour standards.

Government fails to comply.

April 2005

Supreme Court of Canada announces it will hear the unions' Charter challenge.

February 2006

The Supreme Court of Canada hears the case.

2006 – 2007

Long-term care operators and sub-contractors continue to use *Bill 29* and *Bill 94* to flip contracts and avoid union collective agreements and reduce wages.

More than 650 care staff are laid off at five long-term care facilities in May 2007.

May 2007

In less than one month, more than 650 care aide staff are laid off at five long-term care facilities in Nanaimo and the Lower Mainland.

June 8, 2007

The Supreme Court of Canada renders its decision.

June 8, 2007