



Supreme Court win is a groundbreaking victory for all workers

by Judy Darcy

When the BC Liberals used a hastily created law to rip up workers' collective agreements in 2002, many British Columbians reacted with shock and disbelief.

"Isn't that illegal?" they asked. "What's the point of having a legal, signed agreement, if one party can tear it up on a moment's notice?"

Five years later, this common sense response to the government's controversial *Bill 29 – the Health and Social Services Delivery Improvement Act* – has proved to be an accurate one. And on June 8, the Supreme Court of Canada declared key sections of the bill unconstitutional and in violation of the *Canadian Charter of Rights and Freedoms*.

But the groundbreaking Supreme Court decision wasn't just about *Bill 29*. It also created new legal precedent that enshrines collective bargaining as a right for everyone, protected by the freedom of association provisions of the charter.

From St. John's to Campbell River, Toronto to Yellowknife, working people across the country now have a constitutionally-protected right to freely negotiate the conditions of their work.

All of which makes this year's Labour Day a special one. It's cause for celebration not just for those whose work and personal lives were so devastated by *Bill 29*, but for all of us who want to live in a country that respects everyone's right to safe, secure and dignified employment.

There's no doubt about it, the damage of *Bill 29* persists. It was and continues to be not just unconstitutional, but also bad public policy. The B.C. government used *Bill 29* to fire 8,000 health care workers and replace their decent, family-supporting jobs with low-paid work contracted out to huge foreign corporations. *Bill 29* resulted in the largest mass firing of women workers in Canadian history.

And despite their 2002 claims, the BC Liberals have never proven that *Bill 29* saved taxpayers money or improved services.

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We do know that thousands of women and men who play an essential role in the health care team – caring for seniors, preparing food for hospital patients, sterilizing operating rooms, cleaning linens, and more, lost their jobs and, in some cases, their homes and families.

We do know that the newly-hired workers and the few who stayed on now endure the low pay, unsafe working conditions, high rates of turnover, inadequate training and short staffing that are so common with the contracting out of these services.

We do know that the lucrative service contracts with foreign corporations are not open to public scrutiny, despite the hundreds of millions of dollars these multinationals receive from health authorities.

We do know that the experience and teamwork required in a health care environment have been severely fragmented, and patients and workers have paid the price.

The challenge as we move forward is to ensure that justice in the courts translates into justice on the ground. But we can do so knowing that a huge advance has been made in the rights of Canadians.

As Joe Arvay, the lead counsel in the *Bill 29* Supreme Court challenge, said in a recent interview, “I don’t think one can actually underestimate the importance of this case.

“From the point of view of unions and workers, this truly is a brand new day.”

Judy Darcy is the secretary-business manager of the 43,000 member Hospital Employees’ Union.

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