
NEWS RELEASE

For Immediate Release
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Ministry of Health

Seniors and patients to benefit from fair workplace legislation

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VICTORIA – People throughout the province, including patients, families and especially seniors and people with disabilities, will benefit as legislation that has been introduced takes aim at improving working conditions for health and social-sector employees.

The proposed health sector statutes repeal act would rescind two existing acts – the Health and Social Services Delivery Improvement Act, commonly known as Bill 29, 2002, and the Health Sector Partnerships Agreement Act, commonly known as Bill 94, 2003, in their entirety.

“We need to celebrate health-care workers and recognize the fundamental value of their contributions and make working conditions fair for everyone in the health sector,” said Adrian Dix, Minister of Health. “With an aging population, now is the time to inspire a new generation of health-sector workers and we need to attract more care aides, community health and hospital workers throughout the province.”

Coming into effect through regulation in 2019, the proposed legislation will restore successorship and common employer protections to health-sector workers and remove the major financial incentive of contract flipping for companies to reduce or avoid unionized labour costs.

Repealing bills 29 and 94 will improve job security and stability by strengthening the uncertain employment conditions workers have faced for years. In doing so, government will be better able to recruit and retain the skilled health-care professionals needed to support better continuity in patient care. These statutes stripped affected employees of the workplace protections and rights available to other workers in B.C. and paved the way for years of privatization, contracting out and layoffs.

“To truly make a difference for patients and seniors in care, we need to focus on the continuity of care they receive,” Dix added. “This legislation will help to enhance the team-based care environment people count on at every level, from hospitals to care homes and in the community.”

In addition to care aides, affected employees include food services and dietary workers, maintenance, laundry, security, information technology and accounting staff working in health-care settings throughout the province.

Repealing bills 29 and 94 will improve job security and stability by strengthening the uncertain employment conditions non-clinical workers have faced for years. In doing so, government will be better able to recruit and retain the skilled health-care workers needed to support better patient care.

As the repealed legislation affects many areas of the health sector, government will work collaboratively to consult with unions, stakeholders and for-profit, not-for-profit and denominational employers to implement this repeal in a way that continues strengthening the publicly funded health-care system.

A backgrounder follows.

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BACKGROUND

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Timelines of bills 29 and 94

- In 2002, the Health and Social Services Delivery Improvement Act (Bill 29) was enacted for the purpose of excluding care aides and non-clinical health sector workers from B.C. Labour Code protections.
- Bill 29 also provided public health-sector employers the right to contract out non-clinical services as defined under the act (i.e. food and housekeeping services; residential health-care aides; facilities, janitorial, maintenance and laundry services staff; food services workers; security staff; and information technology and accounting staff), despite any restrictions on contracting out contained in health sector non-collective agreements.
- In 2003, the Health Sector Partnerships Agreement Act (Bill 94) was enacted with the intention of facilitating the development and implementation of public-private partnerships (P3s) in the health sector, by providing the same flexibility in contracting out and restructuring for private sector operators in P3s as existed for health authorities under Bill 29.
- The two bills led to the layoff of more than 8,000 health-care workers.
- In 2007, the Supreme Court of Canada ruled that the collective bargaining process was protected by the Canadian Charter of Rights and Freedoms and that provisions in sections 6 and 9 of Bill 29 constituted a significant interference with the right to bargain collectively and violated section 2(d) of the charter.
- In 2008, certain provisions in both Bills 29 and 94 were repealed after government was permitted one year to negotiate a settlement aligned with the court's decision.
- Other provisions of the statutes remained in force, including those denying workers successorship and common employer protections (section 6 of Bill 29, and section 5 of Bill 94).
- Bills 29 and 94 continue to deny health-care workers basic rights available to all other workers in B.C. under sections 35 and 38 of the Labour Code.

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