

**Summary of Legislation Restricting
Collective Bargaining and Trade Union Rights
in British Columbia
2001 – 2005**

Health Care Services Continuation Act, 2001 (Bill 2, June)

The Act ended a province-wide strike by health care professionals, imposed a 60-day “cooling-off” period and ordered the parties to resume bargaining.

This legislation was the subject of an ILO complaint (Case No. 2166) and found to be in violation of freedom of association principles.

Greater Vancouver Transit Services Settlement Act, 2001 (Bill 13, August)

The Act ended a strike by public transit workers.

Health Care Services Collective Agreements Act, 2001 (Bill 15, August)

The Act imposed a three-year collective agreement on health care professionals based on the terms of the employer’s last offer. The Bill was introduced after the 60-day “cooling-off” period imposed by Bill 2 (see above) failed to reach a collective agreement.

This legislation was the subject of two ILO complaints (Case No. 2166 and Case No. 2173) and found to be in violation of freedom of association principles.

Skills Development and Labour Statutes Amendment Act, 2001 (Bill No. 18, August)

The Act restricted the right to strike for employees in the public school system by extending the designation of “essential services” to teaching and non-teaching personnel and prohibited strikes until essential service designations had been made by the Labour Relations Board.

This legislation was the subject of an ILO complaint (Case No. 2173) and found to be in violation of freedom of association principles.

Skills Development and Fair Wage Repeal Act, 2001 (Bill 22, September)

The Act removed the requirement from employers in the construction industry to hire unionized workers when performing public works.

Education Service Collective Agreement Act, 2002 (Bill 27, January)

The Act removed the right to strike on approximately 45,000 teachers employed by school boards and imposed a three-year collective agreement on terms proposed by the employer’s last offer.

This legislation was the subject of two ILO complaints (Case No. 2173 and Case No. 2180) and found to be in violation of freedom of association principles.

Public Education Flexibility and Choice Act, 2002 (Bill 28, January)

The Act permitted public school board employers to override negotiated collective agreement provisions for teachers regarding class size, courses to be taught, hours of instruction and job security. It also allowed for contracting out.

This legislation was the subject of three ILO complaints (Case No. 2173, Case No. 2180 and Case No. 2196) and found to be in violation of freedom of association principles.

Health and Social Services Delivery Improvement Act, 2002 (Bill 29, January)

This Act eliminated much of the job security protection for health and social service workers that their unions managed to bargain as part of their collective agreements. It empowered health and social service employers to “contract out” to non-union employers not bound by the terms of the collective agreements, notwithstanding clauses to the contrary in collective agreements. Existing layoff and bumping provisions in collective agreements were rewritten by the legislation in favour of the employer. Severance pay was unilaterally reduced below even the standard applicable to non-union employees under provincial Employment Standards legislation.

This legislation was the subject of an ILO complaint (Case No. 2180) and found to be in violation of freedom of association principles.

Coastal Ferry Act, 2003 (Bill 18, March)

The Act allowed private contractors to override contracting out provisions contained in the ferry workers’ collective agreement.

This legislation was the subject of an ILO complaint (Case No. 2324) and found to be in violation of freedom of association principles.

Health Sector Partnerships Agreement Act, 2003 (Bill 94, November)

The Act prevented the Labour Relations Board and arbitrators from taking a true employer declaration for employees working for a private contractor or subcontractor in the health sector. It also overrode collective agreement provisions prohibiting contracting out, rewrote layoff and bumping provisions and reduced severance pay below even the minimum standards applicable to non-unionized employees under provincial Employment Standards legislation.

This legislation was the subject of an ILO complaint (Case No. 2324) and found to be in violation of freedom of association principles.

Railway and Ferries Bargaining Assistance Amendment Act, 2003 (Bill 95, December)

The Act ended a strike by ferry workers employed by the newly privatized BC Ferry Corporation.

This legislation was the subject of an ILO complaint (Case No. 2324) and found to be in violation of freedom of association principles.

Health Sector (Facilities Subsector) Collective Agreement Act, 2004 (Bill 37, April)

The Act ended a three-day-old strike of 43,000 health support employees who work in hospitals and long-term care facilities across the province.