



Canada (Case No. 2324)

The National Union of Public and General Employees (NUPGE), on behalf of the BC Government and Services Employees' Union (BCGEU) and the Health Sciences Association of British Columbia (HSABC) supported by the Canadian Labour Congress (CLC) and Public Services International

06-Feb-04

The complainant organization alleges that the Government of British Columbia has adopted a law (Bill 94) which nullifies any clauses of collective agreements in the health sector that restrict or regulate the employer's ability to contract out. The complainant also criticizes the adoption of a law (Bill 18) which allows private contractors to override contracting-out provisions contained in existing collective agreements, and of a back-to-work legislation (Bill 95) putting an end to a legal strike of its members in the newly privatized BC Ferry Corporation

Report No. 336
(Vol. LXXXVIII, 2005, Series B, No. 1)
**Report in which the Committee requests to be kept informed of
developments**

Recommendations

The Committee's recommendations

284. In the light of its foregoing conclusions, the Committee invites the Governing Body to approve the following recommendations:

(a) Noting that the adoption of the Railway and Ferries Bargaining Assistance Act constituted a violation of freedom of association principles, the Committee requests the Government to consider establishing a voluntary and effective mechanism for the prevention and resolution of disputes, including the provision of voluntarily agreed minimum services, rather than having recourse to back-to-work legislation. The Committee requests to be kept informed of developments in this respect.

(b) Noting that the adoption of the Health Sector Partnerships Agreement Act and of the Coastal Ferry Act violated freedom of association principles in as much as these cancelled provisions of previously negotiated collective agreements, the Committee requests the Government to amend these two acts so as to bring them in line with Convention No. 87, and once again requests the Government to abstain from adopting such legislation in the future. The Committee requests to be kept informed of developments in this respect.

(c) Noting that the Government did not hold full and frank consultations with representative organizations for the elaboration and adoption of the Health Sector Partnerships Agreement Act and of the Coastal Ferry Act, the Committee once again requests it to hold such consultations in future where workers' rights of freedom of association and collective bargaining may be affected.

(d) The Committee recalls that the technical assistance of the ILO is at the Government's disposal if it so wishes.