

BULLETIN

Liberals' legislation without consultation jeopardizes labour relations stability

March 11, 2013

The B.C. Liberal government began debate last week on Bill 18, legislation that fundamentally alters bargaining in the health sector.

In a brief opening to the debate in the B.C. legislature, health minister Margaret MacDiarmid claimed the legislation was in line with last year's raid by the BC Nurses' Union on Licenced Practical Nurses represented by HEU and other unions. She then flew to Vancouver to announce Bill 18 at the BCNU convention.

MacDiarmid acknowledged Thursday that she has been speaking with BCNU about the matter since last October, but that she has not spoken to other affected unions about the bill or its potential impacts.

Of particular concern to HSA is that the minister failed to consult HSA, which is a member of the Nurses' Bargaining Association. HSA has represented Registered Psychiatric Nurses in the bargaining association since its inception.

HSA's Executive Director of Legal and Labour Relations, Jeanne Meyers, said the failure to consult on such an important and delicate piece of legislation governing the structure of bargaining associations and affecting collective bargaining is especially disturbing since the Supreme Court of Canada expressly ruled in 2007 that government had an obligation to consult.

"The Supreme Court of Canada agreed fundamental changes in labour relations should not be rammed through without consulting all the parties affected," she said.

The legislation also affects members of the Hospital Employees' Union. HEU secretary-business manager Bonnie Pearson says that the public is not well served by the government's political opportunism and lack of consultation on this issue.

"Bill 18 has widespread implications for the entire health care team and will impact collective agreement rights, the management of health resources and the ability to change the skills mix on the nursing team," says Pearson.

"As B.C.'s health minister, we would have expected Dr. MacDiarmid to be more concerned about the broader implications of this legislation and less concerned with attempting to produce a quick win for her political party.

"She's the B.C. minister of health, not the BCNU minister of health," says Pearson.

Pearson says the government's failure to consult with impacted health unions prior to introducing the legislation was disappointing and surprising, given the 2007 ruling of the Supreme Court of Canada which struck down several provisions of Bill 29 - a 2002 law that ripped up health care contracts - citing a failure to engage in meaningful consultation.

During the two-hour debate in the legislature, NDP MLAs also expressed their concern for the lack of

consultation and questioned the purpose of the bill.

NDP finance critic Bruce Ralston told legislators that the health minister gave “no real explanation of why this legislation is being advanced at this time and what problem it is intended to solve.”

After the debate, the B.C. Liberal Party issued a bulletin condemning NDP MLAs for voicing opposition to Bill 18. Their release inaccurately suggested that a majority of the HEU’s membership had voted to change unions. Last year’s raid vote applied only to LPNs directly employed by health authorities.

The BC Nurses Union has been condemned by the BC Federation of Labour for raiding union members in HSA, HEU, BCGEU and other unions for the past several years – working to increase their membership numbers by getting members of other unions to switch to the BCNU. While the BC Liberals say Bill 18 gives union members more choice, it does nothing of the kind. Union members make their own choices. What it legislation would do is arbitrarily change negotiated terms of appropriate representation for members of all unions in collective agreement bargaining.

Bill 18, entitled the Health Authority Amendment Act, was introduced by the government on Monday. The legislation redefines the composition of the Nurses Bargaining Association to include licensed practical nurses in addition to registered nurses and registered psychiatric nurses.

The BC Liberals will determine when debate on the legislation will continue. The current legislative session is scheduled to wrap up next Thursday.

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