

FOR IMMEDIATE RELEASE

June 8, 2007

Supreme Court ruling on Bill 29 ‘an historic win for labour’

BURNABY—This morning’s ruling by the Supreme Court of Canada, which affirms a challenge to Bill 29 brought by the Hospital Employees’ Union, the BC Nurses Union and the BCGEU, is a major victory for the labour movement that will restrict government’s future ability to strip away collective bargaining rights, says CUPE BC.

Bill 29, the *Health and Social Services Delivery Improvement Act*, is the controversial 2002 law that removed or rewrote contracting out, seniority and other provisions of health care and community social services collective agreements. The legislation restricts free collective bargaining on many of these issues. Bill 29 also excluded health care and community social services workers from BC Labour Code successorship provisions.

In a 6-1 decision, the Court held that freedom of association as guaranteed by Section 2(d) of the Charter of Rights and Freedoms includes a procedural right to collective bargaining. In doing so, the Court has overturned previous decisions that rejected any protection for collective bargaining.

“This decision has historic implications, and for more than just the health unions,” said CUPE BC president Barry O’Neill, speaking in Winnipeg from CUPE National’s Western Municipal Conference.

“The right to collective bargaining in the workplace is now protected under the Charter. This decision overturns 20 years of legal decisions that, as far as labour was concerned, gave no meaning to the Charter’s protection of freedom of association. For a good news day, it doesn’t get much better than this.”

O’Neill said workers across Canada should celebrate the fact that the Court struck down sections of Bill 29 that eliminated collective agreement protections against contracting out, that cancelled layoff notice provisions, that took away bumping rights and that gave employers the unilateral right to transfer employees from one workplace to another without their consent. The Court suspended the effect of its decision for one year in order to give the province time to pass constitutionally acceptable legislation.

“Basically, the Campbell Liberals have 12 months to fix what they broke,” said O’Neill. “This decision forces them to redraft the legislation to the benefit of working British Columbians.”

-30-

Contact: Barry O’Neill, CUPE BC president: 604.340.6768 (cell)
Dan Gawthrop, CUPE Communications: 604.999.06132 (cell)

www.cupe.bc.ca

