

HEALTH CARE SERVICES CONTINUATION ACT

CHAPTER 23

Assented to June 20, 2001

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

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Definitions

1 In this Act:

“**bargaining association**” means an association of trade unions formed in accordance with section 19.9 of the *Health Authorities Act* for the nurses bargaining unit or the paramedical professionals bargaining unit;

“**employee**” means a nurse or a paramedical professional who is an employee of an employer;

“**employer**” means an employer that is a member of the HEABC;

“**HEABC**” means the Health Employers Association of British Columbia;

“**nurse**” means a unionized employee who is included in the nurses bargaining unit referred to in section 19.4 of the *Health Authorities Act*;

“**paramedical professional**” means a unionized employee who is included in the paramedical professionals bargaining unit referred to in section 19.4 of the *Health Authorities Act*;

“**trade union**” means a trade union that represents nurses or paramedical professionals who are employees.

Health care services continued

- 2** (1) Despite the *Labour Relations Code*, the minister may, by order, impose a cooling-off period during which
- (a) an employer must not lock out or declare a lockout of any of its employees and must terminate any lockout,

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- (b) a trade union and the employees represented by that union must not strike or declare a strike and must terminate any strike,
 - (c) every employee must resume his or her duties and work schedules of employment with the employer,
 - (d) any declaration, authorization or direction to go on strike given before or after the coming into force of this Act becomes invalid,
 - (e) an officer or representative of a trade union must not in any manner impede or prevent, or attempt to impede or prevent, any person to whom paragraphs (a) to (c) apply from complying with those paragraphs, and
 - (f) an employer or a person acting on behalf of an employer must not
 - (i) refuse to permit any person to whom paragraphs (a) to (c) apply to continue or resume the ordinary duties of his or her employment, or
 - (ii) discharge or in any other manner discipline such a person by reason of the person having been locked out or on strike before the coming into force of this Act.
- (2) The minister may impose one or more cooling-off periods under subsection (1) and may impose cooling-off periods with respect to either or both of the disputes between HEABC and a bargaining association.
- (3) Cooling-off periods imposed with respect to either dispute must be consecutive and the total duration of the periods must not exceed 60 days.
- (4) The last collective agreement in force between the HEABC and a bargaining association before the coming into force of this Act is extended and is deemed to be in effect for the period from the beginning of the cooling-off period until
- (a) the HEABC and the bargaining association conclude a collective agreement, or
 - (b) the end of the cooling-off period,
- whichever occurs first.

Other rights not affected

- 3 Nothing in this Act affects the right of an employer to suspend, transfer, lay off, discharge or discipline an employee in accordance with the last collective agreement that was in force before the coming into force of this Act.

Collective bargaining restored

- 4 Within 72 hours after the coming into force of this Act, the bargaining associations and the HEABC must continue or commence to bargain collectively in good faith and must make every reasonable effort to conclude a collective agreement or a renewal or revision of their last collective agreement.

Application of *Labour Relations Code*

- 5** (1) The *Labour Relations Code* and the regulations made under it apply in respect of a matter to which this Act applies, but if there is a conflict or an inconsistency between
- (a) this Act, and
 - (b) the *Labour Relations Code* or the regulations made under it,
- this Act applies.
- (2) The Labour Relations Board has exclusive jurisdiction to decide a question arising under this Act, including any question of a conflict or an inconsistency referred to in subsection (1).

Sunset provision

- 6** This Act expires August 31, 2001.