

HEALTH CARE SERVICES COLLECTIVE AGREEMENTS ACT

CHAPTER 26

Assented to August 9, 2001

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

Definitions

1 In this Act:

"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*;

"Nurses' Bargaining Association" means the association of trade unions formed in accordance with section 19.9 of the *Health Authorities Act* for the nurses' bargaining unit;

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

"Paramedical Professional Bargaining Association" means the association of trade unions formed in accordance with section 19.9 of the *Health Authorities Act* for the paramedical professional bargaining unit.

Section 2

Constitution of nurses' collective agreement

- 2 (1) The following are deemed to constitute a collective agreement between HEABC and the Nurses' Bargaining Association:
- (a) the collective agreement between HEABC and the Nurses' Bargaining Association that expired on March 31, 2001, as amended by the provisions referred to in paragraphs (b) and (c);
 - (b) the provisions that have been negotiated and agreed to by HEABC and the Nurses' Bargaining Association during collective bargaining;
 - (c) the provisions of the settlement package tabled by HEABC on July 16, 2001 with the Nurses' Bargaining Association.
- (2) The collective agreement constituted under subsection (1) may be varied by agreement between HEABC and the Nurses' Bargaining Association.
- (3) Despite subsection (2), a provision of the collective agreement that creates obligations for the government must not be varied unless the Minister of Finance approves the variation.

Constitution of paramedical professionals' collective agreement

- 3 (1) The following are deemed to constitute a collective agreement between HEABC and the Paramedical Professional Bargaining Association:
- (a) the collective agreement between HEABC and the Paramedical Professional Bargaining Association that expired on March 31, 2001, as amended by the provisions referred to in paragraphs (b) and (c);
 - (b) the provisions that have been negotiated and agreed to by HEABC and the Paramedical Professional Bargaining Association during collective bargaining;
 - (c) the provisions of the employer package proposal tabled by HEABC on July 18, 2001 with the Paramedical Professional Bargaining Association.
- (2) The collective agreement constituted under subsection (1) may be varied by agreement between HEABC and the Paramedical Professional Bargaining Association.
- (3) Despite subsection (2), a provision of the collective agreement that creates obligations for the government must not be varied unless the Minister of Finance approves the variation.

Resolution of disputes regarding agreed provisions

- 4 (1) If there is a dispute as to what provisions have been agreed to by the parties for the purpose of section 2 (1) (b) either party may, within 30 days from the day on which this Act comes into force, refer the dispute to the industrial inquiry commission appointed by the Minister of Labour on April 16, 2001 under section 79 of the *Labour Relations Code*.

- (2) If there is a dispute as to what provisions have been agreed to by the parties for the purpose of section 3 (1) (b) either party may, within 30 days from the day on which this Act comes into force, refer the dispute to the special mediator appointed by the Minister of Labour on June 19, 2001 under section 76 of the *Labour Relations Code*.
- (3) The industrial inquiry commission or special mediator, as the case may be, may meet with the parties and provide clarification with respect to the provisions that are in dispute and the collective agreement is deemed to be amended to include those clarifications.

Expiry of collective agreements

- 5 A collective agreement constituted under this Act expires on March 31, 2004.

Application of *Labour Relations Code*

- 6 (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).

Repeal

- 7 (1) This Act may be repealed by regulation of the Lieutenant Governor in Council.
- (2) Despite subsection (1), a collective agreement constituted under this Act is a collective agreement for the purposes of the *Labour Relations Code*, and the collective agreement remains in force until expiry of the collective agreement.

Repeal of *Health Care Services Continuation Act*

- 8 The *Health Care Services Continuation Act*, S.B.C. 2001, c. 23, is repealed.