

# MEDICAL SERVICES ARBITRATION ACT

## CHAPTER 4

*Assented to March 7, 2002*

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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:

**“arbitration”** means the arbitration between the association and the government initiated on November 14, 2001 in accordance with section 11.3 of the master agreement and Article 4.2.6 of the framework memorandum;

**“arbitration award”** means the Interim Arbitration Award (Phase 1) issued by the arbitration board under the arbitration on February 8, 2002;

**“association”** means the British Columbia Medical Association;

**“commission”** means the Medical Services Commission continued under section 3 of the *Medicare Protection Act*;

**“framework memorandum”** means the Framework Memorandum entered into on February 15, 2000 between the association and the government;

**“master agreement”** means the Second Master Agreement entered into on February 28, 2001 between the association, the commission and the government;

**“rural practice agreement”** means the Subsidiary Agreement for Physicians in Rural Practice entered into on June 9, 2000 between the association and the government.

#### **Arbitration cancelled**

- 2** On the date on which this Act comes into force,
- (a) the arbitration is cancelled,

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- (b) the arbitration board appointed to conduct the arbitration has no further jurisdiction and must cease all further activities connected with the arbitration, and
- (c) the arbitration award is void and the parties to the arbitration are not bound by the award.

**Provisions declared void or amended**

- 3 (1) On the date on which this Act comes into force, the following provisions are void and a party to the memorandum or agreements in which those provisions occur is not required to carry out anything in the provisions:
  - (a) articles 4.2.6, 4.2.8, 14.2 and 14.3 of the framework memorandum;
  - (b) articles 11.3 and 22.5 of the master agreement;
  - (c) articles 8.2 and 8.3 of the rural practice agreement.
- (2) On the date on which this Act comes into force
  - (a) article 3.9 of the framework memorandum is amended by striking out "If any matters remain outstanding by May 31, 2000 either party may refer them to an arbitration panel which will resolve them in accordance with the procedures established for the arbitration of Working Agreements under article 4.2.6 of this Memorandum.", and
  - (b) article 4.2.9 of the framework memorandum is amended by striking out "and will be subject to the same dispute resolution mechanism as Working Agreement negotiations except that, prior to the implementation of the dispute resolution procedures, the parties shall refer the unresolved issue(s) back to the Working Agreement negotiating committees who will attempt a resolution of the disagreement(s)."

**No action for damages**

- 4 No action for damages or compensation may be brought against the commission, the government or any person because of this Act.