

AMBULANCE SERVICES COLLECTIVE AGREEMENT ACT

CHAPTER 29

Assented to November 7, 2009

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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:

“**Code**” means the *Labour Relations Code*;

“**commission**” means the Emergency and Health Services Commission continued under the *Emergency and Health Services Act*;

“**CUPE 873**” means Local 873 of the Canadian Union of Public Employees;

“**employee**” means a person who is an employee of the commission and is represented by CUPE 873;

“**former collective agreement**” means the collective agreement between the parties that was in effect immediately before March 31, 2009, including any letter of understanding or other agreement between the parties that was part of the collective agreement at that time;

“**parties**” means the commission and CUPE 873.

Application of the Code

- 2**
- (1) The Code and the regulations made under it apply in respect of the matters to which this Act applies, but if there is a conflict or an inconsistency between this Act and those enactments, 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).

Section 3

Collective agreement constituted

- 3** (1) The following are deemed to constitute a collective agreement between the parties:
- (a) the former collective agreement, as amended by the provisions referred to in paragraph (b);
 - (b) the provisions that are necessary to reflect the commission's settlement offer to CUPE 873, tabled on September 28, 2009, of a 3% general wage increase effective April 1, 2009.
- (2) A provision of the collective agreement constituted under subsection (1) that is inconsistent with the provisions referred to in subsection (1) (b) is void to the extent of the inconsistency.
- (3) The collective agreement constituted under subsection (1) may be varied by agreement between the parties.
- (4) Despite subsection (3), a provision of the collective agreement constituted under subsection (1) that creates an obligation for the government must not be varied unless the minister charged with the administration of the *Financial Administration Act* approves the variation.

Collective agreement binding

- 4** A collective agreement constituted under this Act is a collective agreement for the purposes of the Code and is binding on the employees and the parties.

Resumption of service

- 5** Immediately after this Act comes into force and despite the Code,
- (a) the commission must not lock out or declare a lockout of an employee and must terminate any lockout,
 - (b) CUPE 873 and the employees must not strike or declare a strike and must terminate any strike,
 - (c) every employee must resume her or his duties and work schedules of employment with the commission,
 - (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 CUPE 873 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) the commission or a person acting on behalf of the commission must not
 - (i) refuse to permit any person to whom paragraphs (a) to (c) apply to resume the duties of her or his 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.

Term of collective agreement

- 6** This Act and the collective agreement constituted under it expire on March 31, 2010.

Commencement

- 7** This Act comes into force on the date of Royal Assent.