

*The Committee of Council submit for the consideration of  
His Honour the Lieutenant-Governor a Bill intituled*

Hospital Services Collective Agreement Act

*and advise that the same be transmitted by Message to the  
Legislative Assembly.*

*Victoria, 8th day of June, A.D. 1976*

*W. R. Bennett*  
Presiding Member of the Executive Council.

*Approved this 8th day of June, A.D. 1976*

*W. S. Owen*  
Lieutenant-Governor.

*W. S. Owen*  
Lieutenant-Governor

---

First Session, Thirty-first Parliament  
25 Elizabeth II, 1976  
Legislative Assembly of British Columbia

---

BILL 75

HOSPITAL SERVICES COLLECTIVE AGREEMENT  
ACT

---

Honourable Minister of Labour

HOSPITAL SERVICES COLLECTIVE AGREEMENT ACT

WHEREAS a dispute between the Health Labour Relations Association, representing certain hospitals, and the Hospital Employees' Union, Local 180 exists and has resulted in work stoppages;

AND WHEREAS various initiatives have been taken to assist the parties in the resolution of their dispute, including the appointment by Order-in-Council of a Special Mediator;

AND WHEREAS the parties remain unable to achieve settlement and further work stoppages are likely to occur;

AND WHEREAS the Special Mediator has recommended the terms and conditions of a collective agreement between the parties;

NOW, THEREFORE, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

1. In this Act

"employee" means employees of an employer within a bargaining unit for which the trade-union is certified;

"employer" means those employers set forth in Schedule "A" to the accreditation, a true copy of which is identified by the signatures of the Clerk of the Legislature and the Provincial Secretary and is on file in the office of the Clerk of the Legislature and the office of the Provincial Secretary, and includes, where the context so requires, H.L.R.A.;

"H.L.R.A." means the Health Labour Relations Association of British Columbia accredited as bargaining agent for the employers;

"minister" means that member of the Executive Council charged by order of the Lieutenant-Governor in Council with the administration of this Act;

"parties" means the employers and the trade-union and includes, where the context so requires, H.L.R.A.;

"report" means the report and recommendations of the Special Mediator appointed by Order-in-Council No. 1623 approved and ordered May 25, 1976, true copies of which report and recommendations, identified by the signatures of the Clerk of the Legislature and the Provincial Secretary, are on file in the office of the Clerk of the Legislature and the office of the Provincial Secretary;

"trade-union" means the Hospital Employees' Union, Local 180.

2. (1) Forthwith upon the coming into force of this Act,

- (a) Appendix I of the report shall be deemed to constitute the terms and conditions of a collective agreement between the parties;
- (b) H.L.R.A. and the trade-union shall forthwith execute documents in the form of Appendix I to the report;
- (c) if H.L.R.A. or the trade-union fails to execute documents in the form of Appendix I to the report within 5 days after the date on which this Act comes into force, the party failing to execute the documents shall be deemed to have executed them.

- (2) The collective agreement constituted under subsection 1 (a) may be varied by agreement between H.L.R.A. and the trade-union.
- 3.(1) As soon as practicable after the coming into force of this Act, H.L.R.A. and the trade-union, or in the event of their failure, the Special Mediator referred to in the report shall refer the collective agreement constituted under section 2 for review under the Anti-Inflation Act (Canada) and the regulations under that Act.
  - (2) Where
    - (a) variations to the collective agreement constituted under section 2 are ordered under the Anti-Inflation Act (Canada) or regulations under that Act, those variations shall be deemed to be a part of the collective agreement constituted under section 2; and
    - (b) any dispute arises between the parties respecting any such variation, the Special Mediator referred to in the report shall deal with the matters in dispute and shall make an award and the award is final and binding on the parties.
4. Forthwith upon the coming into force of this Act and notwithstanding the Labour Code of British Columbia
  - (a) no employer shall lock out or declare a lockout of any of its employees;
  - (b) the trade-union and the employees shall terminate any strike and shall not strike;
  - (c) every employee shall continue or resume the ordinary duties of his employment with his employer;
  - (d) the trade-union shall give notice to the employees that any declaration, authorization or direction to go on strike given before or after the coming into force of this Act has become invalid by reason of this Act;
  - (e) no officer or representative of the trade-union shall 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;

- (f) no employer or person acting on behalf of an employer or any of them shall
  - (i) refuse to permit any person to whom paragraphs (a) to (c) apply to continue or resume the ordinary duties of his employment; or
  - (ii) discharge or in any other manner discipline such a person

by reason of his having been locked out or on strike prior to the coming into force of this Act.

5. Section 4 ceases to apply upon the expiration of the collective agreement constituted under section 2.

6. The Minister of Finance shall set aside out of the Consolidated Revenue Fund and hold in a special fund until March 31st, 1977 the sum of \$6 million to be paid out on the requisition of the Minister of Health, without an appropriation other than this section, for the purpose of implementation of the job evaluation provisions in the collective agreement constituted under section 2, and any further money required for that purpose shall be paid out of money authorized by the Legislature.

- 7. (1) Unless inconsistent with this Act, the definitions, provisions and procedures set out in the Labour Code of British Columbia and the regulations under that Act apply;
- (2) Where there is a conflict or inconsistency between this Act and the Labour Code of British Columbia, this Act applies.
- (3) Any question or difference between the parties
  - (a) as to whether this Act has been complied with, or
  - (b) respecting the interpretation or application of this Act

may be referred by the parties or any of them to the Labour Relations Board, and the Labour Relations Board may decide the question or difference and enforce the decision.

- (c) in any of the ways, and
- (d) by applying any of the remedies available for the enforcement of a decision or order of the Labour Relations Board under the Labour Code of British Columbia.

8. The Lieutenant-Governor in Council may make regulations.

9. Money required for the administration of this Act shall, until March 31st, 1977, be paid out of the Consolidated Revenue Fund and thereafter out of money authorized by the Legislature for that purpose.