

July 6, 2017

**Quebec Trade Union Alliance in Construction
Challenges Law Outlawing Strike**

Construction Workers Defend Their Rights Against Arbitrariness and State Repression



Montreal constructions workers on first day of strike May 24, 2017.

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Construction Workers Defend Their Rights Against Arbitrariness and State Repression



Construction workers demonstrate against passage of back-to-work legislation at National Assembly, May 29, 2017.

Five union organizations representing Quebec construction workers filed a motion on June 29 in the Quebec Superior Court to defend their right to strike. Organized in the Trade Union Alliance in Construction, they are challenging the constitutionality of the back-to-work legislation, adopted in the National Assembly on May 30, which outlawed the construction strike.

Construction workers took strike action to defend themselves against the unjust employer demands for concessions. The employers with backing from the government and its state want to destabilize workers with work schedules even more arbitrary and difficult than what already exist.

The special law outlawing the strike imposes a bargaining process, which workers and their unions have had no say in developing. The dictated bargaining process prohibits workers from taking any action to force employers to recognize their rights and negotiate in what is generally considered good faith. The law prohibits workers from putting any real pressure on employers to abandon their demand for concessions that attack workers' dignity and rights.



The Alliance says it will argue in court that the legislation outlawing workers' active defence of their rights violates the *Canadian Charter of Rights and Freedoms* and the *Quebec Charter of Human Rights and Freedoms*. The Alliance states, "[The special law] unjustifiably undermines workers' right to strike by completely prohibiting them from exercising that right, which is recognized as a fundamental right by the Supreme Court.... The freedom of expression of construction workers is also restricted by this special law."

The Alliance refers to various recent Supreme Court decisions that have addressed the issue of collective bargaining and the right to strike in relation to the freedom of association. The Alliance says the *Charter* declares freedom of association to be a fundamental freedom officially recognized by Canada through the enactment of the *Charter*. The Supreme Court rulings also refer to the "reasonable limits" that the *Charter* prescribes in recognizing rights and freedoms. The Alliance is optimistic that the special law's outright prohibition of the right of construction workers to strike will be deemed unconstitutional.

The Alliance's motion also asks the Supreme Court to declare unconstitutional the prohibition in Bill R-20 [1], the bill that governs labour relations in construction industry, on bargaining retroactive wage increases back to the expiry of a contract. In the construction sector, the law dictates that wage increases workers obtain are applicable only from the moment the collective agreement comes into force and not from the time the old collective agreement ends.

Construction workers point out that employers have zero interest to negotiate when they know that the state will restrict them from taking action to defend their rights. Without retroactivity to the expiry of the contract, employers are paying the old rate until a new contract comes into effect. This puts added pressure on workers to accept arbitrary arrangements in working conditions, especially the scheduling of work. Workers argue that retroactivity should be automatic and not be used as a weapon.

The Alliance also advocates for the extension of legal anti-scab provisions to the construction industry. Presently, the construction sector is exempt from even the meager anti-scab provisions in the Quebec Labour Code.

Construction workers denounce the employers and state for declaring exceptional conditions in their sector requiring arbitrariness and attacks on their rights and dignity. Workers demand the rights of all must be recognized and respected without exception.

Arbitrariness in the construction sector extends even to the *Occupational Health and Safety Act*. Instead of addressing with compassion and urgency the unacceptable levels of death and injury in the sector, construction workers are singled out for abuse, punitive measures and accused of intimidation for demanding safe working conditions.[2]

Bill R-20 also accuses construction workers of intimidation for demanding an end to attacks on their rights and for taking measures to bring attention to unsafe conditions and for waging a successful strike struggle. The government is using the police powers inherent to the state, which serves the ruling class, to protect the privileges of the employers. It declares that construction sites can remain open in the event of a strike with scabs allowed to do the work of those on strike.



With regard to the struggle for safe working conditions, the government declares the sector exceptional and deprives construction workers from using provisions in the *Occupational Health and Safety Act* that were adopted 40 years ago. When workers protest and demand their rights, the government and employers accuse them of intimidation and threaten them. For a government to declare a strike or a demand for safe working conditions as "intimidation" and against a so-called law and to unleash arbitrary police powers against workers to deprive them of their rights

should be considered criminal. It must not pass!

Construction workers went on strike in the spring to oppose arbitrariness in working conditions and denial of their rights. They were defending their dignity and rights as workers. Construction workers produce immense value for society through their work building residential, industrial, commercial and institutional establishments. The employers want to impose untenable and arbitrary changes to work schedules, changing schedules at will in the name of exceptional conditions in the construction sector. If passed, workers may not even know day to day or week to week when they work or what hours. How can anyone live in such a condition? Already construction work is most dangerous. Arbitrary hours and places of work would increase the danger. Workers point out that with arbitrariness in scheduling, the employers even cheat them when counting their hours of work. With their strike, workers put forward their demands for wage retroactivity, closure of job sites during strikes, job security measures including better work scheduling, and safer working conditions. They presented concrete proposals how these measures to uphold their rights could be implemented.

The Quebec government declared their strike was damaging the economy and passed a special law to outlaw their right to strike. The state and employers also unleashed hateful propaganda accusing workers of "criminal intimidation" and declaring that the exceptional nature of the construction sector required an outright ban on strikes and prohibition of workers defending themselves individually or collectively.

Construction workers do not accept these attacks on their rights. Their challenge to the special law and other arbitrary clauses and laws that target them is just and everyone should support their just cause.

The state does not want any improvement in the terms of employment for construction workers. The Quebec government and employers are actively engaged in pushing down wages and working conditions and depriving workers of their rights through police state measures. The accusations of intimidation and denial of the right to strike are attempts to weaken the unity of the workers and their organizations and worsen working conditions.

This broad campaign against workers in the construction sector heralds its domination and takeover by oligopolies which operate on a global scale and the availability of vast sums of state money to facilitate their projects such as the much ballyhooed infrastructure projects and public-private partnerships. Even the construction of forest roads is no longer considered "construction" requiring unionized construction workers engaged in work according to regulated industry standards. So is more and more construction in big cities. The government is pushing measures for what it calls "volunteer" construction work for example in the school system. These changes are very fishy and worrisome as the "non-construction" and "volunteer" work on these sites will fall outside regulations regarding standard code and rules for health and safety, and adequate training etc.

Construction workers are resisting this state-organized arbitrariness and attack on their rights. They are taking a stand and making a contribution in the fight of all workers for their rights and dignity.



Notes

1. Bill R-20, an *Act respecting labour relations, vocational training and workforce management in the construction industry*.

2. On the issue of health and safety, the government and employers argue that on-site prevention by the workers to ensure health and safety is not possible. They say having workers' safety representatives and health and safety committees on site to ensure safe working conditions is not feasible because of the particular or exceptional conditions of the industry. They say too many small employers, too many unions and too many sites make impossible active prevention and inspection to enforce codes and regulations.

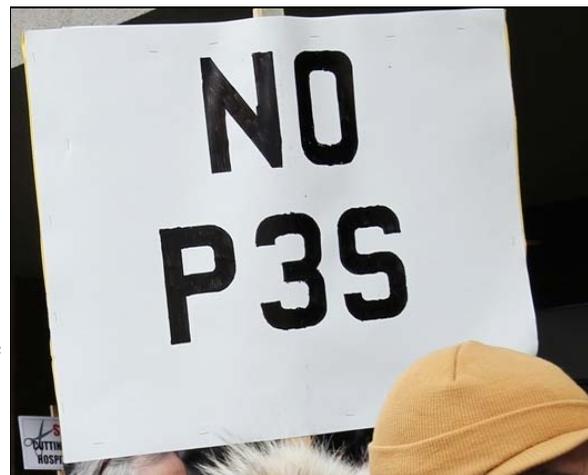
In opposition to this indifference to their safety, construction workers have proposed concrete measures. The issue of many and changing sites is not an impediment but rather one of the factors contributing to injury risk. Regarding the reality of many unions operating in the sector, the existence of the Alliance shows unions are willing to work together for the common good. They propose that they would agree among themselves to appoint joint prevention representatives who would speak on behalf of all the workers on a site irrespective of which union they belong to. The government does not agree to this as it has its own self-serving agenda to hand over the sector those who control the construction industry to let them manage it in their own private interests.



The Fight for Health Care as a Right

People Demand Adequate Funding for McGill University Health Centre

The Union of Nursing and Cardio-Respiratory Professionals of the McGill University Health Centre (MUHC) are demanding a massive injection of funds into new health care facility so that it functions properly. The Union held a press conference in Montreal on June 29 to explain why this investment is required. The centre provides a broad range of clinical programs and is also a research and teaching facility. The MUHC has recently opened in new premises as a public-private partnership health care centre, integrating in a single space a large number of health care institutions. The Montreal General Hospital and the Lachine Hospital are part of the MUHC and have been expanded and renovated but they are not going to move to the new site. The Montreal Neurological Hospital is also part of the MUHC and is scheduled to move into the new site at some point. The new site and building called the Glen opened in the spring of 2015.



The union, part of the Fédération interprofessionnelle de la santé du Québec (FIQ), announced at the press conference that it was presenting a petition to Quebec Health Minister Gaétan Barrette signed by over 14,000 people. The petition demands an immediate stop to the budgetary cutbacks at the MUHC, asking instead for the investment of adequate funding for this crucial social program. Union president Denyse Joseph said that the budgetary cuts at the old and new MUHC since 2012 amount to over \$120 million, with over \$60 million in cuts since workers and patients moved into the new building.

President Joseph gave the following examples of cutbacks and irrational decisions that have been made by the hospital authority:

- the elimination of 200 vacant nursing positions in a context where the workload of nurses is already untenable;
- the increase of health care units without dealing with the issue of the workload and without the necessary budgets being allocated;
- a general lack of funding that corresponds to the level of care offered by the centre; and
- the increase of waiting time in the emergency room because of a lack of beds for the patients.

"The MUHC should be a model in terms of providing care to the patients. This is a university health centre of world renown that is being left to fend for itself by the government. The situation must change immediately. We need immediate action and financing that corresponds to the level of care the health centre is professing that it is providing," Joseph said.



The union has been active for months advocating for the patients, taking part in town hall meetings, and holding press scrums to demand the health care centre live up to the expectations that have been created in Quebec, Canada and around the world about the high level of care it is supposed to provide.

In previous press conferences, the union has detailed how the cutbacks are directly damaging patient care and even endangering the safety of the patients and that of the health care workers. For example, the layout of the new MUHC is different than what usually appears in health care centres. Each unit is made up of 12 beds and each one of them is separated from the other by a fair distance. With this design, each unit is supposed to be monitored on a constant and continuous basis by a team of 2 or 3 nurses. With the cutbacks the ratio of nurses to patients per unit is diminishing, creating a serious problem for the care and safety of the patients.

The union also explained that with the new MUHC, whose restructuring is part of the Quebec government's reckless anti-social offensive against public health care, the lines of communication with the hospital authorities have been broken. Everything the union receives from the MUHC Board is orders and dictate, while no input from the actual health care providers is solicited or accepted. One of the reasons for this, the union says, is that the CEO works directly on a daily basis with two representatives of the Health Care Ministry who have been assigned to the Centre. This leads to what the health care workers call the *omerta*, a mafia-style law of silence around the imposition of budgetary cutbacks. In this situation, the authorities deny any cutbacks are taking place and a regime of silence is imposed on workers.

In the face of this, the union is demanding an inquiry into the management of the health care centre and the actual plans of the MUHC Board for the future. The union says the MUHC requires a significant increase in funding to meet the needs of the centre, the health care needs of the people and the aim and desire of the health care workers to serve those needs.

