

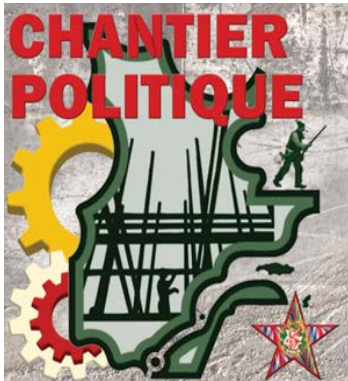


November 14, 2022 - No. 45

Results of Quebec Elections **Discussion with Industrial Workers**

Exchange of Information and Views

Sunday, November 20, 2022 -- 2:00 pm
**Recent Developments and Crisis of
the Democratic Institutions**



- Oath of allegiance, King's democracy, notwithstanding clause, disallowance
- Legault government's nationalism: 60th anniversary of "Maîtres chez nous" slogan
- Fight of Ontario education workers
- Update on Haiti, the rights of Indigenous peoples

In person meeting or on Zoom
Organized by the *Parti marxiste-léniniste du Québec*
Register at permanence@pmlq.qc.ca

- **Great Battles Await Us**
– *André Racicot* –
- **Glencore Horne Smelter and Government Fail to Protect Health of Workers and Community**
– *Gerry Lauzon* –
- **We Continue to Defend the Rights of Workers Who Are Victims of Work-Related Accidents and Illness**
– *Felix Lapan* –

Results of Quebec Elections

Great Battles Await Us

– André Racicot –

The first observation I draw from the October 3 election is that democracy is currently sick in Quebec. For example, the Liberal Party received fewer votes from the population than the Parti Québécois, but it is still the party that forms the official opposition. As for the Conservative Party of Quebec, which is not a party that I like very much, it got almost as many votes as the Liberal Party and yet it has no seats. Its leader will not even have the right to speak in the National Assembly. The people who voted for him will feel very frustrated that they can't even hear him ask questions. It is an infringement of democracy.

In 2018, the CAQ [Coalition Avenir Québec] proposed a revision of the voting method, but when they were elected they said that it was no longer a priority, that the voters had other things on their minds. The democracy we currently have, with the current voting system, is in fact an obstacle to democracy. This voting system has to be reviewed.

On the economic side, with the CAQ and the changes they have made, I fear that with their large majority of seats, the friends of the party who contributed to their election campaigns will be rewarded. Take the question of the privatization of the health care system. We see the government's openness to move more and more towards the private sector, instead of meeting the demands of workers who work in the public service. In hospitals this is what happens. In education it is the same thing.

The public system is sick and there is no one in the CAQ government who is going to find solutions for the problems because their perspective is always to go more towards the private sector. The government is trying to get us to accept this by saying, for example, that Quebeckers won't have to pay anything in private hospitals, that they'll be able to use their health insurance card. In fact, if we let this pass, before long, it's not the health insurance card that we're going to be using to pay, it's a credit card.

I saw how it is in the United States when I went to Pittsburgh for my work with the Steelworkers. Workers have told me that we must continue to fight in Quebec and in Canada for a universal public health care system, not to leave it to the private sector, because in the United States there are more than 22 million people who have no medical insurance. One of the main causes of personal bankruptcies in the United States is the health care system, the fact that people do not have insurance or are struggling to pay private insurance.

Another area of great concern is the major setback in the new *Occupational Health and Safety Act* which was passed in 2021 which is coming into force in stages. One of the law's main measures is to force injured or sick workers to return to work before their situation is stabilized. This means that if the agent of the CNESST (Commission des normes, de l'équité, de la santé et de la sécurité du travail) decides that a worker should have recovered in say four weeks, then after four weeks the worker must return to work even if their treating physician says they are not ready to return, not recovered. It is estimated that the changes that have been made to the law will save employers more than \$3 billion.



What will also hurt a lot is that it is now the company that will decide who is the doctor in charge of the health program in the workplace. Before this recent change in the law, the doctor was chosen

by the health and safety committee of the establishment. We had done a lot of work on this in the past to replace doctors, who used to be appointed by the company to manage health programs, with doctors from CLSCs (local community service centres) over whom employers have no influence. They were not accountable to the employer for the workplace health program. This power of the health and safety committee was enshrined in the law, but the upcoming changes remove that power from the health and safety committee. From now on, as well, prevention programs will be at the discretion of the employer. This will have a direct impact on the prevention of workplace accidents.

In the mining sector, we had greatly reduced workplace accidents. We had a legally recognized means to intervene.

These are battles that we must now fight again.

André Racicot is a retired mining worker from the Abitibi region.

(Translated from the original French by TML)



Interviews with *Workers' Forum*
**Glencore Horne Smelter and Government Fail to
Protect Health of Workers and Community**
– Gerry Lauzon –



Action in Rouyn Noranda, September 23, 2022 as part of global Climate Strike protests.

TML Daily is reproducing below a recent *Workers' Forum* interview with Gerry Lauzon, a retired Horne smelter worker. The Quebec government is currently preparing the renewal of the ministerial authorization of Glencore's emission levels, which include arsenic. The authorization is to be made public at the end of November and will be in effect for the next five years. The workers and the community are demanding that the government assume its responsibilities for the population's health and that they be provided with full information on such a vital issue, as well as a decisive say over the decisions that are taken.

Workers' Forum: When we look at the situation in Rouyn-Noranda, we see that the problem of a dangerous level of toxic emissions for workers and the population goes way back and has never

been resolved? What's your opinion on this?



Gerry Lauzon: Yes, that is the case. If we look at the context, we note that in November 2004, for example, when the notice on arsenic in ambient air in Rouyn-Noranda was publicly released, the ministries of the Environment and of Health and Social Services and Public Health clearly explained the issues of arsenic in Rouyn-Noranda.

The inter-ministerial working group proposed to the authorities at the time that the Horne smelter reduce its emissions so that average arsenic concentrations in the Notre-Dame district would be reduced to below 10 nanograms per cubic metre. That goal was to be attained within 18 months.

They also requested that once the 10 nanograms per cubic metre level was reached, that the concentrations be further reduced to Quebec's three nanogram standard.

Governments sat idly by. Ministers dealing with the file were replaced. The 18 months that had been requested got turned into 18 years. Clearly, this is a serious failure on the part of governments.

Meanwhile, Noranda (now Glencore) took advantage of the situation. Their magic phrase was "investment and emissions reduction," not "meeting standards."

Over the years, citizens have undergone many tests, including urine samples for arsenic and blood tests for lead. With the technology measuring contaminants in the human body evolving, we saw that the problem was much more serious than what was being said. With the public release of reports on the situation, citizens became more concerned.

In addition, over the years a new generation has emerged, one which is less tolerant of pollution. Also, the economy of the time was different from today's. In terms of employment, the Horne foundry is no longer the main employer in the Rouyn-Noranda Regional County Municipality. Currently, it's around fifth.

There are many things that Glencore does not want to say in public. For example, a citizen is currently in court to have the quantity and concentration of contaminants in emissions made public. The company refuses, insisting that the information is confidential because of industrial and commercial secrecy.

WF: There's a lot of public concern about the materials received and processed at the smelter.

GL: Yes. They include ore concentrates, electronic inputs and industrial waste from a number of countries. The company smelts the material several times in order to extract the maximum copper or gold or precious metals. It retrieves the best and gets rid of the rest through its effluent treatment in the form of sludge that contains a lot of contaminants, and which is disposed of in government authorized tailings ponds. These ponds are now so large that they could become a serious problem.

One of these ponds is located high up near Lake Dufault, which is the source of drinking water for the city of Rouyn-Noranda's urban centre. If a dike were to fail and the contaminants spilled into the water, it would be a disaster for the city and its citizens.

There's also this unusual situation where the smelter channels the water to the city through the work of its smelter employees. I don't understand how in 2022 it's the company providing water to the city and not the city providing water to the company.

WF: There's a lot of talk about the impact of the emissions on the surrounding population but not much in terms of the smelter workers themselves.

GL: That's right. Recently, Glencore issued a press release explaining what its new plant will be like in order to attain 15 nanograms within five years. At a town hall meeting with Glencore, a citizen asked why it doesn't reduce its use of contaminated material. It would still make money but would pollute less. The company representative told him that it doesn't matter if they use a lot or less because in the new plant everything will be encapsulated, so there will be fewer fugitive emissions.

And what about the workers inside? They're the ones at the smelter's epicentre. We already know that with the current limit of 100 micrograms per cubic metre they're at risk.

While the workers are tested by the company for arsenic and lead, there's a lack of transparency as the Horne smelter sends the tests to be analyzed at its own laboratory. Why are they paying technicians when it can be done for free through the public occupational health network and analyzed at the IRSST (Robert-Sauvé Research Institute in Workplace Health and Safety)?

Workers have a lot to say about this whole situation. I'm talking about the working class and all the workers who enter the foundry. That's the company's wealth right there. Their health and safety should not be neglected for the sake of money.



To my knowledge, many foundry workers over the years have died prematurely, in their 40s and 50s, from cancers of all kinds -- brain, lung, blood, etc. I have friends among them. They didn't even reach retirement. Not to mention the workers who were contaminated with beryllium. Doctors have made great strides on the file to raise awareness and be heard. They see workers who are sick and citizens who are ill.

Workers and citizens want transparency. They are deeply concerned.

Of course everyone wants the smelter to remain open, but they're demanding transparency and concrete action.

WF: The media keep saying that the population is divided on the issue. What do you have to say about that?

GL: In order to unite people, we need to put forward that it's not the workers and citizens who are the polluters. Workers produce according to what the company decides and based on the standards and criteria set by governments.

Right now, Glencore and the government are giving free rein to all kinds of speculation, such as that the company could close if it is asked to move too quickly to reduce its emissions or lower its thresholds, with the public placed in the dilemma of choosing between their health and jobs.

Why do we pollute more here than elsewhere in Quebec? Why should the city of Rouyn-Noranda be polluted by a company that's making huge profits, and which is not at all transparent and doesn't want to talk to citizens about their health?

I believe the situation could be calmed down a lot if the government adopted proposals contained in a number of the briefs submitted during the public consultation. These proposals are that 15 nanograms of arsenic be attained within a year at the most (which is higher than the 10 nanograms proposed in 2004), and then three nanograms as soon as possible -- within five years at most -- by regularly reducing emissions every year.

In addition, all the information necessary to track progress should be made available to the public. There can be no secrecy when it comes to the health and safety of workers and the public.



(Translated from the original French by TML)



We Continue to Defend the Rights of Workers Who Are Victims of Work-Related Accidents and Illness

– Felix Lapan –



Union of Injured or Sick Workers (UTTAM) at protest outside Quebec National Assembly, September 30, 2021, opposing restructuring of the occupational health and safety system.

On October 6, more than 200 workers from several sectors gathered in front of the Montreal offices of the Commission for Standards, Equity, Health and Safety at Work (CNESST) to affirm their determination to fight for their occupational health and safety rights. They were demonstrating in

particular against the coming into effect of the Legault government's anti-worker Law 27, the *Act to modernize the occupational health and safety system*, which forces workers with occupational injuries to return to work prematurely, at the risk of aggravating their injury, and denies them compensation, forcing them onto social assistance. The main slogan of the rally was "No to forced labour!"

TML Daily is publishing below an interview conducted by *Workers' Forum* on these measures with Félix Lapan, community organizer of the Union of Injured or Sick Workers (UTTAM).

Workers' Forum: What are the measures provided for in the *Act to modernize the occupational health and safety system* which came into effect on October 6?

Félix Lapan: These are measures that affect return to work and rehabilitation. Some of them affect injured workers during their medical period, i.e., before their condition has stabilized. This is the power to determine rehabilitation measures before consolidation.[1] The CNESST can therefore decide on rehabilitation measures while people are undergoing medical monitoring or treatment, which may include return to work. This amounts to a power to impose light work. There is currently a procedure for assigning light work, called a temporary assignment. The employer can offer a temporary assignment, but it must be approved by the attending physician.

In addition the CNESST can impose return to work by saying that it has reason to believe that the worker is able to work say three half-days per week, that this will be beneficial to him or her. And the CNESST can impose it. We will see how they will apply it but it is an aspect that worries us.

Also for the period preceding consolidation, a new temporary assignment form has been introduced that employers must use. With the introduction of this form, a physician must justify their refusal of a temporary assignment for their patient. Until now, all they had to do was say no, that they did not agree with the proposed assignment. This change complicates the refusal process. This also opens the door to the CNESST imposing return to work even when the doctor has refused the temporary assignment on the basis that the injured worker cannot perform some of the tasks required. The CNESST could say that the worker must return to work, with the restriction specified by the doctor, and it could do so without going through the doctor.

Another change is that the law previously stipulated that a person on temporary assignment had to be paid 100 per cent of their salary regardless of the number of hours they worked. This is no longer the case. In the provisions that have come into force, it is now law that the employer can choose to pay the salary at 100 per cent of what it was before the injury, or pay only the hours worked and the CNESST covers the remainder, up to the income replacement indemnity. People will have to work and do their treatment at the same time, while being paid 90 per cent of their salary.

FO: What measures concern changes after consolidation?

FL: Since October 6, a person who is between 55 and 59 years old and who develops an occupational disease will still be rehabilitated by the CNESST if they can no longer do their job. Previously these people had their income protected until retirement age. They were declared unemployable and were paid until retirement. This protection now disappears and these people will have to look for a new job elsewhere in the labour market despite their advanced age.

Most importantly there is a change to the definition of suitable employment that will make it more difficult to challenge suitable employment. From now on, it will be necessary to prove that one is incapable of performing so-called main tasks without regard to the so-called accessory or secondary tasks of a suitable job. In other words, if someone wants to challenge the suitability of a

job, the challenge will not be valid if they are only unable to perform the so-called secondary or accessory tasks.

Also, previously, when you were declared able to do a suitable job that you had to look for in the labour market, you were automatically entitled to a year of compensation that the CNEEST called a year of job search. There are people who found a job, say, after three months, and in that case the allowance stopped. But there are people who said they wanted to go back to school, take a course, do a DEP (Diploma of Vocational Studies), and they were entitled to a year without having to look for a job. Now they will have a job search obligation and not collaborating with the job search assistance services becomes grounds to suspend their allowance.

Our biggest fear is that the CNEEST will send people to these services who will ask for an accounting, including the number of applications they have made, and will start cutting allowances on this basis.

What has come into force, therefore, are measures to sometimes force a premature return to work and to force people who lose their jobs as a result of their injury to return more quickly to the labour market or face coercive measures if they don't.

The obvious objective of these measures is to save employers money. This objective has existed in the plan for a long time, and the intended target has always been serious injuries, chronic cases, those most ill and people disabled as a result of accidents. These people are easy to beat about, especially non-unionized workers. The new law allows them to go much further in this direction, with measures like the ones I just mentioned.

WF: What does UTTAM see in the coming period with regard to the defence of injured and sick workers?

FL: We will continue to mobilize to defend the rights of victims of occupational injuries and protest injustices and demand change. At the same time, the law provides that the Minister of Labour must submit a report to the National Assembly on the impact of the law, no later than October 6, 2026. We will therefore document the effects of the law, examine how the CNEEST applies the new provisions and take the opportunity of the Minister's report to relaunch the public debate on the law and request the necessary changes.

Note

1. Consolidation is the healing or stabilization of an employment injury following which no improvement in the state of health of the worker who suffered this injury is foreseeable. Vocational rehabilitation is a set of measures aimed at reintegrating an injured or ill worker into the workplace. It includes things like a retraining program, vocational training, and adapting a workstation to the worker's condition.

(Translated from the original French by TML)

