



September 8, 2016

**Quebec Government Bill 110 to Decree Working  
Conditions in the Municipal Sector**

**Salient Features of the  
Anti-Social Offensive**



Municipal workers rally in Quebec City, May 12, 2016.

**Quebec Government Bill 110 to Decree Working Conditions in  
the Municipal Sector**

- **Salient Features of the Anti-Social Offensive**
- **Bill 110 Destroys the Arrangements for Resolving Conflicts in the Public Sector**  
- *Pierre Chénier*
- **Invoking "Taxpayers' Ability to Pay" to Justify an Attack on Workers' Rights  
and the Elimination of Negotiations** - *K.C. Adams*
- **Blue Collar Workers Are Determined to Defend Their Rights**

**For Your Information**

- **A Process Leading Straight to the Special Law Decreeing Working Conditions**

---

**Quebec Government Bill 110 to Decree Working Conditions in  
the Municipal Sector**

**Salient Features of the Anti-Social Offensive**

The anti-social offensive championed by governments at all levels features a broad attack on human rights in favour of monopoly right; it imposes backwardness in the form of austerity under

conditions of industrial mass production where the ruling elite do not want the large social product the working class is capable of producing but only its derivative in money; it includes a farce of balancing of budgets under the control of monopoly right where the people and society requiring modern services and infrastructure and the workers providing the services must bow to the demands of privileged private interests and their aim to make profit in money from infrastructure and have it serve the narrow interests of their companies.

The anti-social offensive declares a lower standard of living for the working people and small business owners is necessary so that the ruling elite can retain their class privilege, use public funds to pay the rich, turn all services into private money-making ventures, and use the amassed social wealth under their control to rampage around the world waging aggressive predatory and inter-imperialist wars to win hegemony over others within the U.S.-led imperialist system of states.



With various laws and rulings of the Supreme Court and decisions of special courts such as those dealing with alleged insolvencies (*Companies' Creditors Arrangement Act*), governments are enshrining their legal right to pursue the anti-social offensive at all costs. The working people have to abide by the laws of the anti-social offensive or face state punishment and violence. This is what the German working class faced prior to and after the outbreak of Hitler Nazism; what the Italian, Spanish and other working people experienced under fascism; and what the Japanese people languished under during the reign of militarism of the monopolies, as it rampaged across Asia.

The working people do not agree with any repeat of these attacks on their rights. In Quebec, the municipal workers and their unions are now presented with a new bill tabled in the National Assembly which will impose contracts and decree working conditions, wages and pensions in the name of high ideals. The workers have persisted in rejecting the extortion sanctioned under laws of the anti-social offensive. Even in the face of the full force of the law, they have refused to agree to unacceptable concessions, which serve no useful purpose. Nor do the workers agree with the dismantling of public services under privatization schemes to turn them into mechanisms for a few to claim private profit. They demand a say in their conditions of employment and what they receive in exchange for their capacity to work. Equilibrium in labour relations can only occur with lawful recognition by the employers and their governments of the right of the working class to a say, including the right to say **No!**



The fight of public sector workers in defence of their rights is an important front in the fight in defence of the rights of all. Public sector working conditions are the living conditions for much of the population. The claim of the ruling elite that the Quebec government's Bill 110 represents equilibrium between the rights of municipal workers to negotiate their conditions and what it calls sound management of municipalities with respect to "taxpayers' ability to pay" is a fraud born within the anti-social offensive and the arrogance of class privilege.

No equilibrium in relations of production can be established by employers and their governments

imposing working conditions and wages on workers using the euphemism of "taxpayers' ability to pay" or any other fraud. The ruling elite have now made government claims or taxes on individual workers their main source of public funds. Payment for the material and social infrastructure every modern society requires, including "taxpayers' ability to pay" should be determined by the working people themselves including the method of exchanging the value of the infrastructure within the economy. Such a determination and exchange is made through upholding rights, objectivity of consideration and by recognizing and providing the material and social infrastructure necessary for a modern society and exchanging the value infrastructure workers produce within the economy not through user fees or browbeating "taxpayers" but by forcing those sectors of the economy who profit from the infrastructure to pay for the use-value in a proper manner. Who better to determine the necessary services and the proper way to determine the value they produce and how it should be realized than the working people on the front lines providing the material and social infrastructure?

A modern society with equilibrium in social relations cannot be built through coercing the working class to do the bidding of a ruling imperialist elite. This dictate is part and parcel of the anarchy that prevails whereby every monopoly declares with government support that it has the sovereign right to impose what serves the interests of its shareholders. Violence and war are the result. It is not acceptable to equate self-serving private interests with the public interest and then declare that the hold of the ruling elite on privilege and political power makes it all somehow democratic.



The Quebec government's argument to the effect that it has provided a legal framework to trample on the workers' rights and that all citizens are duty-bound to obey the government of laws of the anti-social offensive is self-serving, unacceptable and a recipe for disaster. The Quebec government hopes to enshrine in its anti-social law the monopoly right to criminalize and use violence against the workers, especially the blue-collar workers. The ruling elite want to establish a legal precedent that henceforth any problem facing the cities across Quebec must be dealt with on the basis of force and the denial of the rights of the working class. This recipe will then be used in Ontario and across the country unless the working people of Canada speak out against such fraud now and stop it.



---

## **Bill 110 Destroys the Arrangements for Resolving Conflicts in the Public Sector**

**- Pierre Chénier -**

Philippe Couillard's majority Liberal government in Quebec on June 10 tabled Bill 110, *An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector*. That same day, the National Assembly adjourned for the summer.

The bill represents an intensification of the anti-social offensive of the rich and their governments by interfering in the collective bargaining process of municipal employees and their employers and declaring that such interference is democratic. This is one method for the Couillard cabinet to achieve the result that private interests it represents desire. Their self-serving logic is the following:



the interference in and negation of municipal workers' rights is decreed by law and since the government is an elected body and *de facto* democratic, the anti-social process and result is considered democratic. *Voilà!* The negation of workers' rights is *democratic* by virtue of the perverted process.

The ruling elite use their own institutions to serve private interests and then call it democratic to give their anti-social offensive to criminalize the rights of workers an air of legitimacy. It does not get more sleazy than that.

The bill uses terms such as "taxpayers' ability to pay" and "balance between rights and municipal budgets" to unleash an anti-worker propaganda crusade to negate municipal workers' right to bargain their wages and conditions of employment. The Couillard government presents the bill as a balance between the bargaining rights of municipal workers and the sound financial management of large cities and other municipalities. In fact, the bill tilts the balance in one direction only by putting all the power in the hands of the employer. To speak of balance is a real travesty.



Furthermore, the government has prepared special legislation to unilaterally decree collective agreements if workers refuse to voluntarily submit to the demands of their municipal employers.

The bill *de facto* decrees the working conditions of the municipal workers and their claim on the value they produce. Secondly, the bill makes the financial accounts of municipalities and the Quebec government the measures that those same governments will use in deciding the employment conditions and claims of the workers on the value they produce, as well as the level of public services.



According to the bill, municipal workers and the public will have no real say, as any "negotiations" will be held under the dark cloud of what governments have already decided in their budgets. Governments will then use their budgets and narrow aim to serve monopoly right to declare whether talks with the workers are proceeding in a satisfactory manner. This means either agree with the governments' demands or the special law and decree will be applied to dictate the result the governments demand.

This charade is called democratic because the ruling elite that owns and controls the political system and its institutions including think-tanks and media declare it with one voice to be democratic. The "democratic" system of the ruling imperialist elite permits the workers' demands to be criminalized if they do not agree with what their employer dictates.

By attacking municipal workers Bill 110 also paves the way to privatizing municipal services

expected when the Comprehensive Economic and Trade Agreement (CETA) between Canada and the European Union of the Monopolies comes into force. This monopoly-controlled trade agreement will drive down workers' claims on the value they produce and open the door for higher user fees and government subsidies to the monopolies involved in owning and controlling public infrastructure now or in the future.

Bill 110 follows the adoption in September 2015 of a Partnership Agreement (commonly called the Fiscal Pact) between the Government of Quebec, the cities of Montreal and Quebec, and other Quebec municipalities on funding and city powers. The government pledged to give more power to the cities, particularly regarding the negotiations for the renewal of collective agreements with municipal workers. Bill 110 is one of the first measures to implement the Fiscal Pact.

In December 2014, the Quebec Government adopted Bill 3 (now Law 15), which declared that municipal employees cannot negotiate matters related to pensions. Law 15 decrees pension contribution rates for employees and cities, forcing municipal workers to absorb 50 per cent of so-called past deficits of pension plans and to allow the de-indexation of retiree benefits. The anti-social law decrees a unilateral reduction in workers' claims on the value they produce both during their active working life and in retirement. This violates the arrangement workers made to exchange their capacity to work for wages and guarantees of a certain standard of living during retirement. Deficits in pension plans were mostly deliberately caused by cities refusing to fund pension plans and other factors involving the control and use of the funds' social wealth. In other words, they persist in "resolving problems" by disrespecting agreements and contracts with the workers.



**Demonstration in Gatineau, November 26, 2014, one of many across Quebec against the Couillard government's Bill 3**

It is unacceptable for governments which call themselves democratic to violate the rights of municipal workers to negotiate their working conditions, wages and pensions. Their anti-social assault is supported by a disinformation campaign and systematic slander against the workers in the monopoly media and social networks in which governments and representatives of the ruling elite are given privileged positions. The government disinformation campaign portrays workers who resist the attacks on their rights and working conditions as violent and inflexible and responsible for any ills that befall the so-called "taxpayers," a term for citizens and residents invented by the ruling elite to incite pettiness and anti-worker feelings. Suspensions and astronomical fines have been imposed on the municipal workers. A criminal trial has even been convoked in 2018 for an action at Montreal City Hall, during which frustrated workers threw

copies of their collective agreements on the ground. This was done to illustrate that they are not worth the paper they are written on as they are constantly violated with impunity by the municipal administration. Far from correcting the situation and ensuring a legal space for municipal employees to be heard and to negotiate their working conditions, wages and pensions, Bill 110 further denies their rights.

It is equally unacceptable to eliminate negotiations under the veneer of high ideals. The workers' right to a say over what they receive in exchange for their capacity to work, and over their working conditions belongs to them as a matter of right. These working conditions are directly related to providing the level of public services the people and society need and expect.

Municipal workers are opposing the anti-social dictate, and have defied their criminalization and all attempts to privatize public services. Municipal authorities have not succeeded in silencing the workers. Now, by resorting to legislation, the Liberal Quebec government and Liberal municipal governments hope to succeed in declaring the fight of the workers in the municipal sector illegal once and for all. It is clear that the Liberal governments across the country are locking arms in their anti-worker crusade and anti-social offensive to serve private interests.



**Municipal workers demonstration outside Montreal City Hall, June 17, 2014, for which some still face charges.**

The refusal to recognize the rights of the working class to a say and control over what it receives in exchange for its capacity to work is not "free collective bargaining." For the working class, freedom is recognition of the necessity for change and the necessity to deprive the ruling elite of their power to deprive workers of their rights.



---

## **Invoking "Taxpayers' Ability to Pay" to Justify an Attack on Workers' Rights and the Elimination of Negotiations**

**- K.C. Adams -**

On June 10, the Quebec government tabled Bill 110, *An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector*. All the argumentation to justify the bill is draped in an anti-social fraud called the "defence of the ability of taxpayers to pay." The bill also includes a new definition of municipalities as "democratic institutions." According to the government, municipalities are defined as democratic institutions because the Quebec government gives them the power to tax and impose user fees. The ruling elite say this power and its use make municipalities accountable to those who pay taxes and user fees. In today's neo-liberal world dominated by individual taxation and user fees, the category of taxpayers is used to deny that municipalities are comprised of citizens and residents who live in a modern society and depend on society for their well-being. The level of municipal services is precisely what guarantees their stability and peace of mind. To reduce them to what neo-liberal governments call "taxpayers" is to dehumanize them and turn them into a force which denies the



need for social cohesion, solidarity and responsibility.

According to the government, the characterization of a municipality as a "democratic institution " does not mean that they recognize the rights of citizens and residents and the workers. Even though the workers produce the social wealth the cities claim and are the essential human factor within the socialized economy, they are disrespected as a matter of course. The characterization of municipalities as "democratic institutions" is meant to ensure that municipal governments act as gatekeepers for monopoly right, to block those who live there from having a say on their conditions of life and those who do the work of cities from exercising their right to decide and control the work of building and running the municipal material and social infrastructure.



**Press conference of Montreal blue collar workers August 15, opposing Bill 110.**

A modern definition of democracy clarifies that control of production and its value should be in the hands of the actual producers. A modern democracy acts to deprive any alien power such as global monopolies and their financial oligarchy from misusing and exploiting the work of the municipal workers. The actual producers of municipal material and social infrastructure organized into workers' committees, which uphold a broad aim of nation-building and the defence of rights and in cooperative engagement with people in their communities, must have the democratic right to decide the direction of municipal affairs including what services are needed to humanize the social and natural environment, what working conditions are necessary to ensure that municipal workers work in dignity and security and enjoy a secure retirement, and how the social wealth they generate is distributed and realized within the economy.



Far from it, the "taxpayers," -- a category erected to deny that they are citizens and residents with rights -- are presented as being an amorphous mass of powerless consumers who are victims of the struggles of workers to defend their rights, which must be negated. The "taxpayers" are said to pay the wages, salaries, benefits and pensions of municipal workers who produce no value and simply want more and more. This perpetuates the disinformation that wealth generated in the material and social infrastructure does not need to be realized in exchange with other sectors and parts of the economy as means of production and not paid for through individual user fees as articles of consumption.

The ruling elite say gatekeepers formed within democratic institutions, such as municipalities, are necessary to defend the interests of the people from the workers who produce the material and social infrastructure, and to ensure the

added-value they produce goes into the pockets of those who own and control the monopolies and that all development serves certain powerful private interests.

The institutions of the ruling elite exist to ensure their dictatorship over the working class and the value it produces. They have introduced the issue of "democratic institutions" and "taxpayers' ability to pay" to cause maximum confusion as to the *raison d'être* of municipal governments and other institutions of the ruling elite and their state. The use of the terms is to further the anti-social offensive through propaganda and the destruction of public opinion for a new pro-social direction.

The ruling elite are seeking new arrangements in the relationship between the state and its employees and in the way the material and social infrastructure is produced and maintained. The new relationship is dictated by the aim of the financial oligarchy in its relentless search for new ways to exploit the working class and manipulate the socialized economy to its advantage and to maintain its class privilege and empire-building.

The relations of production developed after the Second World War during the flow of revolution no longer suit the financial oligarchy. The new arrangement calls for the elimination of the municipal workers' right to negotiate their collective working conditions, which are the very conditions of the delivery of services. In the name of taxpayers and their democratic institutions, the ruling elite seek to drive down the standard of living generally. The anti-social offensive includes the tactic to legalize the power to decree the living and working conditions of the workers in an entire sector and to deploy the state's police powers against workers when they resist.

On a broad scale, the Harper government before and the mostly Liberal governments at present claim they have a democratic mandate to defend the national or local interest, which includes the power to negate rights using the dictate of monopolies such as Air Canada, Canadian National and U.S. Steel. This dictate is facilitated by various institutions of the ruling elite including the *Companies' Creditors Arrangement Act* (CCAA) and municipal governments to criminalize the struggles of the workers for their rights against monopoly right. The scale of the current anti-social attack on rights is seen in Bill 110.

### **The Direction that the Holders of Social Wealth Impose on Cities**

Bill 110, and similar institutions of the ruling elite such as the CCAA, arise in the context where those who own and control the wealth of society dictate that any work which does not siphon off into specific private coffers the added-value created by the workers is counterproductive and should be restructured. They want to reorganize the work that maintains the cities and serves their residents in such a way that directly generates private profit for certain monopolies at the expense of other enterprises and the public interest. This includes the privatization of municipal work, increasing user fees and putting downward pressure on the claim made by municipal workers on the value they produce. It includes putting municipal services up for auction for the private profit of powerful global monopolies through neoliberal free trade treaties such as the one between Canada and the European Union, the Comprehensive Economic and Trade Agreement (CETA), and the Trans-Pacific Partnership with the U.S. and certain Asian countries.





The anti-social offensive of the rich and their state institutions, including governments, results in a direct assault against the wages, pensions and working conditions of municipal workers. An important aspect of this assault is the campaign of slander and disinformation against municipal employees, especially blue-collar workers, the objective of which is to break their determination, their organization and their resistance against attacks on their rights and the public interest.

The struggle of the municipal workers for their rights is an important front in the fight to defend the rights of all and for a city and national development that are centred on the human being and not the private whims and aims of monopolies and their narrow interests for empire-building. Workers and their allies in Quebec and across Canada must stand with municipal workers and their struggle against the anti-social offensive of the Couillard government.



---

## Blue Collar Workers Are Determined to Defend Their Rights



**Municipal workers demonstrate in Quebec city, May 12, 2015. (SCFP)**

Workers' Forum is publishing below a summary of François Bourgouin's presentation at the Conference on Rights on April 10 in Montreal organized by the Marxist-Leninist Party of Quebec. Bourgouin is the head of the negotiating committee of the Syndicat des cols bleus regroupés de Montréal.

\*\*\*

In his presentation, Bourgouin highlighted the work of the blue collar workers to mobilize all Quebec workers to defend their right to a say over their working conditions. He denounced the plan of the Quebec Liberal government to give municipal governments the power to decree unilaterally the working conditions of their municipal workers. The union has circulated a petition asking that the Couillard government abandon its plans to present a bill to that effect, which was signed by 30,237 people. On May 12, close to 4,000 municipal employees from different regions of Quebec demonstrated in Quebec City at the annual meeting of the Union of Quebec Municipalities against the Couillard government's plan. In spite of everything, the Liberal government presented its bill on June 10, on the same day as the National Assembly's summer adjournment. The bill entrenches the power of the Quebec government to impose working conditions upon municipal

employee thus preventing these employees from having a say and negotiating their working conditions. François said that workers are mobilized and determined to defend their rights and block the offensive of the Couillard Liberal government.

His speech exposed the disinformation campaign of the government and media that deliberately distorts the content of the fight of the blue collar workers and presents them under false colours in an attempt to justify their criminalization.



He spoke of the elections that were held recently in which the membership elected a new union President, Chantal Racette. She pledged to wage a resolute struggle against the attacks on the working conditions of the blue collar workers and against the anti-social Fiscal Pact of the Couillard government.

Bourgouin said, "Chantal campaigned by touring all the workplaces over a period of almost four months with 3 or 4 meetings a day. Immediately, it became clear that she was mobilizing people around her campaign and that the members were going to support her. The mass media began an effort to depict her as a radical.

"The first question reporters asked her after her election was, 'Have you ever gone to jail?' Chantal is a woman of conviction, so she said, yes, she has been in jail because of those convictions. She was arrested in 2000 when she and other blue collar workers chained themselves to the doors of the office of the then Minister of Labour as part of a fight the union was waging at the time. Raising this arrest on the day she was elected was an attempt of the media to portray her as a criminal."

Bourgouin explained that the new president expressed her enthusiasm for the fight that the blue collar workers waged in the 1980s and '90s when the President of the union was Jean Lapierre, who is now retired. Chantal explained what those years of struggle meant for her; when the union fought and made headway in allowing women to work in non-traditional jobs and having minimum employment levels established, which decreased sub-contracting and the elimination of jobs, and increased security of employment.

Bourgouin said the media immediately suggested that this meant she wanted to return to the years of "strong-arms tactics," as they call the union struggle. They specifically referred to an action in 1993, when blue collar workers kicked down the front door of City Hall out of anger over the provocations of the City. The municipal authorities had given workers an ultimatum: agree to wage cuts and a freeze in working conditions by such and such date. A few hours before the deadline, they made things even worse by tabling a new offer in which many services would be privatized such as water delivery. The media only focussed on the front door incident and said nothing of the context. This pattern has been a constant in their reports about the blue collar workers, portraying them as people that you cannot talk to and who will only listen to force.

Bourgouin also talked about another aspect of the disinformation campaign being waged against blue collar workers saying: "The media also said that what we actually wanted was to reopen our collective agreement that ends in 2017. We are not asking for that. Our fight, the fight we want to wage and that we want to explain to the people is our fight against the Fiscal Pact."

Bourgouin explained that the disinformation campaign of the media and government is to criminalize municipal workers and portray them as "bad guys" who are only interested in their own contract, to suggest that they are both radical and selfish and not really interested in providing the

services the people and city require. This is blatantly untrue. As with all workers who are connected with public service, their working conditions are the conditions in which they provide the public service. The Fiscal Pact and anti-social offensive are aimed not only against the workers who deliver the services but also against the people who need municipal services. The anti-social governments refuse to increase investments in social programs and public services. Everything is being done to pay the rich in one way or another.

The representative of the blue collar workers explained some of the specifics of their struggle saying: "Starting in September 2015, we heard that the government wanted to give the Mayors the power to decree our working conditions in exchange for cutbacks of \$300 million a year in the provincial budget allocated to municipalities. We made another tour of the workplaces to talk about this situation with the workers. We held a special general membership meeting in Montreal. We have 6,500 members and 4,000 of them attended the meeting. Three weeks later, we held another special membership meeting, this time for just the workers of the City of Montreal, not the entire urban region. We decided to hold it during the morning and sent buses to pick up workers and take them to the meeting. The Labour Board ruled that this was a one-day illegal strike. Our four executive members were threatened that they could go to jail for up to a year. *[The executive members were subsequently unjustly suspended for 2 months without pay -- WF]*

"The fight we are waging at this time is to say that these are our working conditions; we negotiated for most of these conditions. Whenever these working conditions were not the result of negotiations, it is because they were imposed on us through arbitration. For example, arbitration was ordered in 2004 by the government, and the arbitrator imposed on us all the demands of the employer, which we call the 'rag.' Still today, 12 years later, some of our conditions are the same as those imposed in 2004. And still we are being told that we are the 'fat cats,' that we have too much bargaining power.



**Demonstration by Montreal municipal workers in defence of their pensions, April 23, 2014.**

"Our workers from Montreal and the urban agglomeration have given us the mandate to defend our working conditions to the end. There is no way we are going to agree that our auxiliary workers in the smaller cities should lose their jobs or that we are going to agree to make more sacrifices because we have already made enough. Some of our working conditions are the same as those you find in minimum labour standards.

"As far as our pensions are concerned, since Bill 3 was passed and became Bill 15 a year and a half



ago, our workers are paying 50 per cent of the pension contributions. We still have a defined benefit pension plan, but we are paying 50 per cent of it. Now we have to pay for the deficits in the plan. You know what is happening on the stock markets today, so our defined benefit pension plan is costing us an arm and a leg. And still, our retirees who receive \$20,000 a year in pension benefits are called 'fat cats' by those in authority and the media. We cannot accept that and we are going to fight as hard as we can."

In conclusion, Bourgouin said that the fight the blue collar workers are waging is the fight of all workers. He said: "This fight of the municipal workers is also the fight of the entire working class and people. We are fighting this Fiscal Plan so that no one has working conditions that are being dictated by unscrupulous people who have filled their pockets as we could see with the Charbonneau Commission." [*The investigation into the "Awarding and Management of Public Contracts in the Construction Industry" -- WF*]

For months, the blue collar workers have been touring Quebec to mobilize workers, their unions and the public to block the anti-social plan of the Couillard government to give itself the power to decree unilaterally the working conditions of city workers.



---

### For Your Information

## A Process Leading Straight to the Special Law Decreeing Working Conditions

Bill 110, *An Act respecting the process of negotiation of collective agreements and the settlement of disputes in the municipal sector* imposes a new process for negotiating the collective agreements of municipal workers in Quebec. In the case of municipal employees who formally have the right to strike, mediation is mandatory if no agreement is reached within 120 days of a legal strike or lockout date. The fraud is that based on this, Quebec Minister of Municipal Affairs and Land Occupancy (also Minister of Public Security) Martin Coiteux declares that the right to strike is maintained. Making temporality a criteria defining whether the right to strike is respected or not has already been rejected by the courts as being in violation of the legal right to strike. It is also well known that at the municipal level most negotiations go well beyond 120 days without a strike after the start of the statutory strike or lockout period.

The bill creates the position of special mandatary, who may be named by the Minister of Municipal Affairs, not the Minister of Labour, to resolve a dispute "if exceptional circumstances warrant it." The special mandatary must submit an activity report to the parties and the Minister. The report cannot be made public. This report must respect the same government dictated criteria as the decisions of the Dispute Settlement Board.

The parties may request arbitration in case of unsuccessful mediation but a request for the appointment of a mandatary shall suspend the arbitration process.

Once the Minister has received the (confidential) recommendations of the special mandatary, a special law can be presented decreeing working conditions by invoking the mandatary's report.

At every step of the process, the axe of the state falls on the right of workers to negotiate their conditions of employment leading directly to a special law decreeing a "collective agreement."

The bill also requires that collective agreements in the municipal sector must be in force for a

minimum of five years. Presently, in the Labour Code, a collective agreement shall be for a fixed term of at least one and at most three years in the case of a first collective agreement for the workers concerned.

For police and firefighters, Bill 110 requires the appointment of a mediator if there is no collective agreement signed within 120 days from the start of negotiations. The mediator has 60 days to bring the parties to an agreement. The Minister involved may agree to a one-time 30-day extension. If mediation fails to result in an agreement, the law establishes a Dispute Settlement Board with three members appointed by the Government on the recommendation of the Minister of Municipal Affairs.

The Board has the power to enact any conditions where no agreement has been reached during negotiations. The law establishes the criteria the board must consider to base its decision. Among them are the financial and fiscal situation of the municipality in question or municipalities party to the agreement, the requirements for sound management of public finances as determined by the government, and the local economic conditions, wages and economic perspectives for Quebec.

The law gives judicial powers to the Dispute Settlement Board stating: "The board has all the powers of a judge of the Superior Court for the conduct of its meetings; it cannot however impose imprisonment." Nonetheless, it can impose fines, decertification and many other measures criminalizing the workers.

The board must rule within six months, a period which can be extended once by the Minister. The decision is binding on the parties for five years and has the effect of a collective agreement signed and agreed to by the parties.

The Board acts with impunity. The law says:

"Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure may be exercised nor any injunction granted against a board member acting in his official capacity."



---

**[PREVIOUS ISSUES](#) | [HOME](#)**

**Website: [www.cpcml.ca](http://www.cpcml.ca) Email: [office@cpcml.ca](mailto:office@cpcml.ca)**