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Quebec Government Escalates Anti-Social Offensive Another Ministerial Order Against Quebec Health Care Workers



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Quebec Government Escalates Anti-Social Offensive Another Ministerial Order Against Quebec Health Care Workers

On October 16, Quebec's Minister of Health and Social Services, Christian Dube, signed a new ministerial order which impacts health care workers, in this case nurses.

The government says that its action will alleviate the staffing crisis in nursing by adding 3,000 full-time nurses. This is to be accomplished through offering bonuses over a year which would be paid to any nurse who signs a full-time work agreement by December 15. The base bonus is \$15,000 and rises to \$18,000 in areas with the most severe shortages. It is \$12,000 for nurses currently working for private agencies or retired nurses who come to work in the public sector on a full-time basis. No explanation is given for the lower amounts for these nurses.



We keep the system functioning against all odds.

Besides hoping to appeal to nurses working for private agencies and those that come out of retirement to go back to full-time work, the vast majority of the new full-time nurses targeted are those already working part-time who will receive the bonus for changing their status to full time so long as they agree to brutal working conditions without complaint. Many part-time nurses have not been interested in increasing to full-time because with mandatory overtime a full-time nurse works much more than full-time hours. The bonus is meant to entice part-time nurses to increase their hours to full-time plus whatever else comes with that.



The thanks we get is inhuman decrees.

This latest decree will not solve the crisis because it is anti-social and anti-human. To get the premium, nurses must sign individual contracts which supersede collective contracts negotiated between the union and the government. The individual contract forces the nurse to agree to unacceptable conditions that are in violation of the collective agreement, including provisions that the government recently agreed to in new collective agreements on which the ink is not yet dry.

As well, the bonuses come with so many exclusions, exceptions and conditions that not all full-time nurses will be eligible and many workers will find themselves having to pay back portions of the bonus when exercising their collective agreement rights including personal leaves (*see the interview in this issue for examples*). Luring workers with money to aggravate their conditions is unconscionable and will only make the crisis worse.

This is what all the government decrees have done throughout the pandemic, allowing employers to violate negotiated conditions on scheduling and work assignments and increasing the use of mandatory overtime. Thousands of nurses have left their jobs due to the untenable conditions.

The staffing crisis must be solved in a manner that favours the people on the basis of the solutions put forward by workers, which is first and foremost to provide working conditions that ensure that nurses are healthy and safe so that they can provide the care that patients need.

Workers' Forum firmly supports the nurses who are challenging this Ministerial Order and demanding that the government negotiate instead of dictate.



Unions File Complaint Against Governance by Decree in Health and Social Services

In a press release issued on November 17, several unions active in the health and social services system announced that they have filed a complaint with the Administrative labour tribunal for obstruction of union work. They are asking for an end to what they call "the government's abusive and systematic use of the state of emergency and of decrees of working conditions." They say that this action is undertaken because of the urgent need to act to relieve the unbearable pressure that rests on the shoulders of care professionals and in order to offer the Quebec population access to better health care and services.

The complaint was issued under section 12 of the *Labour Code*. This article reads: "No employer, or person acting for an employer or an association of employers, shall in any manner seek to dominate, hinder or finance the formation or the activities of any association of employees, or to participate therein." The unions filing the complaint are the Federation of Health and Social Services (FSSS-CSN), the Quebec Health Federation (FSQ-CSQ), the Interprofessional Health Care Federation of Quebec (FIQ) and the FIQ-private sector, the Quebec Service Employees' Union (SQEES-FTQ) and the Canadian Union of Public Employees (CUPE).



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The press release states: "The strategy of the Minister of Health and Social Services to place himself above labour laws and to unilaterally dictate the working conditions of care professionals did not have attraction or retention effects, maintain the leaders of the five unions representing nursing and cardio-respiratory care personnel."

The leaders of the five organizations say they recognize the government's willingness to invest a billion dollars to reverse the effects of the staff shortage and working conditions crisis, but denounce its refusal to have frank discussions with the unions to find solutions to continue to offer essential services to the population, which is forcing them to use legal action.

"The complaint filed by the unions denounces the government's circumvention of the negotiation process, the statement says. The unions point out that the issue of staff shortages in the health and social services network has nothing to do with the health emergency, because the crisis in working conditions and the resulting shortage existed long before the pandemic. The use of a ministerial order in this context is unjustifiable."

"Disregarding collective agreements and labour laws and persisting in making unilateral decisions without feedback from the field: enough is enough! For us, only working together is a guarantee of

success, whatever the minister may think," conclude the leaders of the five organizations.



The Government Is Reneging on Its Commitments to Health Care Professionals

- Interview, Nathalie Lévesque -

Nathalie Lévesque is the interim president of the Interprofessional Health Care Federation of Quebec (FIQ)

Workers' Forum: The organizations representing nurses are critical of Ministerial Order 2021-071 issued by the Minister of Health and Social Services on October 16, on attraction and retention premiums for full-time nurses. Can you tell us more?

Nathalie Lévesque: During his press conference about two months ago, the Minister of Health and Social Services announced that he was releasing a budget containing attraction premiums for personnel in the network that were also retention premiums for personnel already employed there. He described this as a stop-gap measure pending the coming into force of the collective agreements signed with the unions representing nursing and cardiorespiratory personnel. That measure became a ministerial order.

What we are critical about, amongst other things, with regard to the management of the health network through ministerial decree, is its unilateral application, which often does not factor in the working conditions of the members we represent.

Through this ministerial order, the government is reneging on its commitments to health care professionals.

For example, there are several measures in this order that contravene what was negotiated in good faith with the Ministry in our new collective agreement. This is inconceivable. How can a stop-gap measure violate agreements negotiated in good faith?

Let me give you an example. We have pregnancy leave in the collective agreement. To have access to the \$15,000 premium without being penalized, you must not take any time off. So if a young health care professional who has recently become pregnant goes to see her doctor, she will not be eligible for a certain part of the premium proportional to the time not worked. This is leave provided for in the collective agreement that was negotiated with the Ministry.

LE CONTRAT DUBÉ ?

Il n'est pas négocié,
c'est un arrêté.

Tes droits sont menacés.

SOLUTION DES SYNDICATS :

Le ministre Dubé doit collaborer et respecter la convention collective pour atteindre l'objectif d'attirer et de retenir les professionnelles en soins. C'est la loi !

It's not negotiated, it's an order, your rights are threatened

Unions' solutions: Minister Dube must cooperate and respect the collective agreement to meet the objective of recruiting and retaining health health care professionals. That's the law!



LE CONTRAT DUBÉ ?

Tu as une urgence familiale et tu dois prendre un congé sans solde ?

Une seule journée sans solde te fait perdre ta prime.

SOLUTION DES SYNDICATS :

Aucun congé sans solde ni ceux prévus au contrat de travail ne peuvent te faire perdre ta prime. Tu dois y avoir accès en fonction de tes heures travaillées.

You have a family emergency and you have to take an unpaid leave? A single day without pay means you lose your bonus. Unions' solution: no unpaid leave or leaves in the contract can make you lose your bonus. You must have access to the premium based on your hours worked.

Continuing with the example of the pregnant woman, let's say she returns from maternity leave on December 26. She comes back to help out the network in the middle of the holiday season. Because the deadline for signing the contract for the premium is December 15, she will not be able to sign. The same thing happens to a worker who returns from disability leave after December 15. We are saying that offering a year-round eligibility period would be of interest to those returning from different types of leave.

Also, single parent families are part of today's reality and are becoming more numerous. In this period of the resurgence of colds, then of the flu in January, parents are sure to be absent some times. For example, if a parent has to leave work because the daycare has called to say that a child is sick, the worker will lose a part of the premium on a pro rated basis because they have to pick up their child at the daycare and will return to work the next day.

I also understand that full time work is being encouraged. So why, for example, is a person who is part-time and is willing to work an extra shift or two, not considered eligible for a premium?

It's one-sided. Either you go full time or you get nothing, if you take time off, you lose some of the premium.

We have asked that we be heard by the Ministry, to provide them with potential solutions, based on what our members in the health network are telling us, on what their day-to-day experience is. We want to work together. There are ways both in the medium and long term to make changes together in the network. The day after a meeting with the ministry, we were told 'thank you very much, see you next time.' It's like talking to deaf ears, it's unidirectional, there is no openness, as promised, that should take place in a discussion. They simply shut the door on us.

Now the Minister of Health is saying that the unions are impeding the hiring of 3,000 full time nurses because we are calling on our members to pay attention to the details that may disqualify them.

You know, there have been 155 ministerial orders since the beginning of the pandemic, 105 of which have violated the working conditions of health care professionals and all the people who work in the health system. It is clear that we will never agree to be associated with such a ministerial order. The measures in the order are imposed unilaterally and have never been negotiated.

WF: In one of your communiqués, the FIQ says that the ministerial decree reintroduces staff mobility and encourages the acceptance of rotating shifts, which must be stopped in order to stabilize the work teams. Can you give us an example?

NL: Let's say a nurse has a part-time position on a medical floor and she is three shifts short of full-time. To be able to sign the contract under Order 071 that would make her eligible for premiums she has to agree to the additional three shifts, but on those three shifts she could be sent to work anywhere. She could be sent to Geriatrics one day, to the emergency room another day and on the third day to the CLSC [Local Community Service Centre]. This is not optimal quality care. We want to guarantee quality care to the population, but this is not the way to do it.

WF: Under these conditions, what are the FIQ's priorities with regard to changing the situation in the health care system?

NL: We must be able to work cohesively with the ministry, put an end to the management of the health care system by ministerial order and implement our collective agreements in a sustainable manner. For us, the priority right now is to implement what we have negotiated in our collective agreement. This includes financial measures, incentive bonuses, a FIQ-bonus, and negotiated hours of care, which are the basis for the health care professional/patient ratios that we want to implement. This is what will end mandatory overtime and close the door to private hiring agencies for nurses. Our collective agreement also includes a form of work schedule self-management by the care units, which includes taking into consideration the opinions and daily experience of health care professionals. All of these measures, once implemented, should help our members work in an environment that is safe and respectful of our working conditions.

We want to remind everybody that we are not in confrontation mode with the government. We must work together to optimize the health care system and be able to provide quality care to the population.



LE CONTRAT DUBÉ ?

Si tu signes,
tu seras à temps complet et

**l'employeur pourra te déplacer
et changer ton horaire
comme bon lui semble !**

SOLUTION DES SYNDICATS :

Tu n'es pas un robot ! Cette clause ne devrait pas exister afin de respecter la convention collective. Tu n'as pas à renoncer à tes droits !

If you sign you become full-time and the employer can move you and change your schedule at will!

Union solution: You are not a robot! This provision must be eliminated in order to respect the collective agreement. You do not have to give up your rights!



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