

December 6, 2021 - No. 116

**Striking Quebec Daycare Workers Enjoy Broad Support**  
**Call to Speak Out Against**  
**Back-to-Work Legislation**  
*- Ma place au travail -*



Press conference December 5, 2021 held by coalition of unions, parent groups and others demanding a just settlement for the daycare workers.

**New Occupational Health and Safety Regime in Quebec**  
• **We Will Remain Mobilized and Keep Fighting** - Interview, *Félix Lapan*

---

**Striking Quebec Daycare Workers Enjoy Broad Support**  
**Call to Speak Out Against Back-to-Work Legislation**  
*- Ma place au travail -*

The organization Ma place au Travail (My Place at Work) demands that access to childcare be recognized as a right by law in Quebec. It is calling on parents to firmly support the struggle of daycare workers in defence of their rights.



Workers' Forum is reprinting below the letter the organization has prepared for people to send to Quebec government ministers. It was written in response to the statement by the President of the Treasury Board that back-to-work legislation is part of the "tools" the government has to put an end to the strike.

\*\*\*

To: Mathieu Lacombe, Member for Papineau in the Quebec National Assembly, Minister of Families; Sonia LeBel, Member for Champlain, President of the Treasury Board; François Legault, Premier of Quebec.

**Re: Reaction to the Early Childcare Centre (ECC) network's unlimited strike**

The purpose of this letter is to express the full support of parents as represented by Ma place au travail for ECC educators and support staff.

If the government wishes to avoid the consequences of an unlimited general strike for families, we strongly encourage it to resolve the situation through a negotiated agreement rather than through the application of special legislation.

The potential headache of a walkout does not justify the imposition of a measure that curtails the right to demand improved working conditions and a better public child care system. We are concerned that by forcing child care workers to return to work, you will only exacerbate the conflict: what if they become so discouraged that they leave the system they are working so hard to protect? Their working conditions have to be improved.



The shortage of affordable, quality child care spaces has hampered work/family balance for many years. Service disruptions are multiplying due to the exodus of ECC staff. The quality of services continues to deteriorate with each departure. Added to this is the anguish felt by thousands of parents waiting for a place, or the despair felt by those forced to sacrifice their careers, their studies or their mental health in response to this crisis.

Above all, it is our children who are paying the price. Those with particular needs who are not receiving the specialized services they need. Those who face abrupt and ongoing changes that undermine their integration into a child care setting as a result of staff departures. Those who have limited time to interact with staff who are exhausted by the workload created by a lack of

instructional time because of having to complete the children's files. The workers are the backbone of the daycare centres and we demand that the government recognize the essential role they play in the lives of our little ones.



We object to the government justifying its bargaining tactics on the basis of the difficulties we currently face in balancing our family and work responsibilities. Instead, we urge the government to embrace the changes proposed by those charged with ensuring the well-being, safety and healthy development of our children. While doing so, we request that you provide them the resources they need. You will speak on our behalf by agreeing to their demands.

In Quebec, we have inherited a network of quality public education services based on a model of governance by parents and for the community. The result of feminist and grassroots struggles, our ECCs have ensured the overall development of our children and increased our collective economic wealth. Thanks to them, Quebec has risen to the top of the world's ranking regarding the rate of employability amongst women aged 20 to 54.

We sincerely hope that the government responds to the demands of daycare workers, which are also the demands of parents who have had the opportunity to frequent them, but also of those who one day hope that their child will be able to flourish in them.

*Sincerely,  
From a tired, but supportive parent*

*(Translated from the original French by Workers' Forum. Photos: Ma place au travail, SQEES )*

---

## **New Occupational Health and Safety Regime in Quebec**

# **We Will Remain Mobilized and Keep Fighting**

**- Interview, Félix Lapan -**



**Contingent from UTTAM participates in rally outside the national assembly in Quebec City against Bill 59, September 30, 2021.**

Bill 59, *An Act to modernize the occupational health and safety regime*, was passed on September 30, 2021, and received assent on October 6, despite the mass mobilization in opposition to it by all Quebec workers and their organizations. The legislation is a full-scale attack on the right of workers to safe and healthy working conditions. Its provisions are to come into force in stages over the next two years through implementation of new regulatory powers granted to the Labour Standards, Pay Equity and Workplace Health and Safety Board (CNESST).

*Workers' Forum* recently spoke with Félix Lapan, community organizer with the Union des travailleuses et travailleurs accidentés ou malades (UTTAM), about certain aspects of the law that concern the medical treatment of occupational injuries and compensation for injured workers.

\*\*\*

***Workers' Forum:*** What are the main aspects of the law with regard to the treatment of injured workers and those who suffer from occupational diseases?

***Félix Lapan:*** One aspect is about rehabilitation before consolidation [*The healing or stabilization of an injury following which no improvement of the worker's health is foreseen*]. This is the power that will be given to the CNESST to impose what are called rehabilitation measures during the period of medical care, before medical consolidation. Normally, under the current plan, which continues until October 2022, people receive physical or occupational therapy prescribed by their treating physician. As of October 6, 2022, the CNESST will be able to impose rehabilitation measures that may include a return to work. It may impose light work, or a return to work on a part-time basis because the CNESST says it's good for the worker's health, good for their rehabilitation. The section that allows this is very ambiguous with regard to the need to consult with the treating physician. Our big concern is that the CNESST will do this without consulting with the attending physician. And if workers don't do what the CNESST orders them to do, they will be cut off. This change takes place before the consolidation.



There are also changes in terms of what happens after consolidation. The purpose of all of this is to speed up the time for them to be able to tell someone that they must return to work and that their compensation has ended.

After consolidation, there are measures to force the worker to go back to work with the former employer even if they are no longer able to do the job they were doing when they were injured. Under the current system, if someone has functional limitations that prevents them from doing their job, if the employer does not offer them a suitable job the CNESST must provide vocational rehabilitation. This may involve training, job search assistance or identifying suitable employment elsewhere in the labour market. As of October 6, 2022, the CNESST will seek solutions with the employer at all costs, even if the worker does not want to return to work with their former employer.

In non-unionized environments, in cases where the employer has contested the worker's claim, the worker is often happy to be rehabilitated elsewhere. This will now become very rare. Instead, the worker will be told that there's a lighter job available with the employer. Then, if the employer doesn't take the person back or gets rid of them, the CNESST will wash its hands of them. This is a major concern that we have.

In a unionized environment, the union will oversee the return to work. If the employer does not make a suitable job available, the union has recourse, it can file a grievance, etc. In the case of non-unionized workers, they will essentially be left on their own. The CNESST will say that it considers that they can do a lighter job with their employer, it makes a decision. If the employer kicks the worker out a week later or the worker is not able to do this supposedly suitable job, workers will be caught up in complicated appeals against their employer during which they will not be paid because the CNESST will have closed the file.



It's as if there's been a change in the philosophy underlying the law on vocational rehabilitation. Under the current system, when you are unable to return to work, you often benefit from vocational rehabilitation. Under the new system, these aspects will come into effect on October 6, 2022 and rehabilitation elsewhere on the labour market will become the exception. The norm will become allegedly suitable jobs with the former employer that the CNESST will decree. The worker will have no choice but to return to the original employer or lose his or her rights. They won't be entitled to anything.

With regard to the measures that come into force on October 6, there's the removal of the presumption of incapacity to work for victims of occupational diseases who are 55 and older. For those who can no longer do their old job, there is currently protection. For example, right now, a 56-year-old worker who has asbestosis and can no longer return to work receives compensation until retirement. Under the new law, that protection disappears as of October 6, 2022.

Another important change has to do with everything related to medical assistance. This comes into effect once the CNESST regulations come into force. With the reform, the CNESST has gained full regulatory powers. It will be able to adopt a regulation on medical assistance, which will now be called "health services and adapted equipment." For the first time since 1985, this will allow it to place limits on entitlements to drugs, orthotics and prosthetics. Currently, workers are entitled to whatever the attending physician prescribes in connection with their injury, with 100 per cent reimbursement from the CNESST. The CNESST will now be able to regulate reimbursements for adapted equipment and medications, and will be able to exclude categories of medications. We don't know exactly what their regulations will look like, but we are very concerned about their being given this regulatory power.

These are some of the important examples of rollbacks contained in the legislation. I think the reason for the staggered implementation is that the government wants to give the CNESST time to get everything ready because it is a major change in philosophy in key aspects of the system. Some changes came into effect the moment the legislation received assent, some are to come into force six months after receiving assent, some will come into effect twelve months after it received assent, while others will only be implemented in 2023.

**WF:** What is the purpose of these changes brought about by the law?

**FL:** The aim is to shorten the time people will be entitled to compensation, speed up their return to work and reduce access to medical assistance and the costs of medical assistance.

I want to point out that while there are huge setbacks, we are pleased with the fight that we waged. We were able to avoid many of the setbacks the bill included when it was introduced. For example, in the original bill, it was virtually impossible to have occupational deafness recognized. Certain

cases of hearing loss were excluded and all kinds of conditions were added to allow claims for occupational deafness caused by noise at work to be recognized. Hearing loss represents about two-thirds of the accepted claims for occupational conditions in Quebec. There has been an explosion in deafness costs in Quebec. The level of noise in Quebec workplaces has been very high for decades as the standards were lower than those recognized in other jurisdictions throughout North America. The noise exposure standard in Quebec was extremely permissive, and it just changed last June. The Minister backed down on his rollback on occupational deafness and on other issues, such as the conditions for the recognition of lead poisoning, for example, which were virtually impossible in the initial bill.

Our mobilization forced the government to back down on many of the bill's rollbacks. At the same time, the CNEEST has gained regulatory powers on occupational diseases and could bring these things back. We will remain mobilized and we will continue to fight. The CNESST is going to try to use these regulatory powers and we will mobilize against any regulation that restricts our rights.

*(Translated from the original French by Workers' Forum. Photos: UTTAM)*

---

**(To access articles individually click on the black headline.)**

**PDF**

**PREVIOUS ISSUES | HOME**

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