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Quebec

Government Adopts Anti-Worker Occupational Health and Safety Regime



Protest outside National Assembly during passage of Bill 59, September 30, 2021

- **New Law Bans Demonstrations in Front of Health Care Facilities and Schools - Pierre Chénier**
- **About Quebec's Bill 105**

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Government Adopts Anti-Worker Occupational Health and Safety Regime

On September 30, close to 500 workers demonstrated in front of the National Assembly in Quebec City to reject Bill 59, *An Act to modernize the occupational health and safety regime*, as it was being passed with 72 votes in favour, 44 against and no abstentions.



Workers from all Quebec union centrals were represented. Participating amongst them were steelworkers, construction workers, Montreal longshoremen, Davie shipyard workers from Lévis, Montreal blue collar workers, health care workers, as well as workers from other sectors. The Union des travailleuses et travailleurs accidentés ou malades (UTTAM) was also there with a strong delegation.

The spokesperson for UTTAM represented the stand of all the participants, when during his brief remarks, he said: "We must all remember what happened here today in the National Assembly, where a party that obtained 37 per cent of the vote in the last election gave itself the right to overwhelm our health and safety regimes, take away workers' rights while all workers' organizations representing them oppose the legislation and the opposition parties have voted against it. There's no consensus, it's unacceptable that all this has all been dismissed. We continue to fight for our rights."



The general sentiment was that workers reject the control by private interests of decision-making power over workers' health and safety. In a discussion with an activist from the Party's Workers' Centre, a prevention representative from the Port of Montreal Longshoremen's Union explained that placing safety in the hands of employers is a huge and unacceptable setback that puts workers' very lives at risk.

Meanwhile, on the eve of the bill's passage, Labour Minister Jean Boulet again asserted that private interests must make the law. He said: "One

of the ways to ensure the effectiveness of prevention and participation mechanisms is the possibility of implementing multi-establishment programs. Indeed, the multi-establishment approach allows

employers to deploy the same prevention program in several locations under their responsibility. This enables employers with more than one establishment to be more efficient. The decision to use the multi-establishment approach is left to the employer, as it is they who are responsible and accountable for health and safety management in their establishments."

Workers reject such an irresponsible assertion and dictate and they made it clear at the demonstration that they reject this law and that the only response is to step up the defence of their right to safe and healthy working conditions.

The Defence of Rights Is the Defence of Lives!



New Law Bans Demonstrations in Front of Health Care Facilities and Schools

- Pierre Chénier -



Quebec health care workers demonstrate outside their workplace July 9, 2020 to defend their rights and those of their patients under conditions of COVID-19.

On September 23, with the unanimous support of all Members of the National Assembly minus one abstention, the Legault government rammed through Bill 105, *An Act to establish a perimeter around certain places in order to regulate demonstrations in relation to the COVID-19 pandemic*.

In order to have the legislation adopted in a matter of hours with the agreement of all parties, the Legault government drastically reduced the duration of all the steps required for its adoption, going so far as to limit debate in the National Assembly to a 45-minute period for its adoption in principle and another 45 minutes for its adoption as law.

The Quebec government and the parties in the National Assembly sought to justify the law as an emergency for the protection of children, the sick and health and education workers from so-called anti-vax protests.



Premier François Legault tried to justify the law by saying: "There's no way that we're going to

accept this. At a time when there's a serious shortage of nurses in our health care system, we cannot let a handful of radicals make their lives even more difficult."

This law is not an emergency law and has nothing to do with protecting the vulnerable and workers. It has everything to do with the continuation of what has become the government norm of rule by decree. That rule has been strengthened since the pandemic and is causing huge problems by preventing workers from exercising their right to a decisive say in addressing the problems facing the health care system. It also closes the door to all avenues of rational and informed discussion on those problems and their solution. All these governments are doing is resorting to police powers and creating every kind of division and antagonism possible to split the unity of the people.



The Premier's statement that he is on the side of nurses is incredible when looking into the history of governments over the past thirty years, including his own. It is they who are directly responsible for the mass resignation of nurses, not to mention all the other health problems, including mental health, affecting the nurses and all health care personnel. Their actions are carried out in the service of narrow private interests. The government refuses to acknowledge that it has responsibilities towards the population, which include adequately funding the health care system and its staff and introducing a set of measures that includes vaccination and other protective measures, in cooperation with those who care for patients.

Its attack on health and education personnel, as well as concerned parents and others, is seen in the fact that its legislation prohibits, within a certain perimeter, any demonstrations related to health emergency measures, as well as any incitement on social media and elsewhere, of such demonstrations in front of health and educational institutions. This is one more decree that prevents a solution to the problems that comes from those who are actually providing the services, under the hoax of fighting the extremists, the conspiracy seekers, etc.

Workers are fighting to calm the situation by speaking out against these provocative decrees and uniting the people in putting forward demands that uphold solutions to the problems that benefit the people and society.

Workers' Forum calls on everyone to oppose the perpetuation of rule by decree. It calls on everyone to defend the right of workers who provide the care and educate youth in having a decisive say in determining what needs to be done so that the well-being and the rights of all are upheld.

About Quebec's Bill 105

The text of the legislation is less than 500 words.

Part of section 1 reads:

"No one may be less than 50 metres from the grounds of the following places in order to demonstrate, in any manner, in connection with health measures ordered under section 123 of the

Public Health Act (chapter S-2.2), COVID-19 vaccination or any other recommendation issued by public health authorities in relation to the COVID-19 pandemic."



The law applies at places where COVID-19 testing or vaccination services are provided; health and social services institutions; childcare centres or day care centres covered by the *Educational Childcare Act* and educational institutions providing preschool, elementary, secondary, vocational, adult or college-level education.

This means that any demonstration related to government health emergency measures is prohibited within a 50-metre perimeter around these locations. This includes, for example, any demonstration that workers want to organize against the government's ministerial decrees that declare whole sections of collective agreements and working conditions negotiated by health personnel null and void. This includes protests against the lack of safe conditions in health or education.

In addition, the law states that "no one may organize or incite anyone to organize a demonstration that would contravene section 1." Minister of Public Security Geneviève Guilbault has said that this includes, for example, anyone criticizing the government on social media for its health emergency measures and calling for demonstrations in front of those locations.

The law provides for fines ranging from \$1,000 to \$6,000 for anyone who violates it.

It also includes the provision that "anyone who, in connection with public health measures ordered under section 123 of the *Public Health Act*, COVID-19 vaccination or any other recommendation issued by public health authorities in relation to the COVID-19 pandemic, threatens or intimidates a person who is going to, trying to access or leaving a place referred to in section 1, commits an offence and is liable to a fine of \$2,000 to \$12,000." Intimidation, which is undefined, can be attributed to someone who is in one of these establishments and is agitating against health emergency measures, such as a worker, for example.

The Act also includes a fig leaf, according to which the legislation must not be interpreted as prohibiting demonstrations in relation to the working conditions of staff at the locations covered by the prohibitions on demonstrations in front of those premises.

Actually, working conditions are closely related to so-called health emergency measures, so it will be left to the arbitrary powers of the state to determine whether there is a connection or not. The law also allows a Superior Court judge to grant an injunction to prevent any act prohibited by the legislation.

The law officially ceases to have effect on October 23 of this year, but can be extended in 30-day

increments at the government's discretion, as has been done with the ministerial health emergency order since March 30, 2020. It will finally cease to be in effect at the same time as the government ends its health emergency ministerial order.

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