

For the future of public services

BILLS WHICH ARE

USELESS, INCOMPLETE AND DANGEROUS

On the second day of the Federal Council, the President of the FIIQ informed the delegates about the context in which the Charest Government was preparing to adopt bills that opened the door wide to privatization and subcontracting. In this sense, the *Fédération des infirmières et infirmiers du Québec* firmly and totally opposed the Government reengineering objective, supported by Bills 7, 8, 25, 30 and 31.

For delegates, this coercive reform is an attack on the unions and social gains, and leads to Government disengagement in health-care, thus responding to the diktats of globalization. The forced amalgamations of institutions and bargaining units, the imposition of unrealistic deadlines for the reorganization of structures and local negotiation of working conditions clearly reflect the government's contempt for its employees.

These bills announce unacceptable setbacks in labour relations, flout the principles of freedom of association and representation, limit the right to collective bargaining and give new weapons to subcontractor employers who want to prevent unionization of their employees. By setting the table for privatization and subcontracting, the Government becomes the accomplice of those who, in the name of pseudo-competitiveness, will make profits on the backs of Québec taxpayers and workers. Like other organizations, the FIIQ therefore warned the Government against the mass destruction of the institutions that Quebec has given itself. However, these four bills were all adopted on December 17, 2003 by imposing closure on the Opposition.



BILL 25

This bill represents the heart of reengineering in health-care, while the other bills are intended to weaken the union organizations or simply make them disappear. Through this bill, the Government legitimizes the role of the private sector in the health-care system through the creation of integrated networks. In fact, this useless, hazardous, incomplete, dangerous and pernicious legislation proposes a single structure that disregards the knowledge acquired in health determinants. **IT DILUTES AND WEAKENS THE FRONT-LINE SERVICES IN A MIXED MODEL OPEN TO THE MARKET AND PRIVATE ENTREPRENEURSHIP.**

This is the context in which the FIIQ SAID NO TO BILL 25 AND A CONDITIONAL YES TO THE INTEGRATION OF SERVICES. A strong consensus exists in Quebec, which the FIIQ shares, on the necessity for better articulation of the distribution of services offered to the public, but not in any way at any price. For the FIIQ, conditions must be put in place to guarantee the successful operation of the local health-care network and Bill 25 contains no ingredients (involvement of professionals, development of special clinical competencies, development and sharing of information, allocation of transitional funding, involvement of nurses...) essential to reduce the scepticism and worries generated by the application of this law.



ITS AMENDMENTS

The few amendments made to Bill 25 have only confirmed the Liberal Government's orientations, denounced by the FIIQ both in Parliamentary Committee and in public forums. The basic orientations of Bill 25 have all been ratified, and even strengthened, whether through the creation of integrated networks throughout Québec, opening the door to privatization, forced amalgamations of institutions or the absence of defined territories.

The purpose of these amendments is to make it compulsory for a local network and a hospital centre to enter into an agreement in territories where amalgamation with a hospital centre would not be possible. This amendment primarily affects urban environments, especially the Quebec City and Montreal regions and the metropolitan region. They are also intended to improve the status of physicians and pharmacists, who will be able to negotiate special agreements with the local body. Finally, they specify that the integrated university health networks (IUHN) can act to complement the local networks. The very short time frame integrated into the bill is maintained, since the Liberal Government wishes to present, next fall if possible, the second phase of a reform that it wants to complete within the present mandate.

BILL 30

The purpose of this bill is, among other things, to force the amalgamations of certifications in order to reduce their numbers and decentralize to the local level. TO ALL INTENT AND PURPOSES, BILL 30 IS UNDOUBTEDLY AN ASSAULT ON FREEDOM OF ASSOCIATION. This bill, which has now become law, not only attacks the union organizations as institutions but also attacks union life and involves a major violation of democracy. For the FIIQ, forcing the merger of bargaining units inevitably represents a step backward for basic union rights, including the right for workers to freely choose the association that will represent them. Moreover, Bill 30 leads to an imbalance in bargaining power.

Even though the FIIQ believes that the collective bargaining system must be reviewed, it cannot agree with conditions that, with the stroke of a pen, would wipe out the results obtained through hard struggle in over 30 years of bargaining in good faith. We say YES TO REVIEWING THE COLLECTIVE BARGAINING SYSTEM, but NO TO SWEEPING IT AWAY WITH THE BACK OF THE HAND.

ITS AMENDMENTS

As for Bill 30, the Minister is responding to all the expectations, needs and wishes expressed by the employer associations, including the grouping of several classes of personnel within the same bargaining unit, which in no way respect workers' historic choices. Thus, the Minister has decided that nurses, nursing assistants, respiratory therapists, baby nurses... constitute a group for the purpose of union certification. This government choice are a blatant proof to the attention that was paid to the employers' viewpoints. Moreover, probably the Minister undoubtedly sought to temper the anger of Government employees by allowing the nationally negotiated collective agreement to apply as soon as it is signed, and not once the local negotiations are completed. In a similar vein, he granted the local bargaining parties a slightly longer deadline to negotiate and enter into a first local collective agreement.



FIIQ EN ACTION

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The other Bills

BILL 31 GOES EVEN FURTHER. IT FACILITATES SUBCONTRACTING BY ABOLISHING THE MEASURES THAT ALLOWED THE TRANSFER OF WORKERS, THEIR BARGAINING UNIT AND THEIR COLLECTIVE AGREEMENT TO THE SUBCONTRACTOR. It thus offers the Government leverage to reduce its functions and decrease public services in health care or elsewhere. It is in this context of integration of the private sector into the public network that Bill 31 must be understood: weakening unions, announced deterioration of working conditions of those who, employed by the subcontractors, will replace public sector employees.

Finally, WITH THE ADOPTION OF BILL 7, THE GOVERNMENT COMMITS AN EVEN MORE HEINOUS ACT BY REFUSING UNIONIZATION TO CERTAIN GROUPS that the courts had recognized as employees.

In fact, the proposed reorganization of the network can only arouse scepticism and worry because it contains none of the conditions necessary for successful integration of services. By imposing forced mergers of bargaining units and instituting new and inappropriate bargaining mechanisms, the government is deliberately creating difficult conditions for exercising union action. Moreover, unionization now being illegal for certain groups of workers, these workers are at risk of being deprived of acceptable salary and working conditions. It is certain that thousands of workers will be made poorer by the effects of the bills, to the benefit of private sector investors.

Overall, and even with the amendments, this legislation represents major setbacks which may - if nothing is done - draw Quebec back to the time when arbitrary management decisions were the rule and public services were almost nonexistent!

However, resistance is organizing and all sectors of civil society is mobilizing to preserve the social fabric that Quebec has developed over the years.

THE LEGISLATION

Bill 7

An Act to amend the Act respecting health services and social services, with the main purpose of prohibiting an intermediate resource or a family-type resource from having access to unionization.

Bill 8

Act to amend the Act respecting childcare centres and childcare services, with the main purpose of prohibiting home childcare providers from having access to unionization.

Bill 25

Act respecting local health and social services network development agencies.

Bill 30

Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors.

Bill 31

Act to amend the Labour Code.

