First, regardless of our political allegiances, we must say that the election of a woman as the head of the Québec government is a historic and positive event for Québec society. Some 72 years after women won the right to vote in Québec, we can say that Ms. Marois, like so many others, has also succeeded in further pushing back the cultural and social limits that make it complex to achieve real equality between men and women.

More generally, following the battle over tuition fees last spring, it is important that we congratulate the newly elected government on its decision to cancel the tuition fee hikes ordered by the Charest government and to hold a summit on postsecondary education that will address funding. The increase was unjustified in several respects, and the attitude of the Charest government during the crisis made us doubt that it really wished to find a solution. Moreover, the new government has now repealed the Act to enable students to receive instruction from the postsecondary institutions they attend, which limited individual freedoms, in particular the right to demonstrate, and attacked the legitimacy of student associations, and more broadly, those of civil society organizations. It should be said that the outgoing government did not pay much attention to the members of these organizations, especially those from the union community. Let’s point out that the Commission des droits de la personne et des droits de la jeunesse clearly asked the government to withdraw the legislation which contravened many individual and collective rights, and we can only congratulate the current government’s initiative in this regard.

Nevertheless, the PQ government’s promise to hold a summit on university education must be observed with vigilance and such a summit must contain the seeds of a form of national reconciliation. Our primary goal will be to require that this summit deal with postsecondary education, and not only the universities. It is also imperative to discuss the funding of the college system.

The relationships between the college community and private enterprise, for instance, in the context of the Plan Nord, tend to curtail the autonomy of the CEGEPS with regard to the creation of programs, including those in ongoing training. Although we have acknowledged that programs must relate to existing labour needs, it is dangerous for us to follow the path of accepting excessively sectoral and transient requests from some companies. Over the long term, we fear the diploma will lose significance and that the CEGEP will be marginalized as an institution with its specific values.

What’s more, it would be dangerous to think that student debt only begins at university. In the case of unsubsidized private institutions, tuition fees are sometimes high as $15,000 and are not covered by loans, which triggers immediate debt. This situation merits further examination.

The summit should also deal with the existence of regional CEGEPS and the issue of their funding. We must advocate financing of regional CEGEPS that enables them to ensure access to quality postsecondary education throughout Québec and to underpin program offerings.

The college network is facing some important issues and it would be risky to think of universities as the only agents of postsecondary education. The new Minister Pierre Duchesne will have a heavy agenda in this area. The summit should attest to the Minister’s interest in the college network.

The federations of the college network, members of the CSQ, wish you a good fall session and hope that this extraordinary year will conclude with a significant improvement of working conditions!
One special law after another

Our Collective Rights also Threatened?

Shortly after the election of September 4, and the commitment to repeal the Act to enable students to receive instruction from the postsecondary institutions they attend (Bill 78) passed last spring, the Ontario Legislature introduced another law concerning education. On September 11, the Liberal government of Dalton McGuinty imposed a two-year salary freeze in addition to suspending the right to strike. Unfortunately, in Québec, as with our Canadian and American neighbours, the imposition of special legislation in the public sector is not a new phenomenon. What lessons can we learn for our next round of negotiations?

Pierre Avignon
FEC-CSQ Advisor

Review of the student conflict

The numerous injunctions that the Superior Court of Québec issued last spring not only further deteriorated the social climate, many people were taken by surprise. The judges waded into the conflict by granting the individual claims of certain students wanting to resume their classes as opposed to the collective, majority and legitimate decisions of their own associations wishing to continue the strike. Since that was not enough to silence the protest, MNAs passed special legislation that broadly undermined the collective rights of the students, and also those of union organizations and all citizens’ groups.

On Friday, May 18, 2012, the Lieutenant-Governor of Québec, Pierre Duchesne, gave assent to Bill 78, which then came into force. In addition to suspending the term, the text limited the right to demonstrate, imposed unrealistic obligations, created new offences and provided for excessive penalties (from $1000 to $5000 in fines for individuals, from $7000 to $35,000 for student and union representatives and from $25,000 to $125,000 for student and employee associations). The provision on suspending the payment of dues to student associations could also have jeopardized their existence.

In the colleges, several of these provisions were all the more alarming since they targeted not only students and their associations but also employees and their unions. In addition to not recognizing the legitimacy of the student strike, the legislation that was passed, like the use of injunctions, fit with an unfortunate trend of challenging the right to collective bargaining on the part of public authorities.

Imposition of agreements using special legislation in Québec City, Ottawa and Madison

On December 15, 2005, the Liberal government of Jean Charest passed the Act concerning conditions of employment in the public sector (Bill 142), which imposed, in particular, a salary freeze for the first two years of collective agreements. It was not the first time that a government declined to play the bargaining game since the legalization of the right to strike in Québec’s public sector in 1964. However, several recent examples indicate that the trend is rather alarming, despite condemnation on the part of the Commission des relations du travail (LRC) and an international body as credible as the International Labour Organization (International Labour Office) concerning the imposition of our working conditions in 2005.

In Wisconsin, the anti-union decisions of a legally constituted association illegal, an association whose demands have been democratically adopted, is completely illegitimate. Supporting the students, their representatives and their associations therefore was also a matter of defending the rights freedom of association, expression and action.

Injunctions against pressure tactics during negotiations

Injunctions have also been part of management’s arsenal in negotiating collective agreements. In September 2011 the McGill University Non-Academic Certified Association (MUNACA) was faced with a decision of the Superior Court prohibiting picket lines within 4 metres of a university building, groups of more than 14 persons near entrances and exits, the use of objects to amplify sound within 25 metres or, quite simply, any demonstration on the grounds of their workplace. In January 2012, the Syndicat des Métàllifs of Alma faced this kind of decision.

Making the collective, peaceful actions of a legally constituted association illegal, an association whose demands have been democratically adopted, is completely illegitimate. Supporting the students, their representatives and their associations therefore was also a matter of defending the rights freedom of association, expression and action.

For more information: collegial.csq.qc.net