



WITH LOCAL NEGOTIATIONS, WE LOSE!

The division of Bill 30 that deals with collective bargaining stipulates that 26 matters in our collective agreement are to be negotiated at the local level. From now on, clauses as important as probation periods, vacation periods, hours of work, temporary assignments, the bumping process, reassignments and leave without pay are all excluded from national negotiations. Obviously, the intention of the law is to weaken unionized workers' power to protect and improve their working conditions.

Furthermore, the minister is very discreet about some of the bill's very damaging aspects. For instance, he is utterly silent about the fact that the union is obliged to file contract demands that entail no additional costs for the employer – which amounts to eliminating any possibility of improving working conditions. Employers, however, are not restricted from eroding working conditions.

Nor does the minister mention the fact that there is no right to strike over these 26 matters – which deprives the union of all bargaining clout. Not a word about the mediator-arbitrator who can be imposed on the union, which moreover has to pay half the costs of mediation. Nothing about the mediator-arbitrator's excessive powers, which definitely favour management. Nothing about the

fact that the results of this farcical local bargaining will be in force for years and years and cannot be renegotiated without the employer's consent.

ARE OUR UNION RIGHTS WEAKENED?

In forcibly restructuring unions into four classes, the Charest government and Minister Couillard want to hamper the ability of health-care employees to develop collective bargaining power. Bill 30 seeks to destroy a system of labour relations that has existed for more than 40 years and that has enabled the health and social services system to move forward and evolve.

The Charest government showed its hostility to the labour rights of personnel in health care and social services again with the adoption in December 2003 of a bill that prohibits the unionization of intermediate resources. Employees in these resources, most of them women, are no longer entitled to organize for better working conditions. If they had already unionized, they lost their union when the bill was passed.

WILL MY WORKING CONDITIONS BE AFFECTED?

In the short run, nobody will lose his or her job, and employees will all keep their seniority. But the legislation definitely gives management the upper hand in local bargaining, and we can anticipate significant setbacks in current working conditions and the emergence of disparities between institutions and from one region to another.

The government and Minister Couillard have openly repeated that they are in favour of partnerships with the private sector. It is clear that there is an interest in gradually bringing private enterprise into our institutions, especially

in the new university hospitals. It goes without saying that to improve profits, private contractors will offer poorly paid non-union jobs with working conditions reduced to a strict minimum.

WILL THE NEW LEGISLATION AFFECT CONTRACTING-OUT?

Bill 30 does not deal explicitly with contracting-out. However, contracting-out is facilitated by all the anti-union legislation passed last fall, whose combined effects leave many facets of the health and social services system exposed to privatization. For instance, the division of our unions into four classes can make contracting-out a more viable option in one or more of these classes.

Bill 31 has considerably weakened the provisions of Section 45 of the Labour Code, which provided protection against the use of contracting-out. As of now, the clauses in our collective agreements on contracting-out are our only rampart against privatization. And Bill 25, which reduces the total number of institutions by forcing them to amalgamate, helps make potential contracts even more attractive for contractors who have the health-care system in their sights.

In deciding to attack working conditions and union rights, Minister Couillard set off on a risky venture without weighing the consequences. Unless he is wise enough to acknowledge his mistake, he may well plunge labour relations in the health-care system into chaos, with repercussions that outstrip the effects of the mass retirements in 1997.

This is why we have to pull out all the stops in our struggle against the implementation of this bill and all the rest of the Charest government's retrograde legislation.

For the real story, visit our web site:
www.fsss.ac.ca

Merged bargaining units,
decentralized bargaining
in the health and social
services system

WHAT HEALTH MINISTER COUILLARD AND MANAGEMENT AREN'T TELLING US!





In an operation reeking of management propaganda, Health Minister Philippe Couillard and his ministry recently had a leaflet included with employees' pay stubs vaunting the alleged benefits of the 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, better known as Bill 30.

The leaflet does its best to give a positive portrayal of the legislation, which was met with a general outcry of protest when it was introduced: the only groups that supported its adoption were employer associations such as the Association des hôpitaux du Québec. But it is a biased document that fails to mention the dramatic impact that the bill can have on you and your union, and tries to suggest that all this confusion and disruption is designed for your good and that of the general public.

We think that it is crucial to respond vigorously to the minister's disinformation campaign using the same channels, namely an information leaflet addressed to all our members working in the health and social services system. Here, then, are our responses to the minister's claims, from a union perspective.

THE OBJECTIVES OF THE REFORM

Minister Couillard claims that he wants to improve the organization of work and bring the centres of decision-making closer to citizens. We agree with these objectives.

The problem lies in the methods used by Mr. Couillard. There are serious contradictions in the vision that he wants to impose on the system. How can he claim to be improving the organization of work by antagonizing all of the workers in the system and the unions that represent them? How can he claim to be bringing decision-making closer to citizens when he is excluding citizens entirely from boards of directors and other decision-making bodies?

In our opinion, a forced reorganization of unions and decentralization of collective bargaining does not bode well for our working conditions and services to the public. On the contrary, the climate of work in our institutions is likely to be seriously disrupted for a long time to come as a result of the effects of this anti-union legislation.

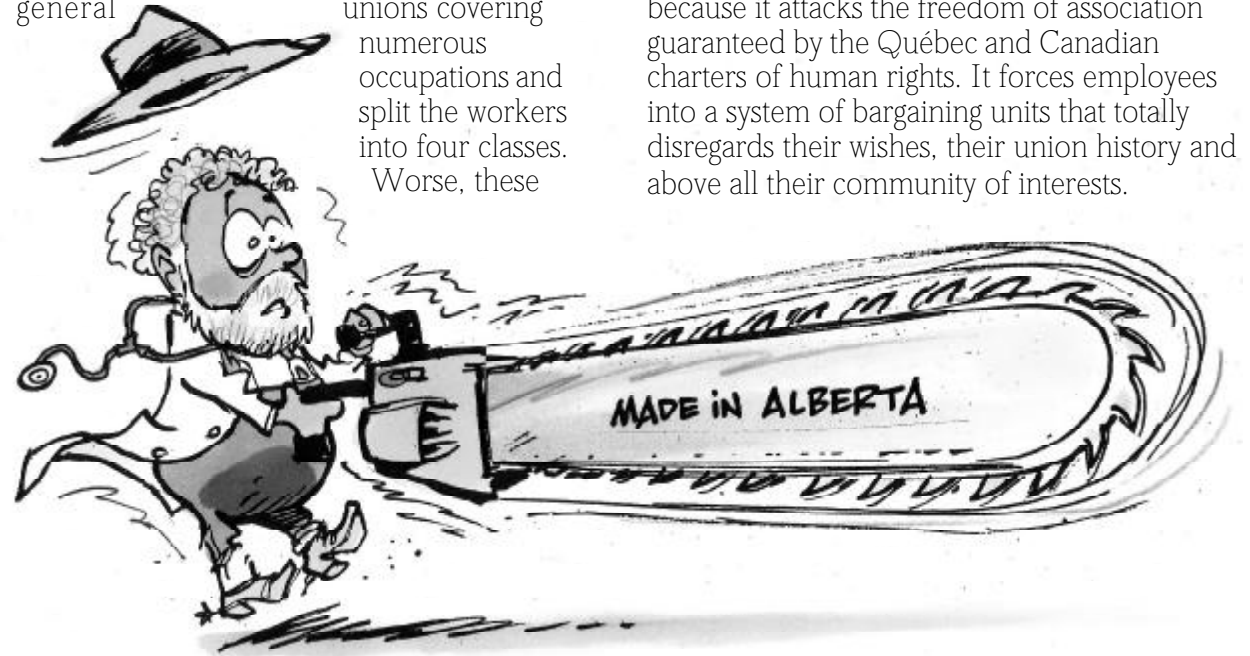
ARE THERE TOO MANY BARGAINING UNITS IN THE SYSTEM?

It is true that there has been a proliferation of unions in the health and social services system in recent years. The FSSS-CSN has acknowledged this, and passed a resolution at its 2003 convention calling for a solution negotiated with the ministry to tackle this problem. Despite our overtures, the minister refused to pursue the matter.

Contrary to government claims, the large organizations like the FSSS are not responsible for the fragmentation of bargaining units. Employers bear a large share of the responsibility, because in many cases they have tolerated and even promoted the creation of small bargaining units that often only represent a single job category, with the obvious goal of weakening us.

We are vigorously opposed to the minister's authoritarian approach. It is totally unacceptable for the minister to break up big general unions covering

numerous occupations and split the workers into four classes. Worse, these



four classes were decided arbitrarily by the minister after consultations with the AHQ, despite union protests.

The minister considered that it was urgent to act now, right in the middle of the process for renewing our collective agreements. What a coincidence! Yet he surely knew that although the Labour Code allows employers to ask for a merger of two or more unions when a situation causes problems, few of them have made use of this solution. So why was it so urgent to rush through Bill 30? And why is it so urgent to enforce it now?

IS BILL 30 ILLEGAL?

Yes, we say, Bill 30 is illegal. In fact, the CSN was the first union organization to go to court to challenge the constitutionality of the bill. There will be a bitter legal battle between the labour movement and the government, because fundamental rights are at stake here.

The bill raises serious constitutional issues, because it attacks the freedom of association guaranteed by the Québec and Canadian charters of human rights. It forces employees into a system of bargaining units that totally disregards their wishes, their union history and above all their community of interests.