Quebec Provincial Association of Teachers
Association provinciale des enseignantes et enseignants du Québec

QPAT Brief on Bill 3, *An Act to improve the transparency, governance and democratic process of various associations in the workplace*

November 2025

The Quebec Provincial Association of Teachers (QPAT) is a union federation that represents the 8,000 teachers working in Québec's English public schools. This is its brief on Bill 3, *An Act to improve the transparency, governance and democratic process of various associations in the workplace.*

First, QPAT does not believe there is any reason to table this bill. The problems cited by the government to justify the need for it are basically anecdotal in nature and in no way reflect the realities of most of Québec's union organizations. Moreover, even if those problems were real, they would still not justify this level of government interference in internal union business. Union organizations are private, independent, democratic bodies and the issues addressed by the bill fall within the scope of their internal operations. Let us be clear here: QPAT vigorously defends and applies the values of transparency and democracy within union organizations, but it also believes that the organizational autonomy of unions must take precedence to ensure the type of democratic balance that is essential to our society.

It is our view that this bill, especially section 7 (which introduces the notion of principal and optional dues) weakens the important principles embodied by the dues check-off system established under the Rand Formula. In recent decades these principles have allowed for relatively peaceful labour relations in both Québec and Canada. The main purpose of section 7 is to muzzle the union movement and limit its ability to take part in public debate, as it has done in the past in Québec, helping to move political, social and economic issues forward and promote democracy. The *Barreau du Québec*, in its news release of November 13 last, expressed serious concerns about Bill 3 potentially "**hindering the organizational and financial capacity of an organization or association, including a union, to assert its opinions, in the legal system or in public, and to act as a counterbalancing force in establishing a democratic balance in society"** (translation).

Although the Minister has said it is not his intention to muzzle the union movement, it is clear to QPAT that some of the bill's provisions will significantly limit the ability of union organizations to take part in democratic debate in Québec, and this will ultimately affect their members. It is important to remember that, according to the definition of "association of employees" in the *Labour Code*, the associations' purpose is not simply to negotiate and apply collective agreements, but also to "study, safeguard and develop the economic, social and educational interests of their members".

In a context marked by a worrying rise of authoritarian regimes and the erosion of democracies throughout the world, QPAT, like the *Barreau du Québec*, believes this attempt to weaken **"public freedoms of expression and association or counterbalancing mechanisms"** ultimately runs the risk of weakening democracy in

Québec. QPAT also considers that this approach reveals the government's very narrow vision and failure to recognize the positive historical role played by the unions in social development in Québec and Canada.

Lastly, some of the bill's provisions relating to transparency of union finances add yet another layer of bureaucracy and impose additional requirements for financial statement reviews and audits that we feel are unjustified and would cause undue hardship, especially for smaller unions.

We will address several topics in this brief, including the following:

- The importance of the historical role and impact of union organizations in democratic debate in Québec
- Unjustified state interference in union business and democratic processes
- Damage to social progress and union roles resulting from a weakening of the principles underlying union dues and the Rand Formula
- Exposure to legal action and inconsistency in connection with optional dues
- Needless bureaucratic constraints that affect smaller unions to a disproportionate degree

I- The historical role and major achievements of the union movement in Québec and Canadian societies

In QPAT's view, some of the provisions of Bill 3, especially section 7, introducing the concept of optional dues, will restrict the ability of union organizations to take part in democratic debate in Québec by effectively limiting their role to the representation of members in negotiations and the application of collective agreements. This reflects a very narrow and Americanized view of the role played by unions and does not acknowledge the broader positive contribution that the union movement has made in the past in both Québec and Canada. We therefore feel it is important to review the foundations of that role.

The union movement has been a key player in the social and economic history of Québec and Canada since the early 20th century, playing a decisive part in improving working conditions, obtaining recognition for social rights and democratizing economic and political life. In contrast to the American model, unions in Québec and Canada have not simply defended corporatist interests, they have been instrumental in building a fairer, more equitable and more supportive model of society.

Better working conditions

Obviously, the primary role of a union organization is to improve the working conditions of the members it represents. In addition to this, however, union efforts have helped to transform the world of work more broadly for all workers, unionized or not. The eight-hour day and forty-hour week that are now considered standard were first obtained thanks to union strikes and mobilizations. Unions have also obtained significant gains with respect to paid leave, annual vacation, industrial accidents, occupational safety and parental rights. The *Act respecting occupational health and safety* (AOHS), adopted in Québec in 1979, owes a great deal to union pressure. It introduced health and safety committees in the workplace, as well as a preventive approach to occupational risks. The unions also played a key role in promoting pay equity and fighting discrimination, leading to the adoption of the *Pay Equity Act* in 1996.

The Legault government has often asserted the importance of values such as gender equality in Québec society. Its failure to recognize the importance of the union movement's contribution to social, political and economic debate, illustrated by its tabling of a bill that attempts to confine or limit that contribution, therefore seems to us to be entirely contradictory.

The importance of the union movement in obtaining recognition for freedom of association and collective interests

One of the union movement's earliest major achievements was legal recognition of the right of association in the workplace and the right of collective negotiation.

Legal recognition of these rights was gradually consolidated in Canada in the 1940s, among other things through the Rand Formula ruling (1946), which introduced automatic collection of union dues, or dues check-off, for all employees in accredited units. This system provides unions with a level of financial security, helps to establish worker solidarity and prevents employers from interfering with unions. Fundamentally, it also helps to maintain industrial peace.

In Québec, the *Labour Relations Act* (1944) and the *Labour Code* (1964) asserted the legitimacy of union representation and later the right to strike. More recently, the Supreme Court of Canada, in its *Saskatchewan Federation of Labour* decision (2015), agreed that paragraph 2(d) of the *Canadian Charter of Rights and Freedoms,* guaranteeing freedom of association, also protects the right to strike, thereby reinforcing workers' freedom of association.

The emergence of the welfare state

The impacts of unionism have not been limited to the workplace but have also extended to the construction of a Canadian and Québec welfare state that distinguishes our society from that of our southern neighbour. The union confederations, through political pressure and alliances with social movements, helped to foster the creation of collective social protection plans that allow the citizens of Québec and Canada to age with more dignity. Examples include the Québec Pension Plan (QPP) and the Canada Pension Plan (CPP), introduced in the mid-1960s. The unions also supported the introduction of universal health insurance and employment insurance, providing a basic level of economic security for workers and their families. These social gains, propelled primarily by union demands, are regarded today as the pillars of social models in Québec and Canada.

The role of Québec's unions in the Quiet Revolution and the emergence of modern Québec

The union movement played a key role in Québec's Quiet Revolution. Federations like the CSN, the FTQ and the CEQ (now the CSQ) were actively involved in modernizing the State and redefining the role of the public sector. They supported nationalization of electricity, the merits of which are vaunted by the Legault government, and the creation of public institutions in education, health and social services. Through their actions, the union organizations helped to create a better educated, fairer society that is more aware of its collective rights, and this in turn played a role in the economic development of Québec and has helped us as a society to stand out from other regions of the world.

The union movement's impact on democracy and governance

The union movement also helped to foster the emergence of a democratic culture in the workplace and in society generally. By defending worker involvement in decisions concerning them, it introduced consultation and representation practices that served as inspiration for today's governance in a variety of sectors. It is especially ironic that the government, through Bill 3, is now calling into question the legitimacy of the democratic processes within unions, given that the unions have always been models of organizational democracy and governance.

The union movement and social justice

With respect to social and democratic issues in the broader sense, union organizations have also played an active role in and made significant contributions to international solidarity, the fight for civil rights and the defence of French as the language of the workplace. More recently, through their involvement in modern-day issues such as the

protection of vulnerable status workers, gender equality, the ecological transition and the defence of public services against austerity policies, the unions have become vital social actors that continue to fight for a fairer and more supportive democratic society.

In both Québec and Canada, the union movement's achievements extend well beyond the framework of paid work. The unions, by obtaining better working conditions, supporting the creation of universal social programs and helping to democratize public life, have had a major positive impact on social development. The legacy from the union movement's actions has served as a foundation for many of the rights and protections now taken for granted by all workers, unionized or not.

QPAT believes that this bill, which is designed to limit the union movement's power of action and social transformation, effectively calls this major social contribution into question and represents a significant step backwards for Québec as a whole. Moreover, it leaves the workplace open to the dangers of Americanization, leading ultimately to greater social and economic inequality. It also calls into question the union movement's involvement in and contribution to democratic debate and its role as a counterbalancing force. QPAT believes, on the contrary, that the right to dissent and to criticize government decisions is vital in a self-respecting democratic society based on the state of law. In our opinion, any attempt to limit this would constitute a shift towards authoritarianism.

II- Unjustified State interference in union business and democratic processes and a challenge to union autonomy

Section 3 of Bill 3 amends the *Labour Code* by adding sections 20.3.1 to 20.3.5, which set out certain duties and obligations for union operations. In QPAT's view, this constitutes unjustified State interference and challenges the principle of union autonomy by imposing requirements that would normally be decided through internal union governance.

Union organizations are democratic, meaning that their constitutions, procedures and operations are determined by a democratic process involving all their members. Unions are private law bodies that manage their internal affairs in accordance with their constitution and by-laws. The foundation of union independence in Québec and Canada derives basically from the freedom of association that is protected by the Canadian and Québec charters of rights and freedoms.

The freedom of association stipulated in section 2 (d) of the Canadian Charter and article 3 of Québec's *Charter of Human Rights and Freedoms* allows individuals to associate and organize themselves to achieve common goals determined by them. Section 2(d) of the Canadian Charter covers the right of employees to form associations that are sufficiently independent from their employers. The principle of independence is based among other things on the "the freedom to amend the association's constitution and rules,

the freedom to elect the association's representatives, control over financial administration and control over the activities the association chooses to pursue".

Employer interference in employees' associations is explicitly prohibited by section 12 of Québec's *Labour Code*. This principle is also addressed in international law. Article 3 of *Convention 87 of the International Labour Organisation* (ratified by Canada in 1972) asserts among other things that unions must have the right to manage their internal affairs freely, including "the right to draw up their constitutions and rules (and) to organise their administration and activities". The Convention also states that "The public authorities shall refrain from any interference which would restrict this right". Bill 3 contravenes these principles by reducing the autonomy and independence of union organizations at several levels.

Some of the bill's provisions interfere with the operations of union organizations. For example, they impose the content of or place conditions on constitutions and by-laws, the calling and holding of meetings, the exercise of voting rights for different topics, and as mentioned above, they create a very strict framework for the use of union dues.

It is important to remember that the government is also an employer in many cases, and that under Bill 3 it has the power to adopt a regulation that will take the place of the constitution or by-law of a union that does not include information required by Bill 3 in its own constitution. This includes information relating to the new concept of optional dues.

QPAT regards union organizations as private, independent bodies and believes they must remain so. With Bill 3, the government is interfering directly in the democratic process of union organizations by imposing, through legislation, rules that directly affect internal union governance, thereby unjustifiably challenging union autonomy. This interference is enhanced by the fact that the government is also an employer in the public sector. In our view this creates a significant issue of autonomy and independence, not to mention a potential conflict of interest because the government is effectively giving itself the right to adopt a regulation that will impose rules on its union interlocutors. Is this an attempt to transform unions into shop-window unions only? There is good reason to wonder about this.

QPAT also believes there is absolutely no justification for this intrusion. Not only is the government unable to show that union democracy is problematical or dysfunctional, but also, outside actors should not be allowed to interfere with democratic union organizations and alter their internal functions. QPAT is particularly concerned by the government's tendency to adopt bills that affect entire sectors without basing them on proven data.

With respect to QPAT and its affiliate unions, the internal democratic processes and decision-making procedures within our organizations were determined precisely by using

a democratic process that involved all the members we represent. Not only that, but the level of transparency surrounding our activities and the expenditures funded by union dues is exemplary. Financial statements are produced rigorously and reviewed in detail by our authorities and are made available free of charge to members who ask to see them. There is nothing to suggest that this is not also the case for most union organizations in Québec. So far, the elements put forward by the Minister to justify the tabling of this bill are anecdotal in nature and are not generalized problems.

III- Optional dues: calling into question the roles of the unions and the principles underlying the Rand Formula

Section 7 of Bill 3 enacts sections 47.0.1 to 47.0.5 of the *Labour Code.* These sections introduce the notion of principal dues and optional dues. QPAT believes this constitutes a significant breach of the Rand Formula and its underlying principles. This is very worrying, given all that Rand represents for the health of the union movement and for balance in democracy.

Under the Rand Formula, all the employees in a bargaining unit must pay union dues regardless of whether they are union members. The purpose of this system, also known as dues check-off, is to ensure that union financing is fair and stable over time. The Rand Formula addresses the principle of fairness for all workers by providing a solution to the problem of “free riders”, or employees who benefit from the results of union actions and negotiated agreements but do not help to fund them. The formula corrects this by imposing a minimum contribution for all workers, based on the principle of “beneficiaries pay”. It helps to avoid divisions and allows for real worker solidarity.

While we are not claiming that Bill 3 abolishes or is intended to abolish the Rand Formula, it clearly creates a breach in it by requiring union organizations to obtain separate approval for optional contributions that may be used to fund union actions targeting specific issues, including contestation of legislation adopted by the government. As mentioned earlier, the role of union organizations in the history of Québec has never been limited to negotiating collective agreements and representing members on a small number of issues. On the contrary, the union movement’s interventions in social, economic and political debate in Québec have been instrumental in obtaining significant progress for Québec society and have played a key role in our democracy.

In the Supreme Court’s *Lavigne* ruling, Justice Wilson said this:

“Unions' decisions to involve themselves in politics by supporting particular causes, candidates or parties, stem from a recognition of the expansive character of the interests of labour and a perception of collective bargaining as a process which is meant to foster more than mere economic gain for workers. From involvement in local unions through to

participation in the larger activities of the union movement the current collective bargaining regime enhances not only the economic interests of labour but also the interest of working people in preserving some dignity in their working lives.

[…]

“Whether collective bargaining is understood as primarily an economic endeavour or as some more expansive enterprise, it is my opinion that union participation in activities and causes beyond the particular workplace does foster collective bargaining. Through such participation unions are able to demonstrate to their constituencies that their mandate is to earnestly and sincerely advance the interests of working people, to thereby gain worker support, and to thus enable themselves to bargain on a more equal footing with employers. To my mind, the decision to allow unions to build and develop support is absolutely vital to a successful collective bargaining system.”

In *Lavigne,* Justice La Forest also considered these elements, and his remarks are summarized well by Justice Lebel in the *Advance Cutting* ruling:

“He [Justice La Forest] acknowledged that unions played a wider role in Canadian society than merely negotiating and implementing labour agreements. In his opinion, they were voices representing legitimate interests within Canadian society. Their involvement in political matters flowed from their role in the field of labour relations. The freedom to spend union dues was considered critical to the safeguarding of the ability of unions to engage in debates on broad societal issues. In this respect, Justice La Forest pointed out that it became difficult to draw a clear distinction between expenses for collective purposes and for other goals. The structure and the management of labour relations may themselves become a political issue and often will affect the quality of life and working conditions within the enterprise. In addition, the Rand formula settled the problem of the free rider who benefits from union services at no cost to himself. This obligation to pay dues promoted interest and participation in union affairs and strengthened democratic values within a union.”

Although most if not all union dues (for some unions) are used to negotiate collective agreements and represent members on issues relating to working conditions, QPAT believes that wanting to limit the field of action of unions, through Bill 3, calls into question several aspects of the unions’ role that are core elements of the Rand Formula. This is tantamount to negating the historical contribution made by the unions to Québec and Canadian society.

First, adoption of the Rand Formula helped to foster economic and social stability by pacifying labour relations in Québec and Canada. **This is in direct contrast to the situation in other countries, including the United States, where right-to-work laws**

have led to a decline in unionization rates, lower average salaries and greater inequality. The Canadian model has fostered greater stability in industrial relations, for the benefit of society as a whole, by ensuring sustainable social peace and greater economic stability.

By protecting union freedom, the Rand Formula, and specifically the dues check-off system, has also allowed union organizations to be effective in defending workers' rights without becoming vulnerable to disaffiliation or under-funding campaigns that are often encouraged by employers seeking to weaken collective representation. This is clearly visible south of the border.

The Rand Formula does not require employees to join a union, but it does require them to pay dues to that union if they benefit from its actions. It has therefore helped to maintain a balance between individual freedom and collective responsibility. It has also fostered true internal democracy within union organizations, because every contributing employee is entitled to attend meetings, vote for union leaders and influence the union's policy. From this standpoint, it is a pillar of union democracy.

In QPAT's view, this element is probably one of the most important. Through Bill 3, the government is claiming the right to get involved in union constitutions and by-laws, the way members give mandates, the types of mandates that can be given and processes for the use of union dues. This constitutes direct and unjustified interference in internal democratic union processes that are guaranteed under the current system.

In *Lavigne*, Justice La Forest acknowledges that this type of approach is paternalistic and necessarily affects union autonomy:

> "As to the alternative under which the government would draw up guidelines as to what would be deemed valid union expenditure and what would not, I would first of all reiterate the point made earlier that this could give rise to the implication that union members are incapable of controlling their own institutions. This kind of paternalism would not do much for the status of unions as self-governing and democratic institutions. Just as importantly, I would draw attention to what I have already said about the difficulty of determining whether a particular cause is or is not related to the collective bargaining process. The appellant complains of what he deems to be glaring examples, but as I have tried to illustrate, many activities, be they concerned with the environment, tax policy, day-care or feminism, can be construed as related to the larger environment in which unions must represent their members."

It bears repeating: **any union member who disagrees with the policies or actions of their union organization, or with the way it uses the dues it collects, or who wants to change the union's internal operations and/or constitution, is entitled to attend**

meetings, vote for union leaders and influence the union's policies by submitting resolutions to be debated and voted on through the union's democratic authorities. Again, these issues concern union members only and are not subject to State intervention in a democratic society such as ours.

In short: the Rand Formula is not an administrative mechanism; it embodies a fundamental principle of social and collective justice. Maintaining it in its current, robust format is vital to the survival of strong, representative, democratic unionism able to defend workers' rights effectively within a constantly changing economy.

VI- Open door to inconsistency and endless litigation

By introducing the notions of principal dues, which can only be used to fund activities that are essential to the union's mission, and optional dues, which must be voted upon separately and used to fund activities deemed political in nature (demonstrations, political activities, advertising campaigns, social demands and legal proceedings), QPAT believes section 7 of Bill 3 opens the door to inconstancy and an almost certain proliferation of litigation.

The Act does not offer a clear definition of what constitutes an "essential" activity or an "optional" activity. The government could therefore use its own judgment to decide what is permitted and what is not, opening the door to inconsistent and potentially politically motivated decisions, hence the real risk of inconstancy.

Justice Wilson, in her arguments in *Lavigne*, warns against a model that would result in a proliferation of disputes about what falls within the spheres of "collective bargaining" and "politics". She states this:

> "Because drawing a distinction between collective bargaining and politics is so difficult it will always be debatable whether a union has "crossed the line" in contributing its dues to certain purposes. And where there is room for reasonable disagreement over the propriety of union spending there is bound to be litigation. In my view, nothing could be more incompatible with the promotion of collective bargaining. Since the ultimate aim of the system is to encourage the parties to settle their own disputes, any ruling which will encourage the parties to rush off to court is clearly counter-productive."

For example, would an opinion campaign against a labour reform be considered "political activity" (for which principal dues cannot be used) or defence of working conditions? Would a collective legal proceeding against an employer be "union business" or "political" in nature? It seems clear that the government, while claiming transparency, is aiming mainly to limit a union's ability to become publicly involved in political debate.

Bill 3, if adopted, may also lead to excessive litigation of contested union expenditures. A dissatisfied employer or member could ask the court to determine whether an expenditure must be paid out of principal dues or optional dues, opening the door to an infinite number of objections and, ultimately, outside oversight of the very content of union actions. In QPAT's view, these issues should be debated and settled within the union's democratic bodies, not before the courts.

As stated earlier, this level of interference in internal, democratic union choices is a violation of union autonomy, which is the basic principle underlying labour democracy. It will directly and significantly limit the ability of union organizations to become involved, as they have for many decades, in democratic debate in Québec.

V- Unjustified imposition of excessive and/or unrealistic bureaucratic requirements

Section 8 of Bill 3 adds new sections 47.1 and following, concerning the preparation and presentation of union financial statements. It therefore represents an undue, unrealistic and in some cases inapplicable financial and/or organizational constraint for unions. As mentioned above, QPAT and its affiliate unions share, defend and apply the value of transparency. The practices they use to produce and present their financial statements are exemplary. We feel the requirements introduced by Bill 3 are excessive and/or unrealistic, especially for smaller unions.

The requirement to audit financial statements

The requirement set out in section 8 of the bill, requiring the financial statements of any association with 200 members or more to be subjected to an audit engagement, is unrealistic for small associations. QPAT and its larger affiliate unions have carried out audit engagements for some time now. Based on this experience, we can confirm that the financial resources and time needed for an audit engagement are becoming increasingly significant and restrictive. Moreover, since the new quality management standards CSQM1 and CSQM2 came into force in December 2022 for firms with audit and review missions (these standards were approved by the Auditing and Assurance Standards Board (AASB) in January 2021), accounting practices, standards and requirements have become more stringent and complex, rendering the process even more demanding for organizations and requiring more human and financial resources.

For small organizations with limited staff and financial resources (including the vast majority of local QPAT unions), we feel an audit engagement would be both excessive and unrealistic. Moreover, the financial cost would be prohibitive and disproportionate for smaller unions that spend most of their limited budgets on direct services for members. In other words, an audit engagement is much more onerous than a review engagement. For a small union, the cost of this type of exercise is proportionally much higher. Even a

local union with 350 members – the average approximate size of QPAT's small local unions – can expect an audit engagement to cost at least three times what it currently pays for a review engagement. In real terms, it would increase the cost from roughly $8,000 per year to more than $25,000 per year. We therefore feel this requirement is excessive for most local unions in Québec, in terms of both the financial and the human resources needed – resources that, as a result, would not be used to provide direct services to members, which is the principal mission of a union.

In addition to the excessive burden it would impose on smaller organizations, this requirement, which would apply to most unions in Québec, is unachievable from a practical standpoint. Under the new standards, it is increasingly difficult for small accounting firms to carry out this type of mandate, meaning that there are fewer firms available to perform audit engagements. After consulting some well-known accounting firms, we can confirm that there are simply not enough auditors in Québec to conduct audit engagements for the number of unions that would require them. In addition, given the supply and demand issues this would generate, the prices charged by accounting firms are likely to rise significantly. QPAT feels it should be up to a union's members to decide on the level to which the financial statements should be reviewed or audited.

In short, the new auditing requirements would potentially cause union dues to increase and direct services to be reduced, to pay for something that would not provide members with meaningful additional information on the way their union's funds are used.

Presentation of financial statements to the members of certified units

Another part of Bill 3 that also places an undue, unrealistic and disproportionate constraint on unions is the requirement set out in the fourth paragraph of the new section 47.1, which states that a federation or confederation to which a certified association belongs must present its audited financial statements directly to members every year. QPAT already sends its audited financial statements to its local unions so that they can present them at their local meetings. The statements are also provided free of charge to any member of a certified organization who requests them. The requirement for a federation to present its financial statements directly to members is therefore not only unnecessary, but also completely unrealistic.

Imposition of a restrictive and unjustified voting procedure

Another example of unjustified government interference in the internal operations of unions is the imposition of conditions on votes held by union organizations, including strike votes and votes to ratify collective agreements, elect union representatives and approve optional dues.

The idea of requiring a vote to be held over a 24-hour period not only constitutes unjustified interference in union operations, since it is the kind of thing that should be

decided by members using established decision-making procedures, but it is also restrictive and unrealistic.

First, requiring votes to take place over such a long period means that most unions, especially the smaller and medium-sized ones, will need to use an online voting platform, thereby incurring additional and sometimes prohibitive costs. Second, it would mean that unions currently holding in-person votes for certain decisions would have to alter democratically adopted processes that have been in place for years, for the sole reason of submitting to a voting method imposed by the government. Such a requirement is unprecedented in any self-respecting democracy.

Although the Minister claims that his intention is to limit so-called “frivolous” union expenditures and is in the workers’ best interests, the bill in fact imposes restrictive, unnecessary and costly obligations for unions. Smaller unions will be unable to fulfill these obligations, and this will ultimately cause union dues to increase.

Beyond the contradictory aspect of this measure, which is inconsistent with the Minister’s pro-worker discourse, there are some basic principles at play here. In a democratic society such as ours, it is unacceptable for a government to interfere in the operations of union organizations. Unions are private bodies whose independence and autonomy are recognized in the Charters, in Canadian and international labour legislation and in the *Labour Code*. Would the government try to interfere in the same way in the operations of private enterprises? Would it try to impose decision-making methods on their boards of directors or shareholders’ meetings? The answer seems obvious. So why is it doing so for the unions?

Conclusion and Recommendations

Many of the provisions of Bill 3 are extremely problematical in nature, and as mentioned several times in this brief, QPAT believes the bill constitutes unacceptable and abusive interference by the government in union operations and business. It also constitutes an unjustified and authoritarian challenge to the legitimacy of the unions’ internal democratic processes. More broadly, it calls into question the union movement’s role within Québec society and its major contributions to the development of democratic institutions.

The most concerning aspect of all this is that Bill 3 is completely unjustified. First, it is based on anecdotal evidence that does not reflect the practices of most of Québec’s union organizations, and second, it is founded on a very narrow view of the role and mission of union organizations for their members. We have shown that this vision is inconsistent with the historical role played by the unions since the early 20th century, and with current labour legislation in Québec, Canada and abroad. Our society here in Québec may be imperfect, but it compares advantageously with countries such as the United States, Great Britain

and Australia, in that it is fairer and more equitable, democratic and supportive, thanks among other things to the legacy of its unions.

In an interview published in *La Presse* on November 21, *Barreau du Québec* President Marcel Olivier Nadeau joined his association in denouncing Bills, 1, 2 and 3 as legislation that "clearly attacks the very foundations of the rule of law: the right to take part in legal proceedings (before the courts), the right of association, the right to free expression, and the right for individuals to organize their personal and professional life as they wish." (translation)

In a letter published in *La Presse* on November 17 last, a group of 101 law professors also denounced the government's recent legislative initiatives for "clearly being based on a desire to weaken the capacity for action of many of our most important institutional counterbalancing forces and to limit civil society's ability to exercise rights, thereby reducing the deliberative space that is so essential to the legitimacy of legislation, public policy and government decisions. In other words, we are talking here about a full-scale attack on the rule of law, the very foundation of our democracy." (translation)

QPAT believes the right to dissent and the right to criticize government decisions is vital in a self-respecting democratic society based on the rule of law, and that any attempt to limit the scope of that right represents a shift towards authoritarianism. Union democracy belongs to the workers, and this type of government interference in union business has no place in a society like ours.

QPAT does not usually object to entire bills. In most cases we have taken a reasonable, constructive and balanced approach to the bills tabled by successive governments. Here, however, the issue is too important, not only for the maintenance of union independence and autonomy, but also for the health of our democracy. We do not believe in a Québec that would take the same path as our southern neighbours, who are being led by the Trump administration towards authoritarianism and weaker democratic institutions and counterbalancing forces. Québecers deserve better than that.

Recommendation:

That Bill 3 be withdrawn in its entirety.

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