

# Brief from the Public Service Alliance of Canada, Quebec Region on Bill 3

## *An Act to improve the transparency, governance and democratic process of various associations in the workplace*

### Introduction

The Public Service Alliance of Canada (PSAC) is one of Canada's largest unions, representing 245,000 workers across the country, including 52,000 members with PSAC-Quebec.

PSAC represents more members of the federal public service than any other union. Its head office is located in Ottawa. It represents members in public safety, federal departments and agencies, Crown Corporations, universities, casinos, community services, Indigenous communities, and airports, among other areas.

In Quebec, PSAC-Quebec represents hundreds of thousands of members subject to the *Labour Code*. Roughly 20,000 of our members work in universities annually, while hundreds work in research centres. They include teaching assistants, research assistants, research associates, post-doctoral researchers, graduate students, instructors, residence advisors, floor fellows, and exam invigilators. Together, they make up around 15 locals and about 30 bargaining units.

PSAC is affiliated with the Fédération des travailleurs et travailleuses du Québec (FTQ) and the Canadian Labour Congress (CLC). On the world stage, it is a member of Public Services International (PSI).

We wish to express our support for the FTQ's statements in its brief made to the Committee on Labour and the Economy regarding Bill 3, *An Act to improve the transparency, governance and democratic process of various associations in the workplace*.

The current brief raises additional issues specific to our organization.

## Issues Specific to PSAC-Quebec

In our opinion, Bill 3 is being driven solely by misconceptions about unions: namely, beliefs that all union dues are exploitative, and that every union makes foolish political decisions in the interests of only a few elected officers. At its core, this bill aims only to interfere in how unions and locals operate.

PSAC would like to draw the Committee's attention to the specific issues our organization faces. It is already clear that Bill 3 will, among other things, significantly change how PSAC assesses and distributes membership dues based on the priorities identified by members at national and regional conventions and general meetings for locals. The Bill will also affect how we make democratic decisions by forcing changes to our constitution and by-laws, and limit our right to challenge any legislation directly or indirectly related to labour relations. Finally, the Bill will force locals to commit considerable resources to auditing their finances.

### **Union dues**

PSAC collects membership dues directly from employers on behalf of locals. These dues consist of three parts. The first amount is determined by the PSAC National Triennial Convention. All members pay the same amount into this total to ensure the union can fulfill its duty of fair representation. A portion of these dues may be used for political action, including by contributing to the FTQ. The second amount is determined by the PSAC Constitution. This portion is distributed to locals to help them fulfill their duty of fair representation, though a portion of these dues can also be used for political action. Thirdly, locals may also collect dues to supplement what they already receive from the second amount.

To sum up, dues collected in support of fair representation and political action are part of the whole. It would be extremely complicated to divide each of these amounts into "main" and "optional" dues as required by the Bill. Finally, organizing yearly votes on the optional dues (as required by the Bill) is no simple matter; it may require units to vote three times.

## **Constitution and by-laws**

At PSAC, the National Triennial Convention determines and amends its constitution; at PSAC-Quebec, the Regional Triennial Convention determines and amends its by-laws. Locals also adopt their own by-laws at general meetings, though they must align with the PSAC Constitution and PSAC-Quebec's by-laws. The PSAC Constitution applies to all levels of the organization, from locals to nationwide actions.

Bill 3 could require locals to incorporate provisions into their by-laws that are at odds with their national and regional obligations, as determined at conventions. Bill 3 thus undermines the deliberative bodies and democratic spaces within PSAC, PSAC-Quebec, and locals.

Furthermore, if a local were to comply with the Bill's requirements and PSAC is forced to amend the Constitution as a result, this would amount to interference outside Quebec's jurisdiction.

## **Challenging legislation**

As mentioned in the FTQ brief, PSAC successfully had certain provisions of Quebec's *Professional Syndicates Act* invalidated by filing for judicial review. Previously, the law prevented non-citizens from fully participating in Quebec unions by barring them from sitting on the board of directors and being hired into union positions. Then, in a 2023 decision, the Superior Court acknowledged that the contested provisions violated certain basic freedoms. This is a striking example of how important union actions can be, particularly given the prevalence of conversations in the public arena about how immigrants can integrate into the workforce. If PSAC were to adopt the government's proposals in Bill 3, these kinds of union actions would be reduced to "optional," when in fact they are fundamental to workers' rights.

PSAC was also an intervening party in the constitutional challenge to the *Act respecting the laicity of the State*, heard before the Supreme Court. At the heart of this polarizing debate in Quebec lies the need to reign in some governments' abusive and escalating invocation of the notwithstanding clause. As basic rights like freedom of association are increasingly challenged, it is crucial that unions be able to intervene in these sorts of legal debates.

## Financial audits

Bill 3 calls for a financial oversight mechanism that would be onerous for locals to implement. Locals' finances are currently subject to rigorous annual oversight by a committee of members not on the executive.

The Bill will significantly affect PSAC locals, especially in the university sector, where PSAC represents between 100 and 5,000 members annually. Locals in the university sector are made up of members who generally work part-time: most work 15 hours or less per week during the fall and winter semesters. Though these locals may seem to comprise quite a few members, they pay modest dues. The new audit requirements would force many locals to increase their main dues, even if their members refuse optional dues, just to maintain current representation levels. Requiring audits of financial statements would place a greater financial burden on precarious union members.

## Conclusion

We maintain that Bill 3 should be abandoned. This bill ignores control provisions already in place in the *Labour Code*, the PSAC Constitution, and PSAC-Quebec and local by-laws. It also ignores constitutional and by-law provisions at the national, regional, and local levels ensuring members' right to fair representation through access to the full amount of membership dues.

PSAC, PSAC-Quebec, and locals have all developed oversight mechanisms over the years to ensure financial and decisional transparency without incurring astronomical costs.

It is essential that PSAC, PSAC-Quebec, and locals retain the right to challenge any legislation directly or indirectly related to labour relations.

For all these reasons, we call for the immediate and total withdrawal of Bill 3.