

Press release

For immediate release

An Act to modernize the occupational health and safety regime

APTS sees Bill 59 as a missed opportunity

Longueuil, January 19, 2021 – “One step forward, three steps back.” That’s what the APTS (*Alliance du personnel professionnel et technique de la santé et des services sociaux*) will be saying today before the parliamentary commission on Bill 59, which is intended to reform Québec’s occupational health and safety system. The APTS will be arguing for changes that will truly modernize the regime.

According to the APTS, if workers do not have effective access to prevention mechanisms and no steps are taken to foster their participation in prevention efforts, the government will not be able to achieve the goal of the *Act respecting occupational health and safety* (LSST), which is to eliminate hazards at the source. There is also a risk that major changes proposed to the *Act respecting industrial accidents and occupational diseases* (LATMP) will significantly reduce the rights of those who have experienced employment injuries. And one of the most harmful aspects of the bill, also denounced by the APTS, is the fact that non-unionized workers will have weaker rights and will not genuinely benefit from the application of prevention mechanisms.

“After waiting for close to 40 years, people employed in the health and social services system deserve an in-depth revision of the mechanisms that are supposed to protect them and provide them with compensation,” says APTS president Andrée Poirier. “We have an opportunity to do that, but the Legault government is missing it. Unfortunately, the few advances proposed by Minister Boulet don’t make up for the major setbacks caused by the reform. The government needs to go back to the drawing-table if it really wants to strengthen protection for health and social services employees. Right now, a better bill that would meet the expectations of organizations representing these workers would certainly be welcome.”

The Act respecting occupational health and safety: better amendments are needed

The APTS welcomes the application of prevention mechanisms to all work sectors in Québec, but denounces the fact that this application depends on the risk level assigned to the activity – low, medium or high. On the basis of this classification, most of the workplaces in which APTS members are employed, i.e. health institutions, are identified as “low risk”. But despite this classification, rising rates of absenteeism in the health and social services system – related to mental health or musculoskeletal problems – are a clear demonstration of significant risk.

“If you’re a working person whose risk is deemed to be low, in terms of prevention, Bill 59 as it currently stands is basically taking four quarters and giving you back a dollar,” says Andrée Poirier indignantly. “And the level of risk is certainly not ‘low’ in the health and social services system! Surely we’ve learned that from the pandemic, if nothing else.”

As a feminist organization, the APTS believes that current measures ensuring protective leave for pregnant and breast-feeding workers should be maintained in full, and it welcomes the recognition of an explicit obligation for employers to protect workers against physical or psychological violence, which includes spousal or family violence.

The APTS disagrees with changes to the LSST that increase employer control over prevention. Giving the employer exclusive power to develop prevention programs and to choose physicians is a violation of one of the Act's key principles, the joint responsibility of unions and employers.

Unacceptable setbacks for victims of employment injuries

The APTS vigorously denounces the fact that modernization of the Act is being used to permit an unjustified increase in the CNESST's powers regarding occupational diseases, rehabilitation, and medical assistance. Major setbacks are involved for workers, suggesting that the reform is actually intended to rationalize the cost of providing compensation for victims of employment injuries.

The APTS also believes that the list of occupational diseases should be kept in the Act and adapted to changes in the working world, and that the occupational disease presumption should be applied to health problems that affect employees such as musculoskeletal disorders and mental health problems.

Poirier's final comment: "If the minister wants to curb the increased spending required by the LATMP's compensation regime, he should focus on carrying out a reform that would improve the prevention system and force employers to resolve the underlying situations that cause employment injuries and occupational diseases."

See the [APTS brief](#) (*in French*).

The APTS

The APTS ([Alliance du personnel professionnel et technique de la santé et des services sociaux](#)) represents a total of 60,000 members who play a key role in ensuring that health and social services institutions run smoothly. Our members provide a wide range of services for the population as a whole, including diagnostic, rehabilitation, nutrition, psychosocial intervention, clinical support, and prevention services.

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