

# Court refuses to suspend Quebec's Bill 78

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30 June 2012

Quebec's Superior Court has refused to suspend application of key anti-democratic provisions of Bill 78 pending a ruling on their constitutionality.

Rushed into law in less than 24 hours last month, Bill 78 effectively criminalizes the four month-long strike students have mounted against university tuition fee hikes and places sweeping restrictions on the right to demonstrate. Striking students and their supporters are banned from picketing anywhere in the vicinity of a post-secondary institution or from impeding in anyway such institutions' normal functioning. Under threat of savage fines and criminal prosecution, teachers are legally compelled to assist the government in breaking the student strike. All demonstrations—no matter the cause—of 50 or more people are illegal unless organizers submit to authorities at least 8 hours in advance the march itinerary and duration and follow all changes prescribed by the police.

The case brought by the student associations argued that given the importance of the constitutional rights at stake, two provisions of Bill 78 should be suspended until the courts had declared them legal. The provisions in question were those that illegalize all demonstrations whose itinerary has not been specifically sanctioned by the police, and that authorize the government to order students' dues withheld from student associations that fail to take all possible steps to prevent picketing of post-secondary institutions and otherwise ensure compliance with Bill 78. Lawyers for the student associations argued that withholding dues would bankrupt them, which would have the effect of nullifying students' constitutional right to association.

Although the constitutionality of the two provisions was not at issue in the case, Justice Francois Rolland left little doubt as to his support for them. "The provisions provide a framework for demonstrations, but they don't prohibit them, even if some limits are imposed," said Judge Rolland in his ruling. "Moreover, evidence shows that problems and slip-ups take place when [demonstration] itineraries haven't been given in advance."

In regards to the impact of the government withholding dues from student associations, Justice Rolland said that

since this is currently only a hypothetical issue there is no need to suspend application of the relevant provisions of Bill 78.

The ruling issued by Justice Rolland, who is the head of Quebec's Superior Court was, to say the least, not surprising. In the weeks immediately preceding the adoption of Bill 78, Justice Rolland had personally taken charge of issuing antistrike court injunctions, ordering universities and CEGEPs (pre-university and technical colleges) to provide classes for even individual students who opposed the strike. And when these injunctions were successfully defied through mass picketing by students, frequently supported by large numbers of teachers, Rolland warned that the "rule of law" was threatened and demanded the government take urgent action.

Second and more fundamentally, the ruling was not in the least surprising because the ruling elite in Quebec and across Canada has voiced strong support for stamping out the student strike and because the courts, which behind an aura of neutrality act to enforce the political and economic domination of big business, have sanctioned ever-widening attacks on democratic and worker rights. To cite but one example, in May 2011 Canada's Supreme Court ruled that the right to freedom of association contained in the Canadian Charter of Rights and Freedoms provides no constitutional protection for trade unions or collective bargaining rights. Under the constitution, workers' rights, declared Canada's highest court, are limited to having an association that from time to time can bring their grievances to the attention of their employers.

Although this week's ruling was to be anticipated, it represented a blow to the student associations, who continue to insist that students' legitimate demand that education be recognized as social right can be realized by pressuring the institutions and political parties of the establishment.

In fact, the students' struggle has brought them into headlong conflict not just with the rightwing Charest Liberal government, but with the entire ruling class, its courts and police. For the Quebec and Canadian elite, the strike constitutes a dangerous challenge to their agenda of dismantling public services and gutting worker rights and

living standards. All the more so, after the Liberals' draconian Bill 78 failed to cow the students and instead precipitated an explosion of opposition to the government, especially from the working class.

The strategy of the Quebec government and the ruling class is to continue to use Bill 78 to threaten students, including preparing for an unprecedented police mobilization in mid-August when the "suspended" winter term is to resume, while relying on the trade unions and ostensible left parties, like the NDP and Quebec Solidaire (QS), to isolate the students' struggle and prevent it from becoming a catalyst for a mass movement of the working class.

The social-democratic NDP has refused to even nominally support the students or denounce Bill 78, on the spurious grounds these are provincial matters. The unions have repeatedly declared they will obey Bill 78. As typified by the Quebec Federation of Labour's slogan "After the streets, to the ballot box," the unions are pressing the students to end their strike and seeking to divert the opposition to the government into elections and support for the Parti Quebecois (PQ), a big business party that when it last held office implemented the greatest social spending cuts in Quebec history. QS, meanwhile, has announced its readiness to form an electoral alliance with the PQ and promotes the unions as allies of the students, even as they actively work to sabotage the strike—as evidenced by the letter QFL President Michel Arsenault sent the head of the Canadian Labour Congress deploring the calls for a "social strike" and demanding the unions outside Quebec deny the striking students' any material support.

FECQ and FEUQ, the student associations long patronized by the unions, are openly stumping for the PQ. In so doing, they point to the PQ's demagogic pledge to immediately repeal Bill 78 on taking office. They skip over the fact that the PQ is insisting that until then Bill 78 be obeyed to the letter, a stance that places them firmly in Charest's camp in seeking to use state repression to break the student strike. When QS's lone member of the Quebec National Assembly Amir Khadir was arrested for the "crime" of demonstrating, PQ leader Pauline Marois was quick to approve the police's action.

Under conditions where larger numbers of students and their supporters recognize the need to broaden the struggle, leaders of CLASSE (The Broader Coalition of the Association for Student-Union Solidarity) briefly took up the call for a "social strike," involving unions and community groups. Although this was most definitely not a call for a working class-led general-strike aimed at bringing down the Charest government and initiating a cross-Canada political mobilization of the working class to fight for a socialist

solution to the capitalist crisis, the "social strike" provoked immediate and furious hostility from the union bureaucracy.

In the face of this opposition, CLASSE has backed off from its calls for a social strike. It did not make an issue of it during the mass demonstrations held June 22 in Montreal and Quebec City, although the demonstrations again provided palpable proof of the fact that the student strike has become part of a broader, although as yet ill-defined, opposition movement, involving large numbers of workers.

Moreover, CLASSE leaders are increasingly adapting and giving credence to the attempts to divert the student strike behind the establishment mechanism of elections and the PQ. At a press conference held on the sidelines of the Quebec City demonstration, CLASSE's best-known spokesman, Gabriel Nadeau-Dubois, said the defeat of Charest government is a priority for CLASSE while making no mention whatsoever of the PQ. Later when asked about PQ leader Pauline Marois' decision to stop wearing the "red square," the symbol of the student strike, Nadeau-Dubois did not seize on the occasion to denounce the PQ as a big business party that had been feigning support for the students, and now that polls indicate it could soon form the government wants to reassure the ruling class that it can be relied upon to impose austerity. Rather he expressed the hope Marois might reverse her decision.

The student strike and the opposition to Bill 78 have shaken the Quebec Liberal government and the ruling class as a whole. But if students are to prevail, their implicit challenge to the ruling class' austerity agenda must become explicit. The student strike must become the catalyst for the mobilization of the working class in Quebec and across Canada in a political and industrial counter-offensive in opposition to all job and wages cuts and the dismantling of public services.



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