

# Quebec court throws out union lawsuit calling for greater protection from COVID-19 in schools

Hugo Maltais  
26 March 2021

The Quebec Superior Court has rejected the request of the *Fédération autonome de l'enseignement* (FAE—Autonomous Federation of Teachers) for an emergency injunction ordering the Quebec government to improve safety in the schools in the face of a resurgent COVID-19 pandemic.

Justice Brian Riordan's scandalous March 19 ruling is in line with a similar ruling last fall in which the court rejected the FAE's plea that the government be ordered to implement a series of measures to improve school safety, including improved ventilation of classrooms and preventative COVID-19 testing on asymptomatic staff and students.

These rulings demonstrate the utter indifference of the capitalist courts and the entire ruling elite to the health and very lives of teachers, students and their families.

It needs to be added here that the FAE's demands for enhanced safety measures would have done little to reduce the risk of infections in Quebec's schools—especially now under conditions where they are serving as major vectors for the transmission of more contagious COVID-19 variants.

The court's staggering disregard for teachers and students, which is in keeping with the right-wing Coalition Avenir Québec (CAQ) government's stated policy of "herd immunity," is underscored by the fact that Riordan issued his ruling even as COVID-19 cases are again spiking across the country. This third wave of the pandemic is fueled by the B.1.1.7 and other more contagious and likely lethal COVID-19 variants.

Infections in the province's schools accelerated every day this past week. On Thursday alone, new variant infections had increased by 314 over the previous 24 hours, an additional 35 classes had gone into isolation, and the total number of active infections among students and teachers rose to 2,252.

Dr. Karl Weiss, one of the province's leading infectious disease specialists, told the *Montreal Gazette*, "When you look at the number of variants right now, I would estimate that 35 percent of them in Quebec are in people under the age of 19. So kids are now spreading the variants around, and they're not vaccinated. The second group which is being infected by the variants are the parents of these kids."

The FAE's request for an emergency court injunction, whether this month or last fall, was always a political manoeuvre. The union leadership's principal concern has been to maintain some degree of credibility in the eyes of teachers, who know full well the central role it and the province's other teacher unions have played in ensuring that schools have remained open almost without interruption since the 2020-21 school year began last August.

In September, the union filed an initial motion against the Coalition Avenir Québec (CAQ) government to demand that teachers have priority access to COVID-19 testing. This request was rejected by the court on September 30 on the grounds that this was a political issue and that the government was best able to determine what was in the public's interests.

Satisfied that this futile move was sufficient to save face with its members, the FAE joined with the other teachers unions and did nothing to mobilize educators and rally popular support as the second wave of the pandemic hit Quebec schools with full force last fall.

It similarly suppressed opposition to the CAQ government's push to resume in-class instruction after the November-December surge in infections had forced Premier François Legault to re-impose some lockdown measures in late December and early January. This despite the fact schools had been shown to have played a critical role in fueling the second wave, and multiple new "variants of concern" had been identified.

It was only after these more contagious and deadly variants were surging through schools in much of the province, and teachers were increasingly vocal in their calls for action, that the FAE on March 8 once again petitioned the Superior Court for an emergency court order.

Ultimately, the legal maneuvers of the FAE, a union that claims to be more "militant" than the larger CSQ, serve only to justify its collaboration with the ruling elite in its drive to keep schools "open" so that parents can be sent back to work to produce profits for big business.

This was effectively admitted by FAE President Sylvain Mallette. When asked about the purpose of the union's

injunction request, he said, “It’s essential, because we collectively want to keep schools open.”

The petition the FAE submitted to the Superior Court in support of its most recent injunction request demonstrates that it is fully aware of the role schools are playing in the transmission of the coronavirus in the community and the dangers that confront school personnel, students and their families.

For example, the union noted that one-third of COVID-19 outbreaks in Quebec have occurred in schools (32.5 percent as of March 8), and that in total, more than 2,350 of the 2,994 institutions in the school system have had at least one confirmed case. Since the beginning of the school year, more than 30,000 students and staff members have contracted the potentially deadly and debilitating virus.

In its plea to the court, the FAE was also forced to admit that the limited health measures put in place—and agreed to by the unions—had not prevented cases from appearing in schools as soon as they reopened after the holiday break in January. It also observed that a third wave is imminent and that the variants “are of great concern to experts” because of a “higher potential for contagion even among children.” The union went on to lament that teachers are “forced to perform their duties under conditions that do not meet pandemic health standards and that compromise their health and safety.”

While true, these points all constitute an indictment of the FAE’s own policy, which has been to send educators back to in-person teaching under unsafe conditions without adequate public health measures or sufficient personal protective equipment (PPE).

The union does not demand that schools be closed. Rather it calls on the government to correct “deficiencies” in its open school policy to “limit the spread of the virus.” In other words, the FAE accepts that students and workers must risk their health and lives so that the financial and business elite can continue to accumulate profits.

It concluded its petition with four extremely timid demands that, even if implemented, would do nothing to stop a third wave of the pandemic.

In the end, these demands run up against the limits of the bourgeois “justice” system, which since the beginning of the pandemic has sided with the Legault government. In response to Riordan’s dismissal of its request for an emergency injunction, all the FAE could muster was to express its “disappointment” and “shock.” Apart from continuing with its legal case, which will drag on for months, the union proposed to do precisely nothing.

For example, take the very important issue of ventilation in schools. The FAE has pressed the court to order the government to put in place a timetable and methodology for properly testing school ventilation systems. Only at a later stage of the legal proceedings will the FAE get around to arguing that based on the results of these tests the government should be

forced to “implement the necessary measures to ensure ventilation” in the classrooms. Considering the time required to conduct the tests and hold new hearings, any ventilation fixes would not even take place until after the end of the current school year some three months away.

According to media reports, in oral arguments before Justice Riordan, the government displayed a complete disregard for the safety of school personnel and students. After cynically observing that ventilation is not a silver bullet to halting the virus’s spread, government lawyers reportedly said that schools should simply stop using poorly ventilated classrooms. With schools already short of space due to decades of capitalist austerity, such a measure would invariably result in increased students per class, thus aggravating the risk of spreading the coronavirus, not to mention the negative effects on teaching.

The government also argued that preventive testing of staff or students who do not show symptoms is not necessary, confirming that nothing will be done to prevent the COVID-19 contagion in schools. Finally, government lawyers argued that the school environment “does not pose a greater risk than other workplaces.” In other words, the government is allowing thousands of workers to contract COVID-19 in the factories, so it is only “equitable” that the same homicidal policy be applied in the schools.

Neither legal proceedings nor pleas from the union bureaucracy will change the determination of the CAQ government and big business to keep the economy running at full speed at the expense of human lives.

Only the political mobilization of teachers and all school staff, independently of the big business parties and the pro-capitalist unions, can enforce the only solution to stop the contagion in schools and protect the lives and health of staff—the immediate closure of schools and halting of in-person teaching. These measures must be accompanied by full financial compensation for teachers and all workers forced to stay at home to care for their children.

Teachers across Canada have begun organizing to fight for this program in the Cross-Canada Educators Rank-and-File Safety Committee. Teachers, workers, parents and students who want to join this struggle, in alliance with their class brothers and sisters in the US and around the world can contact the committee at [cersc.csppb@gmail.com](mailto:cersc.csppb@gmail.com) or visit its Facebook Page .



To contact the WSWS and the  
Socialist Equality Party visit:

**[wsws.org/contact](https://wsws.org/contact)**