

Bill 3: A threat to solidarity and full and complete union representation

As part of the special consultations and public hearings on Bill 3, *An Act to improve the transparency, governance and democratic process of various associations in the workplace*



Foreword

The Fédération interprofessionnelle de la santé du Québec-FIQ, founded in 1987, is a labour organization dedicated to the representation and defence of the rights and interests of nearly 90,000 nursing and cardio-respiratory care professionals. It represents the vast majority of nurses, licensed practical nurses, respiratory therapists and clinical perfusionists working in the health and social services institutions across Québec.

The FIQ is a feminist organization composed of nearly 90% women, who are healthcare professionals, public and private network employees, and citizens who use healthcare services. It is actively involved in promoting and defending women's rights, while publicly denouncing injustices.

A staunch defender of social gains, equality and social justice, the FIQ works to improve the working and practice conditions of its members, as well as the quality of care provided to the population. It is also an essential pillar in the protection and promotion of Quebec's public health network.

As first-hand witnesses of how the healthcare system operates on a daily basis, FIQ members bring rich and diverse expertise thanks to their varied experiences with multiple beneficiaries of the health and social services network.

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Summary

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Bill 3, tabled by the Government of Québec, introduces provisions that threaten the full and complete representation of members. By imposing optional union dues, which would force unions to finance certain activities, such as legal challenges, awareness-raising campaigns or participation in social movements, with separate funds submitted to an annual secret ballot vote, the government is trying to weaken the collective strength of unions and reduce their ability to take action on issues that are important to Quebec society.

This bill, presented under the pretext of transparency, reveals a lack of understanding of the role and functioning of unions and is part of an effort to tarnish their reputation in the eyes of the public. It also compromises the democratic principles that underlie union life by imposing mechanisms that divide rather than strengthen collective participation. The FIQ believes this is a direct attack on freedom of association. The FIQ condemns this government interference which undermines union solidarity and the unions' ability to defend their members.

Introduction

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Bill 3 is one of a series of bills aimed at weakening any countervailing power, including those of the courts and the ability of members of civil society to turn to them to address government abuses and its failure to respect fundamental rights.

With this bill, rather than improving workers' rights, particularly the right to association, the government is opening a loophole and weakening them. Furthermore, it imposes a hierarchy of rights, and, by extension, a division of fundamental rights. Government interference in the internal affairs of labour organizations undermines representative union democracy and its autonomy.

In concrete terms, Bill 3 aims to defund labour organizations, which historically have enabled, and continue to enable today, workers' voices to be heard and advance society as a whole. Without the labour movement in Québec and allied civil society groups, there wouldn't be pension plans, occupational health and safety norms, a decent minimum wage, the right to strike and collective bargaining, pay equity, maternity and parental leaves, childcare centres, the right to have an abortion and accessible sexual health services, fair environmental transition, recognition of care-giving work, etc. No government, or employer would have granted social, economic and educational rights without the struggle of the labour movement.

This brief aims to make recommendations to the Commission de l'Économie et du travail in order to protect the rights of workers in Québec.

Overview of governance

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As a labour federation representing healthcare professionals, the Fédération interprofessionnelle de la Santé du Québec - FIQ developed its rules of governance, and adapts them in an evolving manner, according to the specific needs of the job titles of the workers it defends. The nurses, licensed practical nurses, respiratory therapists and clinical perfusionists work on three shifts (day, evening, night) and often in huge facilities spread over hundreds of kilometres. Moreover, our affiliated unions and the Federation must ensure that they have governance rules that meet these specific requirements.

As such, since their creation, the FIQ affiliated unions and the Federation itself base their rules of order, notably those regarding governance and the rules that apply to their general assemblies and federal councils, on the main elements of the Code Morin: Procédure des assemblées délibérantes¹ (Procedure for deliberative assemblies). These sets of rules are, in several respects, more demanding in terms of governance than what is set out in Bill 3, particularly, for example, with regard to the voting threshold for adopting and amending the constitution and bylaws. These procedures already cover all the conditions mentioned in the legislative proposal², but they are tailored to the operations and needs expressed by the members³ of the Federation and its affiliated unions.

Voting over a 24-hour period? Yes, but not indiscriminately

On several occasions, the FIQ and its affiliated unions have used different voting methods depending on the subject, the specific schedules of its members (day, evening, night shifts) or the circumstances surrounding the decisions to be made. These can be voting at general assemblies, over one or more sessions, in person or virtually, voting spread over 24 hours or even longer, electronic referendum votes or by ballot boxes at different locations, or any other method now offered by technology.

¹ Victor Morin, Code Morin – Procédure des assemblées délibérantes, Éditions Beauchemin, 1938.

² Section 3 (20.3.3).

³ FIQ, Constitution and Bylaws, June 2025, [[fiq-constitution-and-bylaws-2025-06-final.pdf](#)]

Impossible for recurring votes

However, Bill 3 introduces the obligation to hold secret ballots over a period of 24 hours, in particular the ballot on the “optional” union dues.

This situation would force voting to be held outside of general assemblies, for decisions that recur year after year, and sometimes several times in the same year. However, general assemblies are the ideal place for sharing information and holding the debates and discussions necessary for informed decision-making. Moreover, in many circumstances, the format provided for in Bill 3 will prove unsuitable for many organizations or local situations, thereby generating significant additional costs for members. It goes without saying that the democratic procedures set out in the constitution and bylaws of each organization are already designed to encourage the greatest possible participation in decision-making in the most appropriate circumstances.

The bill, as enacted, demonstrates a lack of understanding of Quebec’s union structures and how they operate, even though these structures were developed by the workers themselves. For example, organizing general assemblies at multiple locations and times can ensure not only that all voters have access, regardless of their shift, but also that they are aware of the issues involved in the decisions and can therefore vote with full knowledge of the facts. In fact, these methods can be demanding in terms of time and logistics, sometimes involving visits to different facilities or preliminary information assemblies by union teams, but above all, they ensure the seriousness and integrity of the decisions that result. Above all, it is up to members to make this choice for their own benefit, depending on the complexity of the issues under discussion and their scope in time.

As such, the Federation agrees with the argument that voting over a 24-hour period may be beneficial for certain issues and in certain circumstances. However, Bill 3 ignores these conditions and imposes secret ballots over 24-hour periods on all labour organizations, thereby replacing members who already have the power to adopt governance rules that they consider appropriate to their circumstances.

A vote over 24 hours on “optional” union dues: a departure from democracy

Furthermore, the obligation to hold a vote over 24 hours on the issue of “optional”⁴ union dues presents a particularly critical challenge. The bill introduces a significant inconsistency by requiring a 24-hour vote on the “optional” dues by all employees in the certification unit, while the “principal”⁵ union dues must be voted on at a general assembly by only those members present at that assembly. Union dues and the activities they fund form a whole and must be explained and understood as a whole. It is therefore impossible to allow two separate and different groups, one of which will not have heard the explanations provided at the general assembly, to vote at two different times on such an indivisible subject.

It is necessary to distinguish that the response to a strike vote or the adoption of a collective agreement is of a referendum nature (for or against), which is not the case for the vote on “optional” union dues. For example, the intrinsic elements of the “optional” union dues, i.e. the determination of its percentage in relation to the total union dues and the nature of the activities to which it would be allocated must be presented by the elected union officers and facilitate discussion and questions. Members must be able to discuss and, if necessary, correct or amend the recommendation. However, this entire democratic process must be carried out at a general assembly in order to enable this process.

Recommendation 1

The FIQ recommends:

- ◆ Removing the 24-hour time period for voting.

⁴ Section 7 (47.0.3. par. 3).

⁵ Section 2 (20.1.1.).

An unclear regulation

Even if we know that the certified associations of workers already have constitutions and bylaws that stipulate the elements covered in subparagraphs 1° to 3° in the new section 20.3.3 on the unions' constitutions and bylaws⁶, Bill 3 now requires all labour organizations to adopt a minimum constitution and bylaws template. In addition, the government grants itself the power to add, by regulation, additional requirements to those set out in paragraphs 1 to 3 of this new section⁷.

What's more, it stipulates that in the absence of this information, the conditions chosen by the government in its regulation will apply in place of the union's constitution and bylaws. So, after the bill is passed, could the government force the addition of further details to those already set out in Bill 3?

The constitutions and bylaws are the foundation of labour organizations, and the latter need predictability in order to inform their members and adjust their practices as necessary. These are guidelines that cannot be subject to the vagaries of changes in government and must reflect the identity of the members who make up the union. Current legislation obliges unions to define their constitutions and bylaws and to inform their members. Afterwards, the responsibility for defining these procedures should lie with the workers who establish and run their organization.

Recommendation 2

The FIQ recommends:

- ♦ Maintaining the provisions of current legislation.

⁶ Section 3 (20.3.3. subpar. 1).

⁷ *Ibid.*

Issues of transparency

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Transparency, particularly financial transparency, is essential to maintaining the relationship of trust that unions must have with their union members. It is for this reason that all unions, federations, associations and confederations are already subject to and comply with the requirements of the *Professional Syndicates Act* and the *Labour Code*.

These include the obligations to:

- ◆ Disclose the names of the directors and the union's bylaws;
- ◆ Set the amount of the union dues;
- ◆ Keep a register with the minutes of assemblies and board of directors meetings;
- ◆ Produce a statement of the union's revenues and expenses and a statement of its assets and liabilities;
- ◆ Maintain accounts so that each type of service and benefit can be administered separately and be subject to separate funds;
- ◆ Disclose the financial statements to its members each year and provide a copy free of charge to any member who requests it.

Internal audit committees: a best practice by and for union members

Furthermore, the FIQ and the majority of its 31 affiliated unions have implemented internal audit committees or finance oversight committees. These are composed of elected members, released from their jobs at least once a year to ensure that the union's revenue and expenses comply with the decisions and budgets adopted by the general assembly of members. The committee must also analyze the major differences in the budget, verify that expense and salary policies comply with those in force and has full discretion to ask questions of their union representatives. These committees must also produce a written report and present it in a general assembly every year. This is the most democratic and accessible practice possible, produced at low cost, by and for the workers.

Transparent practices already in place and working well

The majority of FIQ affiliated unions also submit their financial statements for external audits. All the unions then present them to the members in a general assembly. The members can then ask questions about the expenditures, demand explanations and table recommendations for the following year. The same logic applies to the Federation, which submits its financial statements annually, audited by a full audit, to its elected union delegates meeting in a federal council. In turn, delegates may question expenditures, add requirements for future financial years or propose new presentation formats. Then, the financial statements may be adopted or not, then made public via the FIQ's web publications.

Despite the presence of transparency requirements in the *Labour Code* for many decades, there have been no criminal convictions under the *Labour Code* for non-compliance with constitutions and bylaws or in connection with union financial statements. Similarly, the Administrative Labour Tribunal has only once had to order a certified association to provide one of these items. Consequently, the FIQ is of the opinion that transparency of financial statements or constitutions and bylaws is not a real or widespread problem, nor one that requires intervention by the legislature or the courts.

Increased bureaucracy and administrative burden

In view of what is already required by current legislation, certain elements introduced by Bill 3 do not add any value in terms of transparency. On the contrary, they would only increase union bureaucracy and costs.

Requirement to include the names of committees and bodies established in the constitution and bylaws

The requirement to include the names of committees and bodies established in the constitution and bylaws would, for example, oblige organizations to amend their constitutions and bylaws each time a new committee is set up. However, as democratic organizations, unions can set up ad hoc (non-permanent) committees of members and union representatives to collectively reflect on a specific issue or make recommendations to their governing bodies in specific contexts.

Moreover, with each reform of the health network, the FIQ has brought together union representatives from different regions of Québec in an ad hoc committee to establish the direction our organization would take in the context of new structures. Committees were also set up to consider issues specific to particular circumstances. Obviously, these temporary structures are subject to a vote to decide on their creation and structure, and must report on their activities to the entire delegation. However, just like reforms, these committees come and go, are created and dissolved at the end of their mandate. It would be an unreasonable administrative burden to amend and adopt the constitution and bylaws each time this occurs, in addition to undermining the credibility of a process for amending the constitution and bylaws, which must be stringent.

Report on the use of financial resources

The report on the use of financial resources introduced in Bill 3 is also a significant increase in bureaucracy for the unions and the Federation. Of course, the FIQ already discloses the items provided for in the relevant sections of the bill in its annual financial statements⁹. Although this information is not presented in the form of a report as arbitrarily defined by the legislator in Bill 3, each budget item may be broken down at the request of members or affiliated unions in order to provide accurate information on the expenses of elected officials. Recommendations can also be made, at all levels of the organization, so that the presentation of the financial statements reflect the information that the members want to know.

The time wasted by elected officers and union representatives in complying with new legal requirements that do not result in added value for members, such as those outlined above, constitutes a net loss of service for members and affiliated unions.

⁹ Section 8 (47.1.2.), excluding the information on the “optional” dues as this is not in force.

Increase in costs for members

In addition to inflating union bureaucracy, additions to Bill 3 could cost members dearly.

The FIQ is pleased to note that the legislator has partially adopted the recommendations made by several unions during the review of Bill 101 to adjust auditing requirements according to the number of members. However, Bill 3 introduces new details regarding the nature of these external audits (review or audit), which may significantly increase the costs associated with this exercise for affiliated unions.

As previously mentioned, the majority of FIQ affiliated unions and the Federation itself, submit their financial statements to accounting audits by external firms. That being said, the type of audit performed depends on each union's needs. The sole criterion of the average number of employees in the certification unit is not sufficient to determine the appropriate type of audit. The total value of union dues, property ownership, and the value of the annual budget should also be considered when choosing a type of accounting audit. All these criteria vary from one union to another and attest to different accounting needs. Therefore, it's up to the members to determine the type of accounting exercise that suits them and the budget they wish to allocate to it. It's the members dues that will pay the accounting fees, therefore it's essential that they have their say in it.

Recommendation 3

The FIQ recommends:

- ♦ Maintaining the obligations currently set out in the *Professional Syndicates Act* and *Labour Code* with regard to financial transparency;
- ♦ Allowing union members to determine for themselves the nature of the accounting audit to which they want to subject their financial statements.

An unenforceable will

Bill 3 stipulates the requirement that “a union, federation or confederation [...] must produce a report on the use of its financial resources for the preceding fiscal year, which must be presented annually to the members of the certified association with which it is affiliated [...]”¹⁰. It is also stipulated that a “union, federation or confederation must prepare its financial statements [...] and present them at a meeting to the members of the certified association that is affiliated with or belongs to it [...]”¹¹.

Despite the desire for transparency that underpins this directive, it does not stand up to scrutiny. It is unreasonable to require the Federation to present its financial statements and an eventual report on the use of the financial resources to all 90,000 members meeting in a general assembly. Can we imagine the complexity of the assembly processes required to set up this type of event? And we can only estimate the cost of such a manoeuvre to be far greater than the benefits that members would derive from it.

Furthermore, this requirement is incompatible with the FIQ’s union structures, as it does not hold the accreditation certificates of the affiliated unions and it cannot convene the 90,000 members of the unions it represents. Similarly, the FIQ cannot attend a union meeting convened by an affiliated union unless invited to do so, due to the autonomy of its affiliated unions. Once again, this requirement demonstrates the government’s lack of understanding of union structures and the democratic bodies that comprise them.

As previously noted, the FIQ is already required, by its constitution and bylaws, to present its financial statements to its affiliated unions at the federal council each year. This is the decision-making body at the Federation level. The affiliated unions’ financial statements, including the information on the amount of union dues paid to their federation, are presented and voted on in a general assembly of members, their decision-making body.

¹⁰ Section 8 (47.1.2. par. 7).

¹¹ Section 8 (47.1. par. 4).

It must be noted that it is both legally impossible, in view of the accreditation certificate, and technically impossible to apply the provisions of Bill 3 concerning the presentation of financial statements by a federation.

One mission, one union dues

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The next section of the brief addresses the core of Bill 3, namely the government's arbitrary division of union dues into two parts. The first part of the dues is named "principal" and the second is intentionally described as being "optional".

The first would be used to finance activities "directly" related to working conditions, the negotiation or application of the collective agreement, the promotion or defence of rights conferred by law, and the rights and obligations of the union or federation in the normal course of its activities. The second would be used to support all other activities carried out by labour organizations in accordance with their mission, including any other legal action or representation or activities leading up to such action, any challenge to laws, regulations, decrees or ministerial orders, or any other advertising campaign or participation in a social movement.

Indivisible dues

By dividing union action in this way, based on its narrow and paternalistic view of workers' interests, the government is undermining representative union democracy by imposing its own hierarchical definitions of union rights on members in order to reduce their bargaining power vis-à-vis an employer who acts as a legislator. However, the definitions of a union set out in the law do not allow for the trivialization of entire areas of collective action, which is central to the *raison d'être* of a union. The definition given to an association of employees in the *Labour Code* is:

"a group of employees constituted as a professional syndicate, union, brotherhood or otherwise, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and particularly the negotiation and application of collective agreements¹²."

¹² *Labour Code*, section 1. Online [<https://www.legisquebec.gouv.qc.ca/fr/document/lc/c-27>], viewed on November 12, 2025.

It should also be noted that the *Professional Syndicates Act* stipulates that the exclusive object of unions is:

“the study, defence and promotion of the economic, social and moral interests of their members¹³.”

Thus, under the two laws that spell out the rights and constitution of unions, it has always been agreed that no distinction should be made between the union’s mission to defend the economic interests of its members and that of defending their social, moral and educational rights. On the other hand, the union must not merely defend or safeguard these interests, but must also develop them, which involves much more than simply submitting grievances.

In this context, introducing separate dues, adopted by different groups and in different contexts, to fund an indivisible mission would undermine any collective study, defence, preservation or development. An analogy comes to mind: could a population have a say in how a democratically elected government uses the money collected through income taxes? Could we, as citizens, support the government’s mission to fund public services, but refuse to pay our taxes when they are used to fund private companies? The answer is clear: it is impossible. The government’s mission is not fragmented, it is a whole. Just like that of labour organizations.

Unfortunately, by introducing new restrictions on union activity in vague terms such as the “normal course of activities”, this bill breaks up union action and opens the door to even greater interference by third parties in determining which union activities can be considered “normal”. This will also lead to endless legal debates in order to define the “rights conferred by an Act or a collective agreement” which the bill refers to and what constitutes the “promotion or defence” of these.

The government: both legislator and employer

For unions such as the FIQ, which represent government employees, it is often difficult to distinguish between an intervention or representation made within the context of an employer-employee relationship and a social movement-government dynamic. The government regularly uses its

¹³ *Professional Syndicates Act*, section 6. Online [<https://www.legisquebec.gouv.qc.ca/fr/document/lc/s-40>], viewed on November 12, 2025.

executive, legislative and regulatory powers to gain an unfair advantage in labour relations and enjoy bargaining power that no private employer can hope to have. Finally, government policies have direct impacts on our members who are part of the government apparatus.

Therefore, denouncing the privatization of the health network: is this an initiative in protecting our members' jobs whose positions could be threatened or rather a larger societal issue? What about a decree, a law, a regulation or a ministerial order which would affect the healthcare professionals' working conditions, such as the 2020-007 ministerial order during the pandemic which changed the working conditions set out in the collective agreements? How can the actions of employers be separated from those of the government?

Such vagueness only benefits employers and the government, as it greatly limits the ability of unions to organize effectively and quickly in response to decisions that have significant and lasting impacts on their members, their families and the society in which they live.

An intentional derogatory description

Describing part of the union dues as "optional" implies that the government considers defending moral and social rights and access to the courts to be "optional" rights that can be abandoned. The government's intention therefore prejudices the debate and undermines the defence of fundamental rights.

Were the union struggles for the right to have an abortion or for the creation of subsidized childcare facilities "optional" for our society? However, according to the logic of Bill 3, these major gains of the Québec model would be considered "optional" areas. If unions were able to wage these battles and achieve these gains, it's because they were adequately funded. Defunding labour organizations by suggesting that a part of their funding is optional amounts to depriving civil society of a strong voice and the power to advance society at a time when the government is withdrawing from social causes and reducing funding for community groups that fill the gaps in the social safety net.

Members already have the power to choose

That being said, the FIQ believes in the convictions of its members. As such, if the members themselves chose to no longer use their dues for such purposes, they already have the power to do so if they are not interested in it, by tabling a recommendation at their general assemblies or at a federal council. They can express their views during debates, make counter-proposals, amend a recommendation, and, finally, vote.

Inalienable right to appeal to the courts (and to have the financial means to do so)

Considering legal challenges as part of so-called “optional” actions directly infringes on the right to take legal action. It should be noted that the right to take legal action is a fundamental right set out in the *Constitution*, the *Labour Code*, the *Code of Civil Procedure* and in the *Professional Syndicates Act*¹⁴. Only the courts can order the government to stop violating the economic, moral, social and educational rights of our members, to comply with the law and to compensate for the damage suffered.

How can a union predict the cost of challenging a law or decree and have it approved by its members at the beginning of the financial year, even before the legislation has been tabled? The sums required to access justice are enormous and must be available to unions that deem it necessary to initiate legal proceedings. Returning to the members for a vote, potentially several times, to confirm the organization’s choices is absurd. While Bill 3 does not prevent challenges as such, it does reduce access to them by imposing barriers to the financing of the process, which amounts to limiting the exercise of this right.

This is even more worrying when the legislator clearly states that it wants to regulate any activity prior to the filing of legal proceedings.

¹⁴ Section 9.

All of this indicates a desire on the part of the government to complicate all funding by making the consultation and approval process excessively complex, exhausting and difficult for members to understand.

Transitional provisions

The bill goes even further by limiting the use of dues collected prior to its assent. In fact, according to Bill 3, dues already paid cannot be used for activities covered by the “optional” dues more than six months following the bill going into effect, without the members’ agreement.

The backdating poses a real feasibility issue, as it is impossible to determine the amounts that an organization can or cannot allocate to its so-called “optional” activities, since this distinction did not exist at the time when members paid these dues. In our opinion, it is unacceptable to limit the ability of unions to use the dues they have already collected before assent of the bill, knowing that the deduction and use of these amounts were already authorized by the members. Once again, this is a roundabout way of undermining the collective power of workers to join forces and make demands.

Recommendation 4

The FIQ recommends:

- ◆ Removing sections 6, 7, 8, 22 to 25 (introduction of the concepts of “principal” dues and “optional” dues);
- ◆ Alternatively, removing the sections on transitional measures;
- ◆ Commissioning a group of experts to draft a set of best practices for labour organizations;
- ◆ Commissioning a group of experts to draft an educational guide for unionized employees to inform them of their rights, union practices and their recourses in the event of dissatisfaction, dispute or complaint.

Conclusion

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Are all union practices exempt from criticism in all cases? Of course not, they can be improved. However, as the FIQ has stated in this brief, it is important to remember that the tools needed to improve union democracy already exist in current legislation. There needs to be greater support for the members' ability to engage with their union structures: to find out about financial statements and how their union uses their union dues, to ask questions, to bring about change if they are dissatisfied and to assert their rights if they feel they have been wronged.

Unions are created by and for workers. And it is to the latter, and only to them, that they must be accountable, and it is to them that they are also indebted.

It is clear to the Federation that union action cannot be divided. Québec unions have always played a central role in Québec society and this role should not be undermined by the government. The autonomy of labour organizations is a bulwark of democracy. It is, moreover, as an agent of social change that the FIQ is participating in this debate and speaking out on behalf of the 90,000 members it represents.

The Federation would like to draw attention to the repeated attacks against civil society organizations. We call on the government to reconsider its position and step back from government interference in the internal affairs of organizations that defend workers. Furthermore, we call on the government to listen to the proposals put forward by organizations representing workers. We believe that social dialogue is more necessary than ever.

Recommendations

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