



The RADIEM (Coalition for the Abolition of Decrees in the Public building Cleaning Industry) is asking for more transparency and accountability from the CPBS (Parity Committee for the Building Services in Montreal)

The CPBS of Montreal PRETENDS ...	The RADIEM MAINTAINS ...
<p>That the RADIEM is conveying falsity and is an organization whose actions jeopardize the industry. It also states that the objective of RADIEM is to ensure that « everybody is free to wrongly use subcontracting to avoid the rules of decrees. »</p>	<p>With the help of detailed research and serious investigation on that matter, the RADIEM gathered information about the issues concerning the governance, the ethics, the partiality and the accountability of the CPBS.</p> <p>The research lead by the RADIEM helped elaborate recommendations presented in the statement of case over the draft bill 53¹, presented to the Committee on Labour and the Economy on October 18th 2016. http://www.assnat.qc.ca/fr/video-audio/archives/parlementaires/travaux-commissions/AudioVideo-69501.html</p> <p>The statement of case of the RADIEM can be seen on the website of the General Assembly of Quebec, or on the site of the RADIEM http://radiem.ca/</p> <p>The RADIEM is not the only organization to present such recommendations; other recognized associations are sharing them as well.</p>

¹ An Act to update the Act respecting collective agreement decrees mainly to facilitate its application and enhance the transparency and accountability of parity committees.

The CPBS of Montréal PRETENDS ...	The RADIEM MAINTAINS ...
<p>That the RADIEM is leading a fight to unsettle the industry, advocating an economic activity « without restrictions ».</p>	<p>The objective of RADIEM is:</p> <ul style="list-style-type: none"> - To clean up the work climate; - To guarantee that all actors of the industry are treated equally; - To establish an atmosphere of healthy competition. <p>The RADIEM wants to make sure that the restrictions in the industry are not arbitrary or excessive, while fighting against unfair competition.</p>
<p>That the RADIEM represents less than 1% of the industry, and that « <i>the lack of transparency of the RADIEM</i> » avoids the CPBS to know the exact number of companies that are part of the movement.</p>	<p>The RADIEM counts as of today more than 150 companies. The anonymity is respected to protect them from any reprisal from the CPBS.</p> <p>The number of members of the RADIEM is 10 times bigger than the number of members of the A.E.S.E.Q.², counting 15 companies. However, they oversee the negotiation of decrees for the whole industry. Moreover, companies that are members of the A.E.S.E.Q. employ 100 people or more, while 80% of employers of the industry are counting <u>less than 10 employees</u>.</p> <p>The RADIEM is asking for a better representation of all actors of the industry, including the smaller ones.</p>

² L'Association des entrepreneurs de services d'édifices du Québec, or the Quebec Building Service Contractor Association.

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<p>That it is respecting its duties and offering the possibility on its site to see the summary of the amounts transferred to the fiduciary of pension.</p>	<p>The RADIEM notices the efforts made by the CPBS in updating its site to increase the transparency, and notices that information revealed is a step towards the right direction. However, information is still incomplete and extremely concise.</p> <p>The RADIEM suggests that the CPBS implements the other recommendations formulated in its statement of case about the presentation of accounts and transparency.</p>
<p>That it is possible to see all the results on: www.cpeep.qc.ca/pages/stats</p>	<p>A better presentation of the accounts would include a publication of the agenda of the committee, its official reports and its detailed financial statements.</p> <p>The CPBS should also communicate the information asked according to the law over the access³ by the companies and private individuals who are requesting it.</p>
<p>That it would have never stepped in or will never step in the bidding process.</p>	<p>How can the CPBS maintain such an argument despite the judgments rendered by the Superior Court and the Court of Appeal of Quebec?⁴</p> <p>As per the courts, the CPBS of Montreal stepped in illegally over the years in the bidding process, using its privileged position and exceeding its powers to interfere in the submission process.</p> <p>Also, some members of the RADIEM had to give a copy of their contract with their clients to the CPBS. These members noticed that the confidentiality of that information had not been respected.</p>

³ Act respecting access to documents held by public bodies and the protection of personal information (A-2.1)

⁴ 2014 QCCS 1360 (CanLII) and 2015 QCCA 1861 (CanLII)

The CPBS of Montréal PRETENDS ...

The RADIEM MAINTAINS ...

That 2016, during penal proceedings, it would have collected only 129 000\$ in fines, which represents a tiny part of its revenue.

This allegation is refuted by the numbers revealed by the Ministry of Justice⁵, demonstrating that the CPBS collected **391,529\$** for 2016 following penal proceedings. Over the last eight years, almost 2000 penal proceedings took place, and it comes up to the amount of **3,238,257\$**, contributing to the coffers of the CPBS!

These amounts do not represent the total amount of money collected during penal proceedings, because it is excluding the money collected from guilty pleas. In the context of crisis hitting the Penal System following the judgment Jordan⁶, the RADIEM notices that CPBS is multiplying proceedings and is questioning the validity of the role of pursuer taken by the CPBS, as well as its partiality.

That's why the RADIEM recommends that the penal proceedings would be lead by an independent organization such as the CNESST or the DPCP, and that the money collected would not be going back to the CPBS, but would be going straight away to the Government.

The CPBS maintains that the System of decrees and the Law over the decrees of collective convention aims:

-Good working conditions for employees and a social protection system;

-That everybody, employee and employer, is respecting its duties according to the fiscal laws.

The RADIEM notices that the System of decrees from 1934 was never deeply modified, despite the numerous changes transforming the work relationships since then.

The RADIEM **recognizes the importance of protecting the work conditions of employees**, and suggests considering the social aspect offered by the Government and numerous laws protecting workers' rights.

The RADIEM is requesting that the powers of administration of decrees, should they subsist, would be given to the Government, a **neutral body**, so that nobody would suffer from discrimination from CPBS.

Finally, the RADIEM notices that the CPBS is overstepping the mission given by Law, by interfering in fiscal laws whose management is under the responsibility of the Government, having to act with impartiality and ethically.

⁵ Answer of the Ministry of Justice of Quebec to the request over the access to communicated information of July 5th 2017.

⁶ R. c. Jordan [2016] 1 RCS 631

That it is never acting arbitrarily when taking decisions.

The RADIEM deplors that the CPBS is proceeding arbitrarily and without sharing its evaluation criteria to give or refuse the status of subcontractor. How can the CPBS justify such a lack of transparency?

The RADIEM requests that the annotated decree and other tools on which it relies on to take decisions should be unveiled.

The RADIEM suggests as well that Revenue Quebec or CNESST, as impartial and neutral bodies, would be in charge of determining the status of the employer.



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