

Are Student Strikes Legal?

It is important to begin with the affirmation that all that is not prohibited by the law is legal. While the Quebec Labour Code limits the rights of workers to strike to certain circumstances, no such law governs student strikes. **Because no such law specifically governs student strikes, the only applicable legal texts are the statutes and regulations adopted by the student organisations themselves. These statutes and regulations are required to comply with Quebec's Companies Act, which governs the legal framework of non-profit organisations.** Student strikes are therefore compelled to respect the provisions of the statutes and regulations of the student associations regarding the launching and continuation of the strike (quorum for the general assembly, delays to be respected for the notice of the general assembly). **Student strikes are thus legal if they respect the statutes and regulations of the student associations that vote them into effect.**

While student associations and labour unions are not governed by the same laws, it is helpful to remember that both types of organisations have similar structures and that the principal objective of student associations, like labour unions, is to defend the interests of their members while giving them the opportunity to take a collective position on the issues that concern them.

Moreover, once the ultimate deciding body of a student association (usually the general assembly) takes a decision in favour of a strike, the executive committee of the association in question has therefore the mandate to carry out the democratic will of the general assembly. The members of the executive committee should assure that the strike is effective and that classes are not held.

The refusal to recognize the student strike by the university administration is necessarily a political strategy that aims to put an end to the strike as quickly as possible. It is indeed the very essence of the strategy of student strikes to put economic pressure on the university administration and, in this manner, on the government. That is why it is important to not be misled by affirmations lacking in legal basis coming from the university and collegial administrations.

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