



The Brief

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RCMP shrugs off findings it acted illegally at Rexton raid against shale gas protesters

By JIM EMBERGER



RCMP officers block Highway 126 in Rexton, near the site of a shale gas protest, on June 5, 2013.
Photo by Roy MacMullin.

The RCMP is refusing to accept several findings made by the Civilian Review and Complaints Commission on the RCMP response to the 2013 RCMP raid on the anti-shale gas camp in Rexton, New Brunswick.

Among the Commission’s findings were that the RCMP violated citizens’ Charter Rights on issues of warrantless searches, stops and spot checks, and the retention of personal and social media data gathered by the RCMP, even after it was established that an individual was cleared of any criminal or security concerns.

The final report, released on Nov. 12, comes seven years after the New Brunswick Anti-Shale Gas Alliance called for the investigation.

Without offering any new evidence to support its views, the RCMP rejected the Commission’s findings. In fact, it clearly implied that only the RCMP could judge the constitutionality of actions by its officers.

So, if it can simply dismiss the Civilian Review Commission, is the RCMP accountable to anyone outside of its own ranks?

That the report took seven years to complete is an obvious failure of the system, and emphasizes that ‘justice delayed is justice denied.’ Except for those who were there, few may remember much about the event beyond pictures of burning cars.

Many who testified before the Commission as eyewitnesses may read this report and marvel that some of its conclusions directly contradict their testimony. This was especially true in instances where it was alleged that the RCMP arrested Indigenous protesters, while they only dispersed non-indigenous protesters.

The Commission concluded that this did not occur, primarily because there was no supporting video evidence, and so simply resolved this issue in favour of RCMP claims.

Multiple witnesses, who independently testified about such events (myself included), will not accept the conclusion that they didn’t occur, whether or not they were widespread or videotaped.

This report also cast doubts on the RCMP’s competence and judgment. The Commission found that RCMP negotiators had reached an agreement with the protesters to calm down the tense situation, just as the tactical force was finalizing the next morning’s raid. Had the two groups actually just talked with each other, the entire incident may have been avoided.

A primary reason for justifying the raid was ‘unverified rumours’ of weapons at the protestors’ encampment. Yet the RCMP’s own testimony revealed that its infiltrators, vehicle spot checks, personal searches and continuous surveillance had not turned up a single observation of any firearms. They had simply ‘heard rumours’ about weapons.

The RCMP also admitted that it made a tactical error in letting several police cars remain unmanned, which led to them being burned. The implication at the time was that they were burnt by protesters.

Credible witnesses testified that non-indigenous people, unknown to local residents, were able to approach and burn the cars and escape, without any intercession by the RCMP. As no perpetrators were ever identified, the Commission attributed the incident to a RCMP error, and they didn’t attribute the burning of the cars to the protesters or anyone else specifically.

They did, however, dismiss the possibility that it was the result of agent provocateurs, based solely on the RCMP saying so. So, incompetence or coverup? We’ll never know.

If one thinks that such speculation is a step too far, then I would suggest they read some academic research on this topic such as, *Policing Indigenous Movements: Dissent and the Security State* by Andrew Crosby and Jeffrey Monaghan. The book covers four Indigenous movements, concluding with the raid on the anti-shale gas camp near the Mi’kmaw First Nation of Elsipogtog in Rexton.

To quote from the book’s promotion, it “raises critical questions regarding the expansion of the security apparatus, the normalization of police surveillance targeting social movements, the relationship between police and energy corporations, the criminalization of dissent and threats to civil liberties and collective action in an era of extractive capitalism and hyper surveillance.”

It also provides context to the Commission report, which focuses solely on RCMP actions. We should not lose sight of, nor excuse, those who were ultimately responsible for this tragedy.

New Brunswick’s Alward government refused for years to engage in discussions with a united province-wide opposition, despite huge demonstrations, petitions from tens of thousands of citizens, and expert testimony. Its intransigence and obvious collusion with the gas industry, led directly to the raid at Rexton. Ironically, that may have been the event that finally doomed shale gas and spelled the end of the Alward government.

Unfortunately, current events, like the RCMP’s violent actions against Wet’suwet’en opposition to the Coastal GasLink LNG pipeline in BC, and its failure to protect Mi’kmaw fishers in Nova Scotia, illustrate that government practices that allow the RCMP and the security services to abet corporate interests (especially fossil fuels) continue unabated.

Commercial rights continue to supersede personal rights, and especially treaty rights, in a peculiar and twisted hierarchy of justice overlaying a barely hidden foundation of racism.

The RCMP’s contention that it is the sole arbiter of the correctness or legality of its actions emphasizes that it, along with the intelligence services, governments, and fossil fuel interests will learn no lessons from the Commission report. And without real accountability they never will.

Jim Emberger is the spokesperson of the New Brunswick Anti-Shale Gas Alliance.

New Brunswick’s proposed new nuclear reactors do not belong in a climate action plan

By SUSAN O’DONNELL

Both the federal and provincial governments claim their plan to fund new nuclear reactors will help to fight the climate crisis. Many researchers disagree.

On October 15, the federal government announced a \$20 million handout to a company with offices in Ontario, the US and the UK to develop its prototype reactor.

Both the Canadian and New Brunswick governments claim that the prototype nuclear reactors will help to tackle the climate crisis. During the October federal funding announcement, Natural Resources Minister Seamus O’Regan stated that prototype nuclear reactors have the potential to play a critical role in fighting climate change.

However, in the same announcement, the Minister confirmed to a reporter that the prototypes will take more than a decade to develop and will contribute nothing toward meeting Canada’s 2030 target for reducing greenhouse gas emissions.

The New Brunswick government has already handed \$5 million each to two nuclear start-ups, Moltex Energy from the UK and ARC Nuclear from the US, to set up offices in Saint John.

The two companies then applied for a combined \$70 million in grants from the federal government to develop their nuclear reactors. The Moltex reactor alone is expected to cost more than \$2 billion to develop, so the initial federal grants, if received, will only be a drop in the bucket.

Last month, an official from the Department of Natural Resources and Energy Development told the *Telegraph Journal* they hope to be able to make an announcement “in the near future” of federal funding for the two companies now based in Saint John. In the same news story, a comment by federal Intergovernmental Affairs Minister Dominic LeBlanc suggested the federal funding might be conditional on the province contributing more money to the nuclear projects.

Small modular reactors (SMRS), the type of nuclear reactors promoted by both the provincial and federal governments, are in particular over-hyped as a climate change solution. The nuclear industry has been promoting SMRs for remote communities and mining sites currently relying on diesel fuel but new research has found the potential market is too small to be viable.

Even if these prototypes work as planned – not a guarantee – no evidence exists that nuclear power will achieve carbon reduction targets and considerable evidence indicates the contrary.

The September release of the *2020 World Nuclear Industry Status Report* confirmed— as did its previous report— that developing new nuclear energy is too slow and uneconomical to address the climate crisis when compared to deploying renewable energy technologies.

In October, research based on data from 125 countries over a 25-year period made a similar finding. Earlier, in December 2019, research from Stanford refuted claims that nuclear energy is zero-carbon. In November 2019, the American business magazine *Forbes* published an article arguing that building new nuclear reactors now actually makes climate change worse.

Canada’s plans to fund prototype nuclear reactors contrast with the European Union’s proposed Green New Deal released in June this year. The European plan specifically excludes investment in nuclear energy because of its environmental implications: all nuclear power reactors, big and smaller, generate dangerous radioactive waste that must be kept isolated from all living things for hundreds of thousands of years.

If prototype nuclear reactors do not belong in a climate action plan, why are the Canadian and New Brunswick governments funding them?

Susan O’Donnell is the primary investigator of the RAVEN project at the University of New Brunswick in Fredericton.

New Brunswick faces severe nursing shortage during COVID-19

By MATTHEW HAYES



New Brunswick is facing a severe nursing shortage over the next five years. These are part of the findings of a report issued by the New Brunswick Nurses Union (NBNU), released October 15.

The report, *The Forgotten Generation: An Urgent Call for Reform in New Brunswick’s Long-Term Care Sector*, states that nursing numbers are slated to drop drastically in the early 2020s, as more than 800 Registered Nurses (RNs) retire from the active workforce.

The report highlights the shortages in the long-term care sector, a sector particularly hard hit in Canada during the COVID-19 pandemic.

The report’s findings echo previous statements by officials in New Brunswick’s health care system.

In June 2019, nine months before the COVID-19 pandemic hit the province, Horizon Health Board Chair John McGarry announced Horizon would have to hire 320 nurses every year for the next five years to keep up with staffing shortages.

However, New Brunswick universities have not received funding to allow them to train enough nurses for those positions.

According to the NBNU, the difference between the number of RNs entering the provincial workforce and those leaving could soon approach 400 nurses annually.

“To avoid the worst-case scenario, [...] New Brunswick must immediately implement comprehensive reform to the way it trains, recruits, and retains its nursing workforce,” the report states.

The report recommends that the government work with University of New Brunswick (UNB) and Université de Moncton to expand the number of nurses being trained in the province. Both universities have already made proposals to that effect, but so far the Higgs government has ignored them.

Administrators at UNB have known of the nursing shortage problem for years and, according to documents obtained through a Right-to-Information request by the NBNU, pleaded with government officials to expand the number of seats in UNB’s nursing program, and in its LPN-RN (Licensed Practical Nurses—Registered Nurses) bridging program.

Not only did the request fall on deaf ears, but at the start of fiscal 2019-2020 year, the Higgs government announced a cost saving measure, cutting \$8.7 million in funding to the province’s nursing schools used to fund nursing grads.

In October, Higgs’s Finance Minister Ernie Steeves announced a \$48.7 million budget surplus for the 2019-20 fiscal period.

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The \$8.7 million in provincial funding—or \$3,300 per student—had helped defray the costs of clinical training for nurses (estimated at UNB to be \$24,000 per year), which have steeply risen in part because of ongoing shortages of clinical staff in the province. Nursing tuition fees have also had to rise as a result, even as nursing seats have had to be restricted.

“Why would the number of seats be reduced when there is an immediate need that will continue long into the future? Don’t we want New Brunswickers to stay in our province and have well paying jobs,” McGarry of Horizon Health says in the report.

The nursing shortage is hitting the province hard in the midst of the pandemic. In the midst of an outbreak of COVID-19 in Moncton, 16 nurses were forced to self-isolate, creating scheduling havoc for nurses that will only get worse as the pandemic continues.

Nursing shortage in long-term care

The report particularly highlights the effects of the nursing shortage on long-term care facilities, where New Brunswick is now seeing acute shortages in the midst of a pandemic, which has severely affected Canadian nursing homes.

A memo from Horizon Health’s human resource officer, Maura MacKinnon on October 7 asked for LPN volunteers at the local Manoir Notre-Dame special care home, where at least 19 cases have been detected.

According to the NBNU, there are only 540 nurses working in the province in long-term care homes (there are about 8,000 nurses in the provincial workforce).

Nursing homes have been routinely cited for breaking minimum staffing regulations, and for not having a registered nurse on duty—sometimes for weeks at a time. New Brunswick regulators have also relaxed oversight of nursing homes’ staffing levels, allowing the industry to voluntarily set levels based on their own assessment of residents’ needs.

“In recent years, some New Brunswick nursing homes have gone up to 43 days without a Registered Nurse on duty, without being written-up by the Department of Social Development, which is completely unacceptable,” said NBNU President Paula Doucet at the launch of the report October 15.

Staffing shortages are especially acute in northern and rural communities, where there is an even greater number of ageing adults in need of care.

Despite the acute nursing shortage in rural areas of the province, most nursing positions in these areas are casual. Casual RNs at New Brunswick nursing homes outnumbered full-time permanent workers by a factor of 5 to 1. Full-time jobs, essential to retaining workers in rural and northern communities, require more public funding which was diverted last year towards debt repayment instead.

As the report points out, the casual workforce helps save money for private care homes.

“Because homes are constantly grappling with uncertain budgets, they try to buy themselves flexibility by maintaining a higher percentage of casual staff, to whom they don’t pay benefits or pension contributions,” the report states.

On top of attrition, the shortage in nurses also contributes to the high rates of burnout and turnover among existing staff.

The report recommends that the province’s nursing program implement more work placements in long-term care facilities, and that the province make ‘real efforts’ to recruit internationally—something they have so far failed to do.

In spring 2019, a year before the pandemic, the Higgs government used the courts to prevent 4,000 long-term care workers from striking for better wages and working conditions.

In December 2019, the province passed Bill 17, preventing nursing home workers from striking.

During the labour dispute, Premier Higgs suggested workers who were fighting for fairer wages should consider moving to Alberta.

Matthew Hayes is a professor of sociology and the Canada Research Chair in Global and International Studies at St. Thomas University.

The Green’s new rent bill: will it protect renters in New Brunswick?

BY SUSAN O’DONNELL

The Green Party of New Brunswick has introduced a bill that includes some measures to protect tenants. Housing critics say more needs to be done for tenants in a province where landlords have almost all the power.

On Friday Nov. 20, *Green Party leader* David Coon (MLA, Fredericton South) introduced Bill 18, the first bill introduced by the Party since the new Legislature opened three days prior.

If passed, the bill would change the Residential Tenancies Act, the law governing the relationship between tenants and landlords. Proposed changes would establish an annual rent increase cap (rent control) and ensure the rent can only be raised once a year for a tenant and not in their first year.

PEI and three other provinces have rent control to protect tenants from large increases. New Brunswick is the only province in which landlords can raise the rent multiple times a year.

The Green’s proposal for rent control aligns with the Common Front for Social Justice recent recommendation to immediately enact rent control. The Common Front criticized the Higgs Progressive Conservative government’s throne speech earlier in the week for its lack of focus on the people on the front lines of the pandemic and the most vulnerable New Brunswickers.

Several weeks before Coon introduced his new bill, Megan Mitton, Green MLA for Memramcook-Tantramar and Party Critic for Human Rights, said in a statement that “housing is a human right.” She added that “large, unjustifiable increases in rent will have negative consequences such as increasing homelessness and deepening poverty.”

Green MLA Kevin Arseneau is advocating for better housing rights in rural communities. His statement in the Legislature on Nov. 20 highlighted the plight of rural renters in his riding of Kent North. The lack of affordable housing worsens the impact of job loss experienced during the pandemic, he said, and negatively affect rural communities.

When introducing Bill 18, Coon referenced the many rent hikes experienced by renters across the province, and his attempts two years ago to also introduce changes to the Residential Tenancies Act. “We need to ensure than tenants who cannot afford large increases in their rents are not left out in the cold without housing this winter,” said Coon.

Housing critics say more needs to be done to protect renters.

“The proposed bill is a step forward, but does not go nearly far enough,” said Aditya Rao, a Fredericton-based human rights lawyer. “It might, in fact, have unintended consequences,” he added.

Rao pointed out that rent control will only work if it applies to vacant units but the proposed Bill 18 would allow landlords to increase rents in between tenancies. He believes this will result in increases above the cost of living and will encourage landlords to evict tenants to circumvent rent control.

“If the legislation does not freeze rents to start, there’s nothing stopping landlords from increasing rents before rent control comes into effect,” said Rao.

Saint Thomas University Associate Professor of Sociology Kristi Allain believes that rent control is only a partial solution to a more systemic problem.

“We need a holistic – not piecemeal – approach to tenants’ rights reform. Evictions remain extremely easy to carry out in New Brunswick because there is no right to maintain occupancy of one’s unit upon the end of a lease agreement,” said Allain.

Both Rao and Allain are calling on the PC government to initiate a complete reform of the legislative framework governing residential tenancies.

After Coon introduced Bill 18, it passed first reading. The hurdles will begin with the second reading and committee debates. The Green’s earlier Bill 10 to protect tenants’ rights did not make it past first reading in 2018 after landlords voiced their opposition to the government.

Housing advocates will be watching to see if this latest attempt by the Green Party to improve tenants’ rights will go further.

Susan O’Donnell is a writer for the NB Media Co-op.



Leader of the Green Party of New Brunswick David Coon introducing Bill 18, An Act to Amend The Residential Tenancies Act, on Nov. 20, 2020.