

NATIONAL ASSEMBLY
Thirty-fourth Legislature, second session

1992, chapter 44

AN ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE DÉVELOPPEMENT DE LA MAIN-D'OEUVRE

Bill 408

Introduced by Mr André Bourbeau, Minister of Manpower, Income Security and Vocational Training

Introduced 11 December 1991

Passage in principle 9 June 1992

Passage 22 June 1992

Assented to 23 June 1992

Coming into force: on the date or dates fixed by the Government

— 1 September 1992: ss. 1 to 15, 47 to 54, 67 to 69, 71 (par. 2), 73 (par. 2), 74, 81, 95, 96
G.O., 1992, Part 2, p. 4379

Acts amended:

Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5)

Taxation Act (R.S.Q., chapter I-3)

Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1)

Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2)

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12)



CHAPTER 44

An Act respecting the Société québécoise de développement de la main-d'oeuvre

[Assented to 23 June 1992]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ESTABLISHMENT AND ORGANIZATION

- 1.** A corporation called the “Société québécoise de développement de la main-d’oeuvre” is hereby established.
- 2.** The Société is a corporation within the meaning of the Civil Code, and has all the powers of such a corporation in addition to those conferred on it by this Act.
- 3.** The Société is a mandatary of the Government.
- The property of the Société forms part of the public domain, but the performance of its obligations may be levied against its property.
- The Société binds only itself when it acts in its own name.
- 4.** The head office of the Société shall be in the territory of the Communauté urbaine de Québec, at the place determined by the Government. A notice of the location or of any change of location of the head office is published in the *Gazette officielle du Québec*.
- The Société may hold its meetings at any place in Québec.
- 5.** The affairs of the Société shall be administered by a board of directors composed of nineteen members, including the chairman.
- The Government shall appoint the chairman. It shall also appoint:

(1) six members representing the Québec labour force, five of whom are chosen after consultation with the most representative associations of employees;

(2) six members representing business, five of whom are chosen after consultation with the most representative employers' associations and one after consultation with the most representative bodies in the cooperative field;

(3) six other members, including one person representing the secondary education sector and another representing the college education sector; these two members are chosen after consultation with the ministers concerned.

6. Each member of the board is appointed for a term not exceeding three years, except the chairman who is appointed for a term not exceeding five years.

At the expiry of his term, a member of the board remains in office until he is replaced or reappointed.

7. The chairman, by virtue of his office, is the chief executive officer of the Société. He shall preside over the meetings of the board of directors, see to its proper operation and discharge any other duties assigned to him by the board.

He is responsible for the administration and direction of the Société within the scope of its policies and by-laws.

8. The Government shall fix the remuneration, social benefits and other conditions of employment of the chairman. The chairman shall perform his duties full-time.

The other members of the board of directors are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to reimbursement of expenses incurred in performing their duties, on the conditions and to the extent determined by the Government.

9. The board of directors of the Société may propose to the Government the appointment of one or more vice-chairmen.

Where the Government decides to make such appointments, it shall appoint the person or persons proposed by the Société or, after consultation with the board of directors, any other person.

Vice-chairmen The Government shall fix the remuneration, social benefits and other conditions of employment of the vice-chairmen.

Term of office **10.** Each vice-chairman is appointed for a term not exceeding five years. At the expiry of his term, a vice-chairman remains in office until he is reappointed or replaced.

Vice-chairmen The vice-chairmen perform their duties full-time and are not members of the board of directors.

Employees **11.** The employees of the Société shall be appointed in the manner prescribed by the Société in its by-laws and in accordance with the staffing plan it establishes.

Remuneration and conditions of employment The standards and scales of remuneration and the other conditions of employment of the employees shall be established by the Société and submitted to the Government for approval.

Conflict of interest **12.** Any member of the board of directors, other than the chairman of the Société, having a direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Société shall, on pain of forfeiture of office, disclose it in writing to the chairman of the Société and abstain from taking part in any debate or decision bearing upon the enterprise in which he has an interest.

Conflict of interest The chairman, the vice-chairmen and the other employees of the Société may not, on pain of forfeiture of office, have any direct or indirect interest in an enterprise which places their personal interest in conflict with that of the Société. However, forfeiture is not incurred if that interest devolves to them by succession or gift, provided they renounce or dispose of it with diligence.

By-laws **13.** The Société may adopt by-laws in respect of the exercise of its powers, the formation of an executive committee and the other aspects of its internal management.

Documents **14.** No document shall bind the Société unless it is signed by the chairman or, in the cases determined by the by-laws governing internal management of the Société, by one of its employees.

Certified documents **15.** The minutes of the meetings of the board of directors, approved by it and certified by the chairman of the board or by any other person authorized to do so by the internal management by-laws of the Société, are authentic. The documents or copies emanating from the Société or forming part of its records are authentic if they are similarly certified.

CHAPTER II

MISSION AND POWERS

Mission **16.** The mission of the Société is to promote and support manpower development and to foster a balance between manpower supply and demand on the labour and employment market in Québec.

Programs **17.** To achieve its mission, the Société shall develop, implement and administer programs within the framework of policies established under the Act respecting the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle (R.S.Q., chapter M-19.1).

Intervention The Société shall thus intervene, in collaboration with the bodies or institutions concerned, where that is the case, in various fields such as vocational training, retraining, reclassification and placement of manpower, as well as in the areas of employment assistance and assistance for human resources management.

Powers **18.** The Société may also, in particular,

(1) define the needs for manpower development in the light of labour and employment market realities in Québec;

(2) define the orientations it intends to pursue with the participation of members of regional boards from among those appointed by the Minister pursuant to section 36;

(3) foster concerted action between management, unions and other social partners, and the establishment of enterprise-based manpower committees, sector-based manpower committees or other committees on which management, unions or the other social partners are represented;

(4) foster the participation of public educational institutions, institutions governed by the Act respecting private education (R.S.Q., chapter E-9) and university-level educational institutions in manpower development activities;

(5) promote the development of various initiatives in the manpower field;

(6) engage in the promotion of its programs;

(7) carry out research, surveys or inquiries;

(8) advise the Minister of Manpower, Income Security and Vocational Training on policies relating to manpower and employment and propose means of implementing such policies;

(9) foster, within the scope of government policies, equity in the labour market for underprivileged persons or groups.

19. The Société shall foster the undertaking of manpower development by regional corporations established under section 30.

20. The programs of the Société may include provision for financial assistance or assistance in the form of services for individuals or enterprises.

The programs shall determine the extent to which they are implemented and administered by the regional corporations.

21. The Société shall submit its programs to the Government for approval and shall not amend or terminate a program except with the approval of the Government. However, in the cases determined in advance by the Government, only the approval of the Minister is required.

22. The Minister may, according to law, enter into an agreement with the Government of Canada with respect to all or part of the administration and application of an Act of the Parliament of Canada relating to the fields of manpower, work income replacement or any other related field.

The Société shall carry out any mandate entrusted to it by the Government in respect of an agreement entered into in accordance with the first paragraph.

23. The Société shall, in addition, administer any program at the request of the Government and carry out any other mandate entrusted to it by the Government in the fields of manpower, work income replacement or any other related field.

24. The Société may, by by-law approved by the Government, determine the fees payable by any person for the use of certain services offered by it.

The Government may, 45 days after having asked the Société to make or amend a by-law referred to in the first paragraph, exercise the power of the Société to make such a by-law. A by-law made under this paragraph by the Government is deemed to be a by-law of the Société.

- Agreements **25.** The Société may enter into remunerated service agreements, in particular with a department or public body.
- Agreement **26.** The Société may, according to law, enter into an agreement with a government in Canada or abroad or a department or body thereof, or with an international organization or a body thereof.
- Contract **27.** In the cases determined by government regulation, no contract may be entered into by the Société within the scope of programs administered by it, except with the authorization of the Minister or of the Government, according to regulatory prescription.
- By-laws **28.** Every by-law adopted under section 13 shall be transmitted to the Minister upon being adopted.
- By-laws The Minister may, within 45 days after transmission, disallow all or part of such a by-law, and that by-law or part of it shall cease to have effect from the date on which it is disallowed. The Minister shall forthwith notify the Société.
- Power of disallowance The Minister may, before the expiry of the period of 45 days, inform the Société of his intention not to exercise his power of disallowance.
- Directives **29.** The Minister may, within the scope of the responsibilities and powers conferred on him, issue directives on the objects and orientations of the Société and on the performance of its functions.
- Directives The directives shall be submitted to the Government for approval. If approved, they are binding on the Société, which is bound to comply with them.
- Tabling Every directive shall be tabled in the National Assembly within 15 days of its approval by the Government or, if the Assembly is not sitting, within 15 days of resumption.

CHAPTER III

REGIONAL CORPORATIONS AND REGIONAL COUNCILS

DIVISION I

REGIONAL CORPORATIONS

- Unit **30.** The Société shall establish a unit within its structure, for every region determined by the Government.

- Unit Each such unit shall be designated by the name “Société régionale de développement de la main-d'oeuvre” followed by the name of the region, or by any other name approved by the Government.
- Duties **31.** Each regional corporation shall
- (1) administer the programs for which the Société is responsible and render them accessible to individuals and enterprises, to the extent determined by the Société;
- (2) establish offices in premises where manpower services are offered.
- Director **32.** A regional council established pursuant to section 36 shall propose the appointment of the director of the regional corporation.
- Appointment The Société shall appoint the person thus proposed or, after consultation with the regional council, any other person.
- Director If no person is proposed by the regional council, the Société shall appoint the director.
- Director **33.** The director of a regional corporation shall perform his duties full-time.
- Term of office The director shall be appointed for a term not exceeding five years.
- Expiry of term At the expiry of his term, the director remains in office until he is replaced or reappointed.
- Director **34.** The director, under the authority of the Société, is responsible for the administration and direction of the regional corporation.
- Resolutions **35.** A regional corporation is bound by the resolutions of the regional council and shall see to it that they are implemented.

DIVISION II

REGIONAL COUNCILS

- Establishment **36.** A regional council shall be established for each regional corporation. It shall be composed of nineteen members, eighteen of whom are appointed by the Minister from among the persons actively involved in the region, as follows:

(1) six members representing the labour force, five of whom are chosen after consultation with the region's most representative associations of employees;

(2) six members representing business, five of whom are chosen after consultation with the region's most representative employers' associations and one after consultation with the region's most representative bodies in the cooperative field;

(3) six other members, including one person representing the school board community and another from the college-level educational institutions community; these two members are chosen after consultation with the communities concerned.

Director The director of the regional corporation is a member of the regional council by virtue of his office.

Term of office **37.** The term of office of a member of a regional council, other than the director, shall not exceed three years.

Expiry of term At the expiry of his term, a member of a regional council remains in office until he is replaced or reappointed.

Chairman **38.** The members of a regional council shall elect a chairman from among their number; the director is not eligible.

Chairman The chairman shall preside over meetings of the council, see to its proper operation and discharge any other duties assigned to him by the council.

Members **39.** The members of a regional council, other than the director, are not remunerated, except in the cases, on the conditions and to the extent which may be determined by the Government. However, they are entitled to reimbursement of expenses incurred in performing their duties, on the conditions and to the extent determined by the Government.

Conflict of interest **40.** Any member of a regional council, other than the director, having a direct or indirect interest in an enterprise which places his personal interest in conflict with that of the Société shall, on pain of forfeiture of office, disclose it in writing to the chairman of the Société and abstain from taking part in any debate or decision bearing upon the enterprise in which he has an interest.

Rules of internal management **41.** A regional council may adopt rules for its internal management.

Orientations and priorities

42. A regional council shall determine the orientations and priorities of the regional corporation in respect of program and resources management, within the framework of the policies and by-laws of the Société.

Functions

43. The principal functions of a regional council are

(1) to define the prevailing situation of the labour and employment market in its region, in particular by estimating the needs for manpower development and by drawing on the expertise of advisory committees;

(2) to adapt programs to regional realities, to the extent that the conditions of implementation of the programs permit this to be done;

(3) to develop regional initiatives within the framework of the policies of the Société;

(4) to recommend the development or modification of programs to the Société;

(5) to foster concerted action between management, unions and other social partners by, among other means, the creation of advisory committees;

(6) to foster the implementation of employment assistance or local development programs.

Powers

44. A regional council shall also exercise the powers delegated to it by an internal management by-law of the Société, and any other function entrusted to it by the board of directors of the Société.

Resolutions

45. The chairman of the Société may submit to the board of directors of the Société any resolution made by a regional council that is not consistent with the policies and by-laws of the Société. The decision of the board of directors of the Société is binding on the regional corporation.

Resources

46. A regional corporation shall place at the disposal of the regional council the resources required for its operation, in accordance with the policies of the Société.

CHAPTER IV

FINANCIAL PROVISIONS

Fiscal year

47. The fiscal year of the Société ends on 31 March.

- Budgetary estimates** **48.** Each year, the Société shall submit its budgetary estimates for the ensuing fiscal year and its budgetary rules to the Government for approval, at the time and in the form and tenor it determines.
- Budgetary rules** The budgetary rules shall determine the extent to which financial resources are managed by the regional corporations.
- Restriction** **49.** The Société shall not make payments or assume obligations the cost of which exceeds, in the same fiscal year, the amounts at its disposal for the year in which such payments or obligations are made or assumed.
- Commitments** Nothing in this section shall prevent the Société from making a commitment for a term of more than one fiscal year.
- Financial statements** **50.** The Société shall, not later than 30 September each year, file financial statements with the Minister, together with a report of activities for the preceding fiscal year.
- Financial statements** The financial statements and report of activities shall contain all the information required by the Minister.
- Tabling** **51.** The Minister shall table the report of activities and the financial statements of the Société before the National Assembly within 15 days of receiving them or, if the Assembly is not sitting, within 15 days of resumption.
- Auditor's report** **52.** The books and accounts of the Société shall be audited each year, and whenever so ordered by the Government, by the Auditor General or, with the approval of the Government, by an auditor designated by the Société. The report of the auditor shall accompany the report of activities and the financial statements of the Société.
- Information transmitted to Minister** **53.** The Société shall transmit statistical data, reports or other information on its activities to the Minister at his request, within the time and in the form he determines.
- Appropriations** **54.** The sums required by the Société to carry out its mission, in addition to the amounts referred to in section 24 or 25, shall be taken out of the appropriations granted annually for that purpose by Parliament.

CHAPTER V

AMENDING PROVISIONS

c. F-5,
s. 1, am. **55.** Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by striking out paragraphs *d*, *g*, *h* and *i*;

(2) by replacing paragraph *r* by the following paragraph:

“region”

“(r) “region”: the territory served by a Société régionale de développement de la main-d'oeuvre established under the Act respecting the Société québécoise de développement de la main-d'oeuvre (1992, chapter 44);”.

c. F-5,
Chap. II,
repealed

56. Chapter II of the said Act is repealed.

c. F-5,
s. 30, am.

57. Section 30 of the said Act is amended by striking out paragraphs *e*, *i*, *j* and *k*.

c. F-5,
Chap. IV,
heading,
am.

58. The heading of Chapter IV of the said Act is amended by striking out the words “ADVISORY COMMITTEES,”.

c. F-5,
ss. 33
to 40,
repealed

59. Sections 33 to 40 of the said Act are repealed.

c. F-5,
s. 41, am.

60. Section 41 of the said Act is amended by striking out paragraph *a*.

c. F-5,
s. 45, am.

61. Section 45 of the said Act is amended

(1) by adding, at the end of subsection *a*, the following paragraph:

Copy of
notice

“The Minister shall transmit forthwith a copy of the notice received to the Société québécoise de développement de la main-d'oeuvre.”;

(2) by replacing the words “Minister and in consultation with him” in the first and second lines of subsection *b* by the words “Société and in consultation with it”;

(3) by replacing the words “Minister and on such conditions as he determines” in the second and third lines of subsection *c* by the words “Société and on such conditions as it determines”.

c. F-5,
s. 47, am.

62. Section 47 of the said Act, amended by section 439 of chapter 4 of the statutes of 1990, is again amended

- (1) by striking out subparagraphs *a* and *d* of the first paragraph;
- (2) by striking out the letters “*a*,” and “*d*,” in the third line of the second paragraph.

c. F-5,
ss. 48
and 49,
repealed

63. Sections 48 and 49 of the said Act, amended respectively by sections 440 and 441 of chapter 4 of the statutes of 1990, are repealed.

c. I-3,
s. 1029.8.22,
am.

64. Section 1029.8.22 of the Taxation Act (R.S.Q., chapter I-3), enacted by section 82 of chapter 8 of the statutes of 1991 and amended by section 174 of chapter 1 of the statutes of 1992, is again amended

- (1) by replacing the words “a manpower vocational training commission” in the sixth and seventh lines of the definition of “qualified training activity” by the words “the Société québécoise de développement de la main-d'oeuvre”;

- (2) by striking out the definition of “manpower vocational training commission”;

- (3) by replacing the words “a manpower vocational training commission” in the second and third lines and the fifth and sixth lines of the definition of “human resources development plan” by the words “the Société québécoise de développement de la main-d'oeuvre”;

- (4) by replacing the words “a manpower vocational training commission” in the third line of the definition of “registered private training company” by the words “the Société québécoise de développement de la main-d'oeuvre”;

- (5) by adding, at the end, the following definition:

“Société
québécoise
de dévelop-
pement de
la main-
d'oeuvre”

“ “Société québécoise de développement de la main-d'oeuvre” means the Société established under section 1 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (1992, chapter 44).”

c. I-3,
s. 1029.8.23,
am.

65. Section 1029.8.23 of the said Act, enacted by section 82 of chapter 8 of the statutes of 1991, is amended by replacing the words “a manpower vocational training commission” in the seventh and eighth lines of subparagraph *d* of the first paragraph by the words “the Société québécoise de développement de la main-d'oeuvre”.

c. I-3,
s. 1029.8.24,
am.

66. Section 1029.8.24 of the said Act, enacted by section 82 of chapter 8 of the statutes of 1991, is amended by replacing the words “manpower vocational training commission that has issued it” in the second and third lines of paragraph *f* by the words “Société québécoise de développement de la main-d'oeuvre”.

c. M-19.1,
title,
replaced

67. The title of the Act respecting the Ministère de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-19.1) is replaced by the following title:

“An Act respecting the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle”.

c. M-19.1,
s. 1, am.

68. Section 1 of the said Act is amended by replacing the first paragraph by the following paragraph:

Functions

“**1.** The Minister of Manpower, Income Security and Vocational Training is responsible for the direction and administration of the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle.”

c. M-19.1,
s. 6, am.

69. Section 6 of the said Act is amended by replacing the words “and Income Security” in the second line by the words “, Income Security and Vocational Training”.

c. R-8.2,
Sched. C,
am.

70. Schedule C to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2), amended by section 47 of chapter 46 of the statutes of 1990, is again amended

(1) by striking out the words “The Commissions de formation professionnelle de la main-d'oeuvre”;

(2) by inserting, in alphabetical order, the words “The Société québécoise de développement de la main-d'oeuvre”.

c. R-10,
Sched. I,
am.

71. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by orders in council 1643-90 of 28 November 1990, 353-91 of 20 March 1991, 1353-91 of 9 October 1991, 398-92 and 399-92 of 25 March 1992 and 669-92 of 6 May 1992, by section 56 of chapter 42 of the statutes of 1990, section 48 of chapter 46 of the statutes of 1990, section 77 of chapter 87 of the statutes of 1990 and section 30 of chapter 14 of the statutes of 1991, is again amended

(1) by striking out the words “the Association provinciale des commissions de formation professionnelle (A.P.C.F.P.)” in paragraph 1;

(2) by inserting, in alphabetical order, the words “the Société québécoise de développement de la main-d'oeuvre” in paragraph 1.

c. R-10,
Sched. II,
am.

72. Schedule II to the said Act, amended by order in council 399-92 of 25 March 1992, by section 2 of chapter 50 of the statutes of 1991 and by section 63 of chapter 77 of the statutes of 1991, is again amended by striking out the words “the Manpower Vocational Training Commissions established under the Act respecting manpower vocational training and qualification (chapter F-5)” in paragraph 1.

c. R-10,
Sched. III,
am.

73. Schedule III to the said Act, amended by orders in council 353-91 of 20 March 1991, 398-92 and 399-92 of 25 March 1992 and 669-92 of 6 May 1992, and by section 57 of chapter 42 of the statutes of 1990, section 48 of chapter 46 of the statutes of 1990, section 78 of chapter 87 of the statutes of 1990 and section 31 of chapter 14 of the statutes of 1991, is again amended

(1) by striking out the words “the Association provinciale des commissions de formation professionnelle (A.P.C.P.F.)” in paragraph 1;

(2) by inserting, in alphabetical order, the words “the Société québécoise de développement de la main-d'oeuvre” in paragraph 1.

c. R-12,
Sched. IV,
am.

74. Schedule IV to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 61 of chapter 42 of the statutes of 1990 and by section 49 of chapter 46 of the statutes of 1990, is again amended by inserting, in alphabetical order, the words “Société québécoise de développement de la main-d'oeuvre”.

CHAPTER VI

TRANSITIONAL AND FINAL PROVISIONS

Rights and
obligations

75. The Société acquires the rights and shall assume the obligations of the manpower vocational training commissions established under the Act respecting manpower vocational training and qualification.

Inapplica-
bility of
c. M-39

76. The Act to authorize municipalities to collect duties on transfers of immoveables (R.S.Q., chapter M-39) does not apply to transfers resulting from the application of section 75.

Manpower
development
programs

77. Manpower development programs identified by the Government and managed by the manpower vocational training commissions or by the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle on (*insert here the date*

immediately preceding the date of coming into force of this section) shall be managed by the Société.

Material
resources
and docu-
ments

78. The material resources, records and other documents of the administrative units referred to in the first and second paragraphs of section 84 become the material resources, records and other documents of the Société, to the extent determined by the Government.

Party to
proceedings

The Société becomes a party to any proceedings to which a manpower vocational training commission was a party on *(insert here the date immediately preceding the date of coming into force of this section)*, without continuance of suit.

References

79. In any Act, regulation, ordinance, proclamation, order in council, order, contract, agreement or other document, any reference to a provision of the Act respecting manpower vocational training and qualification that is repealed by this Act is deemed to be a reference to the equivalent provision of this Act.

References

80. In any Act, regulation, ordinance, proclamation, order in council, order, contract, agreement or other document, any reference to a manpower vocational training commission is a reference to the Société québécoise de développement de la main-d'oeuvre, unless the context indicates otherwise.

References

81. In any Act, regulation, ordinance, proclamation, order in council, order, contract, agreement or other document, any reference to the Minister or Deputy Minister of Manpower and Income Security or to the Ministère de la Main-d'oeuvre et de la Sécurité du revenu becomes a reference to the Minister or Deputy Minister of Manpower, Income Security and Vocational Training or to the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle.

Employees

82. The employees of a manpower vocational training commission, including managerial staff within the meaning of the Règlement sur les conditions de travail des cadres des commissions de formation professionnelle de la main-d'oeuvre (O.C. 1300-89 of 9 August 1989), in office on *(insert here the date immediately preceding the date of coming into force of this section)*, and the employees of the "Association provinciale des commissions de formation professionnelle (A.P.C.F.P.)", in office on 11 December 1991 and still in office on *(insert here the date immediately preceding the date of coming into force of this section)*, become the employees

of the Société, without other formality. They shall occupy the positions and perform the duties assigned to them by the Société, subject to the provisions of any collective agreement applicable to them.

Employees Employees not covered by a collective agreement shall continue to receive the regular salary to which they were entitled upon their transfer to the Société.

Association of employees **83.** An association of employees representing a group of employees of a manpower vocational training commission on (*insert here the date of coming into force of section 82*), continues to represent those employees within the Société.

Association of employees Such an association of employees shall also represent the future employees of the Société who will be assigned to a regional corporation, according to the group covered by the association's certification.

Applicable provisions of collective agreement The provisions of a collective agreement in force on (*insert here the date of coming into force of section 82*) continue to apply, to the extent that they are applicable, to the employees of the Société governed by the agreement.

Employees **84.** The employees, including the managerial staff, of the Direction générale de la main-d'oeuvre et de la formation professionnelle of the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle become the employees of the Société, subject to the provisions of any collective agreement applicable to them, and to the extent that an order for their transfer is made before (*insert here the date occurring one year after the date of coming into force of this section*).

Employees Employees of other administrative units of the department may also, subject to the provisions of any collective agreement applicable to them, become the employees of the Société, to the extent that an order for their transfer is made before (*insert here the date occurring one year after the date of coming into force of this section*).

Employees Such employees shall occupy the positions and perform the duties assigned to them by the Société, subject to the provisions of any collective agreement applicable to them.

Transfer **85.** Every employee transferred to the Société under section 84 may apply for a transfer to a position in the public service or enter a competition for promotion in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) if, on the date on which he was transferred

to the Société, he was a public servant with permanent tenure in the department.

Applicable provisions

86. Section 35 of the Public Service Act applies to an employee referred to in section 85 who enters a competition for promotion to a position in the public service.

Assessment

87. When an employee referred to in section 85 applies for a transfer or enters a competition for promotion, he may require the Office des ressources humaines to give him an assessment of the classification that would be assigned to him in the public service. The assessment shall take account of the classification of the employee on the date of the transfer, as well as the years of experience and formal training acquired in the course of his employment with the Société.

Classification

When an employee is transferred pursuant to section 85, the Deputy Minister or chief executive officer shall assign to him a classification compatible with the assessment provided for in the first paragraph.

Promotion

When an employee is promoted pursuant to section 85, his new classification shall take account of the criteria set out in the first paragraph.

Employees placed on reserve

88. If some or all of the activities of the Société are discontinued or if there is a shortage of work, an employee referred to in section 85 is entitled to be placed on reserve in the public service with the classification he had before the date of his transfer to the Société.

Classification

The Office des ressources humaines shall, if applicable, establish his classification taking into account the criteria set out in the first paragraph of section 87.

Employee placed on reserve

89. An employee placed on reserve pursuant to section 88 shall remain with the Société until the Office des ressources humaines is able to assign him a position.

Appeal

90. Subject to any remedy available under a collective agreement, an employee referred to in section 85 who is dismissed may bring an appeal under section 33 of the Public Service Act.

Associations of employees

91. The associations of employees certified in accordance with Chapter IV of the Public Service Act representing groups of employees of the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle on the date on which the employees were transferred in accordance with section 84 continue to represent these employees within the Société.

Associa-
tions of
employees

These associations of employees shall also represent future employees of the Société who will not be assigned to a regional corporation, according to the groups to which they belong.

Applicable
provisions
of collec-
tive agree-
ments

The provisions of the collective agreements in force on the date of transfer of the employees in accordance with section 84 continue to apply to the employees of the Société who are concerned, to the extent that they are applicable to them. However, the provisions concerning job security do not apply to the employees referred to in the second paragraph.

Labour
commis-
sioner

92. A labour commissioner may, in accordance with section 46 of the Labour Code (R.S.Q., chapter C-27), decide any question relating to the transmission to the Société of the rights and obligations of the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle or the manpower vocational training commissions.

Transfer

93. An agreement referred to in section 22 may provide for the transfer of some units or administrative services from a federal department or public body and prescribe the conditions of transfer of certain employees of the Government of Canada assigned to such services or units at the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle or at the Société. Where necessary, such conditions may depart from those prescribed under the Public Service Act.

Conseil du
trésor

The Conseil du trésor may determine any rule, standard or policy with respect to classification, the determination of salary rates, permanent tenure or any other condition of employment applicable to employees to whom the first paragraph applies.

Agreement

The Government may, in the course of integration of the employees to whom the first paragraph applies in the department or the Société, enter into an agreement with the Government of Canada in respect of pension plans.

First
director

94. Notwithstanding section 32, the first director of a regional corporation shall be appointed after consultation with the region's most representative associations of employees, employers' associations and bodies in the cooperative field.

Appropriations

95. The appropriations granted for the fiscal year (*insert here the fiscal year in which this section comes into force*) to the Ministère de la Main-d'oeuvre, de la Sécurité du revenu et de la Formation professionnelle are, to the extent and according to the terms and conditions determined by the Government, transferred to the Société.

Consolidat-
ed revenue
fund

The other amounts required for the purposes of this Act are, for the same fiscal year, taken out of the consolidated revenue fund, to the extent determined by the Government.

Minister
responsible

96. The Minister of Manpower, Income Security and Vocational Training is responsible for the administration of this Act.

Coming into
force

97. The provisions of this Act will come into force on the date or dates fixed by the Government.