

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 22

**AN ACT RESPECTING THE RESUMPTION
OF CERTAIN SERVICES OF THE
UNIVERSITY OF QUÉBEC AT MONTRÉAL**

Bill 48

Introduced by Mr Claude Ryan, Minister of Higher Education and Science

Introduced 7 May 1987

Passage in principle 7 May 1987

Passage 7 May 1987

Assented to 7 May 1987

Coming into force: 7 May 1987

Act amended: None





CHAPTER 22

An Act respecting the resumption of certain services of the University of Québec at Montréal

[Assented to 7 May 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION AND APPLICABILITY

- Interpre-
tation **1.** In this Act, unless otherwise indicated by the context,
- "association
of em-
ployees" "association of employees" means the Syndicat des chargés de cours
de l'UQAM (CSN);
- "employer" "employer" means the University of Québec at Montréal;
- "employee" "employee" means a person employed as a lecturer by the employer
and included in the bargaining unit for which the association of
employees is certified under the Labour Code (R.S.Q., chapter C-27).

DIVISION II

RESUMPTION OF SERVICES

- Resumption
of teaching
activities **2.** Every person who on 22 March 1987 was an employee shall,
from 8:00 AM on 11 May 1987, resume his teaching activities and
perform the teaching, supervisory and evaluation duties determined
by the employer to secure the validity of the winter session of the 1986-87
university year.

Performance of duties

During the period comprised between the opening of the 1987 summer session and 31 December 1988, an employee shall perform all the duties attached to his functions in accordance with the conditions of employment that are applicable to him, without stoppage, slowdown, reduction or alteration of his usual activities.

Teaching services

3. From 8:00 AM on 11 May 1987, the employer shall take the appropriate measures to see that the teaching services required to secure the validity of the winter session of the 1986-87 university year and, thereafter, its usual services, are provided without interruption or lock-out.

Adjustments to services

Nothing in this section shall prevent the employer from making adjustments, in terms of time or form, to the teaching services required to secure the validity of the winter session of the 1986-87 university year to take into account, without prejudice to the quality of the teaching provided, the particular circumstances resulting from the interruption of the session.

Strike or concerted action

4. The association of employees shall not declare or carry on a strike or organize any concerted action if such strike or concerted action involves a contravention of section 2 by the employees.

Obligations of employees

5. The association of employees shall take the appropriate measures to inform the employees of their obligations under the provisions of this Act.

Prohibition

6. No person may, by omission or otherwise, hinder employees in the normal performance of their duties under the conditions of employment applicable to them.

Prohibition

7. No person may hinder the access of a person to a place to which he has a right of access to perform his duties or to receive a service provided by the employer.

Powers of Government

8. If, in its opinion, the employees do not comply with section 2 in sufficient number to ensure the teaching services of the employer, the Government may, by order, from such time, for such time and on such conditions as it may fix, replace, amend or strike out any stipulation of the collective agreement binding the employer and the association of employees relating to the mode by which the employer fills a position or hires new employees and any matter related to work organization.

Order

The provisions of an order made under the first paragraph shall, for the period indicated therein, form part of the collective agreement contemplated therein.

DIVISION III

SETTLEMENT OF THE DISPUTE

Collective
agreement

9. The clauses of the collective agreement binding between the employer and the association of employees on 28 February 1986 continue to have effect.

Amend-
ments

They are, notwithstanding the foregoing, amended so as to take into account the provisions set forth in the schedule.

Collective
agreement

10. The clauses referred to in section 9 constitute a collective agreement within the meaning of the Labour Code and bind the parties until 31 December 1988.

DIVISION IV

PENALTIES

§ 1.—*Penal proceedings*Offence and
penalty

11. Every person who contravenes or incites or encourages a person to contravene any provision of section 2, 3 or 6 is guilty of an offence and liable, in addition to costs, to a fine

(1) of \$25 to \$100 in the case of an employee or other natural person not contemplated in paragraph 2;

(2) of \$1 000 to \$10 000 in the case of a person who, on 6 May 1987, was an officer, employee or representative of an association, union, federation, confederation, central or council or an officer or representative of the employer, or who became so after that date;

(3) of \$5 000 to \$50 000 in the case of an association, union, federation, confederation, central or council.

Offence and
penalty

12. If the association of employees fails to comply with section 4 or section 5, it is guilty of an offence and liable, in addition to costs, to the fine prescribed in paragraph 3 of section 11 for each day or part of a day during which employees represented by it contravene section 2.

Offence and
penalty

13. Every person who contravenes section 7 is guilty of an offence and liable, in addition to costs, to a fine of \$1 000 to \$10 000.

Fine

In the case of a person described in paragraph 2 of section 11, the fine prescribed in the first paragraph is \$2 000 to \$25 000.

Party to an offence **14.** Every person who, by act or omission, assists another in committing an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding the commission of the offence.

Party to an offence **15.** Every person who abets, counsels or commands another to commit an offence is guilty of the offence and of any other offence committed by the other as a result of the abetment, counsel or command if he knew or should have known that his action would probably result in the commission of the offence.

Separate offences **16.** Where an offence described in any of sections 11 to 15 continues for more than one day, a separate offence shall be counted for each day or part of a day during which the offence continues.

Single count Notwithstanding subsection 2 of section 12 of the Summary Convictions Act (R.S.Q., chapter P-15), the offences may be set out in a single count.

Proceedings **17.** Proceedings are brought in accordance with the Summary Convictions Act by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

§ 2.—*Loss of priority points*

Priority points **18.** An employee who, contrary to section 2, fails to perform his teaching, supervisory and evaluation duties or fails to perform all the duties attached to his functions loses all the priority points credited to his account, within the meaning of section 8 of the collective agreement.

List of points The employer shall inform the employee in writing of the latter's loss of points and shall change the list of points accordingly.

Grievance procedure Within 30 days of being informed of the loss, the employee is entitled, according to the grievance procedure provided in the collective agreement, to obtain recognition of the priority points he has lost by the effect of this section if he complied with section 2 or if, without having taken part in any concerted action, he was prevented from complying therewith despite having taken every reasonable means to do so.

Arbitration Any person to whom a decision made by the employer pursuant to this section is referred for arbitration has authority only to confirm or to quash it, and only by reference to the third paragraph.

DIVISION V

MISCELLANEOUS PROVISIONS

Labour
Code

19. This Act does not have the effect of exempting an employee, the association of employees or the employer from the application of the Labour Code.

Prevailing
provisions

20. The provisions of this Act prevail over any clauses of the collective agreement that are inconsistent therewith.

Coming into
force

21. This Act comes into force on 7 May 1987.

SCHEDULE

1. The rates of remuneration for 45 hours of lectures are as follows:
 - (a) \$3 037.15 for the period from 1 March 1986 to 31 December 1986;
 - (b) \$3 158.64 for the period from 1 January 1987 to 31 December 1987;
 - (c) \$3 294.73 for the period from 1 January 1988 to 31 December 1988.
2. The hourly rates of remuneration for private music lessons are as follows:
 - (a) \$42.23 for the period from 1 March 1986 to 31 December 1986;
 - (b) \$43.92 for the period from 1 January 1987 to 31 December 1987;
 - (c) \$45.84 for the period from 1 January 1988 to 31 December 1988.
3. The rates of remuneration in this schedule include the payment of social benefits.
4. The rates fixed by paragraph 1 of this schedule for the winter session of the 1986-87 university year shall be adjusted proportionately to the teaching duties required by the employer and actually performed.