

1986, chapter 11
**AN ACT TO ENSURE THE RESUMPTION
OF CONSTRUCTION WORK**

Bill 106

Introduced by Mr Pierre Paradis, Minister of Labour

Introduced 16 June 1986

Passage in principle 16 June 1986

Passage 17 June 1986

Assented to 17 June 1986

Coming into force: 17 June 1986

Act amended: None



CHAPTER 11

An Act to ensure the resumption of construction work

[Assented to 17 June 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

Interpreta-
tion

1. In this Act, unless the context indicates otherwise,

“employer”,
“employee”

“employer” or “employee” means an employer or an employee to whom the Act respecting labour relations in the construction industry applies;

“representa-
tive associa-
tion”, “em-
ployers’
association”,
“construc-
tion”

“representative association”, “employers’ association” and “construction” have the same meaning as in the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20);

“union”

“union” means an association of employees that is a member of a representative association or that belongs or is affiliated to a representative association.

DIVISION II

RESUMPTION OF WORK

Return to
work

2. Every employee who ceased to perform construction work on 16 June 1986 by reason of a strike or lock-out shall, from 07:00 A.M. on 17 June 1986, return to work according to his regular schedule.

- Duties** From the same time every employee assigned to construction work shall perform all the duties attached to his employment, taking into account the applicable conditions of employment, without stoppage, slow-down or reduction of his ordinary activities.
- Resumption of work** **3.** Every employer shall take the appropriate measures, from 07:00 A.M. on 17 June 1986, to ensure that all construction work interrupted by reason of a strike or lock-out is resumed.
- Normal operations** From the same time every employer shall carry on his normal operations without interruption by reason of a lock-out.
- Prohibition** **4.** No person may, by omission or otherwise, hinder the normal performance of construction work.
- Duties** **5.** Every representative association or union and every employers' association shall take the appropriate measures to induce its members to comply with section 2 or 3, as the case may be.

DIVISION III

PROVISIONAL CONDITIONS OF EMPLOYMENT

- Conditions of employment** **6.** From 17 June 1986 and until the conditions of employment of all the employees are established according to the Act respecting labour relations in the construction industry or by a decree pursuant to section 11, the conditions shall be such as prescribed by those provisions of the Construction Decree (R.R.Q., c.R-20, r.5) that were in force on 29 April 1986, as amended to give effect to the clauses set forth in the schedule.
- Effect** For the same period, the amended provisions have the same effect as if they had been adopted under section 51 of the said Act.
- Complaint** **7.** Every employee who considers that he has been dismissed without just and sufficient cause between 1 May 1986 and 16 June 1986 may submit a complaint in accordance with section 105 of the Act respecting labour relations in the construction industry within fifteen days of the coming into force of this Act.
- Applicable provisions** Sections 105 to 107 of the said Act, adapted as required, apply to the complaint.

DIVISION IV

SETTLEMENT OF THE DISPUTE

Negotiations **8.** The negotiations between the parties must be carried on in accordance with the Act respecting labour relations in the construction industry.

Mediator **9.** Within three days of the coming into force of this Act, the Minister of Labour shall appoint a mediator.

Mandate **10.** The mandate of the mediator is to assist the parties in reaching an agreement within the meaning of section 44 of the Act respecting labour relations in the construction industry.

Report Failing agreement between the parties, the mediator shall make a report to the Minister of Labour on the state of negotiations on 1 August 1986.

Decree **11.** Where the Government considers that the parties are unable to reach an agreement, it may, after the mediator has made his report according to section 10, determine, by decree, the conditions of employment of the employees for such period as it may fix, which shall not extend beyond 30 April 1989.

Effect The decree has the same effect as a decree made pursuant to section 51 of the Act respecting labour relations in the construction industry.

Adoption of a decree **12.** Notwithstanding the foregoing, the decree mentioned in section 11 shall not be adopted without the employers' association and the associations of employees having been invited to a hearing before the parliamentary Committee on Labour and the Economy, with regard to the reasons for the impossibility of coming to an agreement respecting the making of a collective agreement.

Decision Every decision taken under section 11 is executory for all the employers and all the employees from the date indicated therein; it must be published in the *Gazette officielle du Québec* without delay.

DIVISION V

PENALTIES

Offences and penalties **13.** Every person who contravenes or incites or encourages a person to contravene a provision of section 2 or 3 is guilty of an offence and liable, in addition to costs, for each day or part of a day during which the offence continues, to a fine

(1) of \$100 to \$500 in the case of an employee or other natural person not contemplated in paragraph 2;

(2) of \$10 000 to \$50 000 in the case of a person who, on 13 June 1986, was an officer, job-site steward, business agent or representative of a representative association, union, federation, confederation, congress or council, or an employer or an officer or representative of an employer, of the employers' association or of a contractors' association, or who became so after that date;

(3) of \$20 000 to \$100 000 in the case of a representative association, union, federation, confederation, congress or council, the employers' association or a contractors' association.

Offence and
penalty

14. Every representative association, union or employers' association that does not comply with section 5 is guilty of an offence and liable, in addition to costs, to the fine provided for in paragraph 3 of section 13 for each day or part of a day during which employees of the representative association or union contravene section 2 or, as the case may be, during which employers contravene section 3 while the association or union has failed to comply with section 5.

Offence and
penalty

15. Every person who hinders a person's access to a place which the latter is entitled to enter in order to carry out work or who contravenes section 4 is guilty of an offence and liable, in addition to costs, to a fine of \$10 000 to \$60 000 for each day or part of a day during which the offence continues.

Disqualifica-
tion

16. Every officer, job-site steward, business agent or representative who is found guilty of an offence described in section 13 or 15 becomes disqualified from the office he was holding at the time he committed the offence and from any other office listed in paragraph 2 of section 13 for a period of five years from the date on which the judgment becomes final or until he obtains a pardon.

Proceedings

17. Proceedings for offences described in sections 13 to 15 are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

DIVISION VI

FINAL PROVISIONS

Effect

18. Except in respect of offences already committed, Division II ceases to have effect from the date fixed by order of the Government or not later than 30 April 1989.

Coming into
force

19. This Act comes into force on 17 June 1986.

SCHEDULE

AMENDMENTS TO THE DECREE

1. Paragraph 1 of section 20.01 is replaced by the following paragraph:

“(1) All construction job sites must close down during the last two full weeks in July.”

2. Subparagraph *a* of paragraph 6 of section 20.01 is replaced by the following subparagraph:

“(a) All construction job sites must close down during the last two full weeks in July.”

3. Paragraph 3 of section 20.01 is replaced by the following paragraph:

“(3) All construction job sites shall be closed down for two calendar weeks from 12:01 A.M. on Sunday preceding Christmas Day or coinciding therewith.”

4. For the application of subparagraph *b* of paragraph 1 and subparagraph *b* of paragraph 2 of section 20.05, the following are general holidays: Good Friday, Easter Monday, Canada Day, Labour Day and Thanksgiving Day.

Where Canada Day falls on a Saturday or a Sunday, the following Monday is a general holiday.