

1984, chapter 45

AN ACT TO AMEND VARIOUS LEGISLATION RESPECTING LABOUR RELATIONS

Bill 11

Introduced by Mr Raynald Fréchette, Minister of Labour

Introduced: 15 November 1984

Passage in principle: 12 December 1984

Passage: 20 December 1984

Assented to: 21 December 1984

Coming into force: 21 December 1984

Acts amended:

Labour Code (R.S.Q., chapter C-27)

Act respecting collective agreement decrees (R.S.Q., chapter D-2)





CHAPTER 45

An Act to amend various legislation respecting labour relations

[Assented to 21 December 1984]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-27,
s. 111.0.2,
am. **1.** Section 111.0.2 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end, the words “and a vice-president”.

c. C-27,
s. 111.0.3,
am. **2.** Section 111.0.3 of the said Code is amended

(1) by inserting, after the word “president” in the first line of the second paragraph, the words “and the vice-president”;

(2) by replacing the word “three” in the first line of subparagraph *c* of the second paragraph by the word “two”.

c. C-27,
s. 111.0.4,
replaced **3.** Section 111.0.4 of the said Code, enacted by section 6 of chapter 37 of the statutes of 1982, is replaced by the following section:

Terms of
office **“111.0.4** The president and the vice-president of the council are appointed for not over five years. The other members are appointed for not over three years.

Continuance
in office The members of the council remain in office until they are reappointed or replaced.

Exclusive
office The members, except the part-time members, shall devote their time exclusively to their duties of office.

Repla-
cement If a member does not complete his term, he is replaced in the manner provided in section 111.0.3 for the remainder of the term.”

c. C-27,
s. 111.0.5,
am.

4. Section 111.0.5 of the said Code is amended by replacing the first paragraph by the following paragraph:

Conflict of
interest

“111.0.5 The president and the vice-president, on pain of forfeiture of office, shall not have a direct or indirect interest in an undertaking creating a conflict between their personal interest and that of the council. However, they shall not be removed from office if such interest devolves to them by succession or gift, provided that they renounce or dispose of it with dispatch.”

c. C-27,
s. 111.0.7,
am.

5. Section 111.0.7 of the said Code is amended by inserting, after the word “council” in the first line, the words “or, in his absence, the vice-president”.

c. C-27,
s. 111.0.8,
am.

6. Section 111.0.8 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “or, in his absence, the vice-president”;

(2) by inserting, after the word “president” in the second line of the second paragraph, the words “or, in his absence, the vice-president”;

(3) by adding, at the end, the following paragraphs:

Divisions

“The council may, however, operate through divisions consisting of four of its members; three members including the president or the vice-president are a quorum at any meeting of a division of the council.

Decisions

Every decision of a division of the council must be unanimous, failing which the matter shall be referred to the council.”

c. C-27,
s. 111.0.17,
am.

7. Section 111.0.17 of the said Code is amended by replacing the words “in a newspaper circulated in the region where that public service is provided” in the sixth and seventh lines of the second paragraph by the words “the council shall inform the parties thereof.”

c. C-27,
s. 111.0.19,
am.

8. Section 111.0.19 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

Attendance

“The parties shall attend every meeting to which they are convened by the council.”

c. C-27,
s. 111.0.23,
am.

9. Section 111.0.23 of the said Code is amended

(1) by inserting, before the word “days” in the sixth line of the first paragraph, the word “juridical”;

(2) by adding, at the end, the following paragraph:

Conditions
of
employment

“Unless an agreement has been reached by the parties, no employer shall change the conditions of employment of the employees providing essential services.”

c. D-2, s. 1,
am.

10. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by striking out paragraph *k*.

c. D-2,
s. 10, am.

11. Section 10 of the said Act is amended by striking out subsection 3.

c. D-2,
s. 12,
replaced
Right to
fixed wage

12. Section 12 of the said Act is replaced by the following section:

“**12.** It is forbidden to stipulate a wage lower than that fixed by the decree. Notwithstanding any stipulation or agreement to the contrary and without it being necessary to demand the nullity thereof, the employee is entitled to recover the wage fixed by the decree.”

c. D-2,
s. 13, am.

13. Section 13 of the said Act is amended by replacing the words and figures “sections 9, 10, 11 and 12” in the third and fourth lines by the words and figures “sections 9, 10 and 11.”

c. D-2,
s. 14.1,
added

14. The said Act is amended by adding, after section 14, the following section:

Joint
liability

“**14.1** In the case of the alienation or concession of the whole or part of an undertaking, otherwise than by judicial sale, the former and the new employers are jointly and severally responsible for any debt incurred before the alienation or concession or resulting from the application of this Act, a regulation or a decree.”

c. D-2,
s. 22, am.

15. Section 22 of the said Act is amended, in the second paragraph,

(1) by adding, after the word “decree” in the first line of subparagraph *a*, the words “or this Act”;

(2) by replacing subparagraph *c* by the following subparagraph:

Percentage

“(c) Recover from the employer who violates the provisions of any decree relating to wages a sum equal to 20% of the difference between the obligatory wage and that actually paid;”;

(3) by adding, after the word “Appoint” in the first line of subparagraph *e*, the words “a general manager”;

(4) by inserting, after the word “The” in the first line of the second paragraph of subparagraph *e*, the words “general manager, the”;

(5) by inserting, at the end of subparagraph *e*, the following paragraph:

Documents “The general manager, the secretary or any inspector may also require the production of any document referred to in the second paragraph or any document relating to the application of this Act, a decree or a regulation, make a copy thereof and certify it as a true copy of the original. The copy is admissible as proof and has the same probative value as the original;”;

(6) by replacing the words “the scale of wages rendered obligatory” in the second and third lines of subparagraph *f* by the words “any provision of the decree”;

(7) by replacing the words “and residence” in the fifth line of subparagraph *g* by the words “address and social insurance number”;

(8) by replacing subparagraph *h* by the following subparagraph:

Monthly report “(h) By a regulation approved by the Government and published in the *Gazette officielle du Québec*, oblige any professional employer to transmit to it a monthly report giving:

(1) the name in full, address and social insurance number of each employee in his employ, his competency, the nature of his work, the regular and extra hours of labour done each week by the employee, the total number of such hours, his hourly wage rate and his total earnings;

(2) the allowances paid to each employee for annual vacations with pay and paid holidays and any other allowance or benefit of a monetary value.

Compulsory form The regulation may also render compulsory the use of a form;”;

(9) by striking out paragraph 1 of subparagraph *i*;

(10) by inserting, after the word “terminate” in the second line of paragraph 5 of subparagraph *i*, the words “or suspend”;

(11) by replacing subparagraph *l* by the following subparagraph:

Attendance allowance “(l) By regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;”;

(12) by adding, after the word “benefits” in the first line of subparagraph *m*, the words “or the administration by the parity committee of a vacation pay fund”;

(13) by adding, at the end, the following subparagraphs:

Administra-
tion of the
fund

“(o) Levy, up to the amount prescribed by regulation approved with or without amendment by the Government and published in the *Gazette officielle du Québec*, out of the interest from the funds kept in trust for vacation pay, where such is the case, the sums necessary for the administration of the fund;

Use of
unclaimed
funds

“(p) Use, for its general administration, up to the amount and on the conditions prescribed by regulation approved with or without amendment by the Government and published in the *Gazette officielle du Québec*, the unclaimed funds kept in trust until the employee submits his claim.”

c. D-2,
s. 23, am.

16. Section 23 of the said Act is amended

(1) by replacing the words “a quarterly” in the first line of the first paragraph by the words “an annual”;

(2) by replacing the second paragraph by the following paragraph:

Estimates
and report

“The committee shall also transmit each year to the Minister its budgetary estimates and a report of all its activities.”

c. D-2,
s. 26,
replaced
Investi-
gation

17. Section 26 of the said Act is replaced by the following sections:

“**26.** The Minister may entrust the person he designates to inquire into any matter related to the administration or operation of a parity committee or to the conduct of its members. The investigator so designated has the powers and immunities of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

Suspension
of powers

“**26.1** The Minister may, if he is of opinion that the report of the investigator justifies such action, order that the powers of the parity committee be suspended and appoint an administrator to exercise the powers of the committee for such period as the Minister determines.

Adminis-
trator

The Minister, after consultation with the Minister of Manpower and Income Security, may appoint the Commission des normes du travail to act as administrator in such case.”

c. D-2,
s. 27,
replaced
Disposal of
property

18. Section 27 of the said Act is replaced by the following section:

“**27.** When the committee becomes extinct its property shall be delivered to the Minister. The latter may, however, as soon as a decree ceases to be in force, appoint a liquidator who shall thereupon have, alone, all the duties and powers of the parity committee. The liquidator shall deliver the remaining property to the Minister, who may devote it to a similar work designated by the Government.”

c. D-2,
s. 28, am. **19.** Section 28 of the said Act is amended by replacing the words “six months” in the second line by the words “one year”.

c. D-2,
s. 28.1,
added **20.** The said Act is amended by inserting, after section 28, the following section:

Interruption
of pres-
cription **“28.1** A notice of inquiry from the committee sent by registered mail to the employer interrupts prescription in respect of all his employees for six months from the mailing of the notice.”

c. D-2,
s. 29, am. **21.** Section 29 of the said Act is amended by adding the following paragraphs:

“(d) A student undergoing a period of training without pay under the responsibility of a school board or an educational institution;

“(e) A person undergoing a period of rehabilitative training without pay under the responsibility of a rehabilitation centre or a government body.”

c. D-2,
s. 30, am. **22.** Section 30 of the said Act is amended

(1) by inserting, after the word “dismisses” in the second line, the words “, suspends or moves”;

(2) by replacing the words “twenty-five to fifty dollars” in the fourth line of paragraph c and “fifty to one hundred dollars” in the sixth line of the same paragraph by the words and figures “\$200 to \$500” and “\$500 to \$3 000”, respectively.

c. D-2,
s. 31, am. **23.** Section 31 of the said Act is amended by replacing the words “as damages, the equivalent of one month’s wages” in the fourth and fifth lines, by the words “three months’ wages as exemplary damages”.

c. D-2,
s. 33, am. **24.** Section 33 of the said Act is amended by replacing the words “twenty-five to fifty dollars” in the thirteenth line and “fifty to one hundred dollars” in the fifteenth line by the words and figures “\$200 to \$500” and “\$500 to \$3 000”, respectively.

c. D-2,
s. 34, am. **25.** Section 34 of the said Act is amended

(1) by replacing the words “one thousand dollars” in the ninth line of the first paragraph by the figure “\$3 000”;

(2) by striking out the second paragraph.

c. D-2,
s. 35, am. **26.** Section 35 of the said Act is amended by replacing the words “fifteen to twenty-five dollars” in the third and fourth lines and “twenty-

five to fifty dollars” in the fifth and sixth lines by the words and figures “\$50 to \$200” and “\$200 to \$500”, respectively.

c. D-2,
s. 36, am.

27. Section 36 of the said Act is amended by replacing the words “twenty-five to fifty dollars” in the fourth line and “fifty to one hundred dollars” in the sixth line by the words and figures “\$50 to \$200” and “\$200 to \$500”, respectively.

c. D-2,
s. 38, am.

28. Section 38 of the said Act is amended by replacing the words “twenty to fifty dollars” in the fourth line by the word and figures “\$50 to \$200”.

c. D-2,
s. 51, am.

29. Section 51 of the said Act is amended by striking out the second paragraph.

c. D-2,
s. 53, am.

30. Section 53 of the said Act is amended by replacing the words “six months” in the second line by the words “one year”.

Existing
regulations

31. Paragraph 8 of section 15 of this Act does not invalidate the existing regulations made under subparagraph *g* of the second paragraph of section 22 of the Act respecting collective agreement decrees.

Existing
regulations

32. The levying regulations of the parity committees in force on 21 December 1984 continue to have effect, notwithstanding the expiration dates contained therein, until they are repealed or replaced.

1982, c. 37,
s. 12, am.

33. Section 12 of the Act to amend the Labour Code, the Code of Civil Procedure and other legislation (1982, chapter 37) is amended by inserting, after the first paragraph of section 111.10.1, the following paragraph:

Attendance

“The parties are required to attend every sitting to which they are convened by the council.”

1982, c. 37,
s. 13,
replaced

34. Section 13 of the said Act is replaced by the following section:

c. C-27,
s. 111.11,
replaced

“**13.** Section 111.11 of the said Code is replaced by the following section:

Notice of
strike or
lock-out

“**111.11** Subject to section 111.15, a party may declare a strike or a lock-out on the date of expiration of the collective agreement or the document in lieu thereof, provided that a prior notice of at least seven clear juridical days has been given in writing to the Minister and to the other party, and to the council in the case of an establishment, indicating the time when it intends to resort to a strike or a lock-out.

Renewal

No such notice of strike or lock-out may be renewed until after the day indicated in the prior notice as the time when the party intended to resort to the strike or the lock-out.

Conditions
of
employment Unless by agreement between the parties, no employer may change the conditions of employment of the employees who provide the essential services.”

Exception **35.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

Coming into
force **36.** This Act comes into force on 21 December 1984.