

NATIONAL ASSEMBLY
Thirty-second Legislature, fourth session

1983, chapter 5

**AN ACT TO INSURE THE RESUMPTION OF PUBLIC
TRANSIT SERVICE IN THE TERRITORY OF
THE COMMUNAUTÉ URBAINE DE MONTRÉAL**

Bill 16

Introduced by Mr Raynald Fréchette, Minister of Labour

First reading: 12 May 1983

Second reading: 12 May 1983

Third reading: 12 May 1983

Assented to: 12 May 1983

Coming into force: 12 May 1983

Act amended:

Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57)





CHAPTER 5

An Act to ensure the resumption of public transit service
in the territory of
the Communauté urbaine de Montréal

[Assented to 12 May 1983]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

Interpreta-
tion:

"association
of
employees"

"Commis-
sion"

"employee"

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

"association of employees" means the Syndicat du Transport de Montréal (Employés des Services d'entretien) (C.S.N.);

"Commission" means the Commission de transport de la Communauté urbaine de Montréal;

"employee" means an employee within the meaning of the Labour Code included in a bargaining unit for which the association of employees is certified.

DIVISION II

RESUMPTION OF SERVICES

Return to
work

2. Every employee employed by the Commission on 10 May 1983 shall, from 04:00 hours on 13 May 1983, taking account of his work schedule, return to work.

Exception

The first paragraph does not apply to an employee who resigns if his resignation is accepted by the Commission or to an employee who is dismissed or suspended or who exercises his right to retire.

Employee's
duties

3. From the same time, and until the expiry of the collective agreement now in force, an employee shall perform all the duties attached to his functions pursuant to the conditions of employment that are applicable to him, without stoppage, slow-down or reduction of his ordinary activities.

Commission's duties **4.** The Commission shall, from 04:00 hours on 13 May 1983, take the appropriate measures to provide its usual services.

Association's duties **5.** The association of employees must take the appropriate measures to induce the members it represents to comply with section 2 and section 3.

DIVISION III

SANCTIONS

§ 1.—*Reduction of salary*

Reduction of salary **6.** No employee who is absent from work or ceases to perform his ordinary activities contrary to section 2 or section 3 for a period may be remunerated for that period.

Reduction of salary In addition, the salary to be paid to him under the collective agreement applicable for work done after that absence or cessation is reduced by an amount equal to the salary he would have received for each period of absence or cessation if he had complied with section 2 or section 3.

Deductions The Commission must make the deductions resulting from the application of the second paragraph, up to 20% of the salary for a pay period.

Reimbursement An employee is entitled to reimbursement of the deducted amount only if he proves that he complied with section 2 or section 3, as the case may be, or that he was prevented from complying therewith despite having taken every reasonable means to do so, and that his failure to comply with section 2 or section 3 was not part of any concerted action.

Arbitration Every person to whom a decision taken by the Commission pursuant to this section is referred for arbitration has authority only to confirm or quash it on the sole basis of the fourth paragraph.

§ 2.—*Offences*

Offences and penalties **7.** Every person who contravenes or incites or encourages a person to contravene section 2, 3 or 4 is guilty of an offence and liable, in addition to costs, for each day or part of a day during which the contravention continues, 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 \$2 000 to \$10 000 in the case of a person who, on 10 May 1983, was an officer, director, employee, agent or adviser of the association of employees, or a director, agent or adviser of the Commission or who became so after that date;

(3) of \$10 000 to \$50 000 in the case of the association of employees.

Party to the
offence

Where a person referred to in subparagraph 2 of the first paragraph is guilty of an offence, the association of employees whereof the person is or has been an officer, director, employee, agent or adviser is deemed a party to the offence and is liable, in addition to costs, to the fine provided in subparagraph 3 of the said paragraph, for each day or part of a day during which the contravention continues, whether or not the officer, director, employee, agent or adviser has been prosecuted or convicted.

Offence and
penalty

8. Where the association of employees contravenes section 5, it is guilty of an offence and liable, in addition to costs, to a fine of \$10 000 to \$50 000 for each day or part of a day during which employees represented by it contravene section 2 or section 3 while the association has failed to comply with section 5.

Party to the
offence

9. Where the association of employees is guilty of an offence described in section 7 or 8, every person who was an officer, director, employee, agent or adviser thereof on 10 May 1983 or became so thereafter and who participated in the commission of the offence or acquiesced therein is deemed a party to the offence and is liable, for each day or part of a day during which the contravention continues, in addition to costs, to the fine provided in subparagraph 2 of the first paragraph of section 7, whether or not the association has been prosecuted or convicted.

Proceedings

10. Proceedings against an offence described in sections 7 to 9 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.

Continuous
offence

11. Notwithstanding section 12 of the Summary Convictions Act, where, pursuant to this Act, an offence is continuous, all the separate offences referred to in subsection 4 of that section may be charged in a single count.

DIVISION IV

TRANSITIONAL AND FINAL PROVISIONS

1975, c. 57,
s. 1, am.

12. The Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57), amended by chapter 43 of the statutes of 1977, is again amended by adding, at the end of paragraph *a* of section 1, the following subparagraph:

“(5) The Syndicat du Transport de Montréal (Employés des Services d’entretien) (C.S.N.)”

1975, c. 57,
s. 10, am. **13.** Section 10 of the said Act is amended by adding, at the end of subsection 1, the following paragraph:

Syndicat du
Transport de
Montréal “In the case of the Syndicat du Transport de Montréal (Employés des Services d’entretien) (C.S.N.), the transactions contemplated in this section are voidable if made on or after 12 May 1983 otherwise than by decision of the board of trustees or its delegates.”

Exception **14.** 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 **15.** This Act comes into force on the day of its sanction.