

1982, chapter 35

**AN ACT RESPECTING REMUNERATION
IN THE PUBLIC SECTOR**

Bill No. 70

Introduced by Mr Yves Bérubé, Minister responsible for Administrative Reform and President of the Conseil du trésor

First reading: 26 May 1982

Second reading: 15 June 1982

Third reading: 23 June 1982

Assented to: 23 June 1982

Coming into force: 23 June 1982

Act amended: None



CHAPTER 35

An Act respecting remuneration in the public sector

[Assented to 23 June 1982]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

CHAPTER I

INTERPRETATION

- Interpreta-
tion: **1.** In this Act, unless the context indicates a different
meaning,
- “certified
associa-
tion”; (1) “certified association” means an association recognized by a
decision of the certification agent, of the labour commissioner or of
the Labour Court as the representative of all or of a group of the
employees of an employer or recognized under section 110 or 112 of
the Civil Service Act (R.S.Q., chapter F-3.1);
- “collective
agree-
ment”; (2) “collective agreement” means a collective agreement
within the meaning of the Labour Code, and, where such is the case,
an arbitration award in lieu thereof;
- “em-
ployee”. (3) “employee” means a person who works for an employer for
remuneration.

CHAPTER II

CIVIL SERVICE AND PERSONNEL
IN THE SECTORS OF EDUCATION, SOCIAL AFFAIRS
AND GOVERNMENT AGENCIES

DIVISION I

APPLICABILITY

Em-
ployers. **2.** This chapter applies to the following employers:

(1) the Government and its departments;

(2) every body or agency whose personnel is appointed or remunerated in accordance with the Civil Service Act (R.S.Q., chapter F-3.1), including the services of the National Assembly of Québec and every person designated by the Assembly according to law;

(3) the colleges and school boards contemplated in the Act respecting management and union party organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter O-7.1), and the Cree and Kativik school boards;

(4) the establishments contemplated by the Act referred to in subparagraph 3 and the health and social service councils established under the Act respecting health services and social services (R.S.Q., chapter S-5);

(5) the government bodies and agencies listed in the schedule.

Em-
ployees. This chapter also applies to the employees of the employers referred to in this section and, where such is the case, to the certified associations representing them.

Exception. It does not, however, apply to the conditions of employment of persons performing duties of a peace officer within the meaning of paragraph d of section 110 of the Civil Service Act, nor to the members of the Sûreté du Québec.

DIVISION II

CONDITIONS OF EMPLOYMENT
APPLICABLE FROM 1 JANUARY 1983

Collective
agree-
ments. **3.** Every collective agreement that by its clauses in force on 26 May 1982 provides that it expires on 31 December 1982 remains in force until 1 April 1983 notwithstanding the term stipulated therein.

Collective
agreement.

Where an employer and an association of employees are not bound by a collective agreement on 26 May 1982, the clauses negotiated and approved at the national level under chapter O-7.1 of the Revised Statutes of Québec constitute, for the purposes of this chapter, a collective agreement in force on 26 May 1982 providing for the expiry date of 31 December 1982.

Salaries
fixed by
sessional
paper.

4. Notwithstanding section 3, during the period extending from 1 January 1983 to 31 March 1983 and from 1 April 1983, the salaries or wages, the salary or wage supplements, the premiums and the fixed amounts that may be paid to the employees who are bound by a collective agreement are fixed by Sessional Paper No. 350 tabled in the National Assembly of Québec on 26 May 1982.

Presump-
tion.

The provisions of the Paper form part of the collective agreements to which they relate and bind the employers, employees and certified associations as if stipulated therein.

Amend-
ment.

The provisions may be amended, as regards employees represented by a certified association, by agreement between the Government and the bargaining agent authorized to negotiate in the name of the certified association under section 7 or 8 of chapter O-7.1 of the Revised Statutes of Québec.

Advance-
ment.

5. Notwithstanding section 3 or any other inconsistent provision of any Act or regulation or of a collective agreement, no advancement of echelon or salary based on experience or productivity may be granted during the year 1983 to an employee eligible therefor except as the result of a class promotion, a change of class of positions, a reclassification, a promotion or the recognition of additional years of training or education during employment.

Special
rules.

6. The Government and a bargaining agent authorized to negotiate in the name of a certified association under section 7 or 8 of chapter O-7.1 of the Revised Statutes of Québec may, as regards employees represented by that certified association, establish, by agreement, rules on classification different from those in section 5 if in their opinion such an agreement will result in a reduction of the costs of remuneration comparable to what would result under section 5.

CHAPTER III

SUBSIDIZED UNIVERSITIES AND PRIVATE
EDUCATIONAL INSTITUTIONS

DIVISION I

APPLICABILITY

Employers. **7.** This chapter applies to the following employers:

(1) the university establishments within the meaning of the University Investments Act (R.S.Q., chapter I-17);

(2) the institutions recognized for purposes of grants or declared to be of public interest under the Act respecting private education (R.S.Q., chapter E-9).

Employees. This chapter also applies to the employees of these employers who are bound by a collective agreement and to the certified associations representing them.

DIVISION II

CONDITIONS OF EMPLOYMENT APPLICABLE
FROM THE EXPIRATION OF COLLECTIVE AGREEMENTS

Negotia-
tion of an
agreement. **8.** The parties to a collective agreement in force on 26 May 1982 must, within fifteen days of the sanction of this Act, undertake and pursue in good faith the negotiation of an agreement to extend the term of the collective agreement by three months and to provide the amendments that will allow a reduction of costs comparable to what would result from the application of the first paragraph of section 4 and section 5.

Copy to
Minister. **9.** Within five days of the signing of an agreement amending a collective agreement, the employer must send a copy of it to the Minister of Education.

Failure to
agree. **10.** Where either party is of opinion that the negotiations will not lead to an agreement before 15 October 1982, it shall so inform the Minister of Education and the other party in writing.

Extension
of collec-
tive agree-
ment. **11.** If the Government is of opinion that an agreement entered into by the parties fails to meet the requirements of section 8 or if it is of opinion, after 1 November 1982, that no agreement will be reached, it may, by order, extend by three months the term of the collective agreement in force on 26 May 1982 and fix the salaries and wages, salary and wage supplements, premiums and fixed amounts that may be paid to the employees during that period.

Remuneration.

For the application of the first paragraph, the Government may take into account the level of remuneration already provided for in a collective agreement.

Presumption.

12. The provisions of an order made under section 11 form part of the collective agreements as if stipulated therein.

Applicability.

13. The Government may, by order, render all or some of the provisions of section 5 applicable to the employees bound by a collective agreement, for such period as it may indicate, or otherwise rule on matters provided for therein.

Limitation.

In no case may the period contemplated in the first paragraph exceed one year.

CHAPTER IV

GENERAL AND FINAL PROVISIONS

Applicability of the Labour Code.

14. To the extent that they are not inconsistent with this Act, the provisions of the Labour Code, except sections 22, 41, 73 and 111.3, apply as if the term established under this Act were stipulated in the collective agreements.

Maintenance of conditions of employment.

15. The conditions of employment applicable under this Act to the employees at the expiry of the extension period of the collective agreement are maintained until new collective agreements are signed as if the maintenance of the conditions of employment applicable at that date had been stipulated in the collective agreements whose term is extended under this Act.

Effect of agreement.

16. The negotiation of an agreement by virtue of this Act does not have the effect of a revision of a collective agreement within the meaning of section 107 of the Labour Code.

Newly certified association.

17. In no case may a newly certified association terminate a collective agreement contemplated in Chapter II or Chapter III that is in force on 26 May 1982 or declare it void.

Subsidies.

18. Notwithstanding any inconsistent provision of any Act, regulation, budget rule, directive or instruction, the Government may, without other formality, fix or change, by order, the amount of any subsidy which it or a minister pays to an employer to whom Chapter II or Chapter III applies, in order to take account of the reductions of costs provided by this Act and ensure, where it considers it necessary, that comparable reductions are put into effect in the case of an employer who is not bound by a collective agreement.

Basic
amounts.

For the purposes provided for in the first paragraph, the Government may change the basic amounts fixed by sections 14, 14.1, 17 and 17.1 of the Act respecting private education.

Interpreta-
tion.

However, this section must not be construed as changing, for the purposes of the carrying out of sections 14.4 and 17.4 of the Act respecting private education, the applicable amount of the grant fixed under the said Act.

Effect.

19. Any order made by the Government under this Act takes effect on the date of its adoption or on any other date indicated therein. It must be published in the *Gazette officielle du Québec*.

Compul-
sory re-
tirement.

20. The Act respecting the abolition of compulsory retirement and providing amendments to certain legislation (1982, chapter 12) applies to employers and employees notwithstanding this Act.

Exception.

21. 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.

22. This Act comes into force on the day of its sanction.

SCHEDULE

(Section 2, subpar. 5)

- The Commission des droits de la personne;
- The manpower vocational training commissions;
- The Commission des services juridiques;
- The legal aid corporations;
- The Société des traversiers du Québec;
- The Régie des installations olympiques.