



CHAPTER 49

An Act respecting the Ministère de l'environnement

[Assented to 12 November 1979]

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

DIVISION I

ORGANIZATION OF THE DEPARTMENT

Adminis-
tration.

1. The Minister of Environment, designated in this act as the “Minister”, has the direction and administration of the Ministère de l'environnement.

Deputy
Minister.

2. The Government shall appoint a Deputy Minister of Environment, hereinafter called the “Deputy Minister”.

Duties.

3. Under the direction of the Minister, the Deputy Minister has the supervision of the personnel of the Department; he shall administer its day-to-day business and exercise the other functions assigned to him by the Government.

Authority.

4. The orders of the Deputy Minister must be carried out in the same manner as those of the Minister; his authority shall be that of the Minister and his official signature shall give force and effect to every document within the jurisdiction of the Department.

Officers.

5. The other officers necessary for the proper administration of the Department shall be appointed and remunerated in conformity with the Civil Service Act (1978, c. 15).

Duties.

6. The respective duties of the officers of the Department not expressly defined by the act or by the Government shall be determined by the Minister.

- Signature. **7.** No deed, document or writing shall bind the Department or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by an officer and only, as regards the latter, to the extent determined by regulation of the Government published in the *Gazette officielle du Québec*.
- Device. The Government may, however, upon the conditions it fixes, allow the required signature to be affixed by means of an automatic device to such documents as it determines.
- Facsimile. The Government may also allow a facsimile of the required signature to be engraved, lithographed or printed on such documents as it determines; in such case the facsimile shall have the same force as the signature itself, if the document is countersigned by a person authorized by the Minister.
- Authenticity. **8.** Any copy of a document forming part of the records of the Department, certified true by a person contemplated in the first paragraph of section 7, shall be authentic and have the same force as the original.
- Report. **9.** The Minister shall table a report of the activities of his Department before the Assemblée nationale for each fiscal period, within six months following the end of that period if the Assemblée nationale is sitting or, if it is not, within thirty days following the opening of the next session or following resumption.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER

- Functions and powers. **10.** The Minister has the functions and powers vested in him by section 2 of the Environment Quality Act (R.S.Q., c. Q-2).
- Additional functions. **11.** In addition, the Minister is responsible for the management of the public water supply and of water considered as a natural resource, and for ecological reserves.
- Additional powers. For these purposes he may, in addition to the powers conferred on him under section 10, carry out or cause to be carried out studies concerning the dangers of flooding, soil erosion and landslides and implement long-term programmes to prevent or lessen the damage caused by those phenomena.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

R.S.Q.,
c. E-18,
s. 4, am.

12. Section 4 of the Executive Power Act (R.S.Q., c. E-18) is amended by inserting, at the end of the first paragraph, the following paragraph:

“(24) A minister of the Environment.”

R.S.Q.,
c. R-12,
s. 55, am.

13. Section 55 of the Act respecting the Civil Service Superannuation Plan (R.S.Q., c. R-12), amended by section 28 of chapter 38 and by section 32 of chapter 68 of the statutes of 1978, is again amended by replacing paragraph 6 by the following paragraph:

“(6) The chairman and vice-chairman of the Commission d'aménagement du Québec, the general manager of the Société des alcools du Québec, the chairman of the Caisse de dépôt et placement du Québec, the president of the Société québécoise d'exploration minière, the members of the Régie de l'assurance-récolte du Québec who are appointed for ten years, the president and general manager of the Office de radio-télédiffusion du Québec, the members of the Société d'habitation du Québec, the general manager of the Société du parc industriel du centre du Québec, the president of the Régie de l'assurance-maladie du Québec, the manager of the Raffinerie de sucre de Québec, the president and the vice-president of the Commission des services juridiques, the president of the Régie des rentes du Québec, the chairman of the board of directors of the Société de récupération, d'exploitation et de développement forestiers du Québec if he is a member of the civil service, the chairman of the Office des professions du Québec, the members of the Bureau de révision de l'évaluation foncière du Québec, except the persons contemplated in the fourth paragraph of section 65 of chapter 31 of the statutes of 1973, the chairman of the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5);”.

R.S.Q.,
c. M-34,
s. 1, am.

14. Section 1 of the Government Departments Act (R.S.Q., c. M-34) is amended by adding, at the end, the following paragraph:

“(22) The Ministère de l'environnement.”

R.S.Q.,
c. M-26,
s. 1, am.

15. Section 1 of the Act respecting the Ministère des richesses naturelles (R.S.Q., c. M-26) is amended:

(1) by replacing subparagraphs *a* to *c* of the second paragraph by the following subparagraphs:

“(a) to promote the development and utilization of the mineral and energy resources of Québec for the benefit of its people;

“(b) to supervise the carrying out of the laws respecting the production, transmission, distribution and sale of electricity and gas;

“(c) to accelerate the expansion of Hydro-Québec and secure for it the development of all unconceded waterpower wherever it can economically harness the same;”;

(2) by replacing subparagraph *f* of the second paragraph by the following subparagraph:

“(f) to prepare plans for the turning to account, developing and processing in Québec of the mineral and energy resources found therein and, with the authorization of the Lieutenant-Governor in Council and in collaboration with other ministers, see to the carrying out of such plans;”.

R.S.Q.,
c. R-13,
s. 1,
replaced.

16. Section 1 of the Watercourses Act (R.S.Q., c. R-13) is replaced by the following section:

“**1.** The Minister of Environment shall have charge of the carrying out of this act, with the exception of section 3 and of Division VIII, which are under the jurisdiction of the Minister of Natural Resources.”

R.S.Q.,
c. R-13,
s. 59, am.

17. Section 59 of the said act is amended by replacing the first five lines of the first paragraph by the following lines:

Petition.

“**59.** Any corporation, partnership or person intending to construct any such work must apply by petition to the Lieutenant-Governor in Council, and forward such petition to the Minister of Environment, with plans, specifications and a memorandum showing:”.

R.S.Q.,
c. R-13,
s. 74, am.

18. Section 74 of the said act is amended by replacing the first five lines of the first paragraph by the following lines:

Petition.

“**74.** Any corporation, partnership or person intending to construct any such work must apply by petition to the Lieutenant-Governor in Council, and forward such petition to the Minister of Environment, with plans, specifications and a memorandum showing:”.

R.S.Q.,
c. P-37,
s. 1, am.

19. Section 1 of the Tree Protection Act (R.S.Q., c. P-37) is amended by replacing the first paragraph by the following paragraph:

Damages.

1. Notwithstanding any general or special law authorizing same, any person or any corporation constituted in this Province or elsewhere by any authority whatsoever, destroying or damaging, wholly or partly, a tree, sapling or shrub, or any underwood, wherever the same is growing, without having obtained, upon petition therefor served upon the interested parties, the authorization of the Minister of Environment, unless a consent has been previously given by the owner of such tree, sapling, shrub or underwood, shall be bound to pay to the owner of such tree, sapling, shrub or underwood, in addition to actual damages, exemplary damages in an amount not exceeding twenty-five dollars for each such tree, sapling, shrub or underwood so wholly or partly destroyed or damaged."

R.S.Q.,
c. M-13,
s. 1, am.

20. Section 1 of the Mining Act (R.S.Q., c. M-13) is amended by replacing paragraph 38 by the following paragraph:

"(38) "Minister": the Minister of Natural Resources, except in Division XIX;"

R.S.Q.,
c. M-13,
s. 222.1,
added.

21. The said act is amended by adding, after section 222, the following section:

Minister
responsible.

222.1 The Minister of Environment is responsible for the application of this division and shall exercise all the powers conferred for such purpose by this act on the Minister of Natural Resources.

Deputy
Minister.

The Deputy-Minister of Environment shall exercise the powers established by section 305 respecting the matters contemplated in this division."

R.S.Q.,
c. P-43,
s. 1, am.

22. Section 1 of the Act respecting the artificial inducement of rain (R.S.Q., c. P-43) is amended by replacing paragraph *b* by the following paragraph:

"(b) "Minister": the Minister of Environment."

R.S.Q.,
c. Q-2,
s. 1, am.

23. Section 1 of the Environment Quality Act (R.S.Q., c. Q-2) is amended:

(1) by replacing paragraph 3 by the following paragraph:

"soil"

"(3) "soil": any land or underground space even if submerged in water, including an area of land covered by a structure;"

"Minister"

(2) by replacing paragraph 18 by the following paragraph:

R.S.Q.,
c. Q-2,
c. 1,
Div. II,
heading
replaced.

"(18) "Minister": the Minister of Environment;"

24. The heading of Division II of Chapter I of the said act is replaced by the following heading:

"FUNCTIONS AND POWERS OF THE MINISTER".

R.S.Q.,
c. Q-2,
s. 2, am.

25. Section 2 of the said act is amended by replacing subparagraph *c* of the third paragraph by the following subparagraph:

"(c) prepare plans and programmes for the conservation, protection and management of the environment and emergency plans to fight any form of contamination or destruction of the environment and, with the authorization of the Lieutenant-Governor in Council, see to the carrying out of those plans and programmes;"

R.S.Q.,
c. Q-2,
ss. 3, 4, 5,
6 repealed.

26. Sections 3, 4, 5 and 6 of the said act are repealed.

R.S.Q.,
c. Q-2,
s. 35, am.

27. Section 35 of the said act is amended:

(1) by replacing the first paragraph by the following paragraph:

Integra-
tion.

"**35.** When the Minister, after inquiry made on his own initiative or upon the application of anyone interested, considers that necessity or advantage requires that two or more municipalities have a common waterworks, sewer system or water treatment plant, he may prescribe the necessary measures.";

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

Costs.

"In all such cases, the Minister may establish the cost and apportionment of the cost of the works and the maintenance and operating costs and the mode of payment or fix the indemnity, periodic or otherwise, payable for the use of the works or for the service provided by a municipality."

R.S.Q.,
c. Q-2,
s. 96, am.

28. Section 96 of the said act, amended by section 31 of chapter 64 of the statutes of 1978, is again amended by replacing the second paragraph by the following paragraph:

Appeal.

"The same applies in all cases where the Director refuses to grant a certificate of approval or authorization of plans and specifications or of a project, requires a change in an application made to him, refuses to grant or renew a permit or cancels or suspends a certificate of approval or of authorization or a permit, or fixes and apportions costs and expenses or determines compensation under section 61."

R.S.Q.,
c. Q-2,
s. 125,
replaced.

29. Section 125 of the said act is replaced by the following section:

Powers of
Minister.

"**125.** Notwithstanding section 7 of the Act respecting the Ministère de l'environnement (1979, c. 49), the powers conferred

on the Minister under this act may not be delegated to another person.

Powers of
Deputy-
Minister.

The powers conferred on the Deputy Minister, under the first paragraph of section 33 of the Act respecting the Ministère de l'environnement, with regard to a decision susceptible of appeal pursuant to section 96 of this act, must be exercised by the Deputy Minister himself or by an assistant deputy minister, provided the latter has been generally or specially authorized by a writing of the Minister."

R.S.Q.,
c. R-26,
s. 1, am.

30. Section 1 of the Act respecting ecological reserves (R.S.Q., c. R-26) is amended by replacing paragraph *c* by the following paragraph:

"Minister".

"(c) "Minister" means the Minister of Environment."

R.S.Q.,
c. R-26,
s. 15,
replaced.

31. Section 15 of the said act is replaced by the following section:

Minister
respon-
sible.

15. The Minister of Environment is entrusted with the application of this act."

1975, c. 93,
s. 6, am.

32. Section 6 of the Act respecting the city of Longueuil (1975, c. 93) is amended by replacing the last paragraph by the following paragraph:

Effect.

"This section becomes effective thirty days after its publication in the *Gazette officielle du Québec* by the Minister of Environment."

Replace-
ment.

33. In any act, regulation, order in council, ordinance, directive, contract or other document, the expression "Director of environment protection services" and the word "Director", wherever they are used to designate the Director of environment protection services, are replaced, respectively, by the expressions "Deputy-Minister of Environment" and "Deputy Minister".

Signature.

Section 7 applies, *mutatis mutandis*, to the documents for which the Deputy Minister is responsible under this section.

Substi-
tution.

34. The Deputy Minister exercises the functions and powers vested in the Director of environment protection services, even with regard to any request addressed to the latter before 1 April 1980.

Replace-
ment.

35. In any act, regulation, order in council, ordinance, directive, contract or other document, the expressions "Minister responsible for the application of the Environment Quality Act", "Minister responsible for the application of the Environment

Quality Act (R.S.Q., c. Q-2)" or "Minister-Delegate, Environment", are replaced by the expression "Minister of Environment".

Substitution.

36. The Minister exercises the functions and powers vested in the Minister of Natural Resources in any act, regulation, order in council, directive, contract or document concerning water management and water supply, except those matters contemplated in section 3 and Division VIII of the Watercourses Act.

Replacement.

37. In the Watercourses Act, the expression "Minister of Natural Resources" is replaced, except in section 3 and Division VIII, by the expression "Minister of Environment".

Substitution.

38. The Ministère de l'environnement is substituted of right for the environment protection services in any act, regulation, order in council, ordinance, directive, contract or other document where those services are mentioned.

Officers.

39. The officers of the Direction générale des eaux and of the Direction générale de l'administration of the Ministère des richesses naturelles, those of the Ministère des terres et forêts assigned to the administration of ecological reserves and those of the environment protection services, in office on 28 November 1979, become, without further formality, officers of the Ministère de l'environnement, as determined by the Government.

Appropriations.

40. The appropriations allocated to the Ministère des richesses naturelles for the activities of the Direction générale des eaux and of the Direction générale de l'administration, those allocated to the Ministère des terres et forêts for the administration of ecological reserves and those granted for the environment protection services are transferred to the Ministère de l'environnement, as determined by the Government.

Records.

41. The records of the Ministère des richesses naturelles respecting those matters contemplated in Division II of this act, those of the Ministère des terres et forêts respecting ecological reserves and those of the environment protection services devolve upon the Ministère de l'environnement.

Coming into force.

42. This act will come into force on the date to be fixed by proclamation of the Government, except the provisions excluded by that proclamation, which will come into force on any later date which may be fixed by proclamation of the Government. (*)

(*) Sections 1 to 3, 10 to 12, 14 to 23, 25, 27 to 32 and 35 to 42 of this act came into force on 28 November 1979 (Gazette officielle du Québec, 1979, page 7499).

Sections 9, 13, 24, 26, 33 and 34 came into force on 1 April 1980 (Gazette officielle du Québec, 1980, page 1893).



CHAPTER 50

An Act respecting proposals to employees in the education,
social affairs and civil service sectors

[Assented to 12 November 1979]

HER MAJESTY, with the advice and consent of the Assemblée
nationale du Québec, enacts as follows:

DIVISION I

INTERPRETATION AND APPLICATION

Inter-
pretation.

1. In this act, unless otherwise indicated by the context,
“association of employees”, “employer”, “employee”,
“strike” and “lock-out” have the same meaning as in the Labour
Code;

“education and social affairs sectors” means the sectors of
activities contemplated by Chapter II of the Act respecting the
organization of the management and union parties in view of
collective bargaining in the sectors of education, social affairs
and government agencies (1978, c. 14);

“civil service sector” means any sector of activities to which
Chapter III of chapter 14 of the statutes of 1978 applies, and any
sector of activities contemplated by the Civil Service Act (1978,
c. 15).

Applic-
ability.

2. This act applies, in the education, social affairs and civil
service sectors, to the associations of employees listed in the
Schedule, to the employees whom they represent and to the
employers in respect of whom they are certified.

DIVISION II

MANAGEMENT PROPOSALS

- Report. **3.** The Government must, not later than 21 November 1979, table in the Assemblée nationale a report containing the full text of the latest proposals made by a management party to a group of associations of employees or, as the case may be, to an association of employees within the framework of the negotiation of a collective agreement.
- Tabling. The report may be validly tabled by filing it with the secretary general of the Assemblée nationale when the assembly is not in session. Copy of the tabled report must be immediately transmitted to the leaders of the parties represented in the Assemblée nationale. The Government must then immediately give notice of the tabling of the report to the group of associations of employees or the association of employees concerned.
- Content. In the education and social affairs sectors, the proposals shall deal with the clauses negotiated at the national level within the meaning of chapter 14 of the statutes of 1978. In the other cases, they shall deal with all the matters being negotiated in view of reaching the collective agreement.

DIVISION III

CONSULTATION OF THE EMPLOYEES

- Ballot. **4.** An association of employees must, after the tabling of the proposals contemplated in section 3 and not later than 28 November 1979, submit by way of a secret ballot, to the employees it represents, the latest management proposals concerning them.
- Agreement. If an agreement is reached between an employer and an association of employees during the period contemplated in section 6, it shall be substituted for the latest management offers and submitted to the employees of the bargaining unit concerned in accordance with this act.
- Approval. The approval by the employees of a bargaining unit of the latest management proposals or of an agreement applicable to them is equivalent, for those matters which are dealt with by the proposals or the agreement, to the authorization to sign a collective agreement required by section 19c of the Labour Code, enacted by section 9 of chapter 41 of the statutes of 1977.
- Notice. **5.** An association of employees must take the necessary steps to inform the employees whom it represents, at least forty-eight hours in advance, of the holding of the ballot.

Results. It must also, not later than forty-eight hours after the ballot, give written notice to the *Ministre du travail et de la main-d'oeuvre* of the results of the ballot, indicating, for each group for which it is certified, the number of employees who voted in favour of the proposals and the number of employees who rejected them.

Applicability. Where an association of employees joins, belongs to or is affiliated to a group of associations of employees within the meaning of chapter 14 of the statutes of 1978, the measures provided for by this section may be taken by that group.

Deferral of rights. **6.** During the period required for the application of sections 3 to 5, an association of employees must defer the exercise of the right to strike acquired pursuant to the Labour Code and an employer must defer the exercise of the right to lock out.

Limits. The period begins at 12:01 a.m., 13 November 1979, and ends at 12:00 p.m., 29 November 1979.

Duties of office. During the period, an employee must carry out all the duties attached to his office under the conditions of employment that apply to him.

DIVISION IV

FINAL PROVISIONS

Offence and penalty. **7.** Every person who contravenes or incites a person to contravene section 6 is guilty of an offence and is liable, in addition to costs, to one or other of the penalties provided for by section 142 of the Labour Code.

Offence and penalty. Every person who contravenes any other provision of this act is guilty of an offence and is liable, in addition to costs, to the penalties provided for by section 144 of the Labour Code.

Proceedings. Proceedings are instituted in accordance with the Summary Convictions Act (R.S.Q., c. P-15) by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

Labour Code applicable. **8.** This act does not have the effect of withdrawing the employers and employees contemplated by it from the application of the Labour Code.

Coming into force. **9.** This act comes into force on the day of its sanction.

SCHEDULE

ASSOCIATIONS OF EMPLOYEES CONTEMPLATED BY THIS ACT

1 — *Civil Service Sector:*

- (a) sector of activities to which the Civil Service Act applies:
 - Syndicat des fonctionnaires provinciaux du Québec
 - Syndicat de professionnels du Gouvernement du Québec
- (b) government agencies sector:
 - Syndicat des employés de la Société des traversiers Québec Lévis (CSN)
 - Syndicat des employés de la traverse Matane, Baie-Comeau, Godbout (CSN)
 - Syndicat des employés de la traverse du St-Laurent (CSN)
 - the associations of employees of Vocational Training Commissions that join, are affiliated to or belong to the Fédération des employés de services publics inc. (CSN) and those who join, are affiliated to or belong to Syndicat Canadien de la Fonction publique (FTQ)

2 — *Social Affairs Sector:*

- (a) the associations of employees that join, are affiliated to or belong to the following bodies:
 - Fédération des Affaires sociales (CSN)
 - Fédération des professionnels et salariés cadres du Québec (secteur des affaires sociales) (CSN)
 - Union des employés de service, local 298 (FTQ)
 - Syndicat canadien de la Fonction publique (FTQ)
 - the Centrale de l'enseignement du Québec
 - the Cartel des organismes professionnels de la Santé Inc.
 - the Fédération québécoise des infirmières et infirmiers
- (b) the National Union of Operating Engineers of Canada, local 14,850 of the United Metalworkers of America (FTQ)

3 — *Education Sector:*

- the associations of employees that join, are affiliated to or belong to the following bodies:
 - the Centrale de l'enseignement du Québec
 - the Fédération nationale des enseignants québécois (CSN)
 - the Fédération des professionnels et salariés cadres du Québec
 - the Fédération des employés de services publics inc. (CSN)
 - the Syndicat canadien de la Fonction publique (FTQ)
 - the Union des employés de services, local 298 (FTQ)
 - the Union internationale des employés professionnels et de bureau, local 57 (FTQ)

- Provincial Association of Protestant Teachers (FTQ)
- the Fédération des enseignants de CEGEP (CEQ)
- the United Metalworkers of America (FTQ)
- the International Union of Operators of Heavy Machinery (Local 791 FTQ)