



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)