



## CHAPTER 68

An Act to establish the Institut national de productivité

[Assented to 13 June 1978]

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

### DIVISION I

#### ESTABLISHMENT AND COMPOSITION OF THE INSTITUT

- 1.** A body hereinafter called the “Institut” is created under the name of “Institut national de productivité”.
- 2.** The Institut is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this act.
- 3.** The Institut has the rights and privileges of a mandatory of the Government.
- The property of the Institut forms part of the public domain, but the obligations of the Institut may be levied on its property.
- The Institut binds none but itself when it acts in its own name.
- 4.** The head office of the Institut shall be at the place determined by the Government; notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.
- The Institut may hold its sittings anywhere in the province of Québec.
- 5.** The Institut is composed of a director general and nine other members appointed by the Government, including three ap-

pointed after consultation with the agencies most representative of the labour sector and three after consultation with the agencies most representative of the business sector.

President  
and vice-  
president.

**6.** The Government shall appoint the president and the vice-president of the Institut from among the members of the Institut.

Terms of  
office.

**7.** The director general is appointed for not over five years and the other members for three years.

Idem.

However, with the exception of the director general, three of the first members are appointed for two years, three for three years and three for four years.

Expenses  
and allow-  
ance.

**8.** Members of the Institut other than the director general receive no remuneration. However, they are entitled to the reimbursement of justifiable expenses incurred by them in the exercise of their functions, and they shall receive an attendance allowance fixed by the Government.

Offices  
continued.

**9.** At the end of their terms, the members of the Institut remain in office until they are reappointed or replaced.

Vacancies.

Except in the case of the director general, any vacancy occurring during the course of a term is filled for the remainder of the term of the member to be replaced.

President  
replaced.

**10.** If the president is unable to act, he shall be replaced by the vice-president for as long as he is unable to act.

Quorum.

**11.** Six members of the Institut are a quorum. If votes are equally divided, the president has an additional vote.

Fees, etc.,  
of director  
general.

**12.** The Government fixes the fees, allowances or salary of the director general or, as the case may be, his additional salary.

Director  
general  
replaced.

**13.** If the director general is unable to act, he may be replaced by a person appointed to carry out his duties while he is unable to act, by the Government, which fixes his fees.

Personnel  
governed  
by Civil  
Service  
Act.

**14.** The secretary and the other members of the staff of the Institut are appointed and remunerated in accordance with the staff requirements, standards and scales fixed by the Institut and approved by the Government.

Conflict of  
interest.

**15.** The director general of the Institut shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Institut.

Conflict of  
interest  
avoided.

However, such forfeiture shall not be incurred if such interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Interest  
divulged.

Any other member of the Institut who is directly or indirectly interested in a contract or draft contract with the Institut must, under pain of forfeiture of office, divulge his interest to the other members without delay and he shall not vote on such a contract or draft contract.

No plurali-  
ty of  
offices.

**16.** The office of director general of the Institut is incompatible with the exercise of any other function.

Adminis-  
tration of  
the Insti-  
tut.

**17.** The director general is responsible for the administration of the Institut within the scope of its by-laws.

By-laws.

**18.** The Institut may make by-laws to provide for:

(a) its internal management;

(b) the formation of an executive committee and the determination of its powers;

(c) the definition of the duties and powers of its staff.

Coming  
into force.

Such by-laws come into force only after they are approved by the Government.

Authenti-  
city of  
docu-  
ments.

**19.** The minutes of the sittings approved by the Institut and certified by the president or the secretary or by any other officer of the Institut designated by the by-law passed for such purpose by the Institut are authentic; the same rule applies to documents or copies emanating from the Institut or forming part of its records, when so certified.

## DIVISION II

### FUNCTIONS AND POWERS OF THE INSTITUT

Objectives.

**20.** The Institut must pursue the following objectives, within the context of the general economic and political situation:

(a) to acquaint the population and the economic agents with the notion of productivity in economic activities;

(b) to promote awareness of the importance of productivity and of the various factors having an influence on it;

(c) to promote collaboration and co-operation between economic agents in order to increase productivity.

Functions.

**21.** The functions of the Institut are:

(a) to make studies and conduct research on productivity, particularly in the industrial sector;

(b) to publicize the results of such studies and research as well as any information from other agencies;

(c) to convey the results of studies and research to the interested economic agents so as to bring about their co-operation and their intervention towards increased productivity;

(d) to suggest to the Government and the economic agents ways of increasing productivity in the whole economic sector or in a determined section of it.

Authoriza-  
tion re-  
quired.

**22.** The Institut, unless authorized by the Government, shall not:

(a) make any agreement with any government or government body;

(b) make with any person any other contract engaging it for over two years;

(c) make any loan that would increase its total unrepaid borrowings to over \$1,000,000.

Prohibited  
activities.

**23.** The Institut shall not acquire shares of another corporation or operate a commercial undertaking.

Contribu-  
tions  
accepted.

**24.** The Institut may receive and accept any grant, gift, legacy or contribution.

Conditional  
gifts not  
to be  
accepted.

It shall not, however, accept any grant, gift or contribution to which charges or conditions are attached, unless from the Government of Québec, without the authorization of the Government.

Mandate  
of the Min-  
ister ap-  
proved by  
the Gov-  
ernment.  
Tabling of  
mandate.

**25.** The Institut, in pursuing its objectives, must carry out any specific mandate entrusted to it by the Ministre de l'industrie et du commerce with the approval of the Government.

Such a mandate must be tabled before the Assemblée nationale within fifteen days of its approval by the Government. If the mandate is approved while the Assemblée is not sitting, it must be tabled before it within fifteen days following the opening of the next session or, as the case may be, resumption.

## DIVISION III

## MISCELLANEOUS PROVISIONS

Financial  
year.

**26.** The financial year of the Institut terminates on 31 March each year.

Annual  
report.

**27.** Not later than 30 June each year, the Institut shall make a report of its activities for its preceding financial year to the Ministre de l'industrie et du commerce. This report must also contain any and all information the Minister may prescribe.

Additional  
informa-  
tion.

The Institut shall, in addition, give the Minister any information he may require on its operations.

Tabling of  
report.

**28.** The Minister shall table the report of the Institut before the Assemblée nationale within thirty days of his receiving it. If he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days following the opening of the next session or, as the case may be, resumption.

Audit.

**29.** The books and accounts of the Institut shall be audited by the Vérificateur général each year and also whenever so ordered by the Government. His reports shall accompany the annual report of the Institut.

Minister  
responsi-  
ble.

**30.** The Ministre de l'industrie et du commerce is responsible for the carrying out of this act.

Financial  
provisions.

**31.** The sums required for the carrying out of this act shall be taken, for the fiscal year 1978/1979, out of the consolidated revenue fund and, for subsequent years, out of the moneys granted annually for such purpose by the Legislature.

R.S., c. 14,  
s. 45, am.

**32.** Section 45 of the Civil Service Superannuation Plan (Revised Statutes, 1964, chapter 14), amended by section 16 of chapter 15 of the statutes of 1965 (1st session), section 8 of chapter 6 of the statutes of 1966, section 72 of chapter 9, section 39 of chapter 11, section 3 of chapter 12, section 5 of chapter 13, section 83 of chapter 17, section 4 of chapter 18 and section 31 of chapter 60 of the statutes of 1968, section 17 of chapter 15, section 34 of chapter 17, section 78 of chapter 28, section 40 of chapter 48 and section 30 of chapter 62 of the statutes of 1969, section 2 of chapter 8, section 87 of chapter 17 and section 21 of chapter 43 of the statutes of 1970, section 2 of chapter 17, section 199 of chapter 19, section 65 of chapter 20 and section 26 of chapter 77 of the statutes of 1971, section 96 of chapter 14, section 133 of chapter 49, section 66 of chapter 53, section 175 of chapter 55 and section 11 of chapter 58

of the statutes of 1972, section 162 of chapter 12, section 28 of chapter 21, section 265 of chapter 43, section 28 of chapter 67 of the statutes of 1973, section 12 of chapter 10 of the statutes of 1974 and by section 22 of chapter 22 of the statutes of 1977, is again amended by adding, after paragraph 15, the following paragraph:

“(16) the director general and the permanent employees of the Institut national de productivité.”

Coming  
into force.

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