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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-FIFTH LEGISLATURE

Bill 128

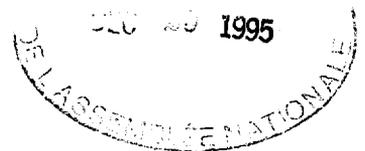
**An Act to amend the Act  
respecting the conditions of  
employment in the public sector  
and the municipal sector**

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**Introduction**

**Introduced by  
Mr Jacques Léonard  
Minister for Administration and the Public Service and  
Chairman of the Conseil du trésor**



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EXPLANATORY NOTES

*This bill amends the Act respecting the conditions of employment in the public sector and the municipal sector by repealing the provisions that imposed a 1% reduction in the annual expenditure relating to the remuneration and social benefits of the employees, members and chief executive officers of public bodies or municipal bodies and to those of certain health professionals.*

*The bill also contains transitional and consequential amendments.*

## Bill 128

### **An Act to amend the Act respecting the conditions of employment in the public sector and the municipal sector**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Division II of Chapter II, section 28 and the second paragraph of section 34 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) are repealed.

**2.** Section 35 of the said Act is amended by replacing the figure “25” in the first line of the first paragraph by the figure “19”.

**3.** Division II of Chapter III and the second paragraph of section 44 of the said Act are repealed.

**4.** Sections 20 to 25 of the said Act shall cease to have effect in respect of pharmacists and medical residents referred to in section 35 of the said Act only after the expiry of a three-year period from the beginning of the first year of reference in which those sections were actually applied to such pharmacists and medical residents.

**5.** No repeal under this Act shall entail the termination of an agreement referred to in section 24 or 41 of the Act respecting the conditions of employment in the public sector and the municipal sector or of a measure applied under the second paragraph of section 28 or of a measure, other than those provided for in section 40, which is applied under the second paragraph of section 44 of the said Act.

**6.** The parties to an agreement proposing a replacement measure, recognized by the Government under the first paragraph of section 24 of the Act respecting the conditions of employment in the public sector and the municipal sector or recognized by the

parties under the second paragraph of that section, whose effect extends beyond 31 March 1996, may agree on amendments to the conditions of employment of the employees concerned to compensate, up to 1%, for the annual reduction in expenditure relating to remuneration and social benefits which, after that date, results from the agreement.

If no agreement is entered into before 1 April 1996, one of the parties may, within sixty days from that date, refer the disagreement to arbitration as if it were a grievance.

The arbitrator shall, at the request of one party, re-establish the conditions of employment prevailing before the agreement referred to in section 24 was entered into, regardless of the application of sections 20 to 22 of the said Act, unless the other party proves that it would suffer serious prejudice thereby.

Every amendment made to the conditions of employment that is determined by the arbitration award shall form part of the collective agreement.

The process of amendment of the conditions of employment provided for in this section does not constitute a revision of the collective agreement within the meaning of section 107 of the Labour Code (R.S.Q., chapter C-27).

**7.** Section 6 applies, with the necessary modifications, to the parties to an agreement entered into under section 41 of the Act respecting the conditions of employment in the public sector and the municipal sector which proposes a replacement measure recognized by the parties under the said section and whose effect extends beyond 31 December 1995.

**8.** A municipal body and an association representing the employees in its employ may agree on amendments to be made to the conditions of employment to compensate for the application to the employees concerned, during the period beginning on 1 October 1995 and ending on 31 December 1995, of unpaid leaves, of any other measure applied under section 40 of the Act respecting the conditions of employment in the public sector and the municipal sector, or of an agreement entered into under section 41 of the said Act.

If no agreement is entered into on or before the date of renewal of the collective agreement in force on (*insert here the date of assent to this Act*), one of the parties may, within sixty days from that date, refer the disagreement to arbitration as if it were a grievance.

**Every amendment made to the conditions of employment that is determined by the arbitration award shall form part of the collective agreement.**

**The process of amendment of the conditions of employment provided for in this section does not constitute a revision of the collective agreement within the meaning of section 107 of the Labour Code.**

**9.** Any remuneration referred to in section 43 of the Act respecting the conditions of employment in the public sector and the municipal sector may, notwithstanding the provisions of that section, be increased by not more than 1% for the period beginning on 1 October 1995 and ending on 31 December 1995.

**10.** No grievance or other similar proceeding pertaining to a measure provided for in an order under section 22 or determined under section 40 of the Act respecting the conditions of employment in the public sector and the municipal sector may be filed, instituted or continued.

A grievance or other proceeding contesting the terms and conditions of application of such a measure, or based on the fact that the application of a measure results in the recovery of more than 1% of an employee's remuneration or social benefits, may be filed, instituted or continued.

**11.** This Act comes into force on (*insert here the date of assent to this Act*), except section 1 which comes into force on 1 April 1996 and section 3 which comes into force on 1 January 1996.