

NATIONAL ASSEMBLY

THIRD SESSION

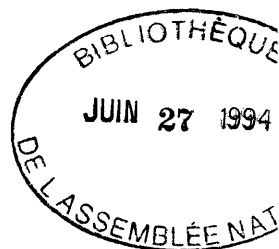
THIRTY-FOURTH LEGISLATURE

Bill 35

**An Act respecting the provisional
administration of the Parity Committee
for the Flat Glass Industry and the
Corporation de formation des vitriers et
travailleurs du verre du Québec**

Introduction

**Introduced by
Mr Serge Marcil
Minister of Employment**



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EXPLANATORY NOTES

This bill suspends, for a one-year period that may be extended, the powers and functions of the officers, members and mandataries of the Parity Committee for the Flat Glass Industry and of the Corporation de formation des vitriers et travailleurs du verre du Québec.

The bill entrusts the exercise of the powers and functions of the Parity Committee and of the Corporation to three members of the personnel of the Commission des normes du travail who constitute the provisional administrator.

In addition, the bill establishes the principal terms and conditions of exercise of the provisional administration and prescribes various penalties.

Bill 35

An Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PROVISIONAL ADMINISTRATION OF THE PARITY COMMITTEE FOR THE FLAT GLASS INDUSTRY

1. In this Act, the words “Parity Committee” include the Parity Committee for the Flat Glass Industry established under the Decree respecting the flat glass industry (R.R.Q., 1981, c. D-2, r. 52) in accordance with the Act respecting collective agreement decrees (R.S.Q., chapter D-2) as well as any subcommittee of that committee, its board of examiners and any entity created by the committee.

2. The powers and functions of the members, officers, substitutes and mandataries of the Parity Committee, including those of its secretary, are hereby suspended for a period of one year, without compensation and without notice.

The period of suspension may be extended by the Minister of Employment, provided that, in each case, the extension does not exceed six months.

The Minister shall give notice of any such extension in the *Gazette officielle du Québec*.

3. For the duration of the suspension, the powers and functions of the Parity Committee and of the persons referred to in the first paragraph of section 2 shall be exercised, for and on behalf of the Parity Committee, by three persons designated by the Commission

des normes du travail or its chairman from among the personnel of the Commission. These persons constitute the provisional administrator within the meaning of this Act.

They shall remain in office until the end of the provisional administration or until replaced by the Commission.

The Commission may assign to the provisional administrator such personnel as it considers necessary.

4. The persons designated under the first paragraph of section 3 may make internal management by-laws applicable to the provisional administration.

Until such by-laws become effective, the decisions of the provisional administrator are made by a majority vote of the persons referred to in the first paragraph.

5. The provisional administrator may modify or terminate the managerial functions exercised by any person for the Parity Committee.

6. The provisional administrator may sue for and on behalf of the Parity Committee.

7. Subject to the rights of third persons in good faith, the provisional administrator may annul any decision or act made or performed by the Parity Committee, any of its members, officers, substitutes or mandataries or its secretary before (*insert here the date of assent to this Act*).

Subject also to the rights of third persons in good faith, the provisional administrator may claim from any person the restitution of property affected by the annulment or the equivalent of the value of that property.

8. Every person having made, having participated in the making of or having approved a decision, or having prescribed or authorized the performance of an act, annulled under section 7, shall be personally liable for any amount claimed by the provisional administrator. Where there are several debtors, such liability is solidary.

Such solidary liability extends to any person who unduly derived, directly or indirectly, any benefit as a result of a decision or act annulled under section 7.

9. The provisional administrator may resiliate unilaterally any contract or agreement entered into on behalf of the Parity Committee before (*insert here the date of assent to this Act*).

The provisional administrator is bound to pay to the contracting party in good faith the costs and expenses incurred by the latter until the date of resiliation. The contracting party is bound to repay in full any sum of money advanced to him.

10. The provisional administrator shall, every three months, submit a report of his findings to the Minister of Employment, together with his recommendations. The report must contain all the information that may be required by the Minister.

The provisional administrator shall also furnish any other information required by the Minister.

11. The Minister of Employment shall, where he considers that the situation warrants it, submit a report on the provisional administration to the Government.

12. The Government may, after receiving a report under section 11, take one or more of the following measures:

(1) terminate the provisional administration on the date and subject to the conditions set by the Government;

(2) declare the members and officers, including the secretary, of the Parity Committee forfeited of office and provide for the appointment or election of their replacements;

(3) order the provisional administrator to continue his administration or to relinquish it and not resume it except if the Parity Committee fails to comply with the conditions set by the Government;

(4) designate a person responsible for countersigning any undertaking entered into or disbursement made by the Parity Committee and for exercising budgetary control, on the conditions set by the Government;

(5) order, on the conditions it sets, the liquidation of the Parity Committee and appoint a liquidator.

13. The expenses, fees and disbursements of the provisional administration shall be borne by the Parity Committee.

14. Neither the provisional administrator nor any of the persons exercising their powers and functions under this Act may be

prosecuted for any act performed in good faith in the exercise of his functions.

15. No recourse under article 329 of the Civil Code of Québec and no extraordinary recourse under articles 828 to 845 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised, and no injunction may be granted, against the provisional administrator or against any of the persons exercising their powers and functions under this Act.

A judge of the Court of Appeal may, on motion, summarily annul any judgment, writ, order or injunction issued or granted contrary to this section.

DIVISION II

PROVISIONAL ADMINISTRATION OF THE CORPORATION DE FORMATION DES VITRIERS ET TRAVAILLEURS DU VERRE DU QUÉBEC

16. In this Act, the word “Corporation” means the Corporation de formation des vitriers et travailleurs du verre du Québec constituted by letters patent, issued on 18 April 1991, under Part III of the Companies Act (R.S.Q., chapter C-38).

17. The powers and functions of the members of the board of directors, officers, members and agents of the Corporation are hereby suspended for a period of one year, without compensation and without notice.

The period of suspension may be extended by the Minister of Employment, provided that, in each case, the extension does not exceed six months.

The Minister shall give notice of any such extension in the *Gazette officielle du Québec*.

18. For the duration of the suspension, the powers and functions of the Corporation and of the persons referred to in the first paragraph of section 17 shall be exercised, for and on behalf of the Corporation, by the three persons designated under the first paragraph of section 3.

19. Sections 3 to 15, adapted as required, apply to the provisional administration of the Corporation.

DIVISION III

PENALTIES

§ 1.—*Penal provisions*

20. Every person who, in any manner, obstructs or impedes the provisional administrator, a person constituting the provisional administrator, a member of the personnel assigned to the provisional administrator or the Commission or its chairman in the exercise of their powers and functions under this Act, is guilty of an offence.

21. Every person who aids, abets, counsels, authorizes or commands another person to commit, or consents to the commission of, an offence under section 20 is guilty of an offence.

22. Every person who commits an offence under this Act is liable to a fine of \$500 to \$5 000 in the case of a natural person or \$5 000 to \$10 000 in the case of a legal person.

For any subsequent offence, the amounts prescribed in the first paragraph shall be doubled.

23. All penal proceedings for offences under this Act are instituted by the Attorney General.

§ 2.—*Administrative measure*

24. No person convicted of an offence under this Act may serve on a parity committee constituted under the Act respecting collective agreement decrees, or be elected, appointed or serve as a member, officer, substitute, mandatary or secretary of such a parity committee or as a director or officer of the Corporation.

The disqualification resulting from the first paragraph shall last for five years, unless a pardon is obtained.

DIVISION IV

MISCELLANEOUS PROVISIONS

25. The provisional administrator becomes, for and on behalf of the Parity Committee or the Corporation, a party to any proceedings to which the Parity Committee or the Corporation is a party, as the case may be, without continuance of suit.

26. The provisions of this Act and of the internal management by-laws referred to in section 4 prevail over the articles and by-laws of the Parity Committee and of the Corporation.

27. Nothing in this Act shall prevent the continuation of an inquiry under section 26 of the Act respecting collective agreement decrees, in respect of acts performed before (*insert here the date of assent to this Act*).

28. The Minister of Employment is responsible for the administration of this Act.

29. This Act comes into force on (*insert here the date of assent to this Act*).