



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FOURTH LEGISLATURE

Bill 21

An Act to amend the Act respecting labour standards and other legislative provisions

Introduction

Introduced by
Mr André Bourbeau
Minister of Manpower, Income Security and Skills Development

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EXPLANATORY NOTES

This bill amends the Act respecting labour standards, in particular, to revise the rules relating to the 1 July statutory holiday and make certain adjustments for the purpose of simplifying the administration of the Act.

The bill provides for the appointment of a vice-chairman to the Commission des normes du travail and defines his duties.

In addition, the bill amends the National Holiday Act to adjust the amount of the prescribed fines.

Finally, the bill amends, for concordance purposes, the Act respecting hours and days of admission to commercial establishments as regards the 1 July statutory holiday.

ACTS AMENDED BY THIS BILL:

- National Holiday Act (R.S.Q., chapter F-1.1)
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1)
- Act respecting labour standards (R.S.Q., chapter N-1.1)

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by inserting, after section 10, the following sections:

“10.1 The chairman is assisted by a vice-chairman in the performance of his duties under the second paragraph of section 10.

“10.2 The vice-chairman is appointed for not more than five years by the Government. He holds office on a full-time basis and replaces the chairman in the performance of all his duties when the latter is absent or unable to act.”

2. Section 12 of the said Act is replaced by the following section:

“12. A member of the Commission or the vice-chairman remains in office at the expiry of his term until he is replaced or reappointed.”

3. Section 13 of the said Act is amended by inserting the words “of the Commission or the vice-chairman” after the word “member” in the first line.

4. Section 14 of the said Act is repealed.

5. Section 18 of the said Act is amended by inserting the words “, the vice-chairman” after the word “chairman” in the third line.

6. Section 19 of the said Act is amended by replacing the words “and the other members” in the third and fourth lines by the words “, the other members and the vice-chairman”.

7. Section 21 of the said Act is amended by replacing the words “secretary of the Commission” in the second and third lines by the words “vice-chairman of the Commission, of its secretary”.

8. Section 22 of the said Act is amended

(1) by replacing the words “No member of the Commission may” in the first line of the first paragraph by the words “A member of the Commission or the vice-chairman may not”;

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

“Except on a question of jurisdiction, no recourse provided for in articles 33 and 834 to 846 of the Code of Civil Procedure (R.S.Q., chapter C-25) may be exercised nor any injunction granted against the Commission or against a member or the vice-chairman of the Commission acting in his official capacity.”

9. Section 24 of the said Act is amended

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

“24. The chairman and the vice-chairman shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting their personal interest in conflict with that of the Commission. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with all possible dispatch.”;

(2) by replacing the words “Every other member of the Commission having” in the first line of the second paragraph by the words “Any member of the Commission, other than the chairman, who has”.

10. Section 60 of the said Act, replaced by section 18 of chapter 73 of the statutes of 1990, is amended by replacing paragraph 4 by the following paragraph:

“(4) 1 July, or 2 July where the 1st falls on a Sunday;”.

11. Section 107 of the said Act, amended by section 47 of chapter 73 of the statutes of 1990, is again amended by inserting the words “or certified” after the word “registered” in the third line.

12. Section 107.1 of the said Act, enacted by section 48 of chapter 73 of the statutes of 1990, is amended by inserting the words

“or certified” after the word “registered” in the first line of the second paragraph.

13. Section 111 of the said Act, amended by section 49 of chapter 73 of the statutes of 1990, is again amended by adding the words “or certified” after the word “registered” in the fifth line of the first paragraph.

14. Section 113 of the said Act, amended by section 50 of chapter 73 of the statutes of 1990, is again amended by striking out the words “if he fails to inform the Commission of his intention to proceed himself ” in the second and third lines of the first paragraph.

15. Section 116 of the said Act, amended by section 52 of chapter 73 of the statutes of 1990, is again amended by inserting the words “or certified” after the word “registered” in the second line.

16. Section 119 of the said Act is amended by inserting the words “or against the directors of the same legal person” after the word “employer” in the second line.

17. Section 9 of the National Holiday Act (R.S.Q., chapter F-1.1), amended by section 421 of chapter 4 of the statutes of 1990, is again amended by replacing the amounts “\$250” and “\$575” in the second and third lines of the first paragraph by the amounts “\$325” and “\$700”, respectively.

18. Section 3 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1), amended by section 72 of chapter 73 of the statutes of 1990, is again amended by replacing paragraph 5 by the following paragraph:

“(5) 1 July, or 2 July where the 1st falls on a Sunday;”.

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