



NATIONAL ASSEMBLY

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THIRTY-FOURTH LEGISLATURE

Bill 37

An Act respecting the prolongation of collective agreements and the remuneration in the public sector

Introduction

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

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EXPLANATORY NOTES

This bill authorizes the public bodies it defines and their associations of employees to agree on a deferral of the date of expiration of their collective agreements, and allows the duration of such agreements to exceed three years. In cases where the parties fail to reach an agreement, the date of expiration will be deferred for one year.

The bill prescribes the maximum increase in salary rates and scales and in premiums that may be agreed upon by the parties for the period of deferral. The rates, scales or premiums in effect on the date of expiration may be increased by a maximum of 3 % for the first nine months of that period and 1 % beginning in the tenth month.

In addition, the bill applies such maximum percentages to administrators of state and to the chief executive officers and members of public bodies as well as to the managerial staff and other employees of a public body who do not belong to a bargaining unit. The same maximums apply in respect of judges and Members of the National Assembly.

Agreements relating to insured services furnished by health professionals under the Health Insurance Act will also be subject to the maximum increases applicable to collective agreements.

Lastly, the bill provides for exceptions to the rules it prescribes and includes provisions of concordance.

Bill 37

An Act respecting the prolongation of collective agreements and the remuneration in the public sector

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION

1. For the purposes of this Act, the following bodies are public bodies:

(1) the Government, its departments and the government agencies whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(2) school boards, colleges, establishments, any body which is similar to a school board or classified as an establishment and government agencies to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) applies, as well as regional health and social service councils and the Conseil scolaire de l'Île de Montréal;

(3) any other body whose personnel is remunerated according to standards and scales which are, by law, determined or approved by the Government or stipulated in a collective agreement negotiated and agreed with the concurrence of the Government;

(4) educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);

(5) institutions recognized for purposes of grants or declared to be of public interest under the Act respecting private education (R.S.Q., chapter E-9).

2. The National Assembly, persons designated by the National Assembly pursuant to an Act and persons designated by the Government pursuant to an Act and whose personnel is appointed or remunerated in accordance with the Public Service Act shall be regarded as public bodies.

3. The term “collective agreement” means a collective agreement or that which is in lieu thereof within the meaning of the Labour Code (R.S.Q., chapter C-27).

4. For the purposes of this Act, the date of expiration of a collective agreement or an agreement made pursuant to section 19 or 19.1 of the Health Insurance Act (R.S.Q., chapter A-29) is the date on which such an agreement ends, independently of this Act and taking into account, where applicable, the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41).

DIVISION II

EMPLOYEES BELONGING TO A BARGAINING UNIT

5. The date of expiration of a collective agreement that is binding on a public body and an association of employees and in force on (*insert here the date of coming into force of this Act*) may be deferred by agreement between the parties. The duration of such a collective agreement may exceed three years.

The same applies to any collective agreement renewing or replacing a collective agreement which was binding a public body and an association of employees which expired before (*insert here the date of coming into force of this Act*), and a first collective agreement pertaining to a group having obtained certification if it takes effect with respect to a public body before the end of the year 1993.

Failing agreement between the parties on a longer period of deferral, the date of expiration of the collective agreement shall be deferred for one year.

6. The salary rates and scales and the premiums having effect from the day following the date of expiration of a collective agreement contemplated in section 5 are determined by agreement between the parties. However, the rates, scales and premiums having effect on the day of expiration may not be increased by more than 3 % for the first nine months following that date, and may not, at least for the three following months, be further increased by more than 1 %.

7. Any provision of a collective agreement binding a public body and an association of employees in force on (*insert here the date of coming into force of this Act*) whose object is to add a lump sum equivalent to a maximum percentage of 1 % of each of the salary rates and scales provided under that agreement, shall cease to have effect on the lapse of twelve months after the coming into effect of that provision.

8. The third paragraph of section 5 and sections 6 and 7 do not apply to a collective agreement which contains a stipulation having the effect of rendering a salary increase not in excess of the increase set out in section 6 applicable to the employees concerned for a period of at least one year beginning in 1992, 1993 or 1994.

Furthermore, the said provisions do not apply to a collective agreement binding the following parties:

(1) Hydro-Québec and any association of employees representing its employees;

(2) the Société des alcools du Québec and any association of employees representing its employees;

(3) the Société des établissements de plein air du Québec and the Syndicat des fonctionnaires provinciaux Inc. in relation to the Parc du Mont Ste-Anne bargaining unit;

(4) the Gouvernement du Québec and the Association des policiers provinciaux du Québec.

The third paragraph of section 5 does not apply to a public body referred to in paragraph 5 of section 1 and an association of employees representing its employees.

9. In every case where the date of expiration of a collective agreement is deferred, the period provided for in paragraph *d* of section 22 and in sections 73, 111.3 and 111.4 of the Labour Code shall be determined on the basis of the original term of the collective agreement.

10. Notwithstanding section 61 of the Labour Code, no association of employees may terminate a collective agreement whose date of expiration has been deferred or declare it null before its new date of expiration.

11. Where an association of employees bound by a collective agreement whose date of expiration is deferred by agreement is a new

association certified following an application made between the two hundred and seventieth and the two hundred and fortieth day preceding that date of expiration, the standard collective agreement of the new association shall apply on the thirtieth day following the date of the agreement.

12. For the negotiation of a collective agreement renewing or replacing a collective agreement whose date of expiration is deferred, the negotiation stage provided for in section 111.7 of the Labour Code shall begin on the day following the date to which the date of expiration is deferred. The parties may, however, by agreement, fix another date for the beginning of the negotiation stage.

For the application of the said Code to the negotiation of such a collective agreement, the day contemplated in the first paragraph or fixed by the parties pursuant to that paragraph is considered to be the one hundred and eightieth day preceding the date of expiration and the time limits prescribed in section 111.8 are changed accordingly.

DIVISION III

PERSONS WHO DO NOT BELONG TO A BARGAINING UNIT

§ 1.—*Members of and persons employed by public bodies*

13. Administrators of state and the chief executive officers and members of public bodies shall be remunerated, for the period beginning on 1 July 1992 and ending on 31 March 1993, according to the salary rates and scales and premiums in force on 30 June 1992, increased by not more than 3 %. Beginning on 1 April 1993 such rates, scales and premiums may be further increased by not more than 1 %.

The same applies to the remuneration of managerial staff and other members of the personnel of the public service who do not belong to a bargaining unit.

14. Every person empowered to determine the salary rates and scales and premiums of the managerial staff and other staff members of a public body who do not belong to a bargaining unit shall, for a twelve-month period beginning in 1992, 1993 or 1994, fix such rates, scales and premiums by applying rates of increase that do not exceed the rates provided for in section 13.

The same applies to every person empowered to fix the remuneration of the members of the office staff of a minister, of an

office referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) and of members of the staff of a Member of the National Assembly.

§ 2.—*Judges and Members*

15. The salary of a member of the Court of Québec and, insofar as it is determined with reference thereto, the salary of municipal judge and a justice of the peace and the amounts of additional remuneration attached to the office of chief judge, senior associate chief judge, associate chief judge or coordinating judge in force on 30 June 1992 may be increased, on that date, by not more than 3 % with effect for the period beginning on 1 July 1992 and ending on 31 March 1993 and by not more than 1 % beginning on 1 April 1993.

16. For the period beginning on 1 January 1993 and ending on 30 September 1993, the annual indemnity received by each Member under section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) shall be based on the average of the lowest and highest amounts provided in the salary scale applicable to the class of positions of senior executive officers of the public service, class IV, on 1 July 1992. Beginning on 1 October 1993, it shall be based on the same average as established on 1 April 1993.

§ 3.—*Health professionals*

17. In any agreement under section 19 of the Health Insurance Act (R.S.Q., chapter A-29) in force on (*insert here the date of coming into force of this Act*) and in any agreement renewing or replacing such an agreement, the amounts of the general tariff objectives applicable to medical specialists, general practitioners and optometrists for insured services furnished under that Act shall not exceed, for the period beginning on 1 December 1992 and ending on 31 August 1993, those in effect for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be increased by not more than 1 % beginning on 1 September 1993.

18. The tariffs applicable to specialists in oral and maxillo-facial surgery, dental surgeons and proprietary pharmacists for insured services furnished under the Health Insurance Act may not exceed, for the period beginning on 1 December 1992 and ending on 31 August 1993, those in effect for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be increased by not more than 1 % beginning on 1 September 1993.

19. Where the chairman of the Conseil du trésor is of the opinion that the stipulations of an agreement have the effect of establishing and maintaining the amounts of the tariff objectives or the tariffs at a level not exceeding what is provided in section 17 or 18, he may so advise the parties. Where such is the case, section 17 or 18, as the case may be, does not apply to the health professionals concerned by the agreement.

20. The salary rates and scales and the premiums applicable to medical specialists, general practitioners and dental surgeons for insured services furnished under the Health Insurance Act shall be, for the period beginning on 1 December 1992 and ending on 31 August 1993, those in effect for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be further increased by not more than 1 % beginning on 1 September 1993.

21. The first and second paragraphs of section 5, and sections 6, 7 and 9 to 12, adapted as required, apply, from 1 July 1992, to every agreement that is binding on pharmacists practising in a hospital centre, entered into under section 3 of the Hospital Insurance Act (R.S.Q., chapter A-28).

The same applies, from 1 January 1993, to every agreement that is binding on medical residents, entered into under section 19.1 of the Health Insurance Act.

22. Every provision of an agreement referred to in sections 17 and 18, which is in force on (*insert here the date of coming into force of this Act*) and whose object is to add a lump sum of 1 % shall cease to have effect on the lapse of twelve months following the coming into effect of that provision.

DIVISION IV

MISCELLANEOUS AND FINAL PROVISIONS

23. The amendments made to the conditions of employment of employees under this Act are deemed to form part of the collective agreements that are binding on those employees.

24. Notwithstanding any inconsistent provision of any Act, regulation, order in council, order, budgetary rule, directive or instruction, the Government may, without any other formality, fix or change the amount or date of payment of any subsidy that the

Government or a minister pays to a public body so as to take into account the maximum level of remuneration applicable pursuant to this Act.

Every order made by the Government under this section takes effect on the date on which it is made or on any prior date or later date fixed therein. The Regulations Act (R.S.Q., chapter R-18.1) does not apply in respect of such an order, if any.

25. This Act does not dispense the parties to collective agreements and to agreements it contemplates from the obligation of complying with the provisions of the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41) that are applicable to them.

26. The new labour standards whose effect is deferred by section 73 of the Act to amend the Act respecting labour standards and other legislative provisions (1990, chapter 97) apply to employees governed by a collective agreement that is binding on a public body and an association of employees from the day following the date of expiration of the collective agreement.

27. The first and second paragraphs of section 5 apply to collective agreements binding the holders of ambulance service permits and the associations of employees representing their employees.

28. Section 8 of the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41) is amended by striking out the words “and, subsequently, until the coming into force of a new collective agreement” in the eighth and ninth lines.

29. Section 9 of the said Act is amended by replacing the words “the coming into force of a new collective agreement” in the fourth line of the third paragraph by the words “30 June 1992”.

30. Section 13 of the said Act is amended by adding, at the end, the following paragraph:

“However, any provision of the document whose object is to add a lump sum to the salary rates and scales shall cease to have effect on 30 June 1992.”

31. Section 115 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by striking out, at the end of the second paragraph,

the following sentence: “However, on 1 July 1992, the date of the last change in salary to be considered shall be that of 1 July 1991”.

32. Section 124 of the said Act, amended by section 29 of chapter 41 of the statutes of 1991, is again amended by replacing the figure “1992” in the first line of the first paragraph by the figure “1993”.

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