



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-FOURTH LEGISLATURE

Bill 81

An Act to amend the Labour Code

Introduction

**Introduced by
Mr Yves Séguin
Minister of Labour**



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EXPLANATORY NOTES

The object of this bill is to make a number of amendments to the Labour Code.

By these amendments, the bill gives exclusive jurisdiction to the labour commissioners to rule on any matter relating to the application of section 45. It also specifies the various powers made available to them to settle any matter arising out of the application of section 45.

A further object of the bill is to make other public services subject to those provisions of the Labour Code respecting the maintenance of essential services in case of strike or lock-out. The bill would also lengthen the time during which the Government may make an order to maintain essential services.

Lastly, this bill clarifies the definition of "employee" in its application to public servants attached to the Ministère du Conseil exécutif.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing the words “executive council” in the thirteenth line of subparagraph 3 of paragraph 1 by the words “Ministère du Conseil exécutif”.

2. Section 46 of the said Code is replaced by the following sections:

“46. It shall be the duty of the labour commissioner, upon the petition of an interested party, to rule on any matter relating to the application of section 45.

For such purpose, the labour commissioner may determine the applicability of that section and issue any order deemed necessary to effect the transfer of rights or obligations contemplated therein.

“46.1 The labour commissioner may settle any difficulty arising out of the application of section 45. He may, in particular,

- (1) establish the existence of such a difficulty;
- (2) determine or modify a bargaining unit or amalgamate two or more bargaining units;
- (3) grant, modify or cancel a certification;
- (4) certify one of the associations of employees involved as a result of the application of section 45 by any means of investigation he deems expedient, particularly by holding a vote by secret ballot;

(5) allow the election on the conditions he indicates or prescribe the application of a collective agreement or of some of its provisions; he may for such purpose interpret the provisions of the agreement.”

3. Section 111.0.16 of the said Code is amended

(1) by striking out the word “, water” in the second line of paragraph 5;

(2) by inserting, after paragraph 5, the following paragraph:

“(5.1) a service operating or maintaining a waterworks system or sewer system or a water purification or treatment system;”;

(3) by inserting the words “and refuse incineration” after the word “removal” in paragraph 6.

4. Section 111.0.17 of the said Code is amended

(1) by replacing the second sentence of the second paragraph by the following: “It may be made at any time prior to such filing.”;

(2) by adding, after the second paragraph, the following paragraph:

“From the date indicated therein, the order suspends the exercise of the right to strike until the certified association concerned meets the requirements of sections 111.0.18 and 111.0.23.”

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