



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-THIRD LEGISLATURE

Bill 48

**An Act respecting the resumption
of certain services of the
University of Québec at Montréal**

Introduction

Introduced by
Mr Claude Ryan
Minister of Higher Education
and Science

**Québec Official Publisher
1987**

EXPLANATORY NOTES

The object of this bill is to ensure the resumption of certain teaching services of the University of Québec at Montréal.

To that end, it requires the lecturers now on strike to resume their duties from 8:00 AM on 11 May 1987.

In addition, the bill maintains in force, until 31 December 1988, the clauses of the last collective agreement, while increasing the rates of remuneration according to the scale applicable to the public sector.

Lastly, the bill provides that any person who contravenes the Act will be liable to penalties or, in the case of a lecturer, to the loss of the priority points credited to his account under the collective agreement.

Bill 48

An Act respecting the resumption of certain services of the University of Québec at Montréal

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION AND APPLICABILITY

- 1.** In this Act, unless otherwise indicated by the context,
- “association of employees” means the Syndicat des chargés de cours de l’UQAM (CSN);
- “employer” means the University of Québec at Montréal;
- “employee” means a person employed as a lecturer by the employer and included in the bargaining unit for which the association of employees is certified under the Labour Code (R.S.Q., chapter C-27).

DIVISION II

RESUMPTION OF SERVICES

- 2.** Every person who on 22 March 1987 was an employee shall, from 8:00 AM on 11 May 1987, resume his teaching activities and perform the teaching, supervisory and evaluation duties determined by the employer to secure the validity of the winter session of the 1986-87 university year.

During the period comprised between the opening of the 1987 summer session and 31 December 1988, an employee shall perform all the duties attached to his functions in accordance with the conditions of employment that are applicable to him, without stoppage, slowdown, reduction or alteration of his usual activities.

3. From 8:00 AM on 11 May 1987, the employer shall take the appropriate measures to see that the teaching services required to secure the validity of the winter session of the 1986-87 university year and, thereafter, its usual services, are provided without interruption or lock-out.

4. No association of employees may declare or carry on a strike or organize any concerted action if such strike or concerted action involves a contravention of section 2 by the employees.

5. The association of employees shall take the appropriate measures to induce the employees it represents to comply with section 2.

6. No person may, by omission or otherwise, hinder employees in the normal performance of their duties under the conditions of employment applicable to them.

7. No person may hinder the access of a person to a place to which he has a right of access to perform his duties or to receive a service provided by the employer.

8. If the employees do not comply with section 2 in sufficient number to ensure the teaching services of the employer, the Government may, by order, from such time, for such time and on such conditions as it may fix, replace, amend or strike out any stipulation of the collective agreement binding the employer and the association of employees relating to the mode by which the employer fills a position or hires new employees and any matter related to work organization.

The provisions of an order made under the first paragraph shall, for the period indicated therein, form part of the collective agreement contemplated therein.

DIVISION III

SETTLEMENT OF THE DISPUTE

9. The clauses of the collective agreement binding between the employer and the association of employees on 28 February 1986 continue to have effect.

They are, notwithstanding the foregoing, amended so as to take into account the provisions set forth in the schedule.

10. The clauses referred to in section 9 constitute a collective agreement within the meaning of the Labour Code and bind the parties until 31 December 1988.

DIVISION IV

PENALTIES

§ 1.—*Penal proceedings*

11. Every person who contravenes or incites or encourages a person to contravene any provision of section 2, 3 or 6 is guilty of an offence and liable, in addition to costs, to a fine

(1) of \$25 to \$100 in the case of an employee or other natural person not contemplated in paragraph 2;

(2) of \$1 000 to \$10 000 in the case of a person who, on 6 May 1987, was an officer, employee or representative of an association, union, federation, confederation, central or council or an officer or representative of the employer, or who became so after that date;

(3) of \$5 000 to \$50 000 in the case of an association, union, federation, confederation, central or council.

12. If the association of employees fails to comply with section 4 or section 5, it is guilty of an offence and liable, in addition to costs, to the fine prescribed in paragraph 3 of section 11 for each day or part of a day during which employees represented by it contravene section 2.

13. Every person who contravenes section 7 is guilty of an offence and liable, in addition to costs, to a fine of \$1 000 to \$10 000.

In the case of a person described in paragraph 2 of section 11, the fine prescribed in the first paragraph is \$2 000 to \$25 000.

14. Every person who, by act or omission, assists another in committing an offence is guilty of the offence as if he had committed it himself if he knew or should have known that his act or omission would probably result in aiding the commission of the offence.

15. Every person who abets, counsels or commands another to commit an offence is guilty of the offence and of any other offence committed by the other as a result of the abetment, counsel or command

if he knew or should have known that his action would probably result in the commission of the offence.

16. Where an offence described in any of sections 11 to 15 continues for more than one day, a separate offence shall be counted for each day or part of a day during which the offence continues.

Notwithstanding subsection 2 of section 12 of the Summary Convictions Act (R.S.Q., chapter P-15), the offences may be set out in a single count.

17. Proceedings are brought in accordance with the Summary Convictions Act by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

§ 2.—Loss of priority points

18. An employee who, contrary to section 2, fails to perform his teaching, supervisory and evaluation duties or fails to perform all the duties attached to his functions loses all the priority points credited to his account, within the meaning of section 8 of the collective agreement.

The employer shall inform the employee in writing of the latter's loss of points and shall change the list of points accordingly.

Within 30 days of being informed of the loss, the employee is entitled, according to the grievance procedure provided in the collective agreement, to obtain recognition of the priority points he has lost by the effect of this section if he complied with section 2 or if he was prevented from complying therewith despite having taken every reasonable means to do so, and his failure to comply with section 2 was not part of any concerted action.

Any person to whom a decision made by the employer pursuant to this section is referred for arbitration has authority only to confirm or to quash it.

DIVISION V

MISCELLANEOUS PROVISIONS

19. This Act does not have the effect of exempting an employee, the association of employees or the employer from the application of the Labour Code.

20. The provisions of this Act prevail over any clauses of the collective agreement that are inconsistent therewith.

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

SCHEDULE

1. The rates of remuneration for 45 hours of lectures are as follows:
 - (a) \$3 037.15 for the period from 1 March 1986 to 31 December 1986;
 - (b) \$3 158.64 for the period from 1 January 1987 to 31 December 1987;
 - (c) \$3 294.73 for the period from 1 January 1988 to 31 December 1988.
2. The hourly rates of remuneration for private music lessons are as follows:
 - (a) \$42.23 for the period from 1 March 1986 to 31 December 1986;
 - (b) \$43.92 for the period from 1 January 1987 to 31 December 1987;
 - (c) \$45.84 for the period from 1 January 1988 to 31 December 1988.
3. The rates of remuneration in this schedule include the payment of social benefits.
4. The rates fixed by paragraph 1 of this schedule for the winter session of the 1986-87 university year shall be adjusted proportionately to the teaching duties required by the employer and actually performed.