



NATIONAL ASSEMBLY

FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Bill 11

An Act to amend various legislation respecting labour relations

Introduction

**Introduced by
Mr Raynald Fréchette
Minister of Labour**



**Québec Official Publisher
1984**

EXPLANATORY NOTES

The object of this bill is to amend the Labour Code and the Act respecting collective agreement decrees, so as to facilitate their administration.

The amendments to the Labour Code are designed to improve the internal operations of the Conseil des services essentiels. For example, the bill requires the parties to attend every meeting to which they are convened by the council, and amends some of the rules regarding the notices to be given under the relevant chapter of the Labour Code.

The bill provides also that no change may be made to the conditions of employment of employees providing essential services during a strike.

The amendments to the Act respecting collective agreement decrees clarify certain powers of the parity committees, give these committees added regulatory authority, increase the time before which rights to take civil or penal action are lost by prescription, and increase the amounts of fines.

This bill provides, furthermore, that certain unpaid trainees will not come under the Act respecting collective agreement decrees. It sets down the principle that on the transfer of a business to a new owner, the former and new owners are jointly and severally responsible where any moneys owing to the employees or to the parity committee are concerned. Finally, it sets out the procedure for the appointment of a person by the Minister to act as administrator or liquidator of a parity committee.

ACTS AMENDED BY THIS BILL:

- the Labour Code (R.S.Q., chapter C-27)
- the Act respecting collective agreement decrees (R.S.Q., chapter D-2)

Bill 11

An Act to amend various legislation respecting labour relations

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 111.0.2 of the Labour Code (R.S.Q., chapter C-27) is amended by adding, at the end, the words “and a vice-president”.

2. Section 111.0.3 of the said Code is amended

(1) by inserting, after the word “president” in the first line of the second paragraph, the words “and the vice-president”;

(2) by replacing the word “three” in the first line of subparagraph *c* of the second paragraph by the word “two”.

3. Section 111.0.4 of the said Code, enacted by section 6 of chapter 37 of the statutes of 1982, is replaced by the following section:

“111.0.4 The president and the vice-president of the council are appointed for not over five years. The other members are appointed for not over three years.

The members of the council remain in office until they are reappointed or replaced.

The members, except the part-time members, shall devote their time exclusively to their duties of office.

If a member does not complete his term, he is replaced in the manner provided in section 111.0.3 for the remainder of the term.”

4. Section 111.0.5 of the said Code is amended by replacing the first paragraph by the following paragraph:

“111.0.5 The president and the vice-president, on pain of forfeiture of office, shall not have a direct or indirect interest in an undertaking creating a conflict between their personal interest and that of the council. However, they shall not be removed from office if such interest devolves to them by succession or gift, provided that they renounce or dispose of it with dispatch.”

5. Section 111.0.7 of the said Code is amended by inserting, after the word “council” in the first line, the words “or, in his absence, the vice-president”.

6. Section 111.0.8 of the said Code is amended

(1) by adding, at the end of the first paragraph, the words “or, in his absence, the vice-president”;

(2) by inserting, after the word “president” in the second line of the second paragraph, the words “or, in his absence, the vice-president”;

(3) by adding, at the end, the following paragraphs:

“The council may, however, operate through divisions consisting of four of its members; three members including the president or the vice-president are a quorum at any meeting of a division of the council.

Every decision of a division of the council must be unanimous, failing which the matter shall be referred to the council.”

7. Section 111.0.17 of the said Code is amended by replacing the words “in a newspaper circulated in the region where that public service is provided” in the sixth and seventh lines of the second paragraph by the words “the council shall inform the parties thereof.”

8. Section 111.0.19 of the said Code is amended by inserting, after the first paragraph, the following paragraph:

“The parties shall attend every meeting to which they are convened by the council.”

9. Section 111.0.23 of the said Code is amended

(1) by inserting, before the word “days” in the sixth line of the first paragraph, the word “juridical”;

(2) by adding, at the end, the following paragraph:

“Unless an agreement has been reached by the parties, no employer shall change the conditions of employment of the employees providing essential services.”

10. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by striking out paragraph *k*.

11. Section 10 of the said Act is amended by striking out subsection 3.

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

“**12.** It is forbidden to stipulate a wage lower than that fixed by the decree. Notwithstanding any stipulation or agreement to the contrary and without it being necessary to demand the nullity thereof, the employee is entitled to recover the wage fixed by the decree.”

13. Section 13 of the said Act is amended by replacing the words and figures “sections 9, 10, 11 and 12” in the third and fourth lines by the words and figures “sections 9, 10 and 11.”

14. The said Act is amended by adding, after section 14, the following section:

“**14.1** In the case of the alienation or concession of the whole or part of an undertaking, otherwise than by judicial sale, the former and the new employers are jointly and severally responsible for any debt incurred before the alienation or concession or resulting from the application of this Act, a regulation or a decree.”

15. Section 22 of the said Act is amended, in the second paragraph,

(1) by adding, after the word “decree” in the first line of subparagraph *a*, the words “or this Act”;

(2) by replacing subparagraph *c* by the following subparagraph:

“(c) Recover from the employer who violates the provisions of any decree relating to wages a sum equal to 20% of the difference between the obligatory wage and that actually paid;”;

(3) by adding, after the word “Appoint” in the first line of subparagraph *e*, the words “a general manager”;

(4) by inserting, after the word “The” in the first line of the second paragraph of subparagraph *e*, the words “general manager, the”;

(5) by inserting, at the end of subparagraph *e*, the following paragraph:

“The general manager, the secretary or any inspector may also require the production of any document referred to in the second paragraph or any document relating to the application of this Act, a decree or a regulation, make a copy thereof and certify it as a true copy of the original. The copy is admissible as proof and has the same probative value as the original;”;

(6) by replacing the words “the scale of wages rendered obligatory” in the second and third lines of subparagraph *f* by the words “any provision of the decree”;

(7) by replacing the words “and residence” in the fifth line of subparagraph *g* by the words “address and social insurance number”;

(8) by replacing subparagraph *h* by the following subparagraph:

“(h) By a regulation approved by the Government and published in the *Gazette officielle du Québec*, oblige any professional employer to transmit to it a monthly report giving:

(1) the name in full, address and social insurance number of each employee in his employ, his competency, the nature of his work, the regular and extra hours of labour done each week by the employee, the total number of such hours, his hourly wage rate and his total earnings;

(2) the allowances paid to each employee for annual vacations with pay and paid holidays and any other allowance or benefit of a monetary value.

The regulation may also render compulsory the use of a form;”;

(9) by striking out paragraph 1 of subparagraph *i*;

(10) by inserting, after the word “terminate” in the second line of paragraph 5 of subparagraph *i*, the words “or suspend”;

(11) by replacing subparagraph *l* by the following subparagraph:

“(l) By regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;”;

(12) by adding, after the word “benefits” in the first line of subparagraph *m*, the words “or the administration by the parity committee of a vacation pay fund”;

(13) by adding, at the end, the following subparagraphs:

“(o) Levy, up to the amount prescribed by regulation approved with or without amendment by the Government and published in the *Gazette officielle du Québec*, out of the interest from the funds kept in trust for vacation pay, where such is the case, the sums necessary for the administration of the fund;

“(p) Use, for its general administration, up to the amount and on the conditions prescribed by regulation approved with or without amendment by the Government and published in the *Gazette officielle du Québec*, the unclaimed funds kept in trust until the employee submits his claim.”

16. Section 23 of the said Act is amended

(1) by replacing the words “a quarterly” in the first line of the first paragraph by the words “an annual”;

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

“The committee shall also transmit each year to the Minister its budgetary estimates and a report of all its activities.”

17. Section 26 of the said Act is replaced by the following sections:

“**26.** The Minister may entrust the person he designates to inquire into any matter related to the administration or operation of a parity committee or to the conduct of its members. The investigator so designated has the powers and immunities of a commissioner appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

“**26.1** The Minister may, if he is of opinion that the report of the investigator justifies such action, order that the powers of the parity committee be suspended and appoint an administrator to exercise the powers of the committee for such period as the Minister determines.

The Minister, after consultation with the Minister of Manpower and Income Security, may appoint the Commission des normes du travail to act as administrator in such case.”

18. Section 27 of the said Act is replaced by the following section:

“**27.** When the committee becomes extinct its property shall be delivered to the Minister. The latter may, however, as soon as a decree ceases to be in force, appoint a liquidator who shall thereupon have, alone, all the duties and powers of the parity committee. The liquidator shall deliver the remaining property to the Minister, who may devote it to a similar work designated by the Government.”

19. Section 28 of the said Act is amended by replacing the words “six months” in the second line by the words “one year”.

20. The said Act is amended by inserting, after section 28, the following section:

“28.1 A notice of inquiry from the committee sent by registered mail to the employer interrupts prescription in respect of all his employees for six months from the mailing of the notice.”

21. Section 29 of the said Act is amended by adding the following paragraphs:

“(d) A student undergoing a period of training without pay under the responsibility of a school board or an educational institution;

“(e) A person undergoing a period of rehabilitative training without pay under the responsibility of a rehabilitation centre or a government body.”

22. Section 30 of the said Act is amended

(1) by inserting, after the word “dismisses” in the second line, the words “, suspends or moves”;

(2) by replacing the words “twenty-five to fifty dollars” in the fourth line of paragraph *c* and “fifty to one hundred dollars” in the sixth line of the same paragraph by the words and figures “\$200 to \$500” and “\$500 to \$3 000”, respectively.

23. Section 31 of the said Act is amended by replacing the words “as damages, the equivalent of one month’s wages” in the fourth and fifth lines, by the words “three months’ wages as exemplary damages”.

24. Section 33 of the said Act is amended by replacing the words “twenty-five to fifty dollars” in the thirteenth line and “fifty to one hundred dollars” in the fifteenth line by the words and figures “\$200 to \$500” and “\$500 to \$3 000”, respectively.

25. Section 34 of the said Act is amended

(1) by replacing the words “one thousand dollars” in the ninth line of the first paragraph by the figure “\$3 000”;

(2) by striking out the second paragraph.

26. Section 35 of the said Act is amended by replacing the words “fifteen to twenty-five dollars” in the third and fourth lines and “twenty-

five to fifty dollars” in the fifth and sixth lines by the words and figures “\$50 to \$200” and “\$200 to \$500”, respectively.

27. Section 36 of the said Act is amended by replacing the words “twenty-five to fifty dollars” in the fourth line and “fifty to one hundred dollars” in the sixth line by the words and figures “\$50 to \$200” and “\$200 to \$500”, respectively.

28. Section 38 of the said Act is amended by replacing the words “twenty to fifty dollars” in the fourth line by the word and figures “\$50 to \$200”.

29. Section 51 of the said Act is amended by striking out the second paragraph.

30. Section 53 of the said Act is amended by replacing the words “six months” in the second line by the words “one year”.

31. Paragraph 8 of section 15 of this Act does not invalidate the existing regulations made under subparagraph *g* of the second paragraph of section 22 of the Act respecting collective agreement decrees.

32. The levying regulations of the parity committees in force on (*insert here the date of assent to this Act*) continue to have effect, notwithstanding the expiration dates contained therein, until they are repealed or replaced.

33. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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