
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 8

**An Act respecting the adoption
of chapters 35 and 45 of the statutes of 1982
and amending certain conditions of employment
in the public sector**

First reading



Introduced by
Mr Yves Bérubé
Chairman of the Conseil du trésor and
Minister responsible for Administration

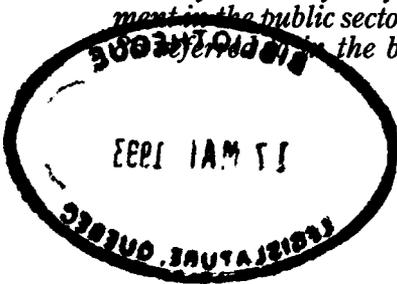
EXPLANATORY NOTES

The main object of this bill is to assure the validity of the sessional papers referred to in the Act respecting remuneration in the public sector and the Act respecting the conditions of employment in the public sector.

To that effect, it provides the re-adoption of those two Acts, of the orders made pursuant to them and of the sessional papers to which they refer. However, as stated in section 1, this re-adoption is not equivalent in any way to a recognition by Parliament that the adoption or tabling of those Acts, orders or sessional papers was erroneous.

It should also be noted that this bill will not apply to penal proceedings concerning an offence under the Labour Code committed before the coming into force of this bill.

A further object of this bill is to modify certain conditions of employment in the public sector in accordance with Sessional Papers Nos. 85 and 86 referred to in the bill.



Bill 8

An Act respecting the adoption of chapters 35 and 45
of the statutes of 1982 and amending
certain conditions of employment in the public sector

WHEREAS the validity of the procedure of tabling the sessional papers referred to in the Act respecting remuneration in the public sector (1982, chapter 35) and the Act respecting the conditions of employment in the public sector (1982, chapter 45) has been questioned in certain judicial proceedings;

Whereas the texts of the provisions of those sessional papers filed in the office of the labour commissioner-general constitute collective agreements or modify existing agreements;

Whereas in order for those agreements to be carried out, it is necessary that the validity of the said papers be assured;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

INTERPRETATION AND SCOPE

1. The main object of this Act is, in consideration of section 133 of the Constitution Act, 1867, to assure the validity of the sessional papers referred to in the Act respecting remuneration in the public sector and the Act respecting the conditions of employment in the public sector.

This Act is not to be interpreted as a recognition that the said Acts, the orders made pursuant to them or the sessional papers to which they refer require to be adopted, made or tabled otherwise than as has been done.

2. Excepting section 1, this Act does not apply to penal proceedings concerning an offence under the Labour Code committed before (*insert here the date of the coming into force of Bill 8*).

DIVISION II

ADOPTION OF THE ACT RESPECTING REMUNERATION IN THE PUBLIC SECTOR AND THE ACT RESPECTING THE CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR

3. The Act respecting remuneration in the public sector, amended by section 13 of chapter 45 of the statutes of 1982, and the Act respecting the conditions of employment in the public sector, amended by section 85 of chapter 58 of the statutes of 1982 and by section 27 of chapter 1 of the statutes of 1983, are replaced by their French and English texts as published in the *Gazette officielle du Québec*.

Sessional Papers Nos. 350, 650, 651, 653 and 665 referred to in the said Acts are replaced by the French text of Sessional Paper No. 350, tabled before the National Assembly on 26 May 1982, of Sessional Papers Nos. 650 and 651, tabled before the National Assembly on 9 December 1982, of Sessional Paper No. 653, tabled before the National Assembly on 11 December 1982 and of Sessional Paper No. 665, tabled before the National Assembly on 15 December 1982, as well as by the English text of these sessional papers tabled before the National Assembly on 5 May 1983 as Sessional Paper No. 84.

4. The French text and the English text of each of the said Acts and the French text and the English text of each of the sessional papers to which they refer form a separate Act or a separate sessional paper, respectively. Each of such Acts and each of such papers must be cited in the same manner as the Act or the paper it replaces.

5. The formalities relating to the printing and distribution of Acts do not apply to the replacing Acts, to the extent that these formalities have already been observed in respect of the Acts replaced.

The Sessional Papers to which the said Acts refer shall be printed, published and distributed by the Official Publisher according to the modalities he determines. They are not subject to any other publication requirement or formality.

6. The sanction of this Act has effect equally for each of the Acts enacted by virtue of this Act.

7. Every provision of the said Acts has effect from the date the provision it replaces is deemed to have taken effect.

8. Within 30 days of the date of sanction of this Act, the chairman of the Conseil du trésor shall file in the office of the labour commissioner-general a text reproducing the provisions of Sessional Papers Nos. 650, 651, 653 and 665.

The filing has effect from the date on which the filing of the texts reproducing the provisions of sessional papers replaced by this division is deemed to have taken effect.

9. The Government may, by order, make by a general reference and without amending them, all the orders made pursuant to the Act respecting remuneration in the public sector or pursuant to the Act respecting the conditions of employment in the public sector, the French and English texts of which have been published in the *Gazette officielle du Québec*.

Every order made under the first paragraph comes into force on the day of its publication in the *Gazette officielle du Québec*, but each of the provisions of the orders to which it refers has effect from the date the provision it replaces is deemed to have taken effect.

10. In the case of an order made by the Government pursuant to the Act respecting remuneration in the public sector or to the Act respecting the conditions of employment in the public sector, before (*insert here the date of sanction of Bill 8*), the text of which is not published in French and in English, the Government may make an order to replace the former order and give effect to the latter order from the date that had been provided for the order replaced, if the latter order reproduces the former without amendment.

Every order made under the first paragraph comes into force on the day of its publication in the *Gazette officielle du Québec*.

DIVISION III

MODIFICATION OF CERTAIN CONDITIONS OF EMPLOYMENT IN THE PUBLIC SECTOR

11. The provisions of the text contemplated in section 3 of the Act respecting the conditions of employment in the public sector are amended by those appearing in Sessional Paper No. 85 tabled before the National Assembly on 5 May 1983.

12. The provisions of a text contemplated in section 9 of the Act respecting the conditions of employment in the public sector are amended by those appearing in Sessional Paper No. 86 tabled before the National Assembly on 5 May 1983.

13. Within 30 days of the date of sanction of this Act, the chairman of the Conseil du trésor shall file in the office of the labour commissioner-general a text reproducing the provisions of Sessional Papers Nos. 85 and 86.

The filing of a copy of the text in the office has the same effect as if it were filed pursuant to section 72 of the Labour Code (R.S.Q., chapter C-27).

14. With regard to each employer, each association of employees and each group of employees concerned by the provisions, the provisions of a text filed pursuant to section 13 form part of the collective agreement in force.

15. The amendments made to the collective agreements pursuant to section 14 bind the parties from the dates of coming into force of the agreements, even where those dates precede the coming into force of this Act.

16. The provisions of the Labour Code, to the extent that they are not inconsistent with this Act, apply to the text filed pursuant to section 13.

17. The sessional papers to which this division refers shall be printed, published and distributed by the Official Publisher according to the modalities he determines. They are not subject to any other publication requirement or formality.

18. The Government may, by order, amend any order made pursuant to section 11 of the Act respecting remuneration in the public sector, enacted under this Act, or pursuant to section 4 of the Act respecting the conditions of employment in the public sector, enacted under this Act, so as to render applicable to an employee contemplated in such orders an adjustment of remuneration comparable to that resulting from the application of section 11 of this Act.

An order made under this section is effective from the date it is made or on any earlier or later date indicated therein. It shall be published in the *Gazette officielle du Québec*.

DIVISION IV

FINAL PROVISIONS

19. The provisions of an agreement entered into on 17 or 22 April 1983 in the sector of education, between a management negotiating committee established in accordance with chapter O-7.1 of the Revised Statutes of Québec and a bargaining agent authorized to negotiate

in accordance with that Act on behalf of certified associations, apply to the employers and associations of employees concerned from the date of the signature of the agreement, notwithstanding any inconsistent provision of any collective agreement amended by the agreement.

The same rule applies to an agreement entered into, in accordance with the same Act, between a management negotiating committee authorized to negotiate on behalf of certified associations representing teachers in general and vocational colleges, intended to implement the proposal for agreement submitted to the parties by the Department of Labour conciliator on 25 March 1983.

20. Section 40.1 of the Interpretation Act (R.S.Q., chapter I-16) applies to the amendments that the Acts enacted under this Act make to collective agreements, to the collective agreements constituted by such Acts and to the amendments made by this Act to collective agreements.

21. 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).

22. This Act comes into force on the day of its sanction.