
NATIONAL ASSEMBLY

THIRTY-SECOND LEGISLATURE

FOURTH SESSION

Bill 27

An Act to amend the Act respecting labour relations in the construction industry

First reading



Introduced by
Mr Raynald Fréchette
Minister of Labour

Québec Official Publisher

1983

EXPLANATORY NOTES

This bill amends the Act respecting labour relations in the construction industry, and it does so in several respects.

First, it requires the Office de la construction du Québec to include a statement of all the sums of money it collects, and the employment of all such sums, in the financial reports it is required by law to submit. In addition, it determines who may prepare these reports.

It also determines the scope of the interpretations of the decree that are made by the Joint Committee on Construction, and of the decisions rendered by the construction industry commissioner.

Next, it clarifies the rules on conciliation and arbitration of complaints.

It simplifies the procedure for recovery of salary or wages where a business goes bankrupt or is liquidated, and makes this procedure available where a judgment ordering payment of wages has been returned unsatisfied.

This bill updates certain provisions and prescriptions surrounding penal prosecution or civil actions, and corrects certain references that have become obsolete or inaccurate.

Lastly, it expressly provides for a vote on union allegiance in the fall of 1983 and confirms that the existing Joint Committee on Construction was legally formed in 1982.

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respecting labour relations
in the construction industry

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 12 of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20) is replaced by the following section:

“**12.** The board shall submit to the Committee a quarterly report, certified true by a chartered accountant, giving a statement of all the sums it has collected and their application.

The accountant may be a member of the staff of the board.”

2. Section 16 of the said Act is amended by replacing the second and third paragraphs by the following paragraph:

“The Committee may give its opinion on any dispute relating to the interpretation of a collective agreement or of a decree and on any matter submitted to it by the board.”

3. Section 17 of the said Act is amended

(1) by replacing subsection 9 by the following subsection:

“(9) A decision or notice, to be valid, must be approved by both a union majority and the employers’ association. Each representative association has one vote exercisable by the whole group of its representatives, the relative value of which corresponds to the association’s representativeness.”;

(2) by striking out subsection 10.

4. Section 22 of the said Act is replaced by the following section:

“**22.** No appeal lies from the decision of the commissioner; the decision binds the parties.”

5. Section 43 of the said Act is replaced by the following sections:

“43. During negotiations, one of the parties may apply to the Minister for the appointment of a conciliation officer to assist them in reaching an agreement.

Notice of the application must be given on the same day to the other party.

Upon receipt of the application, the Minister shall designate a conciliation officer.

“43.1 The Minister, during negotiations, may *ex officio* designate a conciliation officer; he shall then inform the parties of such appointment.

“43.2 The parties must attend any meeting to which the conciliation officer convenes them.

“43.3 The conciliation officer shall make a report to the Minister at the latter’s request.”

6. The said Act is amended by inserting, after section 81, the following section:

“81.1 A document contemplated in paragraph *e* of section 81 that has been examined by the board or has been filed with it may be reproduced. Any copy of the document certified true to the original by the chairman or a person he designates is admissible in evidence and has the same probative force as the original.”

7. Section 105 of the said Act is amended by replacing the third paragraph by the following paragraphs:

“The arbitration award must be rendered within thirty days after the appointment of the arbitration officer or within five days after the end of the inquiry, whichever period ends first.

If no award is rendered before the period lapses, the Labour Court, on the motion of a party, may render any order it considers necessary in order that the arbitration award may be rendered as soon as possible and filed.

Sections 63 to 70, 72, 73 and 75 to 77 apply *mutatis mutandis*.”

8. Section 109.1 of the said Act is replaced by the following section:

“109.1 No proceedings may be instituted under this Act, the regulations or a decree more than twelve months after the date of the offence, or, in the case of an offence contemplated in subsection 4 of section

122, more than twelve months after the date on which the offence came to the knowledge of the board.”

9. Section 118 of the said Act is replaced by the following section:

“118. Any person who attempts to commit any of the illegal acts described in this Act, or aids or incites any person to commit or attempt to commit such an act, is guilty of an offence and liable to the penalty provided for such act.”

10. Section 122 of the said Act is amended

(1) by replacing the first and third paragraphs of subsection 1 by the following paragraphs:

“122. (1) Any civil action arising out of the decree or out of this Act is prescribed by twelve months from the due date in each case. In the case of a false entry in the compulsory register, the registration system or the pay-list, or of a secret rebate, or of any other fraud, prescription shall run against the board’s recourse only from the date when the board becomes aware of the fraud.

However, a claim sent by the board to the employer, by registered or certified mail, shall interrupt prescription for the amount of the claim and in such case, the action is again prescribed by six months, from the mailing of such letter; no subsequent letter addressed in respect of the same claim shall have the effect of interrupting prescription.”;

(2) by replacing subsection 7 by the following subsection:

“(7) In the case of a bankruptcy or a winding-up order of a company, the directors of such company are jointly and severally liable for payment of the salary due to the employees of the company, up to six months’ salary, provided that a claim for such debt is filed in the year of the bankruptcy or the winding-up order.

The same applies, when, after a judgment rendered against a company, the writ of execution is returned without being satisfied in whole or in part, if the directors are prosecuted within one year of the judgment recognizing the exigibility of the salary.”

11. The date of expiry of the Decree 1289-82 of 31 May 1982, namely 30 April 1984, is deemed to be the date of expiry of any decree contemplated in Chapters IV and V of the Act respecting labour relations in the construction industry.

12. The Joint Committee on Construction constituted on 21 September 1982 according to Resolution CMR-82350 of the Committee

is deemed to be constituted in accordance with the Act respecting labour relations in the construction industry.

This section is declaratory.

13. 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).

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