

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

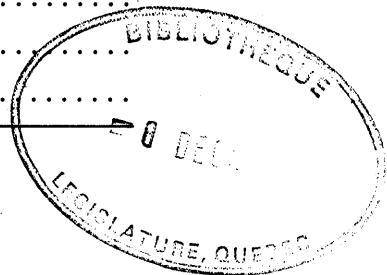
Bill 95

**An Act respecting the Ministère du Travail
and amending various other legislation**

First reading

Second reading

Third reading



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Minister responsible for Labour

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EXPLANATORY NOTES

The object of this bill is, first, the establishment and organization of the Ministère du Travail, and second, the passing of related legislative amendments concerning the redistribution of functions and powers among the Minister of Labour, the Minister of Manpower and Income Security and the Minister of Housing and Consumer Protection.

It also makes several other legislative amendments, purely for concordance.

ACTS AMENDED BY THIS BILL

- (1) The Executive Power Act (R.S.Q., chapter E-18);
- (2) the Government Departments Act (R.S.Q., chapter M-34);
- (3) the Legal Aid Act (R.S.Q., chapter A-14);
- (4) the Act respecting the Conseil consultatif du travail et de la main-d'oeuvre (R.S.Q., chapter C-55);
- (5) the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- (6) the Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- (7) the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- (8) the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- (9) the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3);
- (10) the Act respecting the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu (R.S.Q., chapter M-33).

Bill 95

**An Act respecting the Ministère du Travail
and amending various other legislation**

**HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:**

DIVISION I

ORGANIZATION OF THE DEPARTMENT

1. The Minister of Labour is responsible for the direction and administration of the Ministère du Travail.

2. The Government shall appoint, in accordance with the Civil Service Act (R.S.Q., chapter F-3.1), a Deputy Minister of Labour.

3. Under the authority of the Minister, the Deputy Minister is responsible for the general direction of department affairs.

He shall supervise the department personnel.

He shall also perform the duties assigned to him by the Government or the Minister.

4. The orders of the Deputy Minister must be carried out in the same manner as those of the Minister; his authority shall be that of the Minister.

5. The personnel necessary for the administration of the department shall be appointed and remunerated in accordance with the Civil Service Act.

6. The Minister shall determine the duties of the personnel of the department that are not expressly defined by law or by the Government.

7. No deed, document or writing may bind the department or be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a member of the personnel and only, in the case of such a member, to the extent determined by regulation of the Government.

8. The Government may, by regulation, on such conditions and in respect of such documents as it may determine, permit

(1) a signature to be affixed by means of an automatic device;

(2) a facsimile of a signature to be engraved, lithographed or printed; in such a case, the facsimile has the same force as the signature if the document is countersigned by a person authorized by the Minister.

9. A regulation made under section 7 or 8 comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.

10. Any copy of a document forming part of the records of the department, certified true by a person contemplated in section 7, is authentic and has the same force as the original.

11. Notwithstanding the time limit fixed in section 2 of the Photographic Proof of Documents Act (R.S.Q., chapter P-22), documents in the department's possession may be destroyed as soon as they have been reproduced.

12. The Minister shall table in the National Assembly of Québec a report of the activities of the department for each fiscal period, within six months after the end of the fiscal period if the Assembly is in session or, if it is not sitting, within thirty days after the opening of the next session or after resumption.

DIVISION II

FUNCTIONS AND POWERS OF THE MINISTER

13. The Minister shall devise policies and measures designed to promote harmonious labour relations between employers and employees, and propose them to the Government.

He shall see to the implementation of the policies and measures, supervise their application and coordinate their execution.

The Minister is also responsible for the administration of the Acts assigned to him in the matter of labour relations.

14. The Minister may, in particular,

(1) cause such studies and research as he considers necessary to be carried out on labour relations and on conditions of employment;

(2) compile, analyse and publish available information on conditions of employment, strikes and lock-outs, collective labour agreements and decrees.

15. The Minister may, at any time, designate a person to promote the establishment or the maintenance of good relations between an employer and his employees or the association representing them. Such person shall report to the Minister.

16. The Minister, in the performance of his duties, may inquire or designate a person to inquire into any matter within his jurisdiction.

17. The Minister may, according to law, enter into an agreement with any government or body for the administration of this Act or any Act assigned to him.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

18. Section 4 of the Executive Power Act (R.S.Q., chapter E-18) is amended

(1) by replacing subparagraph 12 of the first paragraph by the following subparagraph:

“(12) A Minister of Manpower and Income Security;”;

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

“(27) A Minister of Labour.”

19. Section 1 of the Government Departments Act (R.S.Q., chapter M-34) is amended

(1) by replacing paragraph 11 by the following paragraph:

“(11) The Ministère de la Main-d'oeuvre et de la Sécurité du revenu, presided over by the Minister of Manpower and Income Security;”;

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

“(25) The Ministère du Travail, presided over by the Minister of Labour.”

20. Section 12 of the Legal Aid Act (R.S.Q., chapter A-14) is amended by replacing the words “the Deputy-Minister of Social Affairs” in the second line of the second paragraph by the words “the Deputy Minister of Manpower and Income Security”.

21. Section 2 of the Act respecting the Conseil consultatif du travail et de la main-d’oeuvre (R.S.Q., chapter C-55) is amended by replacing the first paragraph by the following paragraph:

“**2.** The Council shall advise the Minister of Labour and the Minister of Manpower and Income Security on any question that either Minister submits to it respecting matters within his jurisdiction.”

22. Section 3 of the said Act is replaced by the following section:

“**3.** The Council may invite opinions and suggestions from the public on any question of which it is about to make or is making a study, and submit its recommendations on the question to the Ministers referred to in section 2.”

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

“**4.** The Council is composed of the following members, appointed by the Government on the joint recommendation of the Minister of Labour and the Minister of Manpower and Income Security:

- (1) the president;
- (2) five persons chosen from among those who are recommended by the most representative associations of employees;
- (3) five persons chosen from among those who are recommended by the most representative employers’ associations.

The Deputy Minister of Labour or his delegate and the Deputy Minister of Manpower and Income Security or his delegate are also members *ex officio* of the Council, but are not entitled to vote.”

24. Section 5 of the said Act is amended by replacing the words “and the Deputy Minister of Labour, Manpower and Income Security or his delegate” by the words “, the Deputy Minister of Labour or his delegate and the Deputy Minister of Manpower and Income Security or his delegate”.

25. Section 7 of the said Act is amended by replacing the words “Deputy Minister of Labour, Manpower and Income Security or his delegate” in the second and third lines by the words “Deputy

Minister of Labour or his delegate and the Deputy Minister of Manpower and Income Security or his delegate”.

26. Section 8 of the said Act is amended by replacing the words “the Minister of Labour, Manpower and Income Security” in the first paragraph by the words “the Minister of Labour or the Minister of Manpower and Income Security”.

27. Section 9 of the said Act is amended by replacing the words “and the Deputy Minister of Labour, Manpower and Income Security or his delegate” by the words “, the Deputy Minister of Labour or his delegate and the Deputy Minister of Manpower and Income Security or his delegate”.

28. Section 15 of the said Act is replaced by the following section:

“**15.** The Council, not later than 30 June each year, shall forward to the Minister of Labour and to the Minister of Manpower and Income Security a report of its activities for its preceding fiscal year and of the studies it has carried out or caused to be carried out in accordance with the second paragraph of section 2.

The Minister of Labour shall table the report of the Council in the National Assembly of Québec within thirty days after its receipt. If the Minister receives the report when the Assembly is not sitting, he shall table it within thirty days after the opening of the next session or, as the case may be, within fifteen days after resumption.”

29. Section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59) is amended by replacing the words “Deputy Minister of Labour, Manpower and Income Security or his delegate” in the third paragraph by the words “the Deputy Minister of Labour or his delegate, the Deputy Minister of Manpower and Income Security or his delegate”.

30. Section 26 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing the second paragraph by the following paragraph:

“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.”

31. Section 7 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1) is amended

(1) by replacing the words “Deputy Minister of Labour, Man-

power and Income Security” by the words “Deputy Minister of Labour, the Deputy Minister of Manpower and Income Security, the Deputy Minister of Housing and Consumer Protection”;

(2) by replacing the words “the director general of Haut-commissariat à la jeunesse, aux loisirs et aux sports” by the words “the Deputy Minister of Communications”.

32. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by replacing paragraph *b* by the following paragraph:

“(b) “apprentice”: an adult enrolled at an office of the Ministère de la Main-d’oeuvre et de la Sécurité du revenu in accordance with the regulations made under this Act, for the purpose of learning a trade or vocation in accordance with a program approved by the Minister;”;

(2) by replacing the words “the Manpower Branch” in paragraphs *g* and *h* by the words “the Minister”;

(3) by striking out paragraphs *e*, *k*, *l* and *m*.

33. Section 15 of the said Act is replaced by the following section:

“**15.** The principal of the vocational training centres of the region and a representative of the Ministère de la Main-d’oeuvre et de la Sécurité du revenu are members *ex officio* of the commission, the board of directors and the executive committee. However, they are not eligible to hold any office or entitled to vote.”

34. Section 22 of the said Act is amended by replacing the word “July” in the first line by the word “October”.

35. Section 24 of the said Act is amended by replacing the word “December” in the second line by the word “March”.

36. Section 33 of the said Act is amended by replacing the words “advise the Manpower Branch” in the second line by the words “advise him”.

37. Section 34 of the said Act is amended by replacing subparagraph *c* by the following subparagraph:

“(c) a representative of the Ministère de la Main d’oeuvre et de la Sécurité du revenu;”.

38. Section 38 of the said Act is amended by striking out the words "and the general director" in the third line of the second paragraph.

39. Section 41 of the said Act is amended by striking out the words ", on the recommendation of the general director," in the first line.

40. Section 43 of the said Act is amended by replacing the first paragraph by the following paragraphs:

"43. Upon the joint request of the Minister and of the Minister of Labour and in the manner they indicate, the parity committees constituted under the Act respecting collective agreement decrees and the Office de la Construction du Québec must cooperate in applying the standards for the vocational qualification of manpower and report to them in the manner they prescribe.

The Commission des normes du travail must, at the request of the Minister, cooperate in applying the standards and report to him in the manner he prescribes."

41. The said Act is amended by inserting, after section 45, the following section:

"45.1 The Minister may, in writing, generally or specially authorize a person to exercise all or part of the powers conferred on him by this Act."

42. Section 7 of the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3) is replaced by the following section:

"7. The Minister shall devise policies connected with housing, consumer protection and safety in public buildings and places, and propose them to the Government; he shall supervise and coordinate the carrying out of such policies.

He is also responsible for the administration of the Acts assigned to him relating to housing, consumer protection and safety in public buildings and places."

43. Section 8 of the said Act is amended by inserting, after paragraph 5, the following paragraph:

"(5.1) to ensure safety in public buildings and places."

44. The Act respecting the Ministère du Travail, de la Main-d'œuvre et de la Sécurité du revenu (R.S.Q., chapter M-33) is amended by replacing the title by the following title:

“Act respecting the Ministère de la Main-d'œuvre
et de la Sécurité du revenu”.

45. Section 1 of the said Act is replaced by the following section:

“1. The Minister of Manpower and Income Security is responsible for the direction and administration of the Ministère de la Main-d'œuvre et de la Sécurité du revenu.

He is also responsible for the administration of the Acts assigned to him relating to manpower training and qualification, worker placement, employment protection, minimum conditions of employment, social allowances, social aid, and income security.”

46. Section 2 of the said Act is replaced by the following section:

“2. The Minister shall devise policies and measures respecting manpower, employment, income security and minimum conditions of employment, and propose them to the Government.

The Minister shall see to the implementation of the policies and measures, supervise their application and coordinate their execution.”

47. Section 3 of the said Act is replaced by the following section:

“3. The Minister shall, in particular,

(1) devise, and propose to the Government, programs relating to employment protection and development and to income security in order to ensure a proper quality of life and standard of living for every individual and every family;

(2) promote the employment of all available manpower in Québec;

(3) take appropriate measures in cooperation with the other ministers responsible, to facilitate the vocational training, placement, reclassification, retraining, employment protection, change of employment and mobility of manpower;

(4) promote participation by representatives of employers and workers in devising policies and measures and in administering programs relating to employment and vocational training;

(5) promote participation of groups in the search for means of fulfilling individual and family needs for income security;

(6) cause such studies and research to be carried out as he considers expedient in the pursuit of the activities of the department;

(7) compile, analyse and publish available information respecting employment, income security, minimum conditions of employment and the activities of his department and of the bodies under its jurisdiction."

48. Section 3.1 of the said Act is repealed.

49. Section 5.1 of the said Act is repealed.

50. Section 6 of the said Act is replaced by the following section:

"6. The Government shall appoint a Deputy Minister of Manpower and Income Security, in accordance with the Civil Service Act (R.S.Q., chapter F-3.1)."

51. Division III of the said Act is replaced by the following division:

"DIVISION III

"INVESTIGATIONS

"11. The Minister, in the performance of his duties, may inquire or designate a person to inquire into any matter within his jurisdiction.

"12. No person may hinder an investigator in the discharge of his duties, mislead or attempt to mislead him by false or untrue declarations or by failing or refusing, without reasonable cause, to answer every question that may lawfully be asked.

"13. Every person who contravenes section 12 is guilty of an offence and liable on summary proceedings, in addition to costs, to a fine of not less than \$200 nor more than \$1 000."

52. Section 14 of the said Act is replaced by the following section:

"14. No deed, document or writing shall bind the department or may be attributed to the Minister unless it is signed by him, by the Deputy Minister or by a member of the personnel of the department and only, in the case of such a member, to the extent determined by regulation of the Government."

53. Section 15 of the said Act is replaced by the following section:

“15. The Government may, by regulation, on such conditions and in respect of such documents as it may determine, permit

- (1) a signature to be affixed by means of an automatic device;
- (2) a facsimile of a signature to be engraved, lithographed or printed. In that case, the facsimile has the same force as the signature if the document is countersigned by a person authorized by the Minister.”

54. The said Act is amended by inserting, after section 15, the following section:

“15.1 Every regulation made by virtue of section 14 or 15 comes into force ten days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated therein.”

55. Schedule I to the said Act is repealed.

56. The expressions “Minister of Labour, Manpower and Income Security”, “Deputy Minister of Labour, Manpower and Income Security” and “ministère du Travail, de la Main-d’oeuvre et de la Sécurité du revenu” designate the “Minister of Labour”, the “Deputy Minister of Labour” and the “ministère du Travail”, respectively, in the following legislation:

- (1) section 54 of the Health Insurance Act (R.S.Q., chapter A-29) as amended by section 14 of chapter 22 of the statutes of 1981;
- (2) the Labour Code (R.S.Q., chapter C-27);
- (3) section 16 of the Act respecting the Conseil consultatif du travail et de la main-d’oeuvre (R.S.Q., chapter C-55);
- (4) the Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- (5) section 66 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);
- (6) the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20);
- (7) section 25 of the Professional Syndicates Act (R.S.Q., chapter S-40);
- (8) the Act respecting the placing of certain labour unions under trusteeships (1975, chapter 57).

The same applies to every proclamation, regulation, order in council or order made under any of the listed legislation, and to every directive, contract or other document in which the expressions are used in application of any such legislation.

57. The expressions "Minister of Labour, Manpower and Income Security", "Deputy Minister of Labour, Manpower and Income Security" and "ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu" designate the "Minister of Manpower and Income Security", the "Deputy Minister of Manpower and Income Security" and the "ministère de la Main-d'oeuvre et de la Sécurité du revenu", respectively, in the following legislation:

- (1) the Social Aid Act (R.S.Q., chapter A-16);
- (2) the Family Allowances Act (R.S.Q., chapter A-17);
- (3) sections 70 and 74 of the Automobile Insurance Act (R.S.Q., chapter A-25);
- (4) sections 67, 70, 71 and 71.1 of the Health Insurance Act (R.S.Q., chapter A-29);
- (5) the Employment Bureaus Act (R.S.Q., chapter B-10);
- (6) the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34);
- (7) sections 2, 4, 5, 6, 7, 11 and 17 of the Act respecting the Conseil des affaires sociales et de la famille (R.S.Q., chapter C-57);
- (8) the National Holiday Act (R.S.Q., chapter F-1.1);
- (9) the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- (10) the Act respecting labour standards (R.S.Q., chapter N-1.1);
- (11) section 26 of the Act respecting the Ministère de l'Habitation et de la Protection du consommateur (R.S.Q., chapter M-15.3);
- (12) section 2 of the Act respecting the Régie de l'assurance-maladie du Québec (R.S.Q., chapter R-5);
- (13) the Act respecting the Québec Pension Plan (R.S.Q., chapter R-9);
- (14) the Act respecting income security for Cree hunters and trappers who are beneficiaries under the Agreement concerning James Bay and Northern Québec (R.S.Q., chapter S-3.2);

(15) the Act respecting work income supplement (R.S.Q., chapter S-37.1);

(16) section 379 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1).

The same applies to every proclamation, regulation, order in council or order made under any of the listed legislation, and to every directive, contract or other document in which the expressions are used in application of any of such legislation.

58. The expressions “Minister of Labour, Manpower and Income Security”, “Deputy Minister of Labour, Manpower and Income Security” and “ministère du Travail, de la Main-d’oeuvre et de la Sécurité du revenu” designate the “Minister of Housing and Consumer Protection”, the “Deputy Minister of Housing and Consumer Protection” and the “ministère de l’Habitation et de la Protection du consommateur”, respectively, in the following legislation:

(1) the Act respecting pressure vessels (R.S.Q., chapter A-20.01);

(2) the Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);

(3) sections 69 and 70 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(4) the Act respecting piping installations (R.S.Q., chapter I-12.1);

(5) the Act respecting electrical installations (R.S.Q., chapter I-13.01);

(6) the Master Electricians Act (R.S.Q., chapter M-3);

(7) the Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

(8) the Stationary Enginemen Act (R.S.Q., chapter M-6);

(9) the Public Buildings Safety Act (R.S.Q., chapter S-3).

The same applies to every proclamation, regulation, order in council or order made under any of the listed legislation, and to every directive, contract or other document in which the expressions are used in application of any of such legislation.

59. From the coming into force of this Act, the Minister of Labour, the Minister of Manpower and Income Security and the Minister of Housing and Consumer Protection become, respective-

ly, without continuance of suit, a party to every action to which the Minister of Labour, Manpower and Income Security was a party, relating to any Act, regulation, body or matter thenceforth under their jurisdiction.

60. The officers of the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu performing duties in fields under the jurisdiction of the Minister of Labour become, without other formality, officers of the Ministère du Travail, as may be determined by the Government.

[[**61.** Appropriations granted to the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu for matters under the jurisdiction of the Minister of Labour are transferred to the Ministère du Travail, as may be determined by the Government.

The other sums required for the carrying out of this Act during the fiscal year 1982-1983 are taken, as may be determined by the Government, out of the consolidated revenue fund.]]

62. The records of the Ministère du Travail, de la Main-d'oeuvre et de la Sécurité du revenu relating to matters under the jurisdiction of the Minister of Labour or the Minister of Housing and Consumer Protection are transferred to the Ministère du Travail and to the ministère de l'Habitation et de la Protection du consommateur, respectively.

63. 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).

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