

FOURTH SESSION

THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC



Bill 109

**An Act to amend the Act respecting labour relations in the
construction industry, and respecting the representativeness
of certain representative associations**

First reading
Second reading
Third reading

M. PIERRE MARC JOHNSON

Ministre du travail et de la main-d'oeuvre

L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

EXPLANATORY NOTES

The object of this bill is to add another association to those entitled to recognition as representative associations where a vote to determine the union allegiance of employees is held in accordance with the Act respecting labour relations in the construction industry.

This bill also provides, as a transitional measure, for the holding of a secret ballot among the employees presently represented by associations affiliated to the Conseil provincial du Québec des métiers de la construction, in order to determine, until the next union allegiance vote provided for by the Act respecting labour relations in the construction industry, the representativeness of the Conseil provincial du Québec des métiers de la construction and of the Fédération des travailleurs du Québec (FTQ—CONSTRUCTION). The ballot will be held by the affiliated associations, under the supervision of the Office de la construction du Québec.

The Office de la construction du Québec will establish the representativeness of the Conseil provincial du Québec des métiers de la construction and of the Fédération des travailleurs du Québec (FTQ—CONSTRUCTION), distributing the degree of representativeness presently accorded the Conseil provincial du Québec des métiers de la construction on the basis of the majority obtained in the ballot within each of the affiliated associations. Finally, the Office de la construction (the board) will, on the same basis, issue a card to each employee concerned, indicating his union allegiance.

Sec. 1. *Section 28 of the act presently reads as follows:*

“28. Only the Centrale des syndicats démocratiques (CSD), the Confédération des syndicats nationaux (CSN), the Conseil provincial du Québec des métiers de la construction (FTQ) and the Syndicat de la construction Côte Nord de Sept-Îles Inc. may have their representativeness ascertained by presenting their application for such purpose to the board in the eighth month preceding the expiry date of the decree.”

Bill 109

An Act to amend the Act respecting labour relations in the construction industry, and respecting the representativeness of certain representative associations

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

DIVISION I

REPRESENTATIVE ASSOCIATIONS

1. Section 28 of the Act respecting labour relations in the construction industry (R.S.Q., c. R-20), replaced by section 1 of chapter 58 of the statutes of 1978, is again replaced by the following section:

“28. Only the Centrale des syndicats démocratiques (CSD), the Confédération des syndicats nationaux (CSN), the Conseil provincial du Québec des métiers de la construction, the Fédération des travailleurs du Québec (FTQ—CONSTRUCTION) and the Syndicat de la construction Côte Nord de Sept-Îles Inc. may have their representativeness ascertained by presenting their application for such purpose to the board in the eighth month preceding the expiry date of the decree.”

DIVISION II

FINAL AND TRANSITIONAL PROVISIONS

2. For the purposes of this act,

“association” means a group of employees constituted as a professional syndicate, union, brotherhood or otherwise and which was affiliated to the Conseil provincial du Québec des métiers de la construction on (*insert here the date of the tabling of Bill 109*),

or which was not affiliated on that date to that Conseil but was so affiliated on 1 January 1979;

“board” means the Office de la construction du Québec;

“employee” means an employee within the meaning of the Act respecting labour relations in the construction industry who on (*insert here the date of the tabling of Bill 109*) is represented by an association and holds the card contemplated in section 36 of the said act and the classification certificate issued under the Regulation on the Placement of Employees in the Construction Industry.

3. In order to establish, for the purposes of the Act respecting labour relations in the construction industry, the representativeness of the Conseil provincial du Québec des métiers de la construction, hereinafter called “the Conseil”, and that of the Fédération des travailleurs du Québec (FTQ—CONSTRUCTION), hereinafter called “the Fédération”, every association must, in accordance with its statutes and by-laws, hold a vote by secret ballot among the employees represented by it at one or several meetings called for that purpose between 6 and 21 September 1980.

The board shall supervise the conduct of the ballot.

Every association must send to the chairman of the board prior notice of at least five days of the holding of a meeting.

4. Every association must, before 15 August 1980, transmit to the chairman of the board, the surname, given name and address of every employee whom it claims to represent.

5. The board shall prepare, for each association, after consultation with it, a list of the employees it represents and may, for that purpose, take into account the information transmitted under section 4.

In no case may an employee be entered on more than one list.

Each list establishes irrefutably the names of the only employees qualified to vote in the ballot provided for in section 3 and, for the purposes of sections 11 and 12, the name of the association to which each belongs.

6. The board must, before 29 August 1980, transmit

(1) to each association, the list contemplated in section 5;

(2) to each employee whose name appears on a list contemplated in section 5, a card identifying him as a voter for the

purposes of the ballot provided for in section 3 and bearing his surname, given name and social insurance number and, for the purposes of sections 11 and 12, the name of the association representing him.

7. The prohibitions enacted by the first paragraph of section 31 of the Act respecting labour relations in the construction industry do not apply between 23 August 1980 and 5 September 1980 for the purposes of the ballot provided for in section 3.

8. Every employee may, at the ballot conducted under section 3, cast his vote for either the Conseil or the Fédération.

A representative of the board shall be present at the ballot. He shall settle any difficulty relating to the conduct of the ballot and, in particular, to the qualification to vote of an employee and to the counting of the votes; his decision is final.

9. The representative of the board shall transmit the results of the ballot to the board.

10. In the case of a tie-vote among the employees of an association, the president of that association must advise the chairman of the board, within five days of the ballot, that he casts his vote for the Conseil, or for the Fédération; this vote decides the issue.

11. The board shall ascertain the degree of representativeness of the Conseil, by multiplying the following percentages:

(1) the degree of representativeness established in the certificate issued to the Conseil provincial du Québec des métiers de la construction (FTQ) under section 34 of the Act respecting labour relations in the construction industry;

(2) the percentage that the number of employees entered on the list of each association established under section 5, in which a majority of the voters cast their votes for the Conseil is of the total number of employees entered on the lists established by the board under section 5.

12. The board shall ascertain the degree of representativeness of the Fédération, by multiplying the following percentages:

(1) the degree of representativeness established in the certificate issued to the Conseil provincial du Québec des métiers de la construction (FTQ) under section 34 of the Act respecting labour relations in the construction industry;

(2) the percentage that the number of employees entered on the list of each association established under section 5, in which a majority of the voters cast their votes for the Fédération is of the

total number of employees entered on the lists established by the board under section 5.

13. The board shall issue to the Conseil and to the Fédération a certificate establishing its degree of representativeness and a list of all the employees in each association of which a majority of the voters cast their votes for the Conseil or the Fédération, as the case may be.

The certificate is deemed to have been issued under section 34 of the Act respecting labour relations in the construction industry and is effective from 6 October 1980.

14. The board shall cause a card to be sent to each employee entered on the list prepared by it under section 5, bearing

- (1) his surname and given name,
- (2) his social insurance number, and
- (3) the name of the Conseil or of the Fédération, according to the votes cast by the majority of those voting in his association.

The card is deemed to have been issued under section 36 of the Act respecting labour relations in the construction industry and is effective from 6 October 1980.

15. Where a ballot has not been held at the expiry of the time prescribed in section 3 for an association, the board shall

- (1) issue, in accordance with section 14, a card to every employee represented by an association which has held a ballot;
- (2) issue, in accordance with section 13, a provisional certificate to the Conseil and to the Fédération;
- (3) hold, on the dates, in the manner and in the form prescribed by by-law of the Conseil, before 11 October 1980, a secret ballot among the employees represented by an association for which no ballot has been held.

A by-law contemplated in paragraph 3 comes into force on the day of its approval by the Government and must be published in the *Gazette officielle du Québec*.

16. Where a ballot has been held under paragraph 3 of section 15, the board shall issue to the Conseil and to the Fédération, in accordance with section 13, a new certificate and, in accordance with section 14, a card to every employee represented by an association for which no ballot has been held.

A certificate or a card issued under the first paragraph is effective from 17 October 1980.

17. No person may in any manner seek to hinder the activities or administration of an association with a view to

(1) inducing it to declare or not to declare in favour of the Conseil or the Fédération, or

(2) preventing it from participating in the ballot in the manner determined by the association or by this act.

18. Every person who

(1) uses intimidation or threats to induce or attempt to induce an employee who is qualified to vote in a ballot provided for by this act, to cast his vote or not to cast his vote for the Conseil or for the Fédération,

(2) votes or attempts to vote, knowing he is unqualified, or induces or causes a person to vote, knowing he is unqualified,

(3) makes or uses a counterfeit card in view of a ballot provided for by this act, or

(4) contravenes this act or a regulation thereunder,
is guilty of an offence.

19. Every person guilty of an offence contemplated in sections 17 and 18 is liable, on summary proceedings, in addition to costs, for each day or part of a day during which the offence continues,

(1) in the case of a union, federation, confederation or association, or of an officer, administrator, agent or adviser of any such body, to a fine of not less than five hundred dollars nor more than three thousand dollars;

(2) in the case of an employer or an employers' association or a person acting for that employer or association, to a fine of not less than five hundred dollars nor more than three thousand dollars;

(3) in other cases, to a fine of not less than one hundred dollars nor more than six hundred dollars.

20. Proceedings for contraventions to this act or a regulation thereunder are instituted by the Attorney General or by any person generally or specially authorized by him for that purpose.

21. This act comes into force on the day of its sanction.