

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## **Bill 262**

(PRIVATE)

**An Act respecting Claude Desfossés**

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First reading . . . . .  
Second reading . . . . .  
Third reading . . . . .

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M. GILBERT PAQUETTE

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## **Bill 262**

**(PRIVATE)**

### **An Act respecting Claude Desfossés**

WHEREAS Claude Desfossés entered upon his duties as a fireman at the Fire Department of the City of Montreal on 21 March 1960;

Whereas, on 7 April 1966, he was charged with theft and receiving stolen goods;

Whereas, on 15 April 1966, he was suspended without pay retroactively to 7 April 1966;

Whereas, on 12 May 1966, the executive committee of the City of Montreal, upon the recommendation of the director of the Fire Department, passed a resolution dismissing him arbitrarily and retroactively to 7 April 1966;

Whereas, on 24 May 1967, the two charges against Claude Desfossés were dismissed and a judgment of acquittal was rendered;

Whereas the city, notwithstanding such acquittal, refused to reinstate him and to reimburse to him the moneys withheld from him during his suspension;

Whereas, on 18 July 1967, a grievance was formulated;

Whereas, by virtue of the collective agreement then in force, the parties designated an arbitrator to decide the dispute;

Whereas, on 1 May 1968, the grounds of prescription of the grievance, raised by the city, were rejected by the arbitrator;

Whereas, on 7 June 1968, the arbitrator ordered the reinstatement of Claude Desfossés, with all the benefits provided by the collective agreement, retroactively to 7 June 1967;

Whereas the executive committee of the City of Montreal decided, on 14 August 1968, not to comply with such award;

Whereas the city did not respect the clauses of the collective agreement binding between it and its firemen, namely the clause stipulating that the arbitration award is "executory, final and binds the parties" [translation];

Whereas Claude Desfossés has repeatedly asked in vain for the execution of the arbitration award;

Whereas, owing to such persistent refusal from the city, he was reduced to claiming damages and whereas, by a judgment dated 22 April 1970, the city was condemned to pay him the wages and other benefits he would have earned if he had been discharging his duties from 7 November 1967 to 6 November 1968;

Whereas such judgment has been upheld by the Court of Appeal;

Whereas it is in the interest of Claude Desfossés that damages be paid to him;

Therefore, Her Majesty, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** The City of Montreal shall pay to Claude Desfossés, in the form of damages, all the sums to which he would have been entitled had he not been thus dismissed.

**2.** The amount of the damages payable to Claude Desfossés for injury sustained as a result of his dismissal as a fireman for the Fire Department of the City of Montreal and since that dismissal shall be fixed by the Superior Court.

**3.** The expenses, fees and disbursements incurred for the passing of this act shall be paid by the City of Montreal.

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