

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

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**Bill 37**

**An Act to establish the Institut national de productivité**

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

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M. RODRIGUE TREMBLAY

Ministre de l'industrie et du commerce

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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## EXPLANATORY NOTES

*This bill provides for the establishment and organization of the Institut national de productivité.*

*The Institut is to be a corporation whose director and nine other members are to be appointed by the Government, three of them after consultation with the most representative agencies of the labour sector and three other members after consultation with the most representative agencies of the business sector.*

*The objectives to be pursued by the Institut are as follows:*

*(a) to acquaint the population and the economic agents with the notion of productivity in economic activities;*

*(b) to promote awareness of the importance of productivity and of the various factors having an influence on it;*

*(c) to promote collaboration and co-operation between the various economic agents in the matter of productivity.*

*In the pursuit of its objects, the Institut will be required to carry out any specific mandate entrusted to it by the Ministre de l'industrie et du commerce with the approval of the Government.*

## Bill 37

An Act to establish the Institut national de productivité

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

### DIVISION I

#### ESTABLISHMENT AND COMPOSITION OF THE INSTITUT

- 1.** A body hereinafter called the "Institut" is created under the name of "Institut national de productivité".
- 2.** The Institut is a corporation within the meaning of the Civil Code and has the general powers of such a corporation and the special powers conferred on it by this act.
- 3.** The Institut has the rights and privileges of a mandatarly of the Government.
- The property of the Institut forms part of the public domain, but the obligations of the Institut may be levied on its property.
- The Institut binds none but itself when it acts in its own name.
- 4.** The head office of the Institut shall be at the place determined by the Government; notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*.
- The Institut may hold its sittings anywhere in the province of Québec.
- 5.** The Institut is composed of a director general and nine other members appointed by the Government, including three ap-

pointed after consultation with the agencies most representative of the labour sector and three after consultation with the agencies most representative of the business sector.

**6.** The Government shall appoint the president and the vice-president of the Institut from among the members of the Institut.

President and vice-president.

**7.** The director general is appointed for not over five years and the other members for three years.

Terms of office.

However, with the exception of the director general, three of the first members are appointed for two years, three for three years and three for four years.

Idem.

**8.** Members of the Institut other than the director general receive no remuneration. However, they are entitled to the reimbursement of justifiable expenses incurred by them in the exercise of their functions, and they shall receive an attendance allowance fixed by the Government.]

Expenses and allowance.

**9.** At the end of their terms, the members of the Institut remain in office until they are reappointed or replaced.

Offices continued.

Except in the case of the director general, any vacancy occurring during the course of a term is filled for the remainder of the term of the member to be replaced.

Vacancies.

**10.** If the president is unable to act, he shall be replaced by the vice-president for as long as he is unable to act.

President replaced.

**11.** Six members of the Institut are a quorum. If votes are equally divided, the president has an additional vote.

Quorum.

**12.** The Government fixes the fees, allowances or salary of the director general or, as the case may be, his additional salary.]

Fees, etc., of director general.

**13.** If the director general is unable to act, he may be replaced by a person appointed to carry out his duties while he is unable to act, by the Government, which fixes his fees.

Director general replaced.

**14.** The secretary and the other members of the staff of the Institut are appointed and remunerated in accordance with the Civil Service Act (1965, 1st session, chapter 14).

Personnel governed by Civil Service Act.

The director general shall exercise in their regard the powers conferred on deputy-heads of departments by the said Civil Service Act.]

Powers of a deputy-head.

Conflict of interest.

**15.** The director general of the Institut shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Institut.

Conflict of interest avoided.

However, such forfeiture shall not be incurred if such interest devolves to him by succession or gift, provided that he renounces or disposes of it with all possible dispatch.

Interest divulged.

Any other member of the Institut who is directly or indirectly interested in a contract or draft contract with the Institut must, under pain of forfeiture of office, divulge his interest to the other members without delay and he shall not vote on such a contract or draft contract.

No plurality of offices.

**16.** The office of director general of the Institut is incompatible with the exercise of any other function.

Administration of the Institut.

**17.** The director general is responsible for the administration of the Institut within the scope of its by-laws.

By-laws.

**18.** The Institut may make by-laws to provide for:

- (a) its internal management;
- (b) the formation of an executive committee and the determination of its powers;
- (c) the definition of the duties and powers of its staff.

Coming into force.

Such by-laws come into force only after they are approved by the Government.

Authenticity of documents.

**19.** The minutes of the sittings approved by the Institut and certified by the president or the secretary or by any other officer of the Institut designated by the by-law passed for such purpose by the Institut are authentic; the same rule applies to documents or copies emanating from the Institut or forming part of its records, when so certified.

## DIVISION II

### FUNCTIONS AND POWERS OF THE INSTITUT

Objectives.

**20.** The Institut must pursue the following objectives:

- (a) to acquaint the population and the economic agents with the notion of productivity in economic activities;
- (b) to promote awareness of the importance of productivity and of the various factors having an influence on it;

(c) to promote collaboration and co-operation between economic agents in the matter of productivity.

Functions. **21.** The functions of the Institut are:

(a) to make studies and conduct research on productivity, particularly in the industrial sector;

(b) to publicize the results of such studies and research as well as any information from other agencies;

(c) to convey the results of studies and research to the interested economic agents so as to bring about their co-operation and their intervention towards increased productivity;

(d) to suggest to the Government and the economic agents ways of increasing productivity in the whole economic sector or in a determined section of it.

Authorization required. **22.** The Institut, unless authorized by the Government, shall not:

(a) make any agreement with any government or government body;

(b) make with any person any other contract engaging it for over two years;

(c) make any loan that would increase its total unrepaid borrowings to over \$1,000,000.

Prohibited activities. **23.** The Institut shall not acquire shares of another corporation or operate a commercial undertaking.

Contributions accepted. **24.** The Institut may receive and accept any grant, gift, legacy or contribution.

Conditional gifts not to be accepted. It shall not, however, accept any grant, gift or contribution to which charges or conditions are attached, unless from the Government of Québec, without the authorization of the Government.

Mandate of the Minister approved by the Government. **25.** The Institut, in pursuing its objectives, must carry out any specific mandate entrusted to it by the Ministre de l'industrie et du commerce with the approval of the Government.

Tabling of mandate. Such a mandate must be tabled before the Assemblée nationale within fifteen days of its approval by the Government. If the mandate is approved while the Assemblée is not sitting, it must be tabled before it within fifteen days following the opening of the next session or, as the case may be, resumption.

## DIVISION III

## MISCELLANEOUS PROVISIONS

- 26.** The financial year of the Institut terminates on 31 March each year.
- 27.** Not later than 30 June each year, the Institut shall make a report of its activities for its preceding financial year to the Ministre de l'industrie et du commerce. This report must also contain any and all information the Minister may prescribe.
- The Institut shall, in addition, give the Minister any information he may require on its operations.
- 28.** The Minister shall table the report of the Institut before the Assemblée nationale within thirty days of his receiving it. If he receives it while the Assemblée nationale is not sitting, he shall table it within thirty days following the opening of the next session or, as the case may be, resumption.
- 29.** The books and accounts of the Institut shall be audited by the Vérificateur général each year and also whenever so ordered by the Government. His reports shall accompany the annual report of the Institut.
- 30.** The Ministre de l'industrie et du commerce is responsible for the carrying out of this act.
- [[**31.** The sums required for the carrying out of this act shall be taken, for the fiscal year 1978/1979, out of the consolidated revenue fund and, for subsequent years, out of the moneys granted annually for such purpose by the Legislature.]]
- 32.** This act comes into force on the day of its sanction.