

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 48

National Holiday Act

First reading
Second reading
Third reading

M. PIERRE MARC JOHNSON
Ministre du travail et de la main-d'oeuvre

L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill institutes the National Holiday.

It establishes what the rights of employees are to be in respect of the fact that the 24th of June is to be a statutory public holiday.

It also establishes that this act is to be a public statute, and provides penalties for anyone infringing it.

Bill 48

National Holiday Act

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

1. The 24th of June, St. John the Baptist's Day, is the National Holiday.

2. The 24th of June is a statutory public holiday.

3. No one may reduce the wages of an employee by reason of the fact that the 24th of June is a public holiday.

4. Every employer must pay to an employee remunerated by the hour, by the day or on the basis of production, an indemnity equal to his wages lost by the fact that the 24th of June is a public holiday.

5. In any establishment or service where, by reason of the nature of its activities, work is not interrupted on the 24th of June, the employer, in addition to paying to the employee working on the 24th of June the wages for the work done, must pay to such employee an indemnity equal to his wages for a regular day of work, or grant him a compensatory holiday of one day. In the latter case, the holiday must be taken on the working day preceding or following the 24th of June.

6. Every employer must grant a compensatory holiday of a duration equivalent to a regular day of work where the 24th of June falls on a day where the employee is otherwise on leave.

Where the employee is remunerated by the hour, by the day or on the basis of production, the employer must grant him a compensatory holiday or pay him an indemnity equal to his wages for a regular day of work.

The compensatory holiday must, in all cases, be taken on the working day preceding or following the 24th of June. However,

Sec. 10. *Subparagraph e of paragraph 14 of article 17 presently reads as follows:*

“e) The 24th of June, St. John the Baptist’s Day, or the 25th of June when the 24th is a Sunday;”.

Sec. 11. *Paragraph e of article 6 presently reads as follows:*

“e. The 24th of June, St. John the Baptist’s Day, or the 25th of June when the 24th is a Sunday;”.

Sec. 12. *Subparagraph e of paragraph 24 presently reads as follows:*

(e) The 24th June, St. John the Baptist’s Day, or the 25th of June when the 24th is a Sunday;”

Sec. 13. *Subparagraph e presently reads as follows:*

“e) 24 June, St. John the Baptist Day, or 25 June if 24 June is a Sunday;”.

if, at that time, the employee is on annual leave, the holiday is taken at a date agreed upon by the employer and the employee.

7. The employer is not required to grant the compensatory holiday or the indemnity provided for by this act to an employee who was not entitled to wages, or to an indemnity in lieu thereof, for at least ten days during the period from 1 June to 23 June.

8. This act is a public statute.

However, it shall not be construed in such a manner as to prohibit an agreement involving, for the employee,

(a) an indemnity greater than those provided for in sections 4, 5 and 6, or a compensatory holiday longer than those provided for in sections 5 and 6; or

(b) a lesser requirement than that provided for in section 7.

9. Any person who fails to comply with any provision of this act is guilty of an offence and is liable, in addition to costs, to a fine of one hundred dollars to five hundred dollars on summary proceedings instituted by a person generally or specially authorized for that purpose by the Procureur général.

Fines are paid into the consolidated revenue fund.

10. Article 17 of the Civil Code is amended by replacing subparagraph *e* of paragraph 14 by the following subparagraph:

“(e) 24 June, the National Holiday;”.

11. The Code of Civil Procedure is amended by replacing paragraph *e* of article 6 by the following paragraph:

“(e) 24 June, the National Holiday;”.

12. Section 61 of the Interpretation Act (Revised Statutes, 1964, chapter 1), amended by section 1 of chapter 14 of the statutes of 1966/1967, is again amended by replacing subparagraph *e* of paragraph 24 by the following subparagraph:

“(e) 24 June, the National Holiday;”.

13. Section 2 of the Election Act (Revised Statutes, 1964, chapter 7), amended by section 1 of chapter 12 of the statutes of 1965 (1st session), section 3 of chapter 6 of the statutes of 1972 and by section 1 of chapter 8 of the statutes of 1975, is again amended by replacing subparagraph *e* of paragraph 21, by the following subparagraph:

“(e) 24 June, the National Holiday;”.

Sec. 14. *Paragraph e presently reads as follows:*

“(e) 24 June, St John the Baptist’s Day, or 25 June, when 24 June is Sunday;”.

Sec. 15. *Paragraph d presently reads as follows:*

“(d) the 24th of June, or the 25th of June if the 24th is a Sunday;”.

14. Section 134*a* of the Labour Code (Revised Statutes, 1964, chapter 141), enacted by section 63 of chapter 41 of the statutes of 1977, is amended by replacing paragraph *e* by the following paragraph:

“(e) 24 June, the National Holiday;”.

15. Section 2 of the Commercial Establishment Business Hours Act (1969, chapter 60) is amended by replacing paragraph *d* by the following paragraph:

“(d) 24 June, the National Holiday;”.

16. Any provision respecting 24 June contained in a collective agreement in force under the Labour Code at the coming into force of this act continues to have effect until the expiry of that collective agreement.

The same rule applies in the case of a decree in force under the Collective Agreement Decrees Act at the coming into force of this act.

17. This act applies to the Government and to the government departments and agencies.

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