

THIRD SESSION
THIRTY-FIRST LEGISLATURE

ASSEMBLÉE NATIONALE DU QUÉBEC

Bill 55

**An Act respecting the organization of the management and
union parties in view of collective bargaining
in the sectors of education, social affairs
and government agencies**

First reading
Second reading
Third reading

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L'ÉDITEUR OFFICIEL DU QUÉBEC

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EXPLANATORY NOTES

This bill replaces the Act respecting collective bargaining in the sectors of education, social affairs and government agencies.

Its main object is to define the relations that must be established between the management and union parties for the purposes of collective bargaining in the sectors of education, social affairs and government agencies.

For that purpose, it enables the formation of groups by associations of employees and it determines the social services and health services establishments group, and the school board and college groups. In addition, it specifies the respective responsibilities of the management negotiating committees and the treasury board.

The bill also establishes the terms and conditions of the distribution of the matters to be negotiated at the national level and the matters to be negotiated at a local or regional level in the sectors of education and social affairs. It also determines the mechanisms for coordination among the government agencies.

Finally, it is provided that the proposed act will not apply to collective agreements expiring before 1 July 1978.

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

CHAPTER I

INTERPRETATION

1. In this act,

(a) “association of employees” means an association of employees within the meaning of the Labour Code (Revised Statutes, 1964, chapter 141);

(b) “college” means a college established under the General and Vocational Colleges Act (1966/1967, chapter 71);

(c) “school board” means a regional school board, a Protestant central school board, the Protestant School Board of Greater Montreal, the Protestant School Board of Greater Québec, the Québec Catholic School Commission, the Montreal Catholic School Commission, any school board governed by the Education Act (Revised Statutes, 1964, chapter 235), and any other similar body designated by the Government for the application of this act;

(d) “collective agreement” means a collective agreement within the meaning of the Labour Code, or any document in lieu thereof or a labour contract within the meaning of the Act respecting the Québec Police Force syndical plan (1968, chapter 19);

(e) “teacher” means a teacher within the meaning of the Education Act or a member of the teaching staff of a college;

(f) “establishment” means a public establishment within the meaning of the Act respecting health services and social services

(1971, chapter 48), a private establishment under agreement within the meaning of the said act, a private establishment that has made a contract provided for in section 133 of the said act with the Ministre des affaires sociales and any body which furnishes services to an establishment in accordance with the said act and declared by the Government to be classified, for the purposes of this act, with establishments within the meaning of the Act respecting health services and social services;

(g) “employee-associations group” means any union, federation, corporation or other organization which an association of employees representing persons contemplated by this act joins, or to which it belongs or is affiliated;

(h) “school board group” or “college group” means any association, federation or other organization to which the majority of the school boards for Catholics, of the school boards for Protestants or of the colleges belong, deemed to be representative of these school boards or colleges by the Ministre de l’éducation, if it is not already so recognized by law;

(i) “establishments group” means any union, federation, confederation or other organization to which an establishment belongs, deemed by the Ministre des affaires sociales to be representative of one or more categories of establishments, if it is not already so recognized by law;

(j) “government agency” means any agency contemplated in the schedule.

CHAPTER II

THE EDUCATION AND SOCIAL AFFAIRS SECTORS

DIVISION I

MODE OF NEGOTIATION

2. This chapter applies to every collective agreement binding between an association of employees and a school board, college or establishment.

The clauses of such a collective agreement are negotiated and approved at the national level or at a local or regional level in accordance with the following provisions.

3. The clauses negotiated and approved at the national level deal with all the matters contained in the collective agreement contemplated in section 2. They provide, however, that certain matters

may be the subject of arrangements within the meaning of section 4, or of clauses negotiated and approved at a local or regional level in accordance with section 5.

4. The parties to a collective agreement contemplated in section 2 may negotiate and approve, at a local or regional level, arrangements relating to the implementation of the clauses negotiated and approved at the national level, to the extent that the latter provide therefor.

5. The parties to a collective agreement contemplated in section 2 may negotiate and approve, at a local or regional level, clauses dealing with matters defined in the clauses negotiated and approved at the national level between two hundred and seventy days and one hundred and eighty days before the date of expiration of the collective agreement.

The matters that have not so been defined at the expiry of that period are the subject of clauses negotiated and approved at the national level, unless otherwise decided by the Government.

6. For the purposes of the negotiation of a collective agreement binding between an association of employees and a school board or a college, the following classes of personnel form separate groups:

- (a) teachers;
- (b) non-teaching professional personnel; and
- (c) support personnel.

DIVISION II

BARGAINING AGENTS

§ 1.—*The unions*

7. An association of employees that belongs to an employee-associations group negotiates and approves the clauses contemplated in section 3 through a bargaining agent appointed by that group.

8. An association of employees that does not belong to an employee-associations group negotiates and approves all the clauses contained in the collective agreement contemplated in section 2 through a bargaining agent appointed by that association.

9. The clauses negotiated and approved at the national level by an employee-associations group are binding on every new asso-

ciation of employees that affiliates to that group during the term of the collective agreement.

§ 2.—*Management*

10. Management negotiating committees are established in the education sector and a management negotiating committee is established in the social affairs sector.

11. The management negotiating committees are responsible, under the authority delegated to them by the *Ministre de l'éducation*, or the *Ministre des affaires sociales*, for the negotiation and approval of the clauses contemplated in section 3.

For that purpose, they shall prepare draft bargaining proposals, require negotiation mandates from the treasury board and, within the framework of the mandates it determines, organize, direct and co-ordinate the negotiations carried on by the management party with the employee-associations groups or, as the case may be, with the associations of employees.

1. *The school board groups and the college groups*

12. The school board groups for Catholics, school board groups for Protestants, college groups and the *Ministre de l'éducation* designate their representatives to the management negotiating committee established for the school boards for Catholics, to the management committee established for the school boards for Protestants and to the management committee for colleges.

These representatives reach agreements on the terms and conditions of operation of each of the committees and designate the chairman and the vice-chairman. One of the two latter persons must necessarily represent the school board group or college group concerned, and the other, the Minister. These agreements must provide, in particular, the mode of financing of the committees, the term of office of their members and, where necessary, the remuneration of their members and agents. The signature of the chairman of the treasury board confirms the undertaking of the Government with respect to such an agreement.

13. The clauses negotiated and approved by the management committees are binding on all of the school boards for Catholics, all of the school boards for Protestants, or all of the colleges, as the case may be.

14. The clauses negotiated and approved at the national level are signed by the *Ministre de l'éducation* and the chairman and

vice-chairman of the management negotiating committee concerned.

2. The establishments groups

15. The establishments groups and the Ministre des affaires sociales designate their representatives to the management negotiating committee for the social affairs sector.

These representatives reach an agreement on the terms and conditions of operation of the committee and designate a chairman and a vice-chairman, one of whom must necessarily represent the establishments groups, and the other, the Minister. This agreement must provide, in particular, the mode of financing of the committee, the term of office of its members and, where necessary, the remuneration of its members and agents. The signature of the chairman of the treasury board confirms the undertaking of the Government with respect to such an agreement.

16. The clauses negotiated and approved by the management negotiating committee are binding on all of the establishments.

17. The clauses negotiated and approved at the national level are signed by the Ministre des affaires sociales and the chairman and vice-chairman of the management negotiating committee.

3. The treasury board

18. In accordance with the guidelines established by the Government, the treasury board

(a) ensures the orderly progress of the negotiation of the clauses contemplated in section 3, and, for that purpose, may delegate an observer to the negotiating sessions;

(b) determines the negotiation mandates of the management committees;

(c) exercises, for the purposes of the negotiations contemplated in paragraph a, the other powers assigned to it by law.

19. The treasury board shall invite the Ministre de l'éducation or, as the case may be, the Ministre des affaires sociales, to participate in its deliberations when they deal with the negotiations contemplated in section 3.

CHAPTER III

THE GOVERNMENT AGENCIES SECTOR

DIVISION I

THE UNIONS

20. An association of employees negotiates and approves all the clauses of a collective agreement binding between it and a government agency through a negotiating agent appointed by the association.

DIVISION II

MANAGEMENT

21. Before undertaking the negotiation of a collective agreement with an association of employees, a government agency submits a draft policy on remuneration and conditions of employment to the minister responsible.

The Minister submits this policy to the approval of the treasury board.

22. The remuneration policy approved with or without amendment by the treasury board is binding on the government agency, and it must comply with that policy.

23. Sections 18 and 19 apply, *mutatis mutandis*, to a government agency.

24. A government agency negotiates, approves and signs a collective agreement within the scope defined by the application of sections 21, 22 and 23.

25. The Government may strike off from the schedule any agency appearing in it, or add to it any agency it may designate.

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

26. This act does not apply to negotiations in view of the renewal of a collective agreement binding between an association of employees and a school board, college, establishment or government agency, if that collective agreement, or the document in lieu thereof, expires before 1 July 1978.

27. Subject to section 26, this act replaces the Act respecting collective bargaining in the sectors of education, social affairs and government agencies (1974, chapter 8).

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

SCHEDULE

- The Commission des droits de la personne;
- The manpower vocational training commissions;
- The Commission des services juridiques;
- The legal aid corporations;
- Hydro-Québec and those of its subsidiaries designated by the Government;
- The Société des alcools du Québec;
- The Société des traversiers du Québec;
- The Sûreté du Québec.