

NATIONAL ASSEMBLY

SECOND SESSION

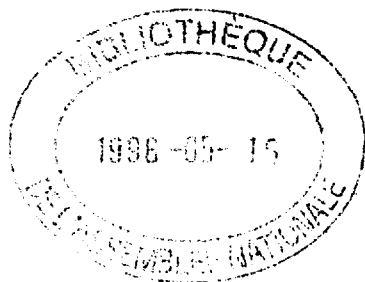
THIRTY-FIFTH LEGISLATURE

Bill 26

An Act respecting the Ministère du Travail

Introduction

**Introduced by
Mr Matthias Rioux
Minister of Labour**



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EXPLANATORY NOTES

This bill defines the sphere of action of the Minister of Labour as well as his principal powers and functions in the areas of labour relations, labour standards, the management of employment conditions, the health and safety of workers and the safety of buildings.

The Minister is thus made responsible for developing and implementing progressive policies and measures, after consulting with the interested persons, which will meet the needs of the workers, the labour market and the economy.

The bill also confers powers on the Minister that are accessory to his functions, provides for the organization of his department and contains amending, transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Pressure Vessels Act (R.S.Q., chapter A-20.01);
- Health Insurance Act (R.S.Q., chapter A-29);
- Building Act (R.S.Q., chapter B-1.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting the Conseil consultatif du travail et de la main-d'oeuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Gas Distribution Act (R.S.Q., chapter D-10);

- Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);

- Executive Power Act (R.S.Q., chapter E-18);

- Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

- National Holiday Act (R.S.Q., chapter F-1.1);

- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

- Act respecting piping installations (R.S.Q., chapter I-12.1);

- Act respecting electrical installations (R.S.Q., chapter I-13.01);

- Master Electricians Act (R.S.Q., chapter M-3);

- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

- Stationary Enginemen Act (R.S.Q., chapter M-6);

- Act respecting the Ministère de l'Emploi (R.S.Q., chapter M-15.01);

- Government Departments Act (R.S.Q., chapter M-34);

- Act respecting labour standards (R.S.Q., chapter N-1.1);

- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);

- Public Buildings Safety Act (R.S.Q., chapter S-3);

- Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001);

- Professional Syndicates Act (R.S.Q., chapter S-40);

- Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1);
- Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57);
- Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1994, chapter 9);
- Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, chapter 8);
- Act to amend the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1995, chapter 22);
- Act to foster the development of manpower training (1995, chapter 43).

Bill 26

An Act respecting the Ministère du Travail

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ORGANIZATION OF THE DEPARTMENT

1. The Ministère du Travail shall be under the direction of the Minister of Labour appointed under the Executive Power Act (R.S.Q., chapter E-18).

2. The Government, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), shall appoint a person as Deputy Minister of Labour.

3. Under the direction of the Minister, the Deputy Minister shall administer the department.

The Deputy Minister shall also perform any other functions assigned to him by the Government or the Minister.

4. In the discharge of his functions, the Deputy Minister has the authority of the Minister.

5. The Deputy Minister may delegate the performance of his functions under this Act, in writing and so far as he indicates, to a public servant or to the holder of a position.

The Deputy Minister may, in the instrument of delegation, authorize the subdelegation of such functions as he indicates; where applicable, he shall identify the public servant or holder of the position to whom the subdelegation may be made.

6. The personnel of the department shall be composed of the public servants necessary for the exercise of the functions of the Minister; they shall be appointed and remunerated in accordance with the Public Service Act.

The Minister shall determine the duties of the public servants of the department so far as they are not determined by law or by the Government.

7. The signature of the Minister or of the Deputy Minister authenticates any document emanating from the department.

No deed, document or writing binds the Minister or may be attributed to him unless it is signed by him, by the Deputy Minister, by a member of the personnel of the department or by the holder of a position, and in the last two cases, only so far as determined by the Government.

8. The Government, on such conditions as it may fix, may permit the signature of the Minister or the Deputy Minister to be affixed by means of an automatic device to such documents as it determines.

The Government may also permit a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines. The facsimile must be authenticated by the countersignature of a person authorized by the Minister.

9. Every document or copy of a document emanating from the department or forming part of its records, if signed or certified true by a person referred to in the second paragraph of section 7, is authentic.

CHAPTER II

FUNCTIONS AND POWERS OF THE MINISTER

10. The Minister shall perform his functions in the areas of labour relations, labour standards, the management of conditions of employment, occupational health and safety, as well as the safety of buildings and of equipment and facilities intended for public use.

11. The Minister shall devise and propose to the Government policies and measures relating to the areas within his competence, in particular to

(1) encourage the establishment or maintenance of harmonious relations between employers and employees or the associations representing them;

(2) adapt labour relations administration and labour standards to changes in the needs of persons, the labour market and the economy;

(3) facilitate the management of manpower and of conditions of employment;

(4) promote the evolution of work organization methods on the basis of the needs of persons, the labour market and the economy;

(5) foster protection of the health, safety and physical integrity of workers;

(6) promote the quality of the construction of buildings and of the equipment and facilities intended for public use as well as the security of the persons having access to them.

The Minister shall see to the implementation of the policies and measures, supervise their administration and coordinate their execution.

The Minister is also responsible for the administration of the Acts under his authority and he shall perform any other function assigned to him by the Government.

12. The Minister shall encourage participation by representatives of employers and workers in the establishment of policies and measures that concern them in the areas within his competence.

13. For the purposes of the performance of his functions and the administration of the Acts under his authority, the Minister may, in particular,

(1) at any time, designate a person to promote the establishment or the maintenance of harmonious relations between an employer and his employees or the association representing them. Such person shall report to the Minister;

(2) carry out or cause to be carried out, and disseminate, such studies, research and analyses as he considers useful, including comparative analyses of the development outside Québec of matters within his competence;

(3) collect, compile, analyze and disseminate available information on labour relations, labour standards, work organization, the labour market, conditions of employment and any other activity carried on by his department or the bodies under his authority;

(4) in accordance with law, enter into agreements with any government, department or body.

14. The Minister, in the performance of his functions, may inquire, or designate a person to inquire, into any matter within his competence.

15. No conciliator, mediator or mediator-arbitrator of the Ministère du Travail and no person designated by the Minister to help parties settle a disagreement may be compelled to disclose or produce, before a court or an arbitrator or before a body or a person exercising judicial or quasi-judicial functions, anything made known to or learned by them, or any document prepared or obtained, in the performance of their functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (R.S.Q., chapter A-2.1), no person shall have access to such a document.

16. The Minister shall table a report of the activities of the Ministère du Travail in the National Assembly for each fiscal year, within six months from the end of that year or, if the Assembly is not sitting, within 30 days of resumption.

CHAPTER III

AMENDING PROVISIONS

ACT RESPECTING THE CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'OEUVRE

17. Section 2 of the Act respecting the Conseil consultatif du travail et de la main-d'oeuvre (R.S.Q., chapter C-55) is amended

(1) by replacing the word "Employment" in the first line of the first paragraph by the word "Labour";

(2) by replacing the word "jurisdiction." at the end of the first paragraph by the words "competence. It shall also give its opinion to any other minister on any question related to labour or manpower

that the Minister of Labour submits to it, on the request of the other minister, respecting matters within the competence of that other minister.”;

(3) by replacing the words “It may,” in the first line of the second paragraph by the words “The Council may, in addition,”.

18. Section 2.1 of the said Act is amended by replacing the word “Employment” wherever it appears by the word “Labour”.

19. Section 4 of the said Act is amended

(1) by striking out the words “on the recommendation of the Minister of Employment” in the second line of the first paragraph;

(2) by replacing the word “Employment” in the first line of the second paragraph by the word “Labour”.

20. Sections 5 and 7 of the said Act are amended by replacing the word “Employment” wherever it appears by the word “Labour”.

21. Section 8 of the said Act is amended by replacing the word “Employment” in the sixth line of the first paragraph by the words “Labour or any other minister referred to in section 2”.

22. Sections 9, 15 and 16 of the said Act are amended by replacing the word “Employment” wherever it appears by the word “Labour”.

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

23. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by striking out the words “of the Ministère de l’Emploi or” in the first and second lines of paragraph *b*;

(2) by replacing the words “as the case may be, in accordance with the regulations made under this Act” in the fourth and fifth lines of paragraph *b* by the words “in accordance with the regulations made under this Act,”;

(3) by replacing the words “Minister of Employment” in paragraph *p* by the words “minister designated by the Government, except where another minister is designated in a provision”.

24. Section 41 of the said Act is amended by adding, at the end, the following paragraph:

“From (*insert here the date of assent to this Act*), the Minister of Labour shall exercise the power provided for in the first paragraph regarding a council of arbitration.”

25. Section 43 of the said Act is amended by replacing the first two paragraphs by the following paragraph:

“**43.** Upon the joint request of the Minister and the Minister of Labour and in the manner they indicate, the parity committees constituted under the Act respecting collective agreement decrees (chapter D-2), the Commission de la construction du Québec and the Commission des normes du travail must cooperate in applying the standards for the vocational qualification of manpower and report to the Minister and the Minister of Labour in the manner they prescribe.”

26. Section 45 of the said Act is amended by inserting the words “of Labour” after the word “Minister” wherever it appears in paragraph a.

27. Section 51 of the said Act is amended

(1) by replacing the word “Department” in the third line by the word “Minister”;

(2) by replacing the words “officer of the Ministère de l’Emploi” in the fifth and sixth lines by the word “Minister”.

28. Section 53 of the said Act is amended by replacing the words “Minister of Employment” in the first line by the words “minister designated by the Government”.

ACT RESPECTING THE MINISTÈRE DE L’EMPLOI

29. The title of the Act respecting the Ministère de l’Emploi (R.S.Q., chapter M-15.01) is replaced by the following title:

“Act respecting certain functions relating to manpower and employment”.

30. Division I of the said Act, including sections 1 to 12, is repealed.

31. The heading of Division II of the said Act is amended by striking out the words “OF THE MINISTER”.

32. Section 13 of the said Act is amended by replacing the first sentence of the first paragraph by the following sentence:

“**13.** The minister designated by the Government shall devise policies and measures concerning manpower and employment and propose them to the Government.”

33. Section 14 of the said Act is amended

(1) by striking out paragraph 3;

(2) by replacing the words “in cooperation with the other ministers concerned, to facilitate vocational training and qualification, entry and re-entry into the labour market, reclassification, retraining, employment protection, manpower mobility, human resource management, labour relations, and the health, safety and physical integrity of workers” in the first, second, third, fourth and fifth lines of paragraph 4 by the words “, in cooperation with the other ministers concerned, to facilitate vocational training and qualification, entry and re-entry into the labour market, reclassification, retraining, employment protection, manpower mobility and human resources management”;

(3) by replacing the words “, vocational training and qualification, labour relations, and the health, safety and physical integrity of workers” in the third and fourth lines of paragraph 5 by the words “and vocational training and qualification”;

(4) by replacing the words “of the department, in particular on labour relations between employers and employees and the conditions of employment of employees” in the second, third and fourth lines of paragraph 6 by the words “within his competence pertaining to employment, manpower, and vocational training and qualification”;

(5) by replacing the words “, conditions of employment, labour relations, and any other activity carried on by his department or the bodies under its jurisdiction” in the second, third and fourth lines of paragraph 7 by the words “and any activity carried on by the bodies under his authority”;

(6) by striking out paragraph 8.

34. Sections 15 and 15.1 of the said Act are repealed.

35. Sections 56 to 62 of the said Act are repealed.

ACT RESPECTING THE SOCIÉTÉ QUÉBÉCOISE DE DÉVELOPPEMENT
DE LA MAIN-D'OEUVRE

36. Section 17 of the Act respecting the Société québécoise de développement de la main-d'oeuvre (R.S.Q., chapter S-22.001) is amended by replacing the words “the Ministère de l'Emploi” in the third line of the first paragraph by the words “certain functions relating to manpower and employment”.

37. Sections 18, 93 and 96 of the said Act are amended by replacing the words “Minister of Employment” and “Ministère de l'Emploi” wherever they appear by the words “minister designated by the Government” and “department designated by the Government”, respectively.

ACT RESPECTING NORTHERN VILLAGES AND
THE KATIVIK REGIONAL GOVERNMENT

38. Section 379 of the Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1) is amended by replacing the words “Minister of Employment” in the first line by the words “minister designated by the Government”.

ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING

39. Section 22 of the Act to foster the development of manpower training (1995, chapter 43) is amended by replacing the words “Minister of Employment” in the third line by the words “minister designated by the Government”.

40. Section 24 of the said Act is amended by replacing the words “Minister of Employment, before the date fixed by the Minister” in the first and second lines of the first paragraph by the words “minister designated by the Government, before the date fixed by the minister”.

41. Section 30 of the said Act is amended by replacing the words “Minister of Employment on the date the Minister determines” in the second and third lines of the first paragraph by the words “minister designated by the Government on the date determined by the minister”.

42. Sections 39 and 41 of the said Act are amended by replacing the words “Minister of Employment” and “Minister” wherever they appear by the words “minister designated by the Government” and “minister”, respectively, and sections 65 and 67 of the said Act are amended by replacing the words “Minister of Employment” wherever they appear by the words “minister designated by the Government”.

OTHER LEGISLATION

43. The words “Minister of Employment”, “Deputy Minister of Employment” and “Ministère de l’Emploi” are replaced by the words “Minister of Labour”, “Deputy Minister of Labour” and “Ministère du Travail”, respectively, wherever they appear in the following provisions:

(1) section 6 of the Act respecting pressure vessels (R.S.Q., chapter A-20.01);

(2) sections 54 and 65 of the Health Insurance Act (R.S.Q., chapter A-29);

(3) section 298 of the Building Act (R.S.Q., chapter B-1.1);

(4) sections 1, 23, 27 and 151 of the Labour Code (R.S.Q., chapter C-27);

(5) section 7 of the Act respecting the Conseil du statut de la femme (R.S.Q., chapter C-59);

(6) section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2);

(7) section 14.1 of the Gas Distribution Act (R.S.Q., chapter D-10);

(8) sections 4, 17 and 18 of the Act respecting the conservation of energy in buildings (R.S.Q., chapter E-1.1);

(9) subparagraph 27 of the first paragraph of section 4 of the Executive Power Act (R.S.Q., chapter E-18);

(10) sections 7, 66, 69 and 70 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., chapter E-20.1);

(11) section 17.2 of the National Holiday Act (R.S.Q., chapter F-1.1);

(12) section 2 of the Act respecting piping installations (R.S.Q., chapter I-12.1);

(13) section 2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01);

(14) section 1 of the Master Electricians Act (R.S.Q., chapter M-3);

(15) section 1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

(16) section 2 of the Stationary Enginemen Act (R.S.Q., chapter M-6);

(17) paragraph 25 of section 1 of the Government Departments Act (R.S.Q., chapter M-34);

(18) section 1 of the Act respecting the placing of certain labour unions under trusteeship (1975, chapter 57), amended by section 7 of chapter 43 of the statutes of 1977, by section 12 of chapter 5 of the statutes of 1983 and by section 66 of chapter 12 of the statutes of 1994;

(19) paragraph 8 of section 1 of the Act respecting labour standards (R.S.Q., chapter N-1.1);

(20) sections 46, 50, 62 and 96 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);

(21) subparagraph *p* of the first paragraph of section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20), amended by section 1 of chapter 8 of the statutes of 1995, and section 126.1 of the said Act;

(22) sections 10 and 44 of the Public Buildings Safety Act (R.S.Q., chapter S-3);

(23) section 25 of the Professional Syndicates Act (R.S.Q., chapter S-40);

(24) sections 2, 10, 11, 17 and 28 of the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1994, chapter 9) and sections 3 and

20 of the said Act, amended by sections 1 and 2 of chapter 22 of the statutes of 1995;

(25) section 74 of the Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and other legislative provisions (1995, chapter 8);

(26) section 3 of the Act to amend the Act respecting the provisional administration of the Parity Committee for the Flat Glass Industry and the Corporation de formation des vitriers et travailleurs du verre du Québec (1995, chapter 22).

CHAPTER IV

TRANSITIONAL AND FINAL PROVISIONS

44. Unless the context indicates otherwise, in any Act not referred to in sections 17 to 43 of this Act and in any regulation, order in council, order, proclamation, contract, agreement or other document,

(1) a reference to the Minister or Deputy Minister of Employment or to the Ministère de l'Emploi is, according to the matter concerned, a reference to the Minister or Deputy Minister of Labour or to the Ministère du Travail, or to the minister designated by the Government under section 13 of the Act respecting certain functions relating to manpower and employment;

(2) a reference to the Act respecting the Ministère de l'Emploi is, according to the matter concerned, a reference to the Act respecting the Ministère du Travail, the Act respecting certain functions relating to manpower and employment or to the corresponding provision of either of the said Acts.

45. Any regulation or order made under the Act respecting the Ministère de l'Emploi shall remain in force until replaced or repealed.

46. This Act comes into force on (*insert here the date of assent to this Act*).