



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 31

An Act to amend the Act respecting labour standards

Introduction

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



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EXPLANATORY NOTES

The principal object of this bill amending the Act respecting labour standards is to allow the Commission des normes du travail to represent a person with more than three years of uninterrupted service who believes he was dismissed by his employer without just and sufficient cause.

The bill also provides for the annual reimbursement by the Commission des normes du travail of disbursements made in connection with the exercise of remedies for dismissal without just and sufficient cause or for a prohibited practice.

In addition, the bill empowers the Government to determine, by regulation, the contribution payable by a person whom the Commission represents in the exercise of a remedy under the Act.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. The Act respecting labour standards (R.S.Q., chapter N-1.1), amended by chapter 46 of the statutes of 1994, is again amended by inserting, after section 6.1, the following section:

“6.2 The Commission shall reimburse to the Minister the disbursements he has made in respect of the remedies exercised under Divisions II and III of Chapter V.

The sums paid by the Commission shall be deposited in a specific purpose account to which the provisions of section 29.1 of the Financial Administration Act (R.S.Q., chapter A-6), adapted as required, shall apply.”

2. Section 39 of the said Act is amended by adding, after paragraph 12, the following paragraph:

“(13) require an employee to pay a contribution determined by regulation of the Government where the Commission exercises, on the employee’s behalf, a remedy under Division I of Chapter V or represents the employee pursuant to Division II of that chapter.”

3. The said Act is amended by inserting, after section 90.1, the following sections:

“90.2 The Government may, by regulation, determine the contribution that may be required from an employee under section 126.1, which shall vary according to the wages the employee was earning at the time of his dismissal, and fix the time and terms and conditions of payment of such contribution.

“90.3 The Government may, by regulation, determine the contribution that the Commission may require from an employee where the Commission exercises, on the employee’s behalf, a remedy under Division I of Chapter V or represents the employee pursuant to Division II of that chapter. The regulation shall fix the time and terms and conditions of payment of such contribution.”

4. The said Act is amended by inserting, after section 126, the following section:

“126.1 The Commission may, in a proceeding under this division, represent an employee who cannot be represented under the Legal Aid Act (R.S.Q., chapter A-14) or who does not belong to a group of employees to which certification has been granted under the Labour Code. If the Commission represents an employee, it shall require from him payment of the contribution determined by regulation of the Government.”

5. The first regulation made under section 90.2 of the Act respecting labour standards, introduced by section 3 of this Act is not subject to the provisions governing the publication and coming into force of regulations contained in sections 8 and 17 of the Regulations Act (R.S.Q., chapter R-18.1), or to section 92 of the Act respecting labour standards. Such regulation applies from (*insert here the date of assent to this Act*).

6. Section 126.1 of the Act respecting labour standards, introduced by section 4 of this Act does not apply in respect of a complaint filed before (*insert here the date of assent to this Act*) for which no settlement has been reached and no decision has been rendered.

7. This Act comes into force on (*insert here the date of assent to this Act*), except for the provisions of section 2, which come into force on the date to be fixed by the Government.