

NATIONAL ASSEMBLY  
Thirty-fourth Legislature, second session

1992, chapter 39

## AN ACT RESPECTING THE PROLONGATION OF COLLECTIVE AGREEMENTS AND THE REMUNERATION IN THE PUBLIC SECTOR

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### **Bill 37**

Introduced by Mr Daniel Johnson, Minister for Administration and the Public Service  
and Chairman of the Conseil du trésor

Introduced 14 May 1992

Passage in principle 4 June 1992

Passage 22 June 1992

**Assented to 23 June 1992**

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**Coming into force: 23 June 1992**

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### **Acts amended:**

Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10)

Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11)

Courts of Justice Act (R.S.Q., chapter T-16)

Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991,  
chapter 41)





## CHAPTER 39

### **An Act respecting the prolongation of collective agreements and the remuneration in the public sector**

*[Assented to 23 June 1992]*

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### DIVISION I

##### INTERPRETATION

Public  
bodies

**1.** For the purposes of this Act, the following bodies are public bodies:

(1) the Government, its departments and the government agencies whose personnel is appointed or remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1);

(2) school boards, colleges, establishments, any body which is similar to a school board or classified as an establishment and government agencies to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) applies, as well as regional health and social service councils and the Conseil scolaire de l'Île de Montréal;

(3) any other body whose personnel is remunerated according to standards and scales which are, by law, determined or approved by the Government or stipulated in a collective agreement negotiated and agreed with the concurrence of the Government;

(4) educational institutions at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., chapter E-14.1);

(5) institutions recognized for purposes of grants or declared to be of public interest under the Act respecting private education (R.S.Q., chapter E-9).

Public  
bodies

**2.** The National Assembly, persons designated by the National Assembly pursuant to an Act and persons designated by the Government pursuant to an Act and whose personnel is appointed or remunerated in accordance with the Public Service Act shall be regarded as public bodies.

"collective  
agreement"

**3.** The term "collective agreement" means a collective agreement or that which is in lieu thereof within the meaning of the Labour Code (R.S.Q., chapter C-27).

Date of  
expiration

**4.** For the purposes of this Act, the date of expiration of a collective agreement or an agreement referred to in section 19 or 19.1 of the Health Insurance Act (R.S.Q., chapter A-29) is the date on which such an agreement ends, independently of this Act and taking into account, where applicable, the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41).

## DIVISION II

### EMPLOYEES BELONGING TO A BARGAINING UNIT

Deferral  
of date of  
expiration

**5.** The date of expiration of a collective agreement that is binding on a public body and an association of employees and in force on 23 June 1992 may be deferred by agreement between the parties. The duration of such a collective agreement may exceed three years.

Deferral  
of date of  
expiration

The same applies to any collective agreement renewing or replacing a collective agreement which was binding a public body and an association of employees which expired before 23 June 1992, and a first collective agreement pertaining to a group having obtained certification if it takes effect with respect to a public body before the end of the year 1993.

Period of  
deferral

Failing agreement between the parties on a period of deferral of at least one year, the date of expiration of the collective agreement shall be deferred for one year.

Rates,  
scales and  
premiums

**6.** The salary rates and scales and the premiums having effect from the day following the date of expiration of a collective agreement contemplated in section 5 are determined by agreement between the parties. However, the rates, scales and premiums having effect on the date of expiration may not be increased by more than 3 % for the first nine months following that date, and may not, at least for the three following months, be further increased by more than 1 %.

**Lump sum**      **7.** Any lump sum calculated on the basis of a maximum percentage of 1 % of each of the salary rates and scales, provided for in a collective agreement binding a public body and an association of employees in force on 23 June 1992 or which expired before that date, shall cease to be paid once it has been paid for a period of twelve months.

**Exception**      **8.** The third paragraph of section 5 and section 6 do not apply to a collective agreement which contains a stipulation having the effect of rendering a salary increase not in excess of the increase set out in section 6 applicable to the employees concerned for a period of at least one year beginning in 1992, 1993 or 1994.

**Exception**      The third paragraph of section 5 and sections 6 and 7 do not apply to a collective agreement binding the following parties:

(1) Hydro-Québec and any association of employees representing its employees;

(2) the Société des alcools du Québec and any association of employees representing its employees;

(3) the Société des établissements de plein air du Québec and the Syndicat des fonctionnaires provinciaux Inc. in relation to the Parc du Mont Ste-Anne bargaining unit;

(4) the Gouvernement du Québec and the Association des policiers provinciaux du Québec.

**Exception**      The third paragraph of section 5 and sections 6 and 11 do not apply to a collective agreement binding a public body referred to in paragraph 4 of section 1 and any association of employees representing its employees.

**Exception**      The third paragraph of section 5 does not apply to a collective agreement binding a public body referred to in paragraph 5 of section 1 and any association of employees representing its employees.

**Determina-  
tion of  
period**      **9.** In every case where the date of expiration of a collective agreement is deferred, the period provided for in paragraph *d* of section 22 and in sections 73, 111.3 and 111.4 of the Labour Code shall be determined on the basis of the original term of the collective agreement.

**Early  
termination  
prohibited**      **10.** Notwithstanding section 61 of the Labour Code, no association of employees may terminate a collective agreement whose date of expiration has been deferred or declare it null before its new date of expiration.

New  
association

**11.** Where an association of employees bound by a collective agreement whose date of expiration is deferred by agreement is a new association certified following an application made in accordance with section 111.3 of the Labour Code, the standard collective agreement of the new association shall apply, notwithstanding the said section, from the thirtieth day following the date of the agreement deferring the date of expiration, or from the thirtieth day following the date of the decision to certify the association, if later.

Beginning  
of nego-  
tiation

**12.** For the negotiation of a collective agreement renewing or replacing a collective agreement whose date of expiration is deferred, the negotiation stage provided for in section 111.7 of the Labour Code shall begin on the day following the date to which the date of expiration is deferred. The parties may, however, by agreement, fix another date for the beginning of the negotiation stage.

Presumption

For the application of the said Code to the negotiation of such a collective agreement, the day contemplated in the first paragraph or fixed by the parties pursuant to that paragraph is considered to be the one hundred and eightieth day preceding the date of expiration and the time limits prescribed in section 111.8 are calculated with any necessary changes.

### DIVISION III

#### PERSONS WHO DO NOT BELONG TO A BARGAINING UNIT

#### § 1.—*Members and personnel of public bodies*

Administra-  
tors of  
state and  
chief exe-  
cutive  
officers

**13.** Administrators of state and the chief executive officers and members of public bodies shall be remunerated, for the period beginning on 1 July 1992 and ending on 31 March 1993, according to the salary rates and scales and premiums in force on 30 June 1992, increased by not more than 3 %. For a period of at least three months beginning on 1 April 1993, such rates, scales and premiums may not be further increased by more than 1 %.

Managerial  
staff

The same applies to the remuneration of managerial staff and other members of the personnel of the public service who do not belong to a bargaining unit.

Lump sums

Any lump sum equivalent to the amount referred to in section 7 shall cease to be paid to the persons to whom this section applies once it has been paid for a period of twelve months.

Maximum  
rates of  
increase

**14.** Every person empowered to determine the salary rates and scales and premiums of the managerial staff and other staff members

of a public body who do not belong to a bargaining unit and who are not part of the personnel of the public service must, for a twelve-month period beginning in 1992, 1993 or 1994, fix such rates, scales and premiums by applying rates of increase that do not exceed the rates provided for in the first paragraph of section 13.

Maximum  
rates of  
interest

The same applies to every person empowered to fix the remuneration of the members of the office staff of a minister, of an office referred to in section 124.1 of the Act respecting the National Assembly (R.S.Q., chapter A-23.1) and of members of the staff of a Member of the National Assembly.

Applicable  
provision

The third paragraph of section 13 applies to managerial staff and other staff members referred to in this section.

## § 2.—*Judges and Members*

Judges

**15.** The salary of a member of the Court of Québec and, insofar as it is determined with reference thereto, the salary of municipal judge and a justice of the peace and the amounts of additional remuneration attached to the office of chief judge, senior associate chief judge, associate chief judge or coordinating judge in force on 30 June 1992 may be increased, on that date, by not more than 3 % with effect for the period beginning on 1 July 1992 and ending on 31 March 1993 and by not more than 1 % for a period of at least three months beginning on 1 April 1993.

Members

**16.** For the period beginning on 1 January 1993 and ending on 30 September 1993, the annual indemnity received by each Member under section 1 of the Act respecting the conditions of employment and the pension plan of the Members of the National Assembly (R.S.Q., chapter C-52.1) shall be based on the average of the lowest and highest amounts provided in the salary scale applicable to the class of positions of senior executive officers of the public service, class IV, on 1 July 1992. For a period of at least three months beginning on 1 October 1993, it shall be based on the same average as established on 1 April 1993.

## § 3.—*Health professionals*

Medical  
specialists,  
general  
practition-  
ers and  
optometrists

**17.** In any agreement referred to in section 19 of the Health Insurance Act (R.S.Q., chapter A-29) in force on 23 June 1992 and in any agreement renewing or replacing such an agreement, the amounts of the general tariff objectives applicable to medical specialists, general practitioners and optometrists for insured services furnished under that Act shall not exceed, for the period beginning on

1 December 1992 and ending on 31 August 1993, those in effect for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be increased by not more than 1 % for a period of at least three months beginning on 1 September 1993.

Certain  
specialist  
services

**18.** The tariffs applicable to specialists in oral and maxillo-facial surgery, dental surgeons and proprietary pharmacists for insured services furnished under the Health Insurance Act may not exceed, for the period beginning on 1 December 1992 and ending on 31 August 1993, those in effect under an agreement for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be increased by not more than 1 % for a period of at least three months beginning on 1 September 1993.

Agreement  
maintaining  
tariff  
objectives

**19.** Where the chairman of the Conseil du trésor is of the opinion that the stipulations of an agreement have the effect of establishing and maintaining the amounts of the tariff objectives or the tariffs at a level not exceeding what is provided in section 17 or 18, he may so advise the parties. Where such is the case, section 17 or 18, as the case may be, does not apply to the health professionals concerned by the agreement.

Rates,  
scales and  
premiums

**20.** The salary rates and scales and the premiums applicable to medical specialists, general practitioners and dental surgeons for insured services furnished under the Health Insurance Act shall be, for the period beginning on 1 December 1992 and ending on 31 August 1993, those in effect for the period beginning on 1 June 1992 and ending on 30 November 1992, increased by not more than 3 %. They may be further increased by not more than 1 % for a period of at least three months beginning on 1 September 1993.

Applicable  
provisions

**21.** The first and second paragraphs of section 5, and sections 6, 7 and 9 to 12, adapted as required, apply, from 1 July 1992, to every agreement that is binding on pharmacists practising in a hospital centre, entered into under section 3 of the Hospital Insurance Act (R.S.Q., chapter A-28).

Agreements  
binding  
medical  
residents

The same applies, from 1 January 1993, to every agreement that is binding on medical residents, entered into under section 19.1 of the Health Insurance Act.

Cessation  
of effect

**22.** Every provision of an agreement referred to in sections 17 and 18, which is in force on 23 June 1992 and whose object is to add a lump sum of 1 % shall cease to have effect on the lapse of twelve months following the coming into effect of that provision.

## DIVISION IV

## MISCELLANEOUS AND FINAL PROVISIONS

**Presumption**      **23.** The amendments made to the conditions of employment of employees under this Act are deemed to form part of the collective agreements that are binding on those employees.

**Subsidies**        **24.** Notwithstanding any inconsistent provision of any Act, regulation, order in council, order, budgetary rule, directive or instruction, the Government may, without any other formality, fix or change the amount or date of payment of any subsidy that the Government or a minister pays to a public body so as to take into account the maximum level of remuneration applicable pursuant to this Act.

**Effect of order**      Every order made by the Government under this section takes effect on the date on which it is made or on any prior date or later date fixed therein. The Regulations Act (R.S.Q., chapter R-18.1) does not apply in respect of such an order, if any.

**Compliance with 1991, c. 41**      **25.** This Act does not dispense the parties to collective agreements and to agreements it contemplates from the obligation of complying with the provisions of the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41) that are applicable to them.

**New labour standards**      **26.** The new labour standards whose effect is deferred by section 73 of the Act to amend the Act respecting labour standards and other legislative provisions (1990, chapter 73) apply in respect of employees governed by a collective agreement that is binding on a public body and an association of employees from the day following the date of expiration of the collective agreement.

**Applicable provisions**      **27.** The first and second paragraphs of section 5 and section 7 apply to collective agreements binding the holders of ambulance service permits and the associations of employees representing their employees.

**Determination of period of deferral**      In all cases where the date of expiration of a collective agreement is deferred, the period provided for by paragraph *d* of section 22 and by section 73 of the Labour Code is determined on the basis of the original duration of the collective agreement.

**1991, c. 41, s. 8, am.**      **28.** Section 8 of the Act respecting the placing of a temporary ceiling on remuneration in the public sector (1991, chapter 41) is



amended by striking out the words “and, subsequently, until the coming into force of a new collective agreement” in the eighth and ninth lines.

1991, c. 41,  
s. 9, am. **29.** Section 9 of the said Act is amended by replacing the words “the coming into force of a new collective agreement” in the fourth line of the third paragraph by the words “30 June 1992”.

1991, c. 41,  
s. 13, am. **30.** Section 13 of the said Act is amended by adding, at the end, the following paragraph:

Cessation  
of effect “However, any provision of the document whose object is to add a lump sum to the salary rates and scales shall cease to have effect on 30 June 1992.”

c. T-16,  
s. 115, am. **31.** Section 115 of the Courts of Justice Act (R.S.Q., chapter T-16), amended by section 28 of chapter 41 of the statutes of 1991, is again amended by striking out, at the end of the second paragraph, the following sentence: “However, on 1 July 1992, the date of the last change in salary to be considered shall be that of 1 July 1991”.

c. T-16,  
s. 124, am. **32.** Section 124 of the said Act, amended by section 29 of chapter 41 of the statutes of 1991, is again amended by replacing the words “From 1 July 1992” in the first line of the first paragraph by the words “During the month of January 1993”.

c. R-10,  
s. 86, am. **33.** Section 86 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing the date “1992” in the fourth line of subparagraph 2 of the first paragraph by the date “1994”.

c. R-10,  
s. 87, am. **34.** Section 87 of the said Act is amended by replacing the date “1992” in the second line by the date “1994”.

c. R-10,  
s. 134, am. **35.** Section 134 of the said Act, amended by section 68 of chapter 87 of the statutes of 1990 and by section 19 of chapter 14 of the statutes of 1991, is again amended by replacing the words “for each of the plans concerned” in the second line of paragraph 18 by the words “applicable to this plan”.

c. R-10,  
s. 176, am. **36.** Section 176 of the said Act is amended

(1) by striking out the words “and of the Teachers Pension Plan” in the second line of the first paragraph;

(2) by replacing the second paragraph by the following paragraph:

Payment  
assumed by  
employers

“In the case of the Teachers Pension Plan and the Civil Service Superannuation Plan, the difference between the cost of the plan and the contributions paid by the teachers or officers, as the case may be, within the meaning of those plans, shall be assumed by the employers.”

c. R-10,  
s. 177,  
replaced

**37.** Section 177 of the said Act is replaced by the following section:

Revision  
of rate of  
contribution

**“177.** The Government may, by regulation, at intervals of not less than three years, revise the rate of contribution to the Government and Public Employees Retirement Plan. The rate is based on the result of the actuarial valuation of the plan in respect of the employees who may be unionized, and it is adjusted from the first day of January following receipt by the Minister of the report of the consulting actuary.

Rates not  
revised

The rates of contribution to the Teachers Pension Plan and to the Civil Service Superannuation Plan are no longer revised. The rate of the Teachers Pension Plan is, from 1 January 1993, maintained at the rate in force for the year 1992, and that of the Civil Service Superannuation Plan is, from 1 January 1990, maintained at the rate in force for the year 1989.”

c. R-11,  
s. 28.7, am.

**38.** Section 28.7 of the Act respecting the Teachers Pension Plan (R.S.Q., chapter R-11) is amended by replacing the words “in determining the rate of contribution following” in the third line of the first paragraph by the words “for the purposes of”.

c. R-11,  
s. 31, am.

**39.** Section 31 of the said Act is amended by adding, at the end, the words “or, where applicable, any amount determined by the Government pursuant to sections 174 and 176 of the Act respecting the Government and Public Employees Retirement Plan”.

Effect

**40.** Sections 35 to 39 have effect from 15 May 1992.

Coming into  
force

**41.** This Act comes into force on 23 June 1992.