

1991, chapter 41
**AN ACT RESPECTING THE PLACING OF
A TEMPORARY CEILING ON REMUNERATION
IN THE PUBLIC SECTOR**

Bill 149

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

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Assented to 10 July 1991

Coming into force: 10 July 1991, except section 28 which will come into force on 1 July 1992

Acts amended:

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

Act to ensure continuity of electrical service by Hydro-Québec (1990, chapter 9)



CHAPTER 41

An Act respecting the placing of a temporary ceiling on remuneration in the public sector

[Assented to 10 July 1991]

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).

DIVISION II

EMPLOYEES BELONGING TO A BARGAINING UNIT

Expiration date postponed

4. The date of expiration of every collective agreement binding a public body and an association of employees which is in force on 10 July 1991 is deferred by six months.

Expiration date postponed

The date of expiration of every collective agreement renewing or replacing a collective agreement which was binding a public body and an association of employees and which expired before 10 July 1991 is also deferred by six months. The same applies to a first collective agreement pertaining to a group having obtained certification if it takes effect before the end of the year 1992.

Rates and scales maintained

5. The salary rates and scales and the premiums in force on the original date of expiration of the collective agreement shall remain in force, without increases, during the deferment period.

Exceptions

6. Sections 4 and 5 do not apply in the following cases:

(1) where the original date of expiration of a collective agreement in force on 10 July 1991 is deferred by the parties by at least six months and it is stipulated therein that the rates, scales and premiums in force on the day preceding the original date of expiration remain in force until the expiration of the collective agreement;

(2) where the collective agreement includes a stipulation which entails that a ceiling on the rates, scales and premiums comparable to the ceiling resulting from the application of section 5 becomes applicable to the employees concerned for a period of at least six months beginning in the year 1991, 1992 or 1993;

(3) where the collective agreement binds a public body to which paragraph 4 or 5 of section 1 applies and an association of employees, and provides for the revision of the salary rates and scales and premiums on a date other than the date of the anniversary of its coming into force.

Date of
revision

7. The parties to a collective agreement which renews or replaces a collective agreement to which paragraph 3 of section 6 applies and in force or expired on 10 July 1991 cannot stipulate as the first date of revision a date which falls less than twelve months after the date of the last revision.

Salary
rates and
scales

The salary rates and scales and the premiums fixed on the first date of revision stipulated in accordance with the first paragraph shall remain in force, without increases, for a period of six months.

Application
of 1st para-
graph

However, the first and second paragraphs do not apply if the collective agreement includes a stipulation which entails that a ceiling on the rates, scales and premiums comparable to the ceiling which would result from the application of the said paragraphs becomes applicable to the employees concerned for a period of at least six months beginning in the year 1991, 1992 or 1993.

Lump sum

8. If a collective agreement binding a body referred to in any of paragraphs 1 to 3 of section 1 and an association of employees provides for the payment to the employees until 30 June 1992, according to changes in the Consumer Price Index, of a lump sum equal to a maximum percentage of 1 % of each of the salary rates and scales in force on 1 July 1991, a lump sum computed according to that percentage, where applicable, shall be paid during the deferment period and, subsequently, until the coming into force of a new collective agreement.

Corporation
d'urgences-
santé

9. The date of 30 September 1991 stipulated as the date of expiration in the collective agreement binding the Corporation d'urgences-santé de la région de Montréal Métropolitain and the Rassemblement des employés techniciens ambulanciers du Québec RETAQ is deferred until 30 June 1992.

Salary
increase

For the period beginning on 1 January and ending on 31 December 1991, the salary rates and scales applicable under the said agreement on 31 December 1990 shall be increased by 5 %. In addition, a lump sum equal to a maximum of 1 % of the salary rates and scales in force on 1 July 1991 shall be established and paid to the employees, where applicable, in accordance with the relevant provisions of the sessional paper referred to in section 13.

Salary rates and scales The salary rates and scales and the premiums in force on 31 December 1991 shall remain in force until 30 June 1992. The lump sum provided for in the second paragraph shall be paid, where applicable, until the coming into force of a new collective agreement.

Original term under one year **10.** A collective agreement whose date of expiration is deferred by the effect of section 4 or by an agreement within the meaning of paragraph 1 of section 6 is not invalid for the sole fact that its original term is less than one year.

Certification or affiliation **11.** 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.

Termination prohibited **12.** 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 date of expiration.

Government engineers **13.** The conditions of employment of employees of the public service who belong to the bargaining unit for which the Association des ingénieurs du gouvernement du Québec is certified on 15 May 1991 shall be, for the period indicated therein, the conditions of employment provided for in Sessional Paper No. 1080 tabled in the National Assembly on 15 May 1991.

Sessional paper **14.** The sessional paper shall be printed, published and distributed by the Québec Official Publisher according to the terms and conditions determined by the latter. It is subject to no other formalities or publication requirements.

Collective agreement **15.** The provisions of the sessional paper constitute a collective agreement. The filing by the chairman of the Conseil du trésor of a copy of the sessional paper at the office of the labour commissioner-general has the same effect as a filing under section 72 of the Labour Code.

DIVISION III

PERSONS WHO DO NOT BELONG TO A BARGAINING UNIT

§ 1.—*Members and persons in the employ of public bodies*

16. Administrators of state and the chief executive officers and members of public bodies shall be remunerated, from 1 January to 30 June 1992, according to the same salary rates and scales and to the same premiums as those in force on 31 December 1991.

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

17. Every person empowered to determine the salary rates and scales and the premiums of the managerial staff and other staff members of a public body who do not belong to a bargaining unit shall, for a six-month period beginning in 1991, 1992 or 1993, fix such rates, scales and premiums and apply thereto the same ceiling as that which is applicable to the employees referred to in Division II.

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.

§ 2.—*Judges and Members*

18. The salary of a member of the Court of Québec and, insofar as it is determined with reference thereto, the salary of a 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 which are fixed by the Government for the period beginning on 1 July 1990 shall be increased by 2.5 % for the period beginning on 1 July 1991 and ending on 31 December 1991; they shall thereafter be maintained at that level for the period beginning on 1 January 1992 and ending on 30 June 1992.

19. For the period beginning on 1 January 1992 and ending on 30 June 1992, 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 30 June 1991.

Indemnity For the period beginning on 1 July 1992 and ending on 31 December 1992, the indemnity of the Member shall be based on the average of those amounts on 1 July 1991.

§ 3.—*Health professionals*

Health professionals **20.** The amounts of the general tariff objectives applicable to medical specialists, general practitioners and optometrists for insured services furnished under the Health Insurance Act (R.S.Q., chapter A-29) shall not exceed, for the period beginning on 1 June 1992 and ending on 30 November 1992, those fixed by agreement under section 19 of the said Act for the period beginning on 1 June 1991 and ending on 31 May 1992.

Tariffs under the Health Insurance Act **21.** 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 shall not exceed, for the period beginning on 1 June 1992 and ending on 30 November 1992, those fixed by agreement under section 19 of the said Act for the period beginning on 1 June 1991 and ending on 31 May 1992.

Applicability of ss. 20 and 21 **22.** Where the chairman of the Conseil du trésor is of the opinion that the stipulations of an agreement result in placing a ceiling on the tariff objectives or on the tariffs in a manner comparable to the ceiling resulting from the application of section 20 or 21, he may so advise the parties. Where such is the case, section 20 or 21, as the case may be, does not apply to the health professionals concerned by the agreement.

Salary rates and scales **23.** 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 the same, for the period beginning on 1 June 1992 and ending on 30 November 1992, as those established by agreement under section 19 of the said Act for the period beginning on 1 June 1991 and ending on 31 May 1992.

Pharmacists **24.** The second paragraph of section 4, sections 5 to 8 and sections 10 to 12, adapted as required, apply, from 1 January 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).

Medical
residents

The same applies, from 1 July 1992, to every agreement that is binding on residents in medicine, entered into under section 19.1 of the Health Insurance Act.

DIVISION IV

MISCELLANEOUS AND FINAL PROVISIONS

Presumption

25. 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

26. Notwithstanding any inconsistent provision of any Act, regulation, order in council, order, budgetary rule, directive or instructions, 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 ceiling placed according to this Act on the remuneration applicable to that public body.

Order

Every order made by the Government under this section takes effect on the date on which it is made or on any prior 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.

Sûreté du
Québec

27. Taking into consideration the agreement amending the pension plan of the members of the Sûreté du Québec entered into by the parties on 13 May 1991, the labour contract binding the Association des policiers provinciaux du Québec and the Government shall expire on 31 December 1992.

c. T-16,
s. 115, am.

28. Section 115 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by adding, at the end, the following paragraph:

Percentage
of increase

“Beginning one year after the last change in salary provided for by order and until the coming into force of a new order, the salary shall be increased annually by the same percentage as the percentage representing the increase of the indemnity of the Members of the National Assembly for the current year. 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.

29. Section 124 of the said Act is amended by replacing the figure “1988” in the first line of the first paragraph by the figure “1992”.

1990, c. 9,
Sched. I,
am.

30. The Act to ensure continuity of electrical service by Hydro-Québec (1990, chapter 9) is amended by replacing the words “the basic rate” in the fourth line of the seventh paragraph of paragraph 1 of Schedule I by the word “that”.

Coming into
force

31. The provisions of this Act come into force on 10 July 1991, except section 28 which will come into force on 1 July 1992.