

NATIONAL ASSEMBLY
Thirty-third Legislature, first session

1987, chapter 85

AN ACT TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND VARIOUS LEGISLATION

Bill 30

Introduced by Mr Pierre Paradis, Minister of Labour

Introduced 7 May 1987

Passage in principle 8 June 1987

Passage 18 December 1987

Assented to 18 December 1987

Coming into force: on the date fixed by the Government

Acts amended:

Labour Code (R.S.Q., chapter C-27)

Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001)

Act respecting the Barreau du Québec (R.S.Q., chapter B-1)

Charter of the French language (R.S.Q., chapter C-11)

Code of Civil Procedure (R.S.Q., chapter C-25)

Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34)

Election Act (R.S.Q., chapter E-3.2)

Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1)

Public Service Act (R.S.Q., chapter F-3.1.1)

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

Jurors Act (R.S.Q., chapter J-2)

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

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

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Québec

Acts amended (Cont'd):

Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1)

Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1)

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

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

Act respecting occupational health and safety (R.S.Q., chapter S-2.1)

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

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



CHAPTER 85

An Act to establish the Commission des relations du travail and to amend various legislation

[Assented to 18 December 1987]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. C-27, s. 1,
am.

1. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by replacing the words “certification agent, the labour commissioner or the Court” in the second and third lines of paragraph *b* by the words “Commission des relations du travail”;

(2) by repealing paragraph *i*;

(3) by replacing the words “Labour Court” in the second line of subparagraph 3 of paragraph *l* by the words “Commission des relations du travail”;

(4) by striking out the words “a certification agent or labour commissioner contemplated by this Act, the building commissioner or the placement commissioner and deputy-commissioners contemplated in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”, in the eighth, ninth, tenth, eleventh and twelfth lines of subparagraph 3 of paragraph *l*;

(5) by inserting, after the words “Fonction publique” in the fourteenth line of subparagraph 3 of paragraph *l*, the words “, of the Commission des relations du travail”;

(6) by striking out paragraphs *p*, *q* and *r*.

c. C-27,
s. 14.1,
added

2. The said Code is amended by inserting, after section 14, the following section:

Invalid
ground for
complaint

“14.1 Refusal to employ a person contrary to the first paragraph of section 14 is not a ground for complaint to the Commission.”

c. C-27,
s. 16, am.

3. Section 16 of the said Code is amended by striking out the last sentence.

c. C-27,
s. 17, am.

4. Section 17 of the said Code is amended by replacing the words “labour commissioner having cognizance of the matter” in the first and second lines by the word “Commission”.

c. C-27,
s. 19, am.

5. Section 19 of the said Code is amended by striking out the last paragraph.

c. C-27,
ss. 19.1, 20,
repealed

6. Sections 19.1 and 20 of the said Code are repealed.

c. C-27,
s. 21, am.

7. Section 21 of the said Code is amended

(1) by striking out the words “in paragraph *b* of section 28 or” in the second and third lines of the first paragraph;

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

Separate
group

“The right to be certified shall avail all the employees of the employer or each group of such employees which constitutes a separate group for the purposes of this Code, according to the agreement entered into between the employer and the association of employees and ascertained by the Commission, or according to the decision of the Commission.”

c. C-27,
ss. 23-24,
repealed

8. Sections 23 to 24 of the said Code are repealed.

c. C-27,
s. 25, am.

9. Section 25 of the said Code, amended by section 1 of chapter 36 of the statutes of 1986, is again amended by replacing the words “certification agent seized of the petition” in the seventh and eighth lines of the second paragraph by the word “Commission”.

c. C-27,
s. 25.1,
added

10. The said Code is amended by inserting, after section 25, the following section:

Disagree-
ment of the
employer

“25.1 An employer who fails to communicate his disagreement on the bargaining unit applied for to the Commission in writing within fifteen days of receiving the copy of the petition, giving his reasons therefor and proposing the unit he considers appropriate, is presumed to have given his agreement on the bargaining unit proposed in the petition.”

c. C-27,
s. 26, am. **11.** Section 26 of the said Code is amended by striking out the second paragraph.

c. C-27,
s. 27,
replaced **12.** Section 27 of the said Code is replaced by the following section:

Access to
petition **“27.** The Commission shall make a copy of the petition for certification available to the public, who may examine it during office hours.”

c. C-27,
ss. 28-30,
replaced **13.** Sections 28 to 30 of the said Code are repealed.

c. C-27,
s. 31,
replaced **14.** Section 31 of the said Code is replaced by the following section:

Condition **“31.** The Commission shall not certify an association of employees if it is established to its satisfaction that section 12 has not been complied with.

Power of
the Commis-
sion The Commission may of its own motion invoke non-compliance with section 12.”

c. C-27,
s. 32, am. **15.** Section 32 of the said Code is amended

(1) by replacing the first paragraph by the following paragraphs:

Bargaining
unit **“32.** Where the Commission has a petition for certification, it shall settle any matter relating to the bargaining unit and the persons contemplated by it; it may for that purpose modify the unit proposed by the petitioning association.

Interested
parties Only the association concerned and the employer are deemed interested parties as regards the bargaining unit and the persons contemplated by it.”;

(2) by replacing the word “He” in the first line and the word “he” in the third line of the second paragraph by the words “The Commission” and “it”, respectively;

(3) by adding, at the end of the second paragraph, the following sentence: “However the Commission cannot order the holding of such a vote where the petitioning association comprises fewer than 35% of the employees unless it has reasonable grounds to believe that pressure has been exerted to prevent certain employees from belonging to the association.”

c. C-27,
ss. 33-35,
replaced **16.** Sections 33 to 35 of the said Code are replaced by the following sections:

Certification **"33.** If the employer and the association of employees are in agreement as to the bargaining unit and if the Commission ascertains that the association of employees is representative of that unit, the Commission shall certify it immediately.

Disagree-
ment The disagreement of the employer as to the inclusion in the bargaining unit of certain persons contemplated in the petition cannot delay certification if the association of employees will remain representative of the bargaining unit irrespective of the forthcoming decision as to the inclusion or exclusion of those persons.

Collective
agreement **"34.** The disagreement contemplated in section 33 cannot prevent the making of a collective agreement."

c. C-27,
s. 36, am. **17.** Section 36 of the said Code is amended by replacing the words "labour commissioner-general, the deputy labour commissioner-general, the labour commissioner, the certification agent," in the third, fourth and fifth lines by the words "Commission, a member of its personnel."

c. C-27,
s. 36.1, am. **18.** Section 36.1 of the said Code is amended by replacing the words "The certification agent, the labour commissioner or the Court" in the first line of the second paragraph by the words "The Commission".

c. C-27,
s. 41, am. **19.** Section 41 of the said Code is amended

(1) by replacing the word "third" in the first line of the second paragraph by the word "fourth";

(2) by striking out the third paragraph.

c. C-27,
s. 42, am. **20.** Section 42 of the said Code is amended

(1) by replacing the words "labour commissioner seized of the matter or a labour commissioner designated to that effect by the labour commissioner general" in the second, third and fourth lines of the first paragraph by the word "Commission";

(2) by replacing the words "labour commissioner seized of the petition for certification, reconsideration or cancellation of certification" in the third and fourth lines of the second paragraph by the words "Commission on the petition".

c. C-27,
s. 47.2.1,
added **21.** The said Code is amended by inserting, after section 47.2, the following section:

Invalid
ground for
complaint **"47.2.1** Subject to sections 47.3 to 47.6, the contravention of section 47.2 by the certified association is not a ground for complaint to the Commission."

c. C-27,
s. 47.4, am. **22.** Section 47.4 of the said Code is amended by replacing the word "Court" in the fourth line by the word "Commission".

c. C-27,
s. 47.5, am. **23.** Section 47.5 of the said Code is amended

(1) by replacing the word "Court" in the first line of each of the first and second paragraphs by the word "Commission";

(2) by replacing the figure "101.10" in the fifth line of the first paragraph by the figure "101.9".

c. C-27,
ss. 49-51.1,
repealed **24.** Sections 49 to 51.1 of the said Code are repealed.

c. C-27,
s. 100.10,
replaced **25.** The said Code is amended by replacing section 100.10 by the following section:

Disagree-
ment re-
ferred to ar-
bitration **"100.10** Any disagreement relating to the maintenance of the conditions of employment provided for in the second paragraph of section 59 or in section 93.5 must be referred to arbitration by the interested association of employees as if it were a grievance.

Complaint
to the Com-
mission Any disagreement relating to the maintenance of the conditions of employment provided for in the first paragraph of section 59 may be the subject of a complaint to the Commission. The Commission shall render a decision on the disagreement or authorize the interested association of employees to refer it to arbitration as if it were a grievance."

c. C-27,
s. 101, am. **26.** Section 101 of the said Code is amended by replacing the second sentence by the following sentence: "A party may file the arbitration award at the office of the prothonotary of the Superior Court; section 137.16, adapted as required, applies to the arbitration award."

c. C-27,
ss. 101.6,
101.7,
replaced **27.** Sections 101.6 and 101.7 of the said Code are replaced by the following sections:

Transmis-
sion of
award **"101.6** The arbitrator shall transmit the award in duplicate or in two copies true to the original to the Ministère du Travail and, at the same time, transmit a copy of the award to each party.

Failure to
render
award **"101.7** If the arbitrator fails to render his award within the time provided for in section 101.5 or to transmit it to the department and to the parties in accordance with section 101.6, the Commission may, on the application of a party, make the order it deems necessary in order that such award be rendered and transmitted with the least possible delay."

- c. C-27,
s. 101.8,
am. **28.** Section 101.8 of the said Code is amended by replacing the words "office of the labour commissioner general" in the fourth line by the words "Ministère du Travail".
- c. C-27,
s. 101.10,
repealed **29.** Section 101.10 of the said Code is repealed.
- c. C-27,
s. 102, am. **30.** Section 102 of the said Code is amended by replacing the figure "101.10" in the sixth line by the figure "101.9".
- c. C-27,
s. 103, am. **31.** Section 103 of the said Code is amended by adding, at the end of the first paragraph, the words " , the procedure for filing arbitration awards and the information to be furnished by grievances arbitrators on the duration of the steps in arbitration proceedings".
- c. C-27,
s. 109.5,
added **32.** The said Code is amended by inserting, after section 109.4, the following section:
- Invalid
ground for
complaint **"109.5** Contravention of section 109.1 is not a ground for complaint to the Commission."
- c. C-27,
s. 110.1,
am. **33.** Section 110.1 of the said Code is amended by replacing the figure "101.10" in the third paragraph by the figure "101.9".
- c. C-27,
c. V.1,
div. I,
repealed **34.** Division I of Chapter V.1 of the said Code is repealed.
- c. C-27,
s. 111.0.25,
repealed **35.** Section 111.0.25 of the said Code is repealed.
- c. C-27,
s. 111.10.4,
am. **36.** Section 111.10.4 of the said Code is amended by striking out the last paragraph.
- c. C-27,
s. 111.13,
am. **37.** Section 111.13 of the said Code is amended by striking out the third paragraph.
- c. C-27,
c. V.1, div.
IV, repealed **38.** Division IV of Chapter V.1 of the said Code is repealed.
- c. C-27,
c. VI,
replaced **39.** Chapter VI of the said Code is replaced by the following chapter:

"CHAPTER VI

"COMMISSION DES RELATIONS DU TRAVAIL

"DIVISION I

"ESTABLISHMENT AND ORGANIZATION

- Establishment of Commission** **"112.** A body called the "Commission des relations du travail" is hereby established to ensure the effectiveness of the certification procedure established by this Code and to perform the other duties assigned to it by this Code.
- Head office** **"113.** The Commission shall have its head office in the territory of the Communauté urbaine de Montréal, and shall have an office in the territory of the Communauté urbaine de Québec and in any other place it determines.
- Sittings** The Commission may hold its sittings anywhere in Québec.
- Composition** **"114.** The Commission is composed of commissioners, including the president and one or more vice-presidents, appointed by the Government upon the recommendation of the Minister.
- Appointment** All the commissioners shall be appointed after consultation with the interested persons and bodies, including the Conseil consultatif du travail et de la main-d'oeuvre.
- Number of members** The Government shall determine, by regulation, the number of commissioners and vice-presidents.
- Essential services division** **"115.** A division is hereby established within the Commission for the application of the provisions relating to the maintaining of essential services and the exercise of the powers under sections 137 to 137.4 in the public services and the public and parapublic sectors contemplated in Chapter V.1.
- Composition** One vice-president and three commissioners designated by the Government shall be assigned exclusively to the division. The president may also assign other commissioners to the division.
- Coordination of activities of Commission** **"116.** One vice-president designated by the Government shall have special responsibility for coordinating the activities of the Commission provided for in the Act respecting labour relations, vocational training and manpower management in the construction industry.

Term of office “**117.** The commissioners shall be appointed for a fixed term of not over seven years.

Exclusivity of office “**118.** The commissioners shall hold office on a full-time basis.

Conditions of employment “**119.** The Government shall determine the remuneration, social benefits and other conditions of employment of the commissioners.

Labour relations agents “**120.** The president may appoint labour relations agents.

Duties The agents shall attempt to induce parties to come to an agreement, investigate in order to verify the representative character of an association of employees and perform any other duties entrusted to them by the president.

Remuneration “**121.** The secretary and the other members of the personnel, except the labour relations agents, shall be appointed and remunerated in accordance with the Public Service Act.

President “**122.** The president shall be responsible for the administration of the Commission, direct its personnel and see to it that they carry out their duties within the scope of the regulations of the Commission.

President's authority “**123.** The president shall coordinate the work of the commissioners who, in that respect, must submit to his orders and directives.

Conflict of interest “**124.** In no case may the commissioners, under pain of forfeiture of office, have any direct or indirect interest in any undertaking or association or group of associations causing their personal interest to conflict with that of the Commission.

Conflict of interest However, forfeiture is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with all possible dispatch.

Vice-president “**125.** The vice-president designated by the Government shall replace the president where the latter is unable to act.

Substitute If a commissioner other than the president is unable to act, the Government may appoint, in the manner prescribed in section 114, another person to replace him while he is unable to act.

Immunity “**126.** Neither the commissioners nor the members of the personnel of the Commission may be prosecuted by reason of acts done in good faith in the performance of their duties.

Confidentiality “**127.** In no case may the commissioners or members of the personnel of the Commission be compelled to divulge any fact that has been disclosed to them in their attempt to bring the parties to an agreement, or to produce any document made or obtained on that occasion before any court, or any person or body exercising judicial or quasi-judicial functions.

Confidentiality 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 may have access to such a document.

Committee “**128.** The president shall assign an application or complaint to a committee of three commissioners.

Chairman The president or the commissioner designated by the president shall chair the committee. If votes are equally divided, the chairman of a committee has a casting vote.

Examination by one or more commissioners Notwithstanding the foregoing, the president may, where he sees fit, assign an application or complaint to a commissioner or committee made up of more than three commissioners.

Examination by one commissioner An application or complaint made to the Commission pursuant to an Act other than this Code shall be assigned to one commissioner.

Absence of a commissioner “**129.** Where a commissioner appointed to a committee is unable to act, the president may allow the committee to continue with the hearing of the application or complaint and to decide the matter.

Expiry of term “**130.** A commissioner may, at the request of the president, continue with the hearing of an application or complaint submitted to him and decide the matter notwithstanding the expiry of his term.

Authenticity of documents “**131.** Documents and copies thereof emanating from the Commission are authentic if they are signed or certified by the president, the secretary or a person designated by the president for that purpose.

Report of activities “**132.** The Commission shall, not later than 30 September each year, remit to the Minister a report of its activities for the previous fiscal period.

Tabling “**133.** The Minister shall table the report of the Commission before the National Assembly within thirty days of receiving it if it is in session or, if it is not sitting, within thirty days after resumption.

Transmis-
sion of in-
formation

"134. The Commission shall furnish to the Minister any information or document he requires on its activities other than judicial or quasi-judicial activities.

"DIVISION II

"FUNCTIONS AND POWERS

Functions

"135. The Commission shall hear and decide, to the exclusion of any other tribunal, as to any complaint based on a contravention under this Code and any application submitted to it in accordance with this Code.

Conciliation

"136. The Commission may, before rendering a decision, attempt to bring the parties to an agreement.

Order

"137. The Commission may, in addition to the powers conferred on it by this Code, order any person, group of persons, association or group of associations to cease doing, not to do or to perform an act so as to comply with this Code.

Powers

The Commission may, in particular,

(1) make an order to cease authorizing or participating in a strike, a slackening of work within the meaning of section 108 or a lock-out that is contrary to this Code, or to take measures deemed appropriate by the Commission to induce the persons represented by an association to cease participating therein;

(2) order that the grievance and arbitration procedure to accelerate the settlement of a grievance be amended.

Public ser-
vices

"137.1 For the public services and the public and parapublic sectors contemplated in Chapter V.1, the Commission may also, where a contravention or apprehended contravention under this Code is or is likely to be prejudicial to a service to which the public is entitled, order a person, group of persons, association or group of associations involved in a dispute

(1) to apply the measures of redress it considers best appropriate, including the establishment of a fund for the benefit of the users of the service that has been adversely affected, and the terms and conditions governing the administration and use of that fund;

(2) to do or abstain from doing anything that it considers reasonable in view of maintaining services for the public;

(3) to publicly announce its intention to comply with the decision of the Commission.

Strike or
lock-out

“**137.2** The Commission may also exercise the powers contemplated in section 137 in the case of an apprehended strike, slackening of work within the meaning of section 108 or lock-out that would contravene this Code.

Prejudicial
effect on
public
service

“**137.3** The Commission may also, for the public services and public and parapublic sectors contemplated in Chapter V.1, exercise the powers contemplated in sections 137 and 137.1 if, in the course of a dispute, it considers that a concerted action other than a strike, slackening of work within the meaning of section 108 or lock-out is or is likely to be prejudicial to a service to which the public is entitled.

Contra-
ven-
tion

“**137.4** The Commission may declare that a strike, slackening of work within the meaning of section 108 or lock-out contravenes or would contravene this Code.

Investiga-
tion

“**137.5** The Commission, a commissioner and a member of the personnel of the Commission designated by the president may make an investigation of any matter within the competence of the Commission.

Powers and
immunity

They shall be vested, for the purposes of an investigation, with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (R.S.Q., chapter C-37), except the power to order imprisonment.

Powers

They may also

(1) have access, at any reasonable time, to any work place or establishment of a party in order to obtain any information necessary for the enforcement of this Code;

(2) require any information considered necessary for the enforcement of this Code and the production of any relevant document for examination and reproduction.

Identifica-
tion

Every person authorized to exercise the powers provided in the third paragraph shall, on request, identify himself and show the certificate of his capacity issued by the Commission.

Meeting
with a view
to agree-
ment

“**137.6** The persons contemplated in section 137.5 may convene the employer, the association of employees and, as the case may be, a natural person directly concerned by the bargaining unit to a meeting with a view to bringing them to an agreement or to conferring on the means suitable to accelerate the settlement of the matter.

Compulsory attendance	Every person so convened is required to attend the meeting.
Agreements	The agreements made at the meeting must be recorded and signed by the persons convened or their representatives.
By-laws	"137.7 The Commission may adopt by-laws for its internal management.
Examination of matters	"137.8 The Commission shall examine matters upon application by an interested person and according to the mode of proof it deems appropriate.
Exercise of powers	Notwithstanding the foregoing, the Commission may, of its own initiative, exercise the powers contemplated in sections 137 to 137.4 in the public services and the public and parapublic sectors contemplated in Chapter V.I.
Interim decision	"137.9 The Commission may render any interim decision in the case of a strike, slackening of work within the meaning of section 108 or lock-out that contravenes or would contravene this Code.
Hearing	"137.10 The Commission shall, before rendering a decision, give the parties an opportunity to be heard.
Substantiated decisions	"137.11 The Commission shall give reasons in writing for its decisions settling a matter, except in the case of an uncontested application or complaint.
Non-exercise of powers	"137.12 The Commission may refuse to exercise the powers conferred on it by sections 137 to 137.4 notwithstanding a contravention under this Code, if it considers it equitable having regard to the conduct of the parties or where the facts giving rise to an application or complaint under this Code could also give rise to a recourse under a collective agreement.
Undertaking	"137.13 The Commission may, instead of rendering a decision, record a person's undertaking to comply with this Code.
Decision	Such an undertaking is deemed to be a decision of the Commission.
Revocation of certification	"137.14 If the Commission reaches the conclusion that a certified association has participated in a contravention under section 12, it may revoke the certification of the association.
Review of decision	"137.15 Upon an application or of its own initiative, the Commission may, for cause, review or revoke a decision it has rendered.

Restriction In no case may a decision of the Commission be reviewed or revoked by the committee or commissioner that rendered the decision being reexamined.

Number of commissioners In every case where a decision of a committee is reviewed or revoked, the committee doing so must be made up of an equal or greater number of commissioners.

Filing of decision **“137.16** Within six months from the date of its decision, the Commission, upon the application of an interested party or of its own initiative, may file it at the office of the prothonotary of the Superior Court of the district of the domicile of one of the parties concerned by the decision or, in the case of the public services and public and parapublic sectors, at the office of the prothonotary of the district where the public service or body concerned is situated.

Executory decision The decision of the Commission shall then become executory in the same manner as a final judgment without appeal of the Superior Court and have all the effects thereof.

Contempt of court If the decision contains an order to perform or not to perform an act, every person named or described in the decision who infringes or refuses to obey it, and every person not described therein who knowingly contravenes it, is guilty of contempt of court and may be condemned, according to the procedure provided in articles 53 and 54 of the Code of Civil Procedure, to a fine not exceeding fifty thousand dollars, with or without imprisonment for a period up to one year. Such penalties may be repeatedly inflicted until the contravening party obeys the injunction.”

c. C-27,
s. 138, am. **40.** Section 138 of the said Code is amended

(1) by replacing the words “After consultation with the Conseil consultatif du travail et de la main-d’oeuvre, the labour commissioner general” in the first and second lines of the first paragraph by the words “The Commission”;

(2) by replacing the words “his jurisdiction or within the jurisdiction of the labour commissioners or the certification agents,” in the fourth and fifth lines of the first paragraph by the words “its jurisdiction”;

(3) by replacing subparagraph *e* of the first paragraph by the following subparagraph:

“(e) to establish rules of procedure and practice.”;

(4) by striking out the second paragraph;

(5) by replacing the last paragraph by the following paragraph:

Approval

“Every regulation made under this section shall be submitted to the Government for approval.”

c. C-27,
c. VIII,
heading,
replaced

41. The heading of Chapter VIII of the said Code is replaced by the following heading:

“JUDICIAL REVIEW”.

c. C-27,
s. 139, am.

42. Section 139 of the said Code is amended by replacing the words “, the Conseil des services essentiels, a certification agent, a labour commissioner or the Court” in the fourth and fifth lines by the words “or the Commission des relations du travail”.

c. C-27,
s. 139.1,
am.

43. Section 139.1 of the said Code is amended by replacing the words “any person, body or agency mentioned in section 139” in the second and third lines by the words “an arbitrator or the Commission des relations du travail”.

c. C-27,
s. 140.1,
repealed

44. Section 140.1 of the said Code is repealed.

c. C-27,
s. 143.1,
am.

45. Section 143.1 of the said Code is amended by replacing the words “council established by section 111.0.1 or of a person appointed by it or any person who misleads them” in the second and third lines by the words “Commission or any person who misleads it”.

c. C-27,
s. 144, am.

46. Section 144 of the said Code is amended by replacing the words “certification agent, labour commissioner, the Court or one of its judges” in the third and fourth lines by the words “the Commission”.

c. C-27,
s. 148, am.

47. Section 148 of the said Code is amended by replacing the first paragraph by the following paragraphs:

Prosecution

“**148.** Any penal proceedings under this Code may be taken by the Attorney General or, with leave of the Commission, by an interested party.

Leave

Notwithstanding the foregoing, leave of the Commission is not required in the case of an offence under a provision that could not be the subject of a complaint to the Commission”

c. C-27,
s. 149,
repealed

48. Section 149 of the said Code is repealed.

c. C-27,
s. 151, am.

49. Section 151 of the said Code is amended by striking out the second paragraph.

c. C-27,
words
replaced

50. The said Code is amended by replacing the words “Conseil des services essentiels” by the words “Commission des relations du travail” and the word “council” by the word “Commission” wherever they appear in sections 109.1, 111.0.17 to 111.0.21, 111.0.23 and 111.10 to 111.12.

TRANSITIONAL AND FINAL PROVISIONS

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

c. A-3.001,
s. 470, am.

51. Section 470 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the words “Subject to section 473, penal” in the first line of the first paragraph by the word “Penal”.

c. A-3.001,
s. 473, am.

52. Section 473 of the said Act is amended

(1) by striking out the first paragraph;

(2) by adding, after the word “proceedings” in the first line of the second paragraph, the words “pursuant to this chapter”.

ACT RESPECTING THE BARREAU DU QUÉBEC

c. B-1,
s. 128, am.

53. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by replacing subparagraph 2 of paragraph *a* of subsection 2 by the following subparagraph:

“(2) the Commission des relations du travail established under the Labour Code;”;

(2) by replacing the words “, the building commissioner, the building deputy-commissioner, the placement commissioner, a placement deputy-commissioner, an investigator or the Labour Court” in the second, third and fourth lines of subparagraph 6 of paragraph *a* of subsection 2 by the words “or an investigator”.

CHARTER OF THE FRENCH LANGUAGE

c. C-11,
s. 44, am.

54. Section 44 of the Charter of the French language (R.S.Q., chapter C-11) is amended by replacing the words “certification agents, labour commissioners and the Labour Court” in the second and third lines of the second paragraph by the words “the Commission des relations du travail”.

c. C-11,
s. 47, am.

55. Section 47 of the said Charter is amended

(1) by replacing the words “a labour commissioner appointed” in the third and fourth lines of the first paragraph by the words “the Commission des relations du travail established”;

(2) by replacing the word and figures “15 to 20” in the fifth line of the first paragraph by the words and figures “15 to 19 and 137.16”.

CODE OF CIVIL PROCEDURE

c. C-25,
a. 60, am.

56. Article 60 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing the words “labour commissioner-general” in the third line of the second paragraph by the words “Commission des relations du travail established”.

ACT RESPECTING THE COMMISSION DES AFFAIRES SOCIALES

c. C-34,
s. 21, am.

57. Section 21 of the Act respecting the Commission des affaires sociales (R.S.Q., chapter C-34) is amended by inserting, after paragraph *aa*, the following paragraph:

“(bb) the appeals brought pursuant to section 93 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);”.

c. C-34,
s. 30, am.

58. Section 30 of the said Act is amended by replacing the word and letters “*k* and *p*” in the first line of the first paragraph by the word and letters “*k*, *p* and *bb*”.

c. C-34,
s. 32.1, am.

59. Section 32.1 of the said Act is amended by inserting, after the second paragraph, the following paragraph:

Appeals

“Appeals contemplated in paragraph *bb* of section 21 are made by a declaration in writing filed with the Commission or mailed to its address within sixty days of the decision.”

ELECTION ACT

c. E-3.2,
s. 183, am.

60. Section 183 of the Election Act (R.S.Q., chapter E-3.2) is amended

(1) by replacing the words “a labour commissioner appointed pursuant to” in the third line of the first paragraph by the words “the Commission des relations du travail established under”;

(2) by replacing the word and figures “15 to 20” in the fifth line of the first paragraph by the words and figures “15 to 19 and 137.16”.

ACT RESPECTING PUBLIC ELEMENTARY
AND SECONDARY EDUCATION

- c. E-8.1,
s. 525, am. **61.** Section 525 of the Act respecting public elementary and secondary education (R.S.Q., chapter E-8.1) is amended by striking out the second paragraph.

PUBLIC SERVICE ACT

- c. F-3.1.1,
s. 65, am. **62.** Section 65 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing the words “a labour commissioner” in the first and second lines of the first paragraph by the words “the Commission des relations du travail established”;

(2) by replacing the words “The Labour Court established by the Labour Code” in the first line of the second paragraph by the words “The Commission”.

- c. F-3.1.1,
s. 66, am. **63.** Section 66 of the said Act is amended

(1) by replacing the words “a labour commissioner” in the second line of the third paragraph by the words “the Commission des relations du travail”;

(2) by replacing the words “Labour Court” in the first line of the fourth paragraph by the word “Commission”.

- c. F-3.1.1,
s. 67, am. **64.** Section 67 of the said Act is amended by replacing the words “Labour Court” and the word “Court” in the fourth line of the third paragraph by the words “Commission des relations du travail” and the word “Commission”, respectively.

- c. F-3.1.1,
s. 69, am. **65.** Section 69 of the said Act is amended by replacing the words “Labour Court” in the third line of the second paragraph by the words “Commission des relations du travail”.

ACT RESPECTING ELECTRICAL INSTALLATIONS

- c. I-13.01,
ss. 35.2,
35.3,
replaced **66.** Sections 35.2 and 35.3 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) are replaced by the following sections:

- Appeal **“35.2** A chief journeyman whose licence is suspended or cancelled may appeal to the Provincial Court from any decision rendered by the board of examiners under the second paragraph of section 35 or under section 35.1.

- Motion** **“35.3** An appeal is brought by way of a motion served on the board of examiners.
- Filing** The motion must be filed in the office of the Provincial Court for the judicial district where the appellant has his domicile, within thirty days after the appellant receives the initial decision or, as the case may be, the decision reviewed by the board of examiners.
- Transmission of record** **“35.4** Upon service of the motion, the board of examiners shall transmit the record of the appealed decision to the Provincial Court.
- Hearing** **“35.5** The appeal is heard and decided by preference.
- Decision on record** **“35.6** Subject to any additional proof it may require, the Court shall render its decision on the record transmitted to it by the board of examiners after giving the parties an opportunity to be heard.
- Execution** **“35.7** The appeal does not suspend the execution of the decision of the board of examiners unless the Court decides otherwise.
- Final decision** **“35.8** No appeal lies from the decision of the Provincial Court.
- Rules of practice** **“35.9** The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make the rules of practice which, in its judgment, are necessary for the carrying out of sections 35.2 to 35.7.”

JURORS ACT

- c. J-2, s. 47, am. **67.** Section 47 of the Jurors Act (R.S.Q., chapter J-2) is amended
- (1) by replacing the words “a labour commissioner appointed” in the third line of the second paragraph by the words “the Commission des relations du travail established”;
- (2) by replacing the word and figures “20, 118 to 137, 139, 139.1, 140” in the ninth line of the second paragraph by the word and figures “19, 135, 137.15, 137.16, 139 to 140”.

STATIONARY ENGINEMEN ACT

- c. M-6, ss. 9.3, 9.4, replaced **68.** Sections 9.3 and 9.4 of the Stationary Enginemen Act (R.S.Q., chapter M-6) are replaced by the following sections:
- Appeal** **“9.3** A stationary engineman whose certificate has been suspended or cancelled may appeal to the Provincial Court from any decision rendered by the board of examiners under section 9.1 or section 9.2.

- Motion** “**9.4** An appeal is brought by way of a motion served on the board of examiners.
- Filing** The motion must be filed in the office of the Provincial Court for the judicial district where the appellant has his domicile, within thirty days after the appellant receives the initial decision or, as the case may be, the decision reviewed by the board of examiners.
- Transmission of record** “**9.5** Upon service of the motion, the board of examiners shall transmit the record of the appealed decision to the Provincial Court.
- Hearing** “**9.6** The appeal is heard and decided by preference.
- Decision on record** “**9.7** Subject to any additional proof it may require, the Court shall render its decision on the record transmitted to it by the board of examiners after giving the parties an opportunity to be heard.
- Execution** “**9.8** The appeal does not suspend the execution of the decision of the board of examiners unless the Court decides otherwise.
- Final decision** “**9.9** No appeal lies from the decision of the Provincial Court.
- Rules of practice** “**9.10** The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make the rules of practice which, in its judgment, are necessary for the carrying out of sections 9.3 to 9.8.”

ACT RESPECTING LABOUR STANDARDS

- c. N-1.1,
s. 123, am. **69.** Section 123 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended

(1) by replacing the words “a labour commissioner appointed” in the third and fourth lines of the first paragraph by the words “the Commission des relations du travail established”;

(2) by replacing the words and figures “14 to 20, 118 to 137, 139, 140” in the seventh line of the first paragraph by the words and figures “15 to 19, 135, 137.15, 137.16, 139 to 140”.

ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF DISASTER

- c. P-38.1,
s. 49, am. **70.** Section 49 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended

(1) by replacing the words “a labour commissioner appointed” in the second and third lines of the second paragraph by the words “the Commission des relations du travail established”;

(2) by replacing the words and figures "15 to 20, 118 to 137, 139, 140" in the sixth line of the second paragraph by the words and figures "15 to 19, 135, 137.15, 137.16, 139 to 140".

ACT RESPECTING BUILDING CONTRACTORS
VOCATIONAL QUALIFICATIONS

c. Q-1, s. 1, am. **71.** Section 1 of the Act respecting building contractors vocational qualifications (R.S.Q., chapter Q-1) is amended by striking out paragraph *h*.

c. Q-1, ss. 46, 47, replaced **72.** Sections 46 and 47 of the said Act are replaced by the following sections:

Appeal **"46.** Any interested person may appeal to the Provincial Court from any decision rendered by the board.

Motion **"47.** An appeal is brought by way of a motion served on the board.

Filing The motion must be filed in the office of the Provincial Court for the judicial district where the appellant has his domicile, head office or establishment, within thirty days after the appellant receives the initial decision or, as the case may be, the decision reviewed by the board.

Transmission of record **"47.1** Upon service of the motion, the board shall transmit the record of the appealed decision to the Provincial Court.

Hearing **"47.2** The appeal is heard and decided by preference.

Decision on record **"47.3** Subject to any additional proof it may require, the Court shall render its decision on the record transmitted to it by the board after giving the parties an opportunity to be heard.

Execution **"47.4** The appeal does not suspend the execution of the decision of the board; however, in matters concerning licences the Court may decide otherwise.

Final decision **"47.5** No appeal lies from the decision of the Provincial Court.

Rules of practice **"47.6** The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make the rules of practice which, in its judgment, are necessary for the carrying out of sections 46 to 47.4."

ACT RESPECTING THE GOVERNMENT
AND PUBLIC EMPLOYEES RETIREMENT PLAN

c. R-10, s. 183, am. **73.** Section 183 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by

replacing the words “chief judge of the Labour Court” in the first and second lines of the second paragraph by the words “President of the Commission des relations du travail established under the Labour Code (R.S.Q., chapter C-27)”.

c. R-10,
words
replaced

74. The words “chief judge of the Labour Court” in a retirement plan established pursuant to sections 9 and 10 of the said Act are replaced by the words “President of the Commission des relations du travail established under the Labour Code”.

ACT RESPECTING LABOUR RELATIONS,
VOCATIONAL TRAINING AND MANPOWER
MANAGEMENT IN THE CONSTRUCTION INDUSTRY

c. R-20,
s. 21, am.

75. Section 21 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended

(1) by replacing the words “building commissioner” in the third line by the words “Commission des relations du travail established under the Labour Code”;

(2) by striking out the words “, who may refer it to the building deputy-commissioner” in the third and fourth lines.

c. R-20,
s. 21.1,
repealed

76. Section 21.1 of the said Act is repealed.

c. R-20,
ss. 21.2, 22,
23, 24,
words
replaced

77. The said Act is amended by replacing the words “building commissioner” and “building deputy-commissioner” wherever they appear in sections 21.2, 22, 23 and 24 by the words “Commission des relations du travail”, with the necessary adaptations.

c. R-20,
s. 65, am.

78. Section 65 of the said Act is amended by replacing the words “Labour Court at Montréal or at Québec” in the first and second lines of the first paragraph by the words “Provincial Court”.

c. R-20,
s. 74, am.

79. Section 74 of the said Act is amended by replacing the words “Labour Court” in the first line of the second paragraph by the words “Commission des relations du travail”.

c. R-20,
s. 75, am.

80. Section 75 of the said Act is amended by replacing the words “Labour Court” in the second line of the second paragraph by the words “Commission des relations du travail”.

c. R-20,
s. 93, am.

81. Section 93 of the said Act is amended by replacing the third paragraph by the following paragraph:

Appeal to
the Commis-
sion

“A person who is not satisfied with the decision of the chairman may appeal therefrom to the Commission des affaires sociales, which will hear the appeal in accordance with its rules of proof, procedure and practice.”

c. R-20,
s. 105, am.

82. Section 105 of the said Act is amended by replacing the words “Labour Court” in the first and second lines of the fourth paragraph by the words “Commission des relations du travail”.

c. R-20,
c. X.1, sub-
div. 1, head-
ing replaced

83. The heading of subdivision 1 of Chapter X.1 of the said Act is replaced by the following heading:

“§ 1.—*Appeal to the Provincial Court*”.

c. R-20,
s. 108.2,
am.

84. Section 108.2 of the said Act is amended by replacing the words “Labour Court” in the first line by the words “Provincial Court”.

c. R-20,
ss. 108.3,
108.4,
replaced

85. Sections 108.3 and 108.4 of the said Act are replaced by the following sections:

Motion

“**108.3** An appeal is brought by way of a motion served on the Commission.

Filing

The motion must be filed in the office of the Provincial Court for the judicial district where the appellant has his domicile within 30 days after the appellant receives the decision of the Commission.

Transmis-
sion of
record

“**108.4** Upon service of the motion, the Commission shall transmit the record of the appealed decision to the Provincial Court.

Hearing

“**108.4.1** The appeal shall be heard and decided by preference.

Decision on
record

“**108.4.2** Subject to any additional proof it may require, the Court shall render its decision on the record transmitted to it by the Commission after giving the parties an opportunity to be heard.

Execution

“**108.4.3** The appeal does not suspend the execution of the decision of the Commission, unless the Court decides otherwise.

Final deci-
sion

“**108.4.4** No appeal lies from the decision of the Provincial Court.

Rules of
practice

“**108.4.5** The Provincial Court may, in the manner prescribed in article 47 of the Code of Civil Procedure, make the rules of practice which, in its judgment, are necessary for the carrying out of sections 108.2 to 108.4.3.”

ACT RESPECTING OCCUPATIONAL HEALTH
AND SAFETY

c. S-2.1,
s. 1, am. **86.** Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by striking out the definitions of “Court”, “labour commissioner” and “labour commissioner general”.

c. S-2.1,
s. 244,
replaced **87.** Section 244 of the said Act is replaced by the following section:

“244. Proceedings are brought in accordance with the Summary Proceedings Convictions Act (R.S.Q., chapter P-15).”

PROFESSIONAL SYNDICATES ACT

c. S-40,
s. 27, am. **88.** Section 27 of the Professional Syndicates Act (R.S.Q., chapter S-40) is amended by striking out the words “or the dissolution of which was decreed under section 149 of the Labour Code (chapter C-27)” in the fifth and sixth lines of the first paragraph.

COURTS OF JUSTICE ACT

c. T-16,
s. 5.2, am. **89.** Section 5.2 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by replacing the words “a labour commissioner appointed” in the third line of the second paragraph by the words “the Commission des relations du travail established”;

(2) by replacing the words and figures “15 to 20, 118 to 137, 139, 139.1, 140” in the eighth and ninth lines of the second paragraph by the words and figures “15 to 19, 135, 137.15, 137.16, 139 to 140”.

c. T-16,
s. 86, am. **90.** Section 86 of the said Act is amended by striking out the third paragraph.

c. T-16,
s. 133, am. **91.** Section 133 of the said Act is amended

(1) by striking out the second paragraph;

(2) by striking out the word “also” in the first line of the third paragraph.

c. T-16,
s. 134, am. **92.** Section 134 of the said Act is amended by striking out paragraph 3.

Regulations
in force **93.** A provision of a regulation made under section 138 of the Labour Code remains in force to the extent that it is consistent with this Act.

Expressions
replaced

94. In any statute or statutory instrument, the expressions “labour commissioner general”, “assistant labour commissioner general” and “labour commissioner” are replaced, adapted as required, by the word “Commission” or the expression “Commission des relations du travail”, unless the context indicates otherwise.

Expression
replaced

95. In any statute or statutory instrument, the expression “office of the labour commissioner general” is replaced, adapted as required, by the expression “Commission des relations du travail” or “Commission”, unless the context indicates otherwise.

Personnel of
Commission

96. The members of the staff of the Ministère du Travail assigned to the office of the labour commissioner general, except the labour commissioner general, the deputy labour commissioner general, the labour commissioners and the certification agents, become members of the personnel of the Commission des relations du travail, without further formality.

Personnel of
Commission

97. The members of the personnel of the Conseil des services essentiels designated by the Government before (*insert here the date that is one year after the date of the coming into force of this section*) become members of the personnel of the Commission des relations du travail, without further formality.

Chief judge
of the
Labour
Court

98. The chief judge of the Labour Court preserves his acquired rights in respect of his salary, additional remuneration, allowances and pension.

Associate
chief judge

The associate chief judge and the coordinating judge of the Labour Court are entitled to receive, until their salary as judge of the Provincial Court is equal to the amount of the salary and additional remuneration they were receiving when they ceased to hold the former office, the difference between the latter amount and their salary.

Continuance
of pending
matters

99. Any matters pending before the Labour Court, the labour commissioner general, the deputy labour commissioner general, or a labour commissioner on (*insert here the date of coming into force of this section*) shall be continued before them in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

Appeal to
the Labour
Court

Decisions rendered by a labour commissioner pursuant to the first paragraph may be appealed to the Labour Court and are decided by that Court in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

Records and documents

100. The records and documents of the Labour Court, where it no longer needs them for the purposes of section 99, become records and documents of the Court of the Sessions of the Peace.

Records and documents

101. The records and documents of the office of the labour commissioner general related to the carrying out of the Acts within the jurisdiction of the Commission des relations du travail, where they are no longer necessary for the purposes of section 99, become records and documents of the Commission.

Continuance of pending matters

102. Matters pending before the Conseil des services essentiels on (*insert here the date of coming into force of section 34*) shall be continued before it in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

Continuance of pending matters

103. Matters pending before the building commissioner on (*insert here the date of coming into force of this section*) shall be continued before him in accordance with the provisions of the Act respecting labour relations, vocational training and manpower management in the construction industry as they read before they were amended by this Act.

Records and documents

104. The records and documents of the building commissioner and of the Conseil des services essentiels become records and documents of the Commission des relations du travail, where they are no longer necessary for the purposes of section 102 or 103, as the case may be.

Transfer of sums

105. The sums made available to the building commissioner, the office of the labour commissioner general and the Conseil des services essentiels are, to the extent determined by the Government, transferred to the Commission des relations du travail.

Sums required

106. The sums required for the administration of this Act during the fiscal year 1987-88 are, to the extent determined by the Government, taken out of the consolidated revenue fund.

Effect of ss. 66, 68, 71, 72

107. Sections 66, 68, 71 and 72 cease to have effect on the day of coming into force of section 214 of the Building Act (R.S.Q., chapter B-1.1).

Coming into force

108. The provisions of this Act will come into force on the date or dates fixed by the Government.