

1982, chapter 1

**AN ACT RESPECTING THE TRANSIT SERVICE
OF THE COMMISSION DE TRANSPORT DE LA
COMMUNAUTÉ URBAINE DE MONTRÉAL**

Bill No. 47

Introduced by Mr Claude Charron, Government House Leader

First reading: 15 January 1982

Second reading: 15 January 1982

Third reading: 15 January 1982

Assented to: 15 January 1982

Coming into force: 15 January 1982

Act amended: None



CHAPTER 1

An Act respecting the transit service
of the Commission de transport de la
Communauté urbaine de Montréal

[Assented to 15 January 1982]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

DIVISION I

INTERPRETATION

Interpre-
tation:

“associ-
ation of
employ-
ees”;

“Commis-
sion”;

“collective
agree-
ment”;

“em-
ployee”.

1. In this Act, unless the context indicates otherwise,

“association of employees” means an association of employees
within the meaning of the Labour Code (R.S.Q., chapter C-27) cer-
tified to represent employees of the Commission;

“Commission” means the Commission de transport de la
Communauté urbaine de Montréal;

“collective agreement”, “strike” and “lock-out” have the
meaning assigned by the Labour Code;

“employee” means an employee within the meaning of the
Labour Code included in a bargaining unit for which an association
of employees is certified.

DIVISION II

RESUMPTION OF SERVICES AND MAINTENANCE OF CONDITIONS OF EMPLOYMENT

Extension
of collect-
ive agree-
ment.

2. The latest collective agreement between an association of
employees and the Commission shall remain in force
notwithstanding the term stipulated therein until renewed or
replaced by a new collective agreement or, failing a new collective
agreement, until 11 May 1982.

3. Until the expiry of the period of extension provided for in section 2, every association of employees must postpone the exercise of the right to strike acquired under the Labour Code.

Right to strike.

The Commission must, for the same period, postpone the exercise of the right to lock out.

Right to lock out.

4. Every employee employed by the Commission on 14 January 1982 shall, from 00:01 hours on 17 January 1982, taking account of his work schedule, return to work. He must, until the expiry of the period of extension of the collective agreement governing him, perform all the duties attached to his functions pursuant to the conditions of employment that are applicable to him, without slow-down or reduction in his ordinary activity.

Return to work.

The first paragraph does not apply to an employee who resigns if his resignation is accepted by the Commission or to an employee who is eligible for retirement.

Exception.

5. The Commission shall, from 00:01 hours on 17 January 1982 and for such time as section 4 applies, take the appropriate measures to provide its usual services.

Resumption of services.

6. Every association of employees must take the appropriate measures to induce its members to comply with section 4.

Compliance.

DIVISION III

CONCILIATION AND INQUIRY

7. During the period of extension of the collective agreement provided for in section 2, negotiations for the making of a collective agreement must be continued with diligence and good faith with the assistance of a conciliation officer appointed pursuant to the Labour Code.

Conciliation.

8. If no agreement is reached between an association of employees and the Commission, the conciliation officer must, not later than 11 March 1982, make a report on the state of the negotiations to the Minister of Labour, Manpower and Income Security.

Report.

9. Should a dispute subsist on 11 March 1982, the Government shall appoint a board of inquiry with the mandate provided for in the second paragraph of section 111 of the Labour Code, to inquire into the matter.

Board of inquiry.

Sections 81 to 87 of the Labour Code apply to the inquiry.

Applicability.

The report of the board of inquiry must be remitted to the Minister of Labour, Manpower and Income Security not later than

Report.

11 May 1982 and a duplicate of it sent at the same time to each party.

Mandate. The board of inquiry also has the mandate to look into the conditions prevailing at the Commission in matters of labour relations and personnel management and report on the circumstances surrounding the dispute.

Mandate. Should the dispute end before 11 March 1982, the Government shall, once the collective agreements are made, set up the board of inquiry. The board has then the mandate to look into the situation prevailing at the Commission in matters of labour relations and personnel management and make, within the time limit fixed by the Government, a report on the circumstances that surrounded the dispute.

DIVISION IV

PENALTIES

Offence
and pen-
alty.

10. Every person who contravenes or incites or encourages a person to contravene section 4 is guilty of an offence and is liable, in addition to costs, for each day or part of a day during which the offence continues, to a fine

(1) of \$25 to \$100 in the case of an employee or another natural person not contemplated in subparagraph 2;

(2) of \$1 000 to \$10 000 in the case of an officer, director, worker, agent or adviser of an association of employees;

(3) of \$5 000 to \$50 000 in the case of an association of employees or of a union, federation or confederation to which an association of employees is affiliated or belongs.

Offence
and pen-
alty.

The association of employees, the union, the federation or the confederation of which an officer, director, worker, agent or adviser is guilty of an offence provided for in the first paragraph is a party to the offence and is liable, in addition to costs, to the fine provided in subparagraph 3 of the said paragraph for each day or part of a day during which the offence continues.

Offence
and pen-
alty.

11. Any director, worker, agent or adviser of the Commission who participates or acquiesces in any act done by that body in contravention of the second paragraph of section 3 or of section 5 is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$10 000 for each day or part of a day during which the offence continues.

Offence
and penal-
ty.

12. Where it contravenes the first paragraph of section 3 or section 6, an association of employees is guilty of an offence and is

then liable, in addition to costs, to a fine of \$5 000 to \$50 000 for each day or part of a day during which the offence continues.

Offence
and penal-
ty.

Every union, federation or confederation to which an association of employees is affiliated or belongs and which incites or encourages the association of employees to contravene the first paragraph of section 3 or section 6 is also guilty of an offence and is liable to the same penalties.

Offence
and penal-
ty.

13. Where an association of employees or a union, federation or confederation is guilty of an offence provided for in section 10 or in section 12, each of its officers, directors, workers, agents or advisers who participated or acquiesced in the offence is deemed to be a party to the offence and is liable, for each day or part of a day during which the offence continues, in addition to costs, to the fine provided in subparagraph 2 of the first paragraph of section 10, whether or not the association, the union, the federation or the confederation has been prosecuted or found guilty.

Proceed-
ings.

14. Proceedings are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person generally or specially authorized by him in writing for that purpose.

Separate
count.

15. Notwithstanding section 12 of the Summary Convictions Act, where under this Act an offence is continuous, every separate offence contemplated in subsection 4 of the said section may be charged in a separate count.

DIVISION V

FINAL PROVISIONS

Application
of the
Labour
Code.

16. This Act does not have the effect of exempting any employee, any association of employees or the Commission from the application of the Labour Code.

Coming
into force.

17. This Act comes into force on the day of its sanction.

1982, chapter 2

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RESPECTING MUNICIPALITIES

Bill No. 33

Introduced by Mr Jacques Léonard, Minister of Municipal Affairs

First reading: 30 November 1981

Second reading: 15 December 1981

Third reading: 24 February 1982

Assented to: 24 February 1982

Coming into force: 24 February 1982, except section 121 which will come into force by proclamation of the Government

— 12 August 1982: s. 121
G.O., 1982, Part 2, p. 3176

Acts amended:

Municipal Code

Cities and Towns Act (R.S.Q., chapter C-19)

Municipal Courts Act (R.S.Q., chapter C-72)

James Bay Region Development Act (R.S.Q., chapter D-8)

Police Act (R.S.Q., chapter P-13)

Act respecting retirement plans for the mayors and councillors of municipalities (R.S.Q., chapter R-16)

Act respecting Northern villages and the Kativik Regional Government (R.S.Q., chapter V-6.1)

Act respecting land use planning and development (R.S.Q., chapter A-19.1)

Act respecting municipal taxation (R.S.Q., chapter F-2.1)

Act respecting the Société québécoise d'assainissement des eaux (R.S.Q., chapter S-18.21)

Québec Urban Community Act (1969, chapter 83)

Montréal Urban Community Act (1969, chapter 84)

Outaouais Regional Community Act (1969, chapter 85)

Charter of the village of Deauville (1916, 2nd session, chapter 86)

Charter of the town of Oka-sur-le-Lac (1942, chapter 90)

Charter of the City of Laval (1965, 1st session, chapter 89)

Act to incorporate The Montréal South Shore Transit Commission (1971, chapter 98)

Act to incorporate certain municipalities of the Outaouais (1979, chapter 95)