

1982, chapter 43

**AN ACT TO ENSURE THE RESUMPTION OF PUBLIC
TRANSIT SERVICE IN THE TERRITORY OF THE
COMMUNAUTÉ URBAINE DE QUÉBEC**

Bill No. 84

Introduced by Mr Raynald Fréchette, Minister responsible for Labour

First reading: 5 November 1982

Second reading: 5 November 1982

Third reading: 6 November 1982

Assented to: 6 November 1982

Coming into force: 6 November 1982

Act amended: None



CHAPTER 43

An Act to ensure the resumption of
public transit service in the territory of the
Communauté urbaine de Québec

[Assented to 6 November 1982]

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

Renewal of
the collec-
tive
agreement.

1. The latest collective agreement entered into between the Commission de transport de la Communauté urbaine de Québec and the Syndicat des employés du transport public du Québec Métropolitain Inc. (C.S.N.) is renewed from 7 November 1982. The collective agreement is, however, amended in order to render applicable, subject to the period prescribed in section 2, the agreements signed by the parties in the course of the negotiations in view of its renewal and the proposals tabled by the Commission before the conciliator on 12 July and 13 October 1982, as amended by the clauses provided in the schedule to this Act.

Expiry of
the collec-
tive
agreement.

2. The collective agreement thus renewed and amended constitutes a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27). It binds the parties until 25 December 1983.

Return to
work.

3. From 00:01 hours on 7 November 1982, every employee who was an employee of the Commission on 22 October 1982 and is included in a bargaining unit for which the association of employees contemplated in section 1 is certified must, taking account of his work schedule, return to work.

Supernu-
merary
employees.

If the employee belongs to the category of supernumerary employees, he must also inquire about his work schedule from the competent department of the Commission between 09:00 hours and 18:00 hours on 6 November 1982.

Resumption
of service.

4. The Commission must take the appropriate means to ensure that the usual service is provided from 7 November 1982.

- Presump-
tion. **5.** Should the current strike continue after 6 November 1982, it shall be deemed, for the purposes of the application of section 142 of the Labour Code, to have been declared or instigated from 7 November 1982.
- Exception. **6.** This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).
- Coming
into force. **7.** This Act comes into force on the day of its sanction.

SCHEDULE

AMENDING CLAUSES TO THE PROPOSALS
OF THE COMMISSION

1. SALARIES AND WAGES

Article 19.01 of the proposals of the Commission and the memorandum of understanding no. 3 of the latest collective agreement are replaced by the following:

“Rates

An employee is entitled to the following hourly rate, which is the straight-time rate:

26 December 1981: \$10.59
26 December 1982: \$11.23

During the first year of service, a bus driver shall receive twenty-five cents (\$0.25) less than the salary and wage scale indicated above.

During the second year of service, a bus driver shall receive fifteen cents (\$0.15) less than the salary and wage scale indicated above.

Indexing

1st year:

There is no salary and wage indexing formula for the first year.

2nd year:

If the increase in the Consumer Price Index for Canada established by Statistics Canada for the month of January 1983 in relation to the month of January 1982 exceeds six and one-half per cent (6.5%), the Commission shall grant to every employee having been employed by it throughout that period, a lump sum of one-hundred and sixteen dollars and twenty-five cents (\$116.25) for each full half per cent (.5%) of increase in the index above six and one-half per cent (6.5%).

In the case of an employee who was employed by the Commission for less than the whole of that period, the lump sum granted by the Commission is computed pro rata to the period during which he was so employed.

This amount is payable, where such is the case, within thirty (30) days after the official publication by Statistics Canada of the Index for January 1983.

Retroactivity

Retroactive amounts shall be paid pursuant to the new hourly rates in force on 26 December 1981.

The retroactive amounts shall be computed by taking into account the employee's uninterrupted period of service from and after 26 December 1981 or, if the employee was hired after 26 December 1981, from and after the last time he was hired, and pro rata to the period for which he shall have been entitled to his pay from and after 26 December 1981 or the time he was hired."

2. OCCUPATIONAL DISABILITY

The following clauses are inserted into the collective agreement:

"For an employee who on 15 October 1982 had been benefiting under the occupational disability scheme for thirty-six months, the period during which he is entitled to the occupational disability allowance is extended to the expiry of the collective agreement. The Commission may, however, assign that employee to another job provided it pays him salary or wages equal to or higher than those of a timekeeper.

The Commission, immediately upon a vacancy in any position of inspector-dispatcher, must assign to that position, by priority, an employee who on 22 October 1982 was benefiting under the occupational disability scheme and had the required qualifications for that position."