



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 157

(2000, chapter 38)

An Act to order the resumption of certain road freight transport services

Introduced 2 November 2000

Passage in principle 2 November 2000

Passage 2 November 2000

Assented to 2 November 2000

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EXPLANATORY NOTES

This bill orders all drivers to which it applies to cease and abstain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the provision, in the territory of Québec, of road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.

The bill also imposes obligations on the Syndicat national du transport routier-CSN, the Confederation of National Trade Unions, owners and operators of heavy vehicles and transport service intermediaries to ensure the resumption of such road transport services.

Moreover, the bill enacts various penal, administrative and civil measures to ensure enforcement.

Bill 157

AN ACT TO ORDER THE RESUMPTION OF CERTAIN ROAD FREIGHT TRANSPORT SERVICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

DIVISION I

INTERPRETATION AND SCOPE

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

“driver” means any driver who, on 2 November 2000, is, personally or through a legal person controlled by the driver, an owner or operator registered in the Registre des propriétaires et des exploitants de véhicules lourds established by section 4 of the Act respecting owners and operators of heavy vehicles (R.S.Q., chapter P-30.3), any driver of a heavy vehicle belonging to such an owner or operator or any person who subsequently becomes such a driver;

“union” means the Syndicat national du transport routier-CSN; and

“central labour body” means the Confederation of National Trade Unions.

2. This Act applies, in accordance with the provisions of Part II of the Motor Vehicle Transport Act, 1987 (Revised Statutes of Canada, 1985, chapter 29, Third Supplement), even in respect of any person involved in an extra-provincial truck undertaking.

DIVISION II

RESUMPTION OF SERVICES

3. Every driver must, as of 8 a.m. on 3 November 2000, cease taking part in any concerted action in progress the effect of which is to prevent, hinder or reduce in any manner the provision, in the territory of Québec, of road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec, or that is capable of producing any such effect.

Every driver must, as of the same time, refrain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the provision of such services, or that is capable of producing any such effect.

4. Every driver must also, as of 8 a.m. on 3 November 2000, cease taking part in any concerted action in progress the effect of which is to prevent, hinder or reduce in any manner the flow of traffic on a public road or the entry of heavy vehicles to a place where freight is destined, or that is capable of producing any such effect.

Every driver must, as of the same time, refrain from taking part in any concerted action the effect of which is to prevent, hinder or reduce in any manner the flow of traffic on a public road or the entry of heavy vehicles to a place where freight is destined, or that is capable of producing any such effect.

5. The union is prohibited from continuing or undertaking any concerted action that involves a contravention of section 3 or 4 by drivers, whether or not they have joined the union.

6. The union must take appropriate measures to induce all drivers to comply with sections 3 and 4 and to resume the provision, in the territory of Québec, of normal road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.

7. Before 8 a.m. on 3 November 2000, the central labour body must recommend to the union to take appropriate measures to comply with sections 5 and 6 and must make that recommendation public.

8. Every owner or operator of a heavy vehicle registered in the Registre des propriétaires et des exploitants de véhicules lourds that is not a driver and every transport service intermediary referred to in section 15 of the Act respecting owners and operators of heavy vehicles must take appropriate measures to ensure the resumption, in the territory of Québec, of normal road transport services for container freight from or to the Port of Montréal or any intermodal terminal in Québec.

9. No person may, by omission or otherwise, in any manner impede or adversely affect the provision of road transport services in the territory of Québec, except in the case of a lawfully declared strike or lock-out.

10. No person may help, encourage, advise, allow, authorize or order a driver, the union, the central labour body, an owner, an operator or an intermediary referred to in section 8 or any other person to contravene any provision of this division.

DIVISION III

PENAL PROVISIONS

11. Every driver who contravenes any provision of section 3 or 4 is guilty of an offence and liable, for each day or part of a day during which the offence continues,

(1) to a fine of \$250 to \$1,000 in the case of a driver other than a person referred to in paragraph 2; and

(2) to a fine of \$7,000 to \$35,000 in the case of a driver who is an officer, employee or representative of a union or central labour body.

12. If the union contravenes any provision of section 5 or 6, it is guilty of an offence and liable to a fine of \$25,000 to \$125,000 for each day or part of a day during which a contravention of section 3 or 4 continues.

13. If the central labour body contravenes section 7, it is guilty of an offence and liable to a fine of \$25,000 to \$125,000 for each day or part of a day during which the union contravenes section 5 or 6.

14. Every owner, operator or intermediary referred to in section 8 that contravenes any provision of that section is guilty of an offence and liable, for each day or part of a day during which the contravention continues, to a fine of \$7,000 to \$35,000 in the case of a natural person and \$25,000 to \$125,000 in the case of a legal person.

15. Every person who contravenes any provision of section 9 or 10 is guilty of an offence and liable to a fine of \$250 to \$1,000 for each day or part of a day during which the contravention continues.

In the case of a person who is an officer, employee or representative of the union or the central labour body, the amount of the fine is \$7,000 to \$35,000.

DIVISION IV

ADMINISTRATIVE AND CIVIL MEASURES

§1. — Removal, seizure and confiscation

16. A peace officer may remove or cause the removal of any thing used in contravention of any provision of section 3 or 4, at the expense of the offender. A peace officer may also seize such a thing, in which case the provisions of the Code of Penal Procedure (R.S.Q., chapter C-25.1) pertaining to things seized apply to the things seized, with the necessary modifications.

17. Upon pronouncing a conviction for an offence under section 3 or 4 and on the application of the prosecutor, the judge may order the confiscation of a thing seized under section 16. Prior notice of the application for confiscation must be given by the prosecutor to the person from whom the property was seized and to the offender, except if they are in the presence of the judge.

§2. — *Administrative sanctions*

18. The registration required under the Act respecting owners and operators of heavy vehicles of a driver or an owner, an operator or an intermediary referred to in section 8 that is convicted of one or more offences against any provision of this Act shall be suspended for two months per offence.

§3. — *Civil measures*

19. The union and the central labour body are solidarily liable for any damage caused during a contravention of any provision of section 3 or 4, unless it is established that the damage was not caused by the contravention or that the contravention is not part of any concerted action referred to in either section.

Any person who suffers damage by reason of an act in contravention of any provision of section 3 or 4 may apply to the competent court for compensation.

Notwithstanding article 1003 of the Code of Civil Procedure (R.S.Q., chapter C-25), if a person who has suffered damage during a contravention of any provision of section 3 or 4 brings a class action under Book IX of the Code of Civil Procedure by way of a motion in accordance with the second paragraph of article 1002 of the said Code, the court shall authorize the bringing of the class action if it is of the opinion that the person to whom the court intends to ascribe the status of representative is in a position to adequately represent the members of the group described in the motion.

20. Any person may, without prior notice or compensation, unilaterally terminate a contract binding the person and a driver who contravenes section 3 or 4, whether or not the driver is prosecuted for the contravention, unless the driver took every reasonable means to comply with those sections and the driver's failure to so comply was not part of any concerted action.

DIVISION V

FINAL PROVISIONS

21. This Act ceases to have effect on the date determined by the Government.

22. This Act comes into force on 2 November 2000.