

**Gazette**  
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**DU Québec**

**Part**

**2**

**No. 37**

16 September 2015

**Laws and Regulations**

Volume 147

**Summary**

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### Contents

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- (1) Acts assented to, before their publication in the annual collection of statutes;
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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 12 JUNE 2015

## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 12 June 2015*

This day, at twenty minutes past two o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bills:

- 36 An Act to amend various legislative provisions mainly concerning shared transportation
- 38 An Act to allow the Caisse de dépôt et placement du Québec to carry out infrastructure projects
- 47 An Act to modernize the governance of Bibliothèque et Archives nationales du Québec
- 205 An Act respecting Ville de Sherbrooke
- 206 An Act respecting Ville de Mercier
- 207 An Act respecting Ville de Boucherville
- 208 An Act respecting Ville de Saint-Félicien
- 493 An Act to proclaim Nelson Mandela Day

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



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**PROVINCE OF QUÉBEC**

1ST SESSION

41ST LEGISLATURE

QUÉBEC, 12 JUNE 2015

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**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 12 June 2015*

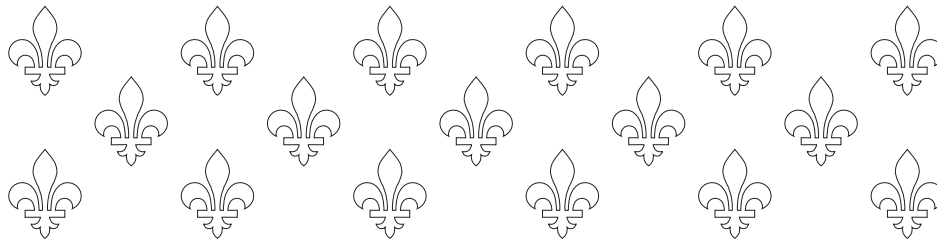
This day, at five minutes past nine o'clock in the morning, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 42      An Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.







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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 36  
(2015, chapter 16)

**An Act to amend various legislative  
provisions mainly concerning shared  
transportation**

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**Introduced 12 May 2015  
Passed in principle 10 June 2015  
Passed 12 June 2015  
Assented to 12 June 2015**

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**Québec Official Publisher  
2015**

## EXPLANATORY NOTES

*This Act transfers responsibility for government air service, currently assigned to the Centre de services partagés du Québec, to the Minister of Transport, and provides for the creation of an air service fund to finance goods and services provided under the Minister's authority for air transportation.*

*Regarding public transit, intermunicipal boards of transport and municipalities organizing a public transit service are granted the power to establish, by by-law, conditions with regard to possessing and using transportation tickets issued under their authority. They are also given the power to appoint inspectors to enforce such by-laws. The Act includes penal provisions for non-compliance.*

*Under the Act, two or more public transit authorities may apply for a non-profit organization to be constituted for the main purpose of making accessible goods and services they need to carry out their mission.*

*The Minister is given the power to implement pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define new standards applicable to that area.*

*The provisions regarding the Forum of stakeholders in the general freight trucking industry are repealed.*

*Lastly, various amendments are made with respect to transport, including allowing the Government to determine the terms of the transfer to the Société de transport de Montréal of property relating to any subway system extension the Agence métropolitaine de transport is in charge of planning, carrying out and executing, making it possible for the Minister to verify the safety of transportation infrastructures under the responsibility of a third party and granting the Minister powers to conduct an inspection and inquiries.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the Agence métropolitaine de transport (chapter A-7.02);
- Act respecting the Centre de services partagés du Québec (chapter C-8.1.1);
- Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1);
- Act respecting the Ministère des Transports (chapter M-28);
- Act respecting transportation services by taxi (chapter S-6.01);
- Act respecting public transit authorities (chapter S-30.01);
- Transport Act (chapter T-12).



## Bill 36

### AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS MAINLY CONCERNING SHARED TRANSPORTATION

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE AGENCE MÉTROPOLITAINE DE TRANSPORT

**1.** Section 47 of the Act respecting the Agence métropolitaine de transport (chapter A-7.02) is amended by inserting “and according to the terms the Government determines” in the second paragraph after “Government”.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS  
DU QUÉBEC

**2.** Section 4 of the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) is amended by striking out the third paragraph.

ACT RESPECTING INTERMUNICIPAL BOARDS OF TRANSPORT IN  
THE AREA OF MONTRÉAL

**3.** The Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) is amended by inserting the following divisions after Division IV:

#### “DIVISION IV.1

##### “INSPECTION

“**33.3.** The board shall generally or specially authorize any person from among its employees and officers or from among the employees or officers of another intermunicipal board of transport or of a carrier under contract with it to act as an inspector for the purposes of this division, Division IV.2 and the by-laws made under section 33.6.

“**33.4.** An inspector may require that any transportation ticket issued under the board’s authority be produced for inspection.

“**33.5.** An inspector shall, on request, produce a certificate of authority.

**“DIVISION IV.2****“REGULATORY AND PENAL PROVISIONS**

**“33.6.** The board may, by a by-law approved by all the municipalities that are parties to the agreement, prescribe conditions regarding the possession and use of transportation tickets issued under its authority. The by-law may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may be fixed or that may, depending on the circumstances, vary between a minimum and a maximum amount.

For a first offence, the fixed amount or maximum amount may not exceed \$500 if the offender is a natural person or \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

The by-law referred to in the first paragraph must be published in a newspaper circulated in the territory of the board. It comes into force on the fifteenth day following its publication or on any later date specified in the by-law.

**“33.7.** A by-law under section 33.6 applies even where a carrier’s vehicle is used, under the carrier’s contract with the board, to travel outside the territory of the board.

An inspector referred to in section 33.3 has jurisdiction for the purposes of the first paragraph.

**“33.8.** Whoever hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

**“33.9.** The board may institute penal proceedings for an offence under this division.

**“33.10.** Every municipal court having jurisdiction in the territory of the board has jurisdiction with respect to an offence under this division.

In the case of an offence committed outside the territory of the board, the municipal court having jurisdiction in the territory where the offence was committed has jurisdiction with respect to the offence.

**“33.11.** The fine belongs to the board that instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2

of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.”

#### ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**4.** Sections 9 and 10 of the Act respecting the Ministère des Transports (chapter M-28) are replaced by the following sections:

**“9.** In the exercise of their functions, any officer or employee of the department, or any other person designated by the Minister, may enter and pass over any land at any reasonable time in order to conduct surveys, examinations, analyses or other preparatory work related to the Minister’s mission.

Persons authorized to act under the first paragraph must, on request, produce a certificate of authority.

**“9.1.** The Minister may, for the purpose of assessing the safety of a transport infrastructure, order the contractor or owner of the infrastructure to carry out any test, survey, testing or verification the Minister specifies.

The Minister may also require that the contractor or owner provide the Minister, within the time determined by the Minister, with a report on any aspect of the construction or operation of the transport infrastructure, along with any information and documents determined by the Minister.

For the purposes of this Act, a transport infrastructure is a civil engineering structure or an immovable used for transportation by land, air or water.

**“10.** The Minister may, in accordance with the applicable legislative provisions, enter into an agreement with a government other than the Gouvernement du Québec or a department or body of such a government, or with an international organization or a body of such an organization.”

**5.** The Act is amended by inserting the following section after section 11.6:

**“11.7.** The Minister provides, in support of the mission of the Government, aircraft charter services and air transportation services for such uses as air ambulance transportation, forest fire fighting, territory surveillance and passenger transportation.

The Minister may also provide to any person the services related to aircraft pilot accreditation, instruction and training services.”

**6.** Section 12.4 of the Act is amended by inserting “section 9.1 or” after “contravenes”.

**7.** The Act is amended by inserting the following section after section 12.4:

**“12.4.1.** Whoever in any way hinders an inspector or a person conducting an inquiry, misleads the inspector or person by concealment or misrepresentation, or refuses to hand over information or a document the inspector or person is entitled to require or examine, or conceals or destroys a document or property relevant to an inspection or inquiry is guilty of an offence and is liable to a fine of \$1,000 to \$5,000 in the case of a natural person and \$3,000 to \$15,000 in all other cases.”

**8.** The Act is amended by inserting the following chapter before Chapter II:

**“CHAPTER I.1**

**“INSPECTION AND INQUIRIES**

**“DIVISION I**

**“INSPECTION**

**“12.21.1.** The Minister may designate a person to carry out an inspection in any premises where an activity governed by this Act or another Act the Minister is responsible for administering is held.

The person designated by the Minister may, for the purposes of any of those Acts,

- (1) enter those premises at any reasonable time;
- (2) demand any information relating to the application of any of those Acts and the production of any related document;
- (3) examine and make a copy of such documents;
- (4) examine the premises and the property found there; and
- (5) photograph those premises and that property.

During an inspection of a construction site, the person responsible for the site must give access to the site and reasonable assistance to the inspector, and accompany him or her.

**“12.21.2.** A person authorized to act as an inspector must, on request, produce a certificate of authority.

**“12.21.3.** An inspector may, by a request sent by registered or certified mail or personal service, require from a person, within a reasonable time specified by the inspector, any information or document related to the application of this Act or another Act the Minister is responsible for administering.



**“12.21.4.** An inspector may send any person the recommendations the inspector considers appropriate.

In the event of a possible failure by a contractor referred to in section 1 of the Act respecting contracting by public bodies (chapter C-65.1) to comply with a contract rule, the inspector must send a copy of the inspection report to the contract rules compliance monitor designated by the Minister.

**“12.21.5.** No proceedings may be brought against an inspector for acts performed in good faith in the exercise of the functions of office.

## **“DIVISION II**

### **“INQUIRIES**

**“12.21.6.** The Minister may designate persons to conduct inquiries for the purposes of this Act or another Act the Minister is responsible for administering.

No proceedings may be brought against such persons for acts performed in good faith in the exercise of the functions of office.

**“12.21.7.** The Minister or any person the Minister designates may conduct an inquiry on any matter governed by this Act or another Act the Minister is responsible for administering.

For the purposes of an inquiry, the person designated by the Minister is vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.”

## **9.** Section 12.30 of the Act is amended

(1) by adding the following subparagraph at the end of paragraph 1:

“(h) transportation services by ferry-boat to link Municipalité de Baie-Sainte-Catherine and Village de Tadoussac;”;

(2) by adding the following paragraph after paragraph 2:

“(2.1) the “Air Service Fund”, to finance

(a) the services referred to in section 11.7, as well as activities related to those services, including the acquisition, preservation, improvement, maintenance and disposal of equipment;

(b) the acquisition, construction, preservation, improvement, maintenance, disposal or operation of air transportation equipment and infrastructures determined by the Government.”

**10.** The Act is amended by inserting the following subdivision after section 12.42:

“§2.1. — *Air Service Fund*

“**12.42.1.** The following are credited to the Fund:

(1) the sums collected in connection with the goods and services financed by the Fund;

(2) the sums received for damage caused to air transportation equipment and infrastructures under the responsibility of the Minister, including damages of any kind that are paid following proceedings instituted for such damage;

(3) the sums transferred to the Fund by the Minister of Transport out of the appropriations granted for that purpose by Parliament;

(4) the sums transferred to the Fund by the Minister of Finance under sections 53 and 54 of the Financial Administration Act (chapter A-6.001);

(5) the gifts, legacies and other contributions paid into the Fund to further the achievement of its objects;

(6) the revenue generated by the sums credited to the Fund.

“**12.42.2.** The surpluses accumulated by the Fund are transferred to the general fund on the dates and to the extent determined by the Government.”

#### ACT RESPECTING TRANSPORTATION SERVICES BY TAXI

**11.** The Act respecting transportation services by taxi (chapter S-6.01) is amended by inserting the following section after section 89:

“**89.1.** The Minister may, by order, authorize pilot projects designed to experiment or innovate in the area of taxi transportation services or to study, improve or define standards applicable to that area. The Minister may also, within the scope of such pilot projects, authorize any person or body that is a holder of a taxi owner’s permit issued under this Act or a business partner of such a holder to offer taxi transportation services in compliance with standards and rules prescribed by the Minister that differ from those set out in this Act and the regulations, for the purpose of increasing the safety of users, improving the quality of the services offered or fostering the development of the taxi transportation services industry, all in compliance with the applicable privacy protection rules.

Such pilot projects are to be conducted for a period of up to two years, which the Minister may extend by up to one year. The Minister may modify or terminate a pilot project at any time. The Minister may also determine the provisions of a pilot project whose violation constitutes an offence and

determine the minimum and maximum amounts for which the offender is liable, which may not be less than \$200 or more than \$3,000.

The Minister must inform the Taxi Industry Advisory Panel 45 days before the implementation of a pilot project under this section.

The publication requirement set out in section 8 of the Regulations Act (chapter R-18.1) does not apply to a pilot project established under this section.”

## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**12.** The Act respecting public transit authorities (chapter S-30.01) is amended by inserting the following section after section 89:

“**89.1.** Two or more transit authorities may constitute a non-profit organization whose main purpose is to provide or make available to them the goods and services they need to carry out their mission. Such an organization may also provide or make available such goods and services to any public body providing public transport within the meaning of section 88.7 of the Transport Act (chapter T-12).

The members of the board of directors of an organization constituted under the first paragraph are designated by the transit authorities who constituted the organization from among the members of their respective boards.

Sections 92.1 to 108.2 of this Act, section 3.11 of the Act respecting the Ministère du Conseil exécutif (chapter M-30) and section 23 of the Act respecting the Ministère des Relations internationales (chapter M-25.1.1) apply, with the necessary modifications, to an organization constituted under the first paragraph. The organization is deemed to be a public transit authority for the purposes of any of the regulations made under sections 100 and 103.1 of this Act.”

**13.** Section 143 of the Act is repealed.

**14.** Section 146 of the Act is amended by replacing “hinders an inspector in the exercise of the inspector’s functions” by “hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and”.

## TRANSPORT ACT

**15.** Section 5 of the Transport Act (chapter T-12) is amended by striking out paragraph *m*.

**16.** Division V.1.1 of the Act, comprising sections 48.11.1 to 48.11.23, is repealed.

**17.** The Act is amended by inserting the following before section 48.18:

“§1. — *Organization and management*”.

**18.** Section 48.34 of the Act is amended by replacing “division” by “subdivision”.

**19.** The Act is amended by inserting the following after section 48.36:

“§2. — *Inspection*

“**48.36.1.** A local municipality shall generally or specially authorize any person from among its employees and officers or from among the employees of a carrier under contract with it to act as an inspector for the purposes of this subdivision, subdivision 3 and the by-laws made under section 48.36.4.

“**48.36.2.** An inspector may require that any transportation ticket issued under the municipality’s authority be produced for inspection.

“**48.36.3.** An inspector shall, on request, produce a certificate of authority.

“§3. — *Regulatory and penal provisions*

“**48.36.4.** A local municipality may, by by-law, prescribe conditions regarding the possession and use of transportation tickets issued under its authority. The by-law may determine, among its provisions, those whose violation constitutes an offence entailing a fine in an amount that may be fixed or that may, depending on the circumstances, vary between a minimum and a maximum amount.

For a first offence, the fixed amount or maximum amount may not exceed \$500 if the offender is a natural person or \$1,000 in all other cases. The amounts are doubled for a subsequent offence. The minimum amount may not be less than \$25.

The by-law referred to in the first paragraph must be published in a newspaper distributed in the territory of the municipality. It comes into force on the fifteenth day following its publication or on any later date specified in the by-law.

“**48.36.5.** A by-law under section 48.36.4 applies even where a carrier’s vehicle is used, under the carrier’s contract with the municipality, to travel outside the territory of the municipality.

An inspector referred to in section 48.36.1 has jurisdiction for the purposes of the first paragraph.

“**48.36.6.** Whoever hinders or attempts to hinder in any way the exercise of the inspector’s functions, misleads the inspector through concealment or

misrepresentation, refuses to hand over a document or information the inspector is entitled to require or examine, or conceals or destroys such a document is guilty of an offence and is liable to a fine of not less than \$250 nor more than \$500.

**“48.36.7.** The municipality may institute penal proceedings for an offence under this subdivision.

**“48.36.8.** The municipal court in the territory of the municipality has jurisdiction in respect of any offence under this subdivision.

In the case of an offence committed outside the territory of the municipality, the municipal court having jurisdiction in the territory where the offence was committed has jurisdiction with respect to the offence.

**“48.36.9.** The fine belongs to the municipality that instituted the penal proceedings.

The costs relating to proceedings instituted before a municipal court belong to the municipality under the jurisdiction of that court, except the part of the costs remitted to another prosecuting party by the collector under article 345.2 of the Code of Penal Procedure (chapter C-25.1), and the costs remitted to the defendant or imposed on that municipality under article 223 of that Code.

“§4. — *Other provisions*”.

#### TRANSITIONAL AND FINAL PROVISIONS

**20.** The Minister of Transport replaces the Centre de services partagés du Québec with respect to government air service activities; the Minister acquires the related rights and assumes the related obligations.

**21.** The records and other documents of the Centre de services partagés du Québec relating to government air service activities become those of the Ministère des Transports.

**22.** The assets and liabilities of the Centre de services partagés du Québec relating to government air service activities are transferred to the Air Service Fund.

**23.** The members of the personnel of the Centre de services partagés du Québec assigned to government air service activities and identified by the president and director general of the Centre de services partagés du Québec before (*insert the date of coming into force of section 2 of this Act*) become, without further formality, employees of the Ministère des Transports, unless they exercise their functions in the Centre’s communications directorate or legal affairs directorate, in which case they become, respectively, employees of the Ministère du Conseil exécutif or the Ministère de la Justice.

**24.** A member of the personnel of the Centre de services partagés du Québec referred to in section 23 who is authorized to sign certain deeds, documents or writings under a regulation of the Centre de services partagés du Québec in force on (*insert the date preceding the date of coming into force of section 2 of this Act*) may continue to sign such deeds, documents and writings to bind the Minister of Transport, until the coming into force of amendments to the Regulation authorizing the signing by a functionary of certain deeds, documents and writings of the Ministère des Transports (chapter M-28, r. 5).

**25.** The Attorney General of Québec becomes, without continuance of suit, a party to all proceedings to which the Centre de services partagés du Québec was a party with respect to government air service activities.

**26.** The tariffs of commissions and professional and other fees that the Centre de services partagés du Québec applies on (*insert the date preceding the date of coming into force of section 2 of this Act*) for using the services referred to in section 11.7 of the Act respecting the Ministère des Transports (chapter M-28), enacted by section 5, continue to apply until they are replaced.

**27.** The expenditure and investment estimates of the Air Service Fund that are set out in Schedule I are approved for the 2015-2016 fiscal year.

**28.** Unless the context indicates otherwise, any reference in any document to the Act respecting the Centre de services partagés du Québec (chapter C-8.1.1) with respect to government air service activities is a reference to this Act or any corresponding provision of this Act.

**29.** Unless the context indicates otherwise and with the necessary modifications, a reference to the Centre de services partagés du Québec in any Act, regulation, by-law, order in council, order, contract or other document, in connection with government air service activities, is a reference to the Minister of Transport.

**30.** This Act comes into force on 12 June 2015, except sections 2 and 5, paragraph 2 of section 9, section 10 and sections 20 to 29, which come into force on 1 April 2016 or on any earlier date or dates to be set by the Government.

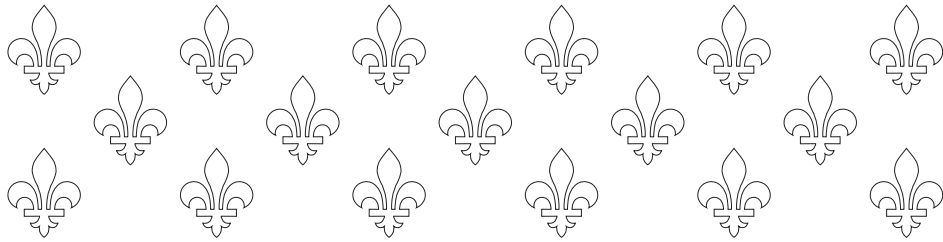
SCHEDULE I  
(Section 27)

**Air Service Fund**  
(thousands of dollars)

	<b>2015-2016 Estimates</b>
<b>Revenues</b>	
Revenues – part financed by departmental portfolio	0
Other revenues	74,946.2
<b>Total revenues</b>	<b>74,946.2</b>
<b>Expenditures to be approved</b>	<b>74,646.2</b>
Surplus (deficit) for the fiscal year	300.0
Opening accumulated surplus (deficit)	57,100.0
Closing accumulated surplus (deficit)	57,400.0
<b>Investments to be approved</b>	<b>21,328.9</b>







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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 38  
(2015, chapter 17)

**An Act to allow the Caisse de dépôt et  
placement du Québec to carry out  
infrastructure projects**

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**Introduced 18 March 2015  
Passed in principle 26 May 2015  
Passed 12 June 2015  
Assented to 12 June 2015**

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**Québec Official Publisher  
2015**

## EXPLANATORY NOTES

*This Act allows the Minister of Transport, with the authorization of the Government, to enter into an agreement with the Caisse de dépôt et placement du Québec (the Fund) to give the latter the mandate to manage and carry out projects to develop new shared transportation infrastructures.*

*Under the Act, the Government defines the needs and public interest objectives to be met with respect to the projects and authorizes the solution to be implemented from among the various options proposed by the Fund. The Fund has full authority over each project that is the subject of such an agreement and may set rates for using the shared transportation infrastructure concerned. The applicable rate schedule must be made public at the time the agreement is signed. The terms and conditions governing the operation of the shared transportation infrastructure stipulated in the agreement bind any subsequent purchaser.*

*The Act respecting the Caisse de dépôt et placement du Québec is amended to allow the Fund to hold shares of legal persons whose principal activity consists in making investments or carrying on other activities related to infrastructures. Limits are set on the percentage of common shares the Fund may hold in the share capital of such a legal person and on the maximum value of the Fund's investment in the legal person.*

*The Act respecting the Ministère des Transports is amended to allow the Minister of Transport to acquire by expropriation, on behalf of the Fund, any property required to carry out a shared transportation infrastructure project that is the subject of an agreement with the Fund.*

*The Act respecting the Agence métropolitaine de transport, the Act respecting intermunicipal boards of transport in the area of Montréal and the Act respecting public transit authorities do not apply to a shared transportation infrastructure that is the subject of an agreement with the Fund.*

*Lastly, the Public Infrastructure Act is amended to allow a particular public infrastructure project to be excluded from the application of the management rules set out in that Act. The Act*

*respecting municipal taxation is amended to exempt the shared transportation infrastructures and the land constituting the sites of those infrastructures from municipal and school taxes, to the extent provided for by regulation.*

**LEGISLATION AMENDED BY THIS ACT:**

- Act respecting the Caisse de dépôt et placement du Québec (chapter C-2);
- Act respecting municipal taxation (chapter F-2.1);
- Public Infrastructure Act (chapter I-8.3);
- Act respecting the Ministère des Transports (chapter M-28);
- Transport Act (chapter T-12).



## Bill 38

### AN ACT TO ALLOW THE CAISSE DE DÉPÔT ET PLACEMENT DU QUÉBEC TO CARRY OUT INFRASTRUCTURE PROJECTS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING THE CAISSE DE DÉPÔT ET PLACEMENT DU  
QUÉBEC

**1.** Section 4 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2) is amended by adding the following sentence at the end of the third paragraph: “It acts with full independence in accordance with this Act.”

**2.** Section 31 of the Act is amended

(1) by inserting the following subparagraphs after subparagraph *a* of the first paragraph:

“(a.1) a legal person whose principal activity consists in building, or carrying on one or more other activities or operating businesses related to, the infrastructures of a single operation;

“(a.2) a legal person whose principal object is to acquire and hold, directly or indirectly, the shares and other securities issued by legal persons described in subparagraph *a.1*.”;

(2) by adding the following paragraph at the end:

“Each project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12) constitutes a single operation within the meaning of subparagraph *a.1* of the first paragraph.”

**3.** Section 32 of the Act is replaced by the following section:

**“32.** The acquisition or, as the case may be, the holding by the Fund of shares and other securities shall be subject to the following restrictions:

(1) it may not invest more than 70% of its total assets in units of indexed funds and in common shares;

(2) if the shares or other securities are issued by a legal person described in subparagraph *a.1* of the first paragraph of section 31, the Fund may not, except to the extent provided for in the second paragraph,

(a) hold common shares or other securities conferring voting rights or a class of such shares or other securities issued by the legal person in excess of the following proportions:

i. until the end of the fourth year after the beginning of the operation: 51% of the shares or other securities that are issued and outstanding at any time;

ii. as of the end of that fourth year: 45% of the shares or other securities that are issued and outstanding at the time the operation begins; or

(b) acquire securities that bring its total investment in shares and evidences of indebtedness issued by the legal person or by all the legal persons whose respective principal activities relate to the infrastructures of a single operation to more than 3.5% of its total assets;

(3) if the shares or other securities are issued otherwise than by a legal person described in subparagraph *a* or *a.1* of the first paragraph of section 31, the Fund may not, except to the extent provided for in the third paragraph,

(a) hold more than 30% of the common shares or of a class of common shares of a single legal person; or

(b) acquire securities that bring its total investment in shares and evidences of indebtedness issued by a single legal person to more than 5% of its total assets, except in the case of a legal person described in the first paragraph of section 37.1 or a legal person described in subparagraph *a.2* of the first paragraph of section 31; in the latter case, the limit is set at 3.5%.

Subparagraph *a* of subparagraph 2 of the first paragraph does not apply to the holding or acquisition by the Fund of the shares or other securities referred to in that subparagraph *a*, where they are issued by a legal person described in subparagraph *a.1* of the first paragraph of section 31 whose principal activity relates exclusively to public transportation infrastructures in Québec.

Despite subparagraph *a* of subparagraph 3 of the first paragraph, the Fund may acquire and hold, directly or indirectly, only all the issued and outstanding shares of a legal person described in subparagraph *a.2* of the first paragraph of section 31. Once it holds all such shares, subparagraph *b* of subparagraph 3 of the first paragraph ceases to apply; in such a case, the Fund must ensure that the legal person complies with the provisions of subparagraphs 2 and 3 of the first paragraph and those of the second paragraph and this paragraph, as if the Fund held or acquired the shares or other securities described in those provisions and held or acquired by that legal person.

For the purposes of the 30% limit set in subparagraph *a* of subparagraph 3 of the first paragraph, the investments, operations or loans under section 34 are subject to that limit only from the time they are converted into common shares.”

## ACT RESPECTING MUNICIPAL TAXATION

**4.** The Act respecting municipal taxation (chapter F-2.1) is amended by inserting the following section after section 68:

**“68.0.1.** Public infrastructures to which the regulation made under subparagraph 12.1 of the first paragraph of section 262 applies, in whosever hands they may be, are not to be entered on the roll. The same rule applies to the land constituting the site of such infrastructures.

The first paragraph does not apply to a structure intended to lodge persons, shelter animals or store things or the site of such a structure.”

**5.** Section 262 of the Act is amended by inserting the following subparagraph after subparagraph 12 of the first paragraph:

“(12.1) determine the public infrastructures that, having been the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12), are not to be entered on the roll under section 68.0.1;”.

## PUBLIC INFRASTRUCTURE ACT

**6.** Section 4 of the Public Infrastructure Act (chapter I-8.3) is amended by adding the following sentence at the end: “Where it concerns the management of a body’s public infrastructure projects, such a decision may concern a single project and set specific conditions applicable to it.”

## ACT RESPECTING THE MINISTÈRE DES TRANSPORTS

**7.** Section 11.1 of the Act respecting the Ministère des Transports (chapter M-28) is amended by adding the following paragraph at the end:

“The Minister may also, with the authorization of the Government and on the conditions it determines in each case, acquire by agreement or expropriation, on behalf of the Caisse de dépôt et placement du Québec or one of its wholly-owned subsidiaries described in the third paragraph of section 32 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2), any property required to carry out a shared transportation infrastructure project that is the subject of an agreement entered into under section 88.10 of the Transport Act (chapter T-12).”

**8.** The Act is amended by inserting the following section after section 11.1:

**“11.1.1.** Despite any provision to the contrary in any Act, the expropriation indemnity for property to which section 11 or 11.1 applies is fixed on the basis of the value of the property and of the damage directly caused by the expropriation on the date of the expropriation, but without taking into account the increased value attributable to the public announcement, made by the Government or the authority responsible for carrying out a shared transportation

infrastructure project, of the planned route for the shared transportation system or the planned site of its stations.”

#### TRANSPORT ACT

**9.** The Transport Act (chapter T-12) is amended by adding the following after section 88.9:

#### “DIVISION IX.3

#### “INVESTMENT IN SHARED TRANSPORTATION INFRASTRUCTURE

**“88.10.** The Minister may, with the authorization of the Government and on the conditions it determines in each case, enter into an agreement with the Caisse de dépôt et placement du Québec regarding the management and carrying out of a project whose purpose is to develop a new shared transportation infrastructure. The agreement must include mechanisms for integrating such a project into the relevant public transit systems as well as a rate schedule for the shared transportation infrastructure, including indexation mechanisms.

The Government shall define the needs and public interest objectives to be met with respect to the project and shall authorize the solution to be implemented from among the various options proposed by the Caisse de dépôt et placement du Québec.

Such a project, which the Caisse de dépôt et placement du Québec examines with full independence in accordance with its constituting Act, must offer its depositors the potential for a commercial return on investment, having regard to the risks apprehended. The evaluation of such a potential and the comparison with market practices for similar situations must be validated by an independent expert selected by the parties from a list prepared beforehand.

The Caisse de dépôt et placement du Québec has full authority over any project that is the subject of an agreement entered into under the first paragraph.

The Caisse de dépôt et placement du Québec may set rates for the use of the shared transportation infrastructure referred to in the first paragraph. At the time the agreement is signed, the Caisse de dépôt et placement du Québec shall make public the rate schedule for the shared transportation infrastructure, including the indexation mechanisms.

**“88.11.** The shared transportation infrastructure referred to in section 88.10 is and remains appropriated to public utility in whosever hands it may be.

**“88.12.** The Caisse de dépôt et placement du Québec may not transfer, in whole or in part, its rights, titles and interests in the land constituting the site of a shared transportation infrastructure described in section 88.10 before construction has been completed.



**“88.13.** The terms and conditions governing the operation of the shared transportation infrastructure stipulated in an agreement entered into under section 88.10 bind any subsequent purchaser.

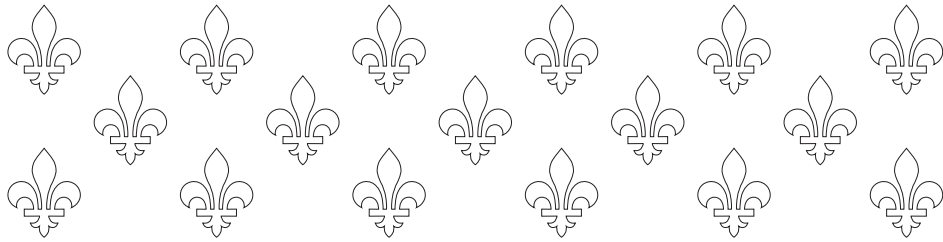
**“88.14.** The Act respecting the Agence métropolitaine de transport (chapter A-7.02), the Act respecting intermunicipal boards of transport in the area of Montréal (chapter C-60.1) and the Act respecting public transit authorities (chapter S-30.01) do not apply to a shared transportation infrastructure described in section 88.10.

**“88.15.** In this division, a reference to the Caisse de dépôt et placement du Québec is also a reference to a wholly-owned subsidiary, within the meaning of the fifth paragraph of section 4 of the Act respecting the Caisse de dépôt et placement du Québec (chapter C-2), described in the third paragraph of section 32 of that Act.”

#### FINAL PROVISION

**10.** This Act comes into force on 12 June 2015.





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 42  
(2015, chapter 15)

**An Act to group the Commission de l'équité  
salariale, the Commission des normes du  
travail and the Commission de la santé et  
de la sécurité du travail and to establish the  
Administrative Labour Tribunal**

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**Introduced 15 April 2015  
Passed in principle 26 May 2015  
Passed 11 June 2015  
Assented to 12 June 2015**

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## EXPLANATORY NOTES

*This Act provides for the reorganization of certain labour institutions.*

*More specifically, it establishes the Administrative Labour Tribunal to replace the Commission des lésions professionnelles and the Commission des relations du travail and take over their jurisdictions.*

*The Act defines the Tribunal's jurisdiction, provides for the rules of procedure that are to apply to the matters it is to hear, establishes the framework applicable to Tribunal members, in particular to their recruitment and appointment, and sets the rules that are to govern the conduct of the Tribunal's business.*

*Furthermore, the Act groups the activities of the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and renames the latter "Commission des normes, de l'équité, de la santé et de la sécurité du travail".*

*Consequential amendments are made to a number of Acts in light of these new institutions and their organization.*

*Various transitional provisions are also made to ensure that grouped activities currently exercised by certain bodies can be continued by the new institutions. Hence, those institutions will assume the obligations of the grouped bodies, and the members of the Commission des relations du travail and the Commission des lésions professionnelles will become members of the Tribunal, except the management and union members of the latter commission, whose functions are not maintained within the Tribunal.*

*Lastly, until the Commission des normes, de l'équité, de la santé et de la sécurité du travail and the Administrative Labour Tribunal are fully in place, the Minister of Labour, Employment and Social Solidarity is granted a temporary power to issue directives with regard to the bodies to be grouped with them.*

**LEGISLATION AMENDED BY THIS ACT:**

- Workers' Compensation Act (chapter A-3);
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Financial Administration Act (chapter A-6.001);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Health Insurance Act (chapter A-29);
- Act respecting the Barreau du Québec (chapter B-1);
- Building Act (chapter B-1.1);
- Cities and Towns Act (chapter C-19);
- Labour Code (chapter C-27);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections (chapter E-2.3);
- Election Act (chapter E-3.3);
- Pay Equity Act (chapter E-12.001);
- Act respecting municipal taxation (chapter F-2.1);
- Jurors Act (chapter J-2);
- Act respecting administrative justice (chapter J-3);
- Anti-Corruption Act (chapter L-6.1);

- Act respecting labour standards (chapter N-1.1);
- Act respecting municipal territorial organization (chapter O-9);
- Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1);
- Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);
- Act respecting occupational health and safety (chapter S-2.1);
- Civil Protection Act (chapter S-2.3);
- Fire Safety Act (chapter S-3.4);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1);
- Professional Syndicates Act (chapter S-40);
- Courts of Justice Act (chapter T-16);
- Integrity in Public Contracts Act (2012, chapter 25).

**REGULATION AMENDED BY THIS ACT:**

- Regulation respecting contribution rates (chapter N-1.1, r. 5).

**MINISTERIAL ORDER AMENDED BY THIS ACT:**

- Ministerial order 2009-001 (2009, G.O. 2, 2805, in French only).





## **Bill 42**

### **AN ACT TO GROUP THE COMMISSION DE L'ÉQUITÉ SALARIALE, THE COMMISSION DES NORMES DU TRAVAIL AND THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL AND TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### **CHAPTER I**

##### **ADMINISTRATIVE LABOUR TRIBUNAL**

#### **DIVISION I**

##### **ESTABLISHMENT AND JURISDICTION**

**1.** The Administrative Labour Tribunal is established.

The function of the Tribunal is to make determinations in matters brought under sections 5 to 8 of this Act. Unless otherwise provided by law, the Tribunal exercises its jurisdiction to the exclusion of any other tribunal or adjudicative body.

The Tribunal is also responsible for ensuring the efficient and diligent application of the Labour Code (chapter C-27) and exercising the other functions assigned to it by the Code or any other Act.

In this Act, unless the context indicates otherwise, the word “matters” includes any request, application, petition, complaint, contestation or motion and any other proceeding under the Tribunal’s jurisdiction.

**2.** The Tribunal is composed of members appointed by the Government after consultation with the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2).

The Tribunal is also composed of the members of its personnel who are charged with rendering decisions on its behalf.

**3.** The Tribunal’s head office is located in the territory of Ville de Québec, at the place determined by the Government. Notice of the address of the head

office and of any change of address is published in the *Gazette officielle du Québec*.

The Tribunal has an office in Montréal. It may also have offices in other administrative regions if warranted by the number of matters brought.

**4.** The Tribunal sits in four divisions:

- the labour relations division;
- the occupational health and safety division;
- the essential services division; and
- the construction industry and occupational qualification division.

**5.** Matters arising from the enforcement of the Labour Code or another Act referred to in Schedule I are heard and decided by the labour relations division, except matters brought under Chapters V.1 and IX of that Code.

**6.** The following are heard and decided by the occupational health and safety division:

(1) matters arising from the enforcement of section 359, 359.1, 450 or 451 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001); and

(2) matters arising from the enforcement of section 37.3 or 193 of the Act respecting occupational health and safety (chapter S-2.1).

**7.** The following are heard and decided by the essential services division:

(1) matters arising from the enforcement of Chapter V.1 of the Labour Code;

(2) matters arising from the enforcement of section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003); and

(3) matters arising from the enforcement of section 53 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

**8.** The following are heard and decided by the construction industry and occupational qualification division:

(1) matters arising from the enforcement of section 11.1 or 164.1 of the Building Act (chapter B-1.1);

(2) matters arising from the enforcement of section 41.1 of the Act respecting workforce vocational training and qualification (chapter F-5);

(3) matters arising from the enforcement of section 9.3 of the Stationary Enginemen Act (chapter M-6); and

(4) matters arising from the enforcement of the first paragraph of section 7.7, section 21, the third paragraph of section 27, section 58.1, the first paragraph of section 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the first paragraph of section 80.1, the first paragraph of section 80.2, section 80.3, the second and third paragraphs of section 93, section 105 or a regulation under subparagraph 8.7 of the first paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

**9.** The Tribunal has the power to decide any issue of law or fact necessary for the exercise of its jurisdiction.

In addition to the other powers conferred on it by law, the Tribunal may

(1) summarily reject any matter it considers to be improper or dilatory, or make it subject to conditions;

(2) refuse to rule on the merits of a complaint filed under the Labour Code or the Act respecting labour standards (chapter N-1.1) if, in its opinion, the complaint can be settled by an arbitration award disposing of a grievance, except in the case of a complaint filed under section 16 of the Labour Code or sections 123 and 123.1 of the Act respecting labour standards;

(3) make any order, including a provisional order, it considers appropriate to safeguard the parties' rights;

(4) confirm, vary or quash the contested decision or order and, if appropriate, render or make the decision or order which, in its opinion, should have been rendered or made initially;

(5) render any decision it considers appropriate;

(6) ratify an agreement, if it is in compliance with the law; and

(7) omit the names of the persons concerned by a decision when it is of the opinion that the decision contains information of a confidential nature the disclosure of which could be prejudicial to those persons.

**10.** The Tribunal and its members have the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

## DIVISION II

### PROCEDURE

#### §1. — *Commencement*

**11.** A matter is commenced by a pleading, called the originating pleading, being filed with one of the Tribunal's offices.

An originating pleading that involves a worker must be filed with the Tribunal office serving the region where the worker is domiciled or, if the worker is domiciled outside Québec, with a Tribunal office in a region where the employer has an establishment.

If no worker is party to a matter, the originating pleading is filed with the Tribunal office serving a region where the employer has an establishment.

Unless the context indicates otherwise, in this Act, "pleading" also includes any writing designed to make an application or support a party's contentions.

**12.** The originating pleading must specify the conclusions sought and set out the grounds in support of them.

It must also contain any other information required by the Tribunal's rules of evidence and procedure.

**13.** On receiving an originating pleading with regard to a matter that is for the occupational health and safety division to hear and decide, the Tribunal delivers a copy to the other parties and to the Commission des normes, de l'équité, de la santé et de la sécurité du travail. The Commission must, within 20 days after receiving a copy of the pleading, send a copy of the record in its possession relating to the contested decision to the Tribunal and to each of the parties.

The Tribunal has a right of access to the record that the Commission des normes, de l'équité, de la santé et de la sécurité du travail possesses with regard to a matter that is for the occupational health and safety division to hear and decide.

The Commission des normes, de l'équité, de la santé et de la sécurité du travail may intervene before that division at any time until the end of the proof and hearing. If it wishes to intervene, the Commission must send a notice to that effect to each of the parties and to the Tribunal; the Commission is then considered to be a party to the proceeding.

**14.** The Tribunal may accept a pleading despite a defect of form or an irregularity.

**15.** The Tribunal may extend a time limit or relieve a person from the consequences of failing to act within the allotted time if it is shown that the

person could not reasonably have acted within that time and if, in the Tribunal's opinion, no other party suffers serious harm as a result.

**16.** The rules pertaining to the notices provided for in article 95 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to matters brought before the Tribunal.

**17.** The notification of pleadings must be made in accordance with the rules established by the Tribunal.

**18.** If the Tribunal notes, after examining a matter that is for the occupational health and safety division to hear and decide, that the Commission des normes, de l'équité, de la santé et de la sécurité du travail failed to rule on certain issues although it was required to do so by law, the Tribunal may, if the hearing date has not been set, stay the proceeding for the period it determines so that the Commission may act.

If, at the expiry of the allotted time, the matter is maintained, the Tribunal hears it as though it were a matter to contest the original decision.

**19.** Whether or not the same parties are involved, matters in which the issues in dispute are substantially the same or could fittingly be combined may be joined by order of the president of the Tribunal or a person designated by the president, on specified conditions.

On its own initiative or at a party's request, the Tribunal may revoke such an order if, after hearing the matter, it is of the opinion that the interests of justice will thus be better served.

**20.** The parties may be represented by the person of their choice except a professional who has been struck off the roll or declared disqualified to practise, or whose right to engage in professional activities has been restricted or suspended in accordance with the Professional Code (chapter C-26) or any legislation governing a profession.

§2. — *Pre-decision conciliation and agreements*

**21.** With the consent of the parties to a matter, the president of the Tribunal, or a Tribunal member or personnel member designated by the president, may ask a conciliator to meet with the parties and attempt to bring them to an agreement.

**22.** Nothing said or written in the course of a conciliation session may be admitted as evidence without the parties' consent.

**23.** An agreement must be evidenced in writing and any documents to which it refers must be attached to it. It must be signed by the parties and, if applicable, the conciliator, and is binding on the parties.

The agreement may be submitted to the Tribunal for approval at either party's request. If no request for approval is submitted to the Tribunal within 12 months after the date of the agreement, the matter is terminated.

Despite the second paragraph, an agreement in a matter brought before the occupational health and safety division must be ratified by a Tribunal member to the extent that it is in accordance with law. The ratified agreement terminates the matter and stands as the Tribunal's decision.

**24.** If no agreement is reached or if the Tribunal refuses to ratify the agreement, the Tribunal must hold a hearing as soon as possible.

**25.** A person designated by the Tribunal to attempt to bring the parties to an agreement may not disclose or be compelled to disclose anything revealed to or learned by the person in the exercise of the person's functions, nor produce personal notes or any document made or obtained in the course of those functions, before a court or a body or person exercising judicial or quasi-judicial functions.

Despite section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person has a right of access to such a document unless it provides the basis for an agreement and for the decision to ratify the agreement.

### §3. — *Pre-hearing conference*

**26.** The Tribunal may call the parties to a pre-hearing conference.

**27.** The pre-hearing conference is held by a Tribunal member. Its purpose is

- (1) to define the issues to be argued at the hearing;
- (2) to assess the advisability of clarifying and specifying the parties' contentions and the conclusions sought;
- (3) to ensure that all documentary evidence is exchanged by the parties;
- (4) to plan the conduct of the proceeding and the order of presentation of evidence at the hearing;
- (5) to examine the possibility for the parties of admitting certain facts or of proving them by means of sworn statements; and
- (6) to examine any other matter likely to simplify or accelerate the conduct of the hearing.

The pre-hearing conference may also allow the parties to come to an agreement and thus terminate the matter.

**28.** The member must record, in the minutes of the pre-hearing conference, the points on which the parties have reached an agreement, the facts admitted and the decisions made by the member. The minutes are filed in the record and a copy is sent to the parties.

Agreements, admissions and decisions recorded in the minutes, as far as they may apply, govern the conduct of the proceeding unless the Tribunal, when hearing the matter, permits a departure from them to prevent an injustice.

§4. — *Hearing*

**29.** Every matter is heard by a Tribunal member, except matters pertaining to certification granted under section 28 of the Labour Code.

If the president considers it appropriate, the president may assign a matter to a panel of three members.

**30.** If the president considers it expedient, the president may assign one or more assessors appointed under section 84 to a member sitting on the occupational health and safety division.

**31.** The president may, in the interests of the sound administration of justice, determine that a matter must be heard and decided by preference or as a matter of priority.

**32.** A member who has knowledge of a valid cause for recusation must declare that cause in a writing filed in the record and advise the parties of it.

**33.** A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a member seized of the matter if the party has serious reasons to believe that there is a cause for recusation.

The application for recusation must be addressed to the president. Unless the member removes himself or herself from the matter, the application is decided by the president or by a member designated by the president.

**34.** If an inquiry is conducted by the Tribunal, the inquiry report must be filed in the record of the matter and a copy of it sent to all interested parties.

In such instances, the president and the vice-presidents may not, sitting alone, hear or decide the matter.

**35.** Before rendering its decision, the Tribunal must allow the parties to be heard by any means provided for in its rules of evidence and procedure. However, with the parties' consent, the Tribunal may proceed on the record if it considers it appropriate.

**36.** The Tribunal may sit at any place in Québec, even on a holiday. If a hearing is held in a locality where a court sits, the court clerk must allow the

Tribunal to use court premises free of charge unless they are being used for court sittings.

**37.** Notice must be sent to the parties within a reasonable time before the hearing, stating

(1) the purpose, date, time and place of the hearing;

(2) that the parties have the right to be assisted or represented; and

(3) that the Tribunal has the authority to proceed without further delay or notice despite a party's failure to appear at the stated time and place if no valid excuse is provided.

**38.** If a duly notified party does not appear at the time set for the hearing and has not provided a valid excuse for the party's absence, or chooses not to be heard, the Tribunal may proceed with the hearing of the matter and render a decision.

**39.** A party who wishes to have witnesses heard and to produce documents must proceed in the manner prescribed by the rules of evidence and procedure.

**40.** Except before the occupational health and safety division, a person summoned to testify before the Tribunal is entitled to the same taxation as witnesses before the Superior Court and to the reimbursement of travelling and living expenses.

Such taxation is payable by the party who proposed the summons, but a person who receives a salary during such a period is entitled only to the reimbursement of travelling and living expenses.

If a person is duly summoned on the Tribunal's initiative, the taxation is payable by the Tribunal.

**41.** A member may visit premises or order an expert appraisal by a qualified person the member designates to examine and assess the facts of a matter before the member.

The owner, lessee or occupant of premises that the member wishes to visit must facilitate access to them.

**42.** If a member cannot continue a hearing owing to an inability to act, another member designated by the president may, with the parties' consent, continue the hearing and rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the member finds the notes or the recording insufficient.



The same rule applies to the continuance of a hearing after a member ceases to hold office and to any matter heard but not yet determined at the time a member is removed from the matter.

If a matter is heard by more than one member, the hearing is continued by the remaining members.

**43.** In the absence of provisions applicable to a particular case, the Tribunal may remedy the inadequacy by any procedure consistent with this Act and its rules of evidence and procedure.

§5. — *Decision*

**44.** A matter is decided by the member who heard it.

If a matter is heard by more than one member, the decision is made by the majority.

If a matter is continued by two members under the third paragraph of section 42 and opinions are equally divided on an issue, the issue is referred to the president or a member designated by the president, to be decided according to law. In such a case, the president or designated member may, with the parties' consent, rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the president or designated member finds the notes or the recording insufficient.

**45.** Subject to a special rule provided by law, the Tribunal must render its decision within three months after the matter is taken under advisement and, in the case of the occupational health and safety division, within nine months after the originating pleading is filed.

The president may extend any time limit prescribed by this Act or a special Act for rendering a decision, taking into account the interested persons' or parties' circumstances and interests.

**46.** Failure by the Tribunal to observe a time limit does not cause the matter to be withdrawn from the member or invalidate a decision or order rendered or made by the member after the expiry of the time limit.

However, if a member to whom a matter is referred does not render a decision within the applicable time limit, the president may, by virtue of office or at a party's request, remove the member from the matter.

Before taking such action, the president must take the parties' circumstances and interests into account.

**47.** The Tribunal's decisions must be communicated in clear and concise terms.

A decision which, as far as a person is concerned, terminates a matter must give reasons and be set out in writing, signed and notified to the interested persons or parties. A decision rendered by the occupational health and safety division must also be notified to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

**48.** A decision containing an error in writing or calculation or any other clerical error may be corrected on the record and without further formality by the person who rendered the decision.

If the person is unable to act or has ceased to hold office, another labour relations officer or another Tribunal member, as the case may be, designated by the president may correct the decision.

**49.** The Tribunal may, on application, review or revoke a decision or an order it has rendered or made

(1) if a new fact is discovered which, had it been known in sufficient time, could have warranted a different decision;

(2) if an interested party, owing to reasons considered sufficient, could not make representations or be heard; or

(3) if a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the member who rendered or made it.

**50.** An application for review or revocation is brought by a motion filed with the Tribunal within a reasonable time after the decision concerned or after the discovery of a new fact that could warrant a different decision. The motion must specify the decision concerned and state the grounds in support of the motion. It must also contain any other information required by the rules of evidence and procedure.

Subject to section 17, the party filing the motion must send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it or, if the decision was rendered under Chapter V.1 of the Labour Code, within the time limit specified by the president of the Tribunal.

The Tribunal proceeds on the record unless a party asks to be heard or the Tribunal, on its own initiative, considers it appropriate to hear the parties.

**51.** The Tribunal's decision is final and without appeal, and the persons concerned must comply with it immediately.

The decision is enforceable according to the terms and conditions it sets out, provided the parties have received a copy of it or have been otherwise advised of it.

The forced execution of a decision begins by the decision being filed with the office of the Superior Court in the district in which the matter was commenced in accordance with the rules set out in the Code of Civil Procedure.

If the decision contains an order to do or not do something, any person named or designated in the decision who transgresses the order or refuses to comply with it, and any person not designated who knowingly contravenes it, is guilty of contempt of court and may be sentenced by the competent court, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure, to a fine not exceeding \$50,000 with or without a term of imprisonment of up to one year. These penalties may be reimposed until the offender complies with the decision. The special rule set out in this paragraph does not apply to a matter that is for the occupational health and safety division to hear and decide.

### **DIVISION III**

#### **TRIBUNAL MEMBERS**

##### *§1. — Recruitment and selection*

**52.** Only a person who has knowledge of the applicable legislation and 10 years' experience relevant to the exercise of the Tribunal's functions may be a member of the Tribunal.

**53.** Tribunal members are chosen from among persons declared qualified according to the recruiting and selection procedure established by government regulation.

The regulation prescribing the recruiting and selection procedure must, in particular,

- (1) determine the publicity to be made for recruitment purposes and its content;
- (2) determine the application procedure to be followed by candidates;
- (3) authorize the establishment of selection committees to assess the qualifications of candidates and formulate an opinion concerning them;
- (4) determine the composition of the committees and the mode of appointment of committee members;

(5) determine the selection criteria to be taken into account by a committee;  
and

(6) determine the information a committee may require from a candidate and the consultations it may hold.

**54.** The names of the persons declared qualified are recorded in a register kept at the Ministère du Conseil exécutif.

**55.** A certificate of qualification is valid for a period of 18 months or for any other period determined by government regulation.

**56.** The members of a selection committee are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

§2.—*Term and renewal*

**57.** Tribunal members are appointed for a term of five years.

However, the Government may determine a shorter term of a fixed duration in a member's instrument of appointment if the candidate so requests for serious reasons or if special circumstances stated in the instrument of appointment require it.

**58.** The term of a member is renewed for five years according to the procedure provided for in section 59,

(1) unless the member is otherwise notified by the agent authorized for that purpose by the Government, at least three months before the expiry of the member's term; or

(2) unless the member requests otherwise and so notifies the Minister at least three months before the expiry of the member's term.

A variation of the term is valid only for a fixed period of less than five years determined in the instrument of renewal and, unless it is requested by the member for serious reasons, only if special circumstances stated in the instrument of renewal require it.

**59.** The renewal of a Tribunal member's term must be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) determine the composition of the committees and the mode of appointment of committee members, who must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it;

(3) determine the criteria to be taken into account by a committee; and

(4) determine the information a committee may require from a Tribunal member and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a Tribunal member's term without first informing the member of its intention to do so and its reasons for doing so, and without giving the member an opportunity to make representations.

The members of an examination committee cannot be prosecuted for an act performed in good faith in the exercise of their functions.

**60.** The members of an examination committee are not remunerated except in such cases and on such conditions as may be determined by the Government.

They are, however, entitled to the reimbursement of any expenses incurred in the exercise of their functions, on the conditions determined by the Government.

§3.—*Remuneration and other conditions of employment*

**61.** The Government makes regulations determining

(1) the mode of remuneration of the members and the applicable standards and scales as well as the method for determining the annual percentage of salary advancement up to the maximum salary rate and the annual percentage of the adjustment of the remuneration of members whose salary has reached the maximum rate; and

(2) the conditions under which and the extent to which a member may be reimbursed for expenses incurred in the exercise of the functions of office.

The Government may also make regulations determining other conditions of employment applicable to all or some members, including employee benefits other than a pension plan.

Regulatory provisions may vary according to whether they apply to a member holding an administrative office within the Tribunal.

The regulations come into force on the 15th day following the date of their publication in the *Gazette officielle du Québec* or on a later date specified in the regulations.

**62.** The Government determines the members' remuneration, employee benefits and other conditions of employment in accordance with the regulations.

**63.** Once a member's remuneration has been set, it may not be reduced.

However, additional remuneration attaching to an administrative office within the Tribunal ceases on termination of the office.

**64.** The pension plan of Tribunal members is determined pursuant to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

**65.** A public servant appointed as a Tribunal member ceases to be subject to the Public Service Act (chapter F-3.1.1) in all matters concerning the office of member; for the duration of the term of office and for the purpose of discharging the duties of office, such a public servant is on full leave without pay.

#### §4. — *Ethics and impartiality*

**66.** Before entering office, members must take an oath, solemnly affirming the following: "I (...) swear that I will exercise the powers and fulfil the duties of my office impartially and honestly and to the best of my knowledge and abilities."

Members take the oath before the president of the Tribunal; the president takes the oath before a judge of the Court of Québec.

The writing evidencing the oath is sent to the Minister.

**67.** The Government must, after consultation with the president, establish a code of ethics applicable to the members.

The Tribunal must make the code public.

**68.** The code of ethics sets out the rules of conduct of members and their duties toward the public, the parties, the parties' witnesses and the persons representing the parties; it defines, in particular, conduct that is derogatory to the honour, dignity or integrity of members. In addition, it may determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of interests, and the functions they may exercise free of charge.

**69.** A member may not, on pain of forfeiture of office, have a direct or indirect interest in an enterprise that may cause the member's personal interest to conflict with the duties of office, unless the interest devolves to the member by succession or gift and the member renounces it or disposes of it with dispatch.

**70.** In addition to complying with conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Act, members must refrain from engaging in activities or placing themselves in situations that are incompatible, within the meaning of that code, with the exercise of their functions.

**71.** Full-time members must devote themselves exclusively to their office, but may, with the president's written consent, engage in teaching activities for which they may be remunerated. They may also carry out any mandate conferred on them by the Government after consultation with the president.

§5. — *End of term and suspension*

**72.** A member's term may terminate prematurely only if the member retires or resigns or is dismissed or otherwise removed from office in the circumstances described in this subdivision.

**73.** To resign, a member must give the Minister reasonable notice in writing and send a copy to the president.

**74.** The Government may dismiss a Tribunal member if the Conseil de la justice administrative so recommends, following an inquiry into a complaint for a breach of the code of ethics, of a duty under this Act or of the requirements relating to conflicts of interest or incompatible functions. It may also suspend or reprimand the member.

The complaint must be in writing, briefly state the grounds on which it is based and be sent to the seat of the council.

When examining a complaint brought against a Tribunal member, the council must act in accordance with sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, if the council forms an inquiry committee for the purposes of section 186 of that Act, two committee members, at least one of whom neither practises a legal profession nor is a member of a body of the Administration whose president or chair is a member of the council, must be chosen from among the council members referred to in paragraphs 1, 2 and 7 to 9 of section 167 of that Act. The third member of the inquiry committee is the council member referred to in paragraph 4 of that section or is chosen from a list drawn up by the president of the Tribunal, after consultation with all the members of the Tribunal. In the latter case, if the inquiry committee finds the complaint to be justified, the third member takes part in the deliberations of the council for the purpose of determining a penalty.

**75.** The Government may remove a Tribunal member from office for loss of a qualification required by law to exercise the functions of office or if in its opinion a permanent disability prevents the member from satisfactorily performing the duties of office. Permanent disability is ascertained by the

Conseil de la justice administrative after an inquiry is conducted at the request of the Minister or of the president of the Tribunal.

When conducting an inquiry to determine whether a member has a permanent disability, the council acts in accordance with sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications; however, the formation of an inquiry committee is subject to the rules set out in the fourth paragraph of section 74.

**76.** A Tribunal member whose term has expired may, with the authorization of and for the time determined by the president, continue to exercise the functions of office in order to conclude the matters the member has begun to hear but has yet to determine; in such instances, the member is considered to be a supernumerary member for the time required.

The first paragraph does not apply to a member who has been dismissed or otherwise removed from office.

#### **DIVISION IV**

##### **CONDUCT OF TRIBUNAL'S BUSINESS**

###### **§1.—Administrative office**

**77.** The Government designates a president and vice-presidents.

Those persons must meet the requirements set out in section 52 and are designated after consultation with the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail. On being appointed, they become Tribunal members holding an administrative office.

**78.** The Minister designates a vice-president to temporarily replace the president or another vice-president when required.

If the vice-president so designated is absent or unable to act, the Minister designates another vice-president as a replacement.

**79.** The administrative office of the president or a vice-president is of a fixed duration of up to five years determined in the instrument of appointment or renewal.

**80.** The administrative office of the president or a vice-president may terminate prematurely only if they relinquish the office, if their appointment as member expires, or if they are dismissed or otherwise removed from administrative office in the circumstances referred to in section 81.



**81.** The Government may remove the president or a vice-president from administrative office for loss of a qualification required by law to hold that office.

The Government may also remove those persons from administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister's request concerning a breach pertaining only to their administrative powers and duties. The council acts in accordance with sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications; however, the formation of an inquiry committee is subject to the rules set out in the fourth paragraph of section 74.

§2. — *Management and administration*

**82.** In addition to the powers and duties that may otherwise be assigned to the president, the president is responsible for the Tribunal's administration and general management.

The president's functions include

(1) directing the Tribunal's personnel and ensuring that they carry out their functions;

(2) fostering members' participation in the formulation of guiding principles for the Tribunal so as to maintain a high level of quality and coherence in its decisions;

(3) designating a member to be responsible for the administration of an office of the Tribunal;

(4) coordinating the work of and assigning work to the Tribunal members, who must comply with the president's orders and directives in that regard;

(5) seeing that standards of ethical conduct are complied with; and

(6) promoting the professional development of Tribunal members and personnel as regards the exercise of their functions.

**83.** When a member is appointed, the president assigns the member to one or more divisions of the Tribunal and one or more regions.

To expedite the Tribunal's business, the president may reassign or temporarily assign a member to another division or region.

In assigning work to members, the president takes their specific knowledge and experience into account.

Only an advocate or a notary may be assigned, permanently or temporarily, to the occupational health and safety division.

**84.** The president appoints full-time assessors to the occupational health and safety division.

Their function is to sit with the members and advise them on any question of a medical, professional or technical nature.

To expedite the business of that division, the president may also appoint persons who are not members of the Tribunal's personnel as part-time or temporary assessors and determine their fees.

**85.** The president appoints conciliators, whose function is to meet with the parties and attempt to bring them to an agreement.

**86.** The president appoints labour relations officers to exercise the functions, duties and powers assigned to the Tribunal by the Labour Code. The officers are charged with

(1) attempting to bring the parties to an agreement;

(2) ascertaining the representative character of an association of employees or its right to be certified; and

(3) at the president's request or on their own initiative in matters referred to them, conducting investigations into alleged contraventions of section 12 of that Code or conducting surveys or research on any question relating to certification or to the safeguarding or exercise of freedom of association.

**87.** The president appoints persons to conduct investigations or to help the parties come to an agreement for the purposes of Chapter V.1 of the Labour Code.

**88.** The offices referred to in sections 85 to 87 may be held concurrently. Persons who hold those offices must also assume any other functions entrusted to them by the president.

**89.** The president must establish a code of ethics applicable to assessors, conciliators, labour relations officers and investigators and see that it is observed.

The Tribunal must make the code public.

**90.** The president may delegate all or some of the president's powers and duties to the vice-presidents or to a member responsible for the administration of a regional office.

**91.** In addition to the powers and duties that may be delegated to them by the president or otherwise be assigned to them, the vice-presidents assist and

advise the president in the exercise of the president's functions and perform their administrative functions under the president's authority.

**92.** The Tribunal may enter into an agreement with any person, association, partnership or body, or with the Government or a department or body of the Government.

It may also, subject to the applicable legislative provisions, enter into an agreement with another government or an international organization, or with a body of such a government or organization.

§3. — *Personnel and material and financial resources*

**93.** The secretary and the other members of the Tribunal's personnel are appointed in accordance with the Public Service Act.

**94.** The secretary has custody of the Tribunal's records.

**95.** Documents emanating from the Tribunal are authentic if they are signed or, in the case of copies, if they are certified by the president, a vice-president or the secretary or by a person designated by the president for that purpose.

**96.** Once a matter is terminated, the parties must retrieve the exhibits they produced and the documents they filed.

Exhibits and documents that are not retrieved may be destroyed after the expiry of one year from the date of the Tribunal's final decision or from the date of the proceeding terminating the matter, unless the president decides otherwise.

**97.** The Administrative Labour Tribunal Fund is established.

The Fund is dedicated to financing the Tribunal's activities.

**98.** The following are credited to the Fund:

(1) the sums transferred to it by the Minister out of the appropriations allocated for that purpose by Parliament;

(2) the sums paid by the Commission des normes, de l'équité, de la santé et de la sécurité du travail under section 366.1 of the Act respecting industrial accidents and occupational diseases, section 28.1 of the Act respecting labour standards and section 228.1 of the Act respecting occupational health and safety;

(3) the sums paid by the Commission de la construction du Québec under section 8.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry, by a mandatory Corporation

and by the Régie du bâtiment du Québec under sections 129.11.1 and 152.1 of the Building Act;

(4) the sums transferred to it by the Minister for the purposes of section 41.1 of the Act respecting workforce vocational training and qualification;

(5) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges relating to the matters brought before, the pleadings and other documents filed with or the services provided by the Tribunal; and

(6) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001).

Despite section 51 of the Financial Administration Act, the books of account of the Administrative Labour Tribunal Fund need not be kept separately from the Tribunal's books and accounts. In addition, section 53, the second paragraph of section 54 and section 56 of that Act do not apply to the Fund.

**99.** The sums required for the purposes of the Tribunal's activities are debited from the Fund.

**100.** The Tribunal's fiscal year ends on 31 March.

**101.** Each year the president submits the Tribunal's budgetary estimates for the following fiscal year to the Minister, in accordance with the form, content and schedule determined by the Minister.

The estimates are submitted to the Government for approval.

The Tribunal's budgetary estimates must include, in relation to the Administrative Labour Tribunal Fund, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act and, as applicable, the excess amount referred to in section 52 of that Act.

Despite the third paragraph of section 47 of the Financial Administration Act, the Tribunal's budgetary estimates need not be prepared jointly with the Minister of Finance and the Chair of the Conseil du trésor.

Once approved by the Government, the Tribunal's budgetary estimates are sent to the Minister of Finance, who includes the elements relating to the Administrative Labour Tribunal Fund in the special funds budget.

**102.** The Tribunal's books and accounts are audited by the Auditor General each year and whenever the Government so orders.

**103.** The Tribunal must, not later than 30 June each year, report to the Minister on its activities and governance. The report must contain the information required by the Minister.

The report must not designate by name any person involved in the matters brought before the Tribunal. The Tribunal may, in the report, make recommendations on the Acts, regulations, policies, programs and administrative procedures under its jurisdiction.

The Minister must table the report in the National Assembly without delay or, if the Assembly is not sitting, within 15 days after resumption.

**104.** Each year, the president presents a plan to the Minister in which the president sets out management objectives aimed at ensuring the accessibility of the Tribunal and the quality and promptness of its decision-making process, and gives an account of the results achieved in the preceding year.

#### §4. — *Regulations*

**105.** In a regulation passed by a majority of its members, the Tribunal may make rules of evidence and procedure specifying the manner in which the rules established by this Act or by the Acts under which matters are heard by the Tribunal are to be applied and make exceptions in the application of the rules established by law concerning a recourse or a division of the Tribunal.

The Tribunal may also establish the rules to be observed by the parties in reaching an agreement or drawing up a list pursuant to Chapter V.1 of the Labour Code.

Such a regulation is submitted to the Government for approval.

**106.** Except before the occupational health and safety division, the Government may, by regulation, determine the tariff of administrative fees, professional fees and other charges relating to the matters brought before, the pleadings and other documents filed with or the services provided by the Tribunal, as well as the mode of payment of such fees and charges.

#### §5. — *Immunity and recourses*

**107.** The Tribunal, its members and its personnel members may not be prosecuted for an act performed in good faith in the exercise of their functions.

**108.** Except on a question of jurisdiction, no recourse under articles 33 and 834 to 846 of the Code of Civil Procedure may be exercised nor any injunction granted against the Tribunal, its members or its labour relations officers acting in their official capacity.

A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to this section.

**109.** No recourse may be exercised by reason or in consequence of a report or an order made by the Tribunal under Chapter V.1 of the Labour Code or any related publications.

## CHAPTER II

### AMENDING, TRANSITIONAL AND FINAL PROVISIONS

#### DIVISION I

##### AMENDING PROVISIONS

##### WORKERS' COMPENSATION ACT

**110.** Section 46 of the Workers' Compensation Act (chapter A-3) is amended by replacing "Commission des normes du travail" in paragraphs *a* and *b* of subsection 7 by "Commission".

##### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**111.** Section 2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended

(1) by replacing the definition of "**Commission**" by the following definition:

"**Commission**" means the Commission des normes, de l'équité, de la santé et de la sécurité du travail";

(2) by adding the following definition in alphabetical order:

"**Administrative Labour Tribunal**" or "**Tribunal**" means the Administrative Labour Tribunal established by the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15);".

**112.** Section 43 of the Act is amended by replacing "the fourth paragraph of section 296 and sections 429.25, 429.26 and 429.32" by "the second paragraph of section 296 of this Act and the first and second paragraphs of section 13 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)".

**113.** Section 329 of the Act is amended by adding the following paragraph at the end:

"A worker referred to in the first paragraph may, at any time until the end of the proof and hearing, intervene before the Tribunal in a proceeding under this section."

**114.** Section 359 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Tribunal”;

(2) by adding the following paragraphs at the end:

“If such a contestation concerns a decision cancelling an income replacement indemnity granted by the Commission, the Tribunal may order that the execution of the contested decision be postponed as regards that conclusion and that the effects of the initial decision be maintained for the time it specifies, provided the beneficiary demonstrates that there is an emergency or that he would suffer serious harm were the initial decision of the Commission to cease to have effect.

The following must be heard and decided by preference:

(1) a contestation referred to in the second paragraph;

(2) a contestation brought under this section and concerning the reduction or suspension of an indemnity established under subparagraph *e* of paragraph 2 of section 142.

The following must be heard and decided as a matter of priority:

(1) a contestation brought under this section in respect of the existence of an employment injury other than a recurrence, relapse or aggravation, or the fact that the person is a worker or is considered to be a worker;

(2) a contestation brought under this section and concerning the foreseeable date when the worker’s employment injury will consolidate or the foreseeable time the injury will take to consolidate, or the existence or assessment of the worker’s functional disability.

A decision in respect of a contestation referred to in the fourth paragraph must be rendered within 90 days after the originating pleading is filed and within 60 days after the matter is taken under advisement.”

**115.** The Act is amended by inserting the following section after section 366:

“**366.1.** The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under this Act.

The amount of the Commission’s contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister.”

**116.** Chapter XII of the Act, comprising sections 367 to 429.59, is repealed.

**117.** Section 589 of the Act is amended

(1) by replacing “Commission de la santé et de la sécurité du travail” by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”;

(2) by striking out “, except Chapter XII” at the end.

#### FINANCIAL ADMINISTRATION ACT

**118.** Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Commission de l’équité salariale”.

**119.** Schedule 2 to the Act is amended

(1) by striking out “Commission des lésions professionnelles”, “Commission des normes du travail” and “Commission des relations du travail”;

(2) by inserting “Administrative Labour Tribunal” in alphabetical order.

#### ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

**120.** Section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended

(1) by replacing “of the Commission des relations du travail established under the Labour Code (chapter C-27)” in the first paragraph by “of the Administrative Labour Tribunal”;

(2) by replacing “to the Commission des relations du travail” in the third paragraph by “to the Administrative Labour Tribunal”.

#### HEALTH INSURANCE ACT

**121.** Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing “Commission de la santé et de la sécurité du travail, the Commission des normes du travail” in the sixth paragraph by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

**122.** Section 128 of the Act respecting the Barreau du Québec (chapter B-1) is amended, in subsection 2,

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



“(2) the Administrative Labour Tribunal;”;

(2) by replacing “Commission de la santé et de la sécurité du travail established pursuant to the Act respecting occupational health and safety (chapter S-2.1), a review board established under the said Act or the Workers’ Compensation Act (chapter A-3),” in subparagraph 3 of paragraph *a* by “Commission des normes, de l’équité, de la santé et de la sécurité du travail established by the Act respecting occupational health and safety (chapter S-2.1), a review board established under the Workers’ Compensation Act (chapter A-3) or” and by striking out “, the Commission d’appel en matière de lésions professionnelles established pursuant to the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or the Commission des lésions professionnelles established under the said Act” in that subparagraph.

#### BUILDING ACT

**123.** Section 129.11.1 of the Building Act (chapter B-1.1) is amended by replacing “fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27),” by “Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)”.

**124.** Section 152.1 of the Act is amended by replacing “fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27),” by “Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)”, with the necessary modifications.

#### CITIES AND TOWNS ACT

**125.** Section 72.1 of the Cities and Towns Act (chapter C-19) is replaced by the following section:

“**72.1.** The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”

## LABOUR CODE

**126.** Section 1 of the Labour Code (chapter C-27) is amended

(1) by replacing “Commission” in paragraph *b* by “Tribunal”, with the necessary modifications;

(2) by striking out paragraph *i*;

(3) by replacing “Commission” when it appears in subparagraphs 1 and 3 of paragraph *l* as a reference to the Commission des relations du travail by “Tribunal”, with the necessary modifications;

(4) by replacing subparagraph 7 of paragraph *l* by the following subparagraph:

“(7) a public servant of the Tribunal assigned to functions set out in section 86 or 87 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15);”;

(5) by adding the following paragraph at the end:

“(t) “Tribunal”: the Administrative Labour Tribunal established by the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15);”.

**127.** The Code is amended by inserting the following section after section 14:

**“14.0.1.** Any complaint to the Tribunal relating to the application of section 12, section 13 or, in the case of a refusal to employ a person, section 14, must be filed with the Tribunal within 30 days of the alleged contravention coming to light.

In addition to the powers otherwise conferred on it, the Tribunal may dissolve an association of employees if it is proved to the Tribunal that the association participated in a contravention of section 12. If the association is a professional syndicate, the Tribunal shall send an authentic copy of its decision to the enterprise registrar, who shall give notice of the decision in the *Gazette officielle du Québec*.”

**128.** Section 16 of the Code is amended by replacing “at one of the offices of the Commission” by “with the Tribunal”.**129.** The Code is amended by inserting the following section after section 39:

**“39.1.** A decision concerning a petition for certification must be rendered within 60 days after the petition is filed.

Section 35 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) does not apply if such a decision is rendered by a labour relations officer. The labour relations officer must, however, allow the interested parties to make representations and, if appropriate, to produce documents to complete the record.”

**130.** The Code is amended by inserting the following section after section 46:

**“46.1.** The Tribunal's decision upon a motion referred to in the first paragraph of section 46 with regard to the applicability of sections 45 to 45.3 must be rendered within 90 days after the motion is filed.”

**131.** Section 47.3 of the Code is amended by striking out “, within six months,”.

**132.** Section 47.5 of the Code is amended by inserting the following paragraph before “If the Commission considers that”:

**“47.5.** Any complaint based on section 47.2 must be made within six months of the employee becoming aware of the actions giving rise to the complaint.”

**133.** Section 100.2 of the Code is amended by replacing “136” in the third paragraph by “27 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)”.

**134.** Section 101 of the Code is amended by replacing the second sentence by the following sentence: “Section 51 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) applies to the arbitration award, with the necessary modifications.”

**135.** Section 111.3 of the Code is amended by adding the following paragraph at the end:

“A decision in respect of an application under the first paragraph must be rendered within the period comprised between the end of the period for filing an application for certification and the date of expiration of the collective agreement or document in lieu thereof. The second paragraph of section 39.1 applies to such a decision.”

**136.** Section 111.22 of the Code is replaced by the following section:

**“111.22.** When the Tribunal acts under a provision of this chapter, sections 21 to 23, 35 and 45, the second and third paragraphs of section 46 and the third and fourth paragraphs of section 51 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) do not apply.”

**137.** The Code is amended by inserting the following after section 111.32:

#### **“CHAPTER V.4**

##### **“GENERAL POWERS OF THE TRIBUNAL**

**“111.33.** In addition to the powers assigned to it by this Code and the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15), the Tribunal may, for the purposes of this Code,

(1) order a person, a group of persons, an association or a group of associations to do, not do or cease doing something in order to comply with this Code;

(2) require any person to remedy any act done or any omission made in contravention of this Code;

(3) order a person or a group of persons, taking into consideration the conduct of the parties, to apply the measures of redress it considers best;

(4) issue an order not to authorize or participate in, or to cease authorizing or participating in, a strike or slowdown within the meaning of section 108 or a lock-out that is or would be contrary to this Code, or to take the measures it considers appropriate to induce the persons represented by an association not to participate in, or to cease participating in, such a strike, slowdown or lock-out; and

(5) order, where applicable, that the grievance and arbitration procedure under a collective agreement be accelerated or modified.

However, these powers do not apply in the case of a strike, a slowdown, any concerted action other than a strike or slowdown or a lock-out, whether real or apprehended, in a public service or in the public and parapublic sectors within the meaning of Chapter V.1.”

**138.** Chapter VI of Title I of the Code, comprising sections 112 to 137.63, is repealed.

**139.** Section 138 of the Code is amended by striking out everything that follows subparagraph *e* of the first paragraph.

**140.** Section 139 of the Code is amended by replacing “an arbitrator, the Commission, any of its commissioners or a labour relations officer of the Commission acting in their official capacity” by “arbitrators acting in their official capacity”.

**141.** Section 139.1 of the Code is amended by replacing “to any person, body or agency mentioned in section 139 acting in their official capacities” by “to arbitrators acting in their official capacity”.

**142.** Section 140.1 of the Code is repealed.

**143.** Section 144 of the Code is amended by replacing “of the Commission” by “of the Tribunal under this Code”.

**144.** Sections 150 and 151 of the Code are repealed.

**145.** Section 152.1 of the Code is amended by striking out the second sentence.

**146.** Schedule I to the Code is repealed.

#### MUNICIPAL CODE OF QUÉBEC

**147.** Article 267.0.3 of the Municipal Code of Québec (chapter C-27.1) is replaced by the following article:

**“267.0.3.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”

**148.** Article 678.0.2.6 of the Code is amended by replacing the third paragraph by the following paragraphs:

“An officer or employee dismissed by a local municipality who is not identified in a document referred to in the first paragraph of article 678.0.2.3 may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Administrative Labour Tribunal requesting it to conduct an inquiry.

The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications, as do the provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal."

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

**149.** Section 74 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is replaced by the following section:

**"74.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications."

#### ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

**150.** Section 65 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is replaced by the following section:

**"65.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications."

#### ACT RESPECTING CONTRACTING BY PUBLIC BODIES

**151.** Section 7.1 of the Act respecting contracting by public bodies (chapter C-65.1) is repealed.

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

**152.** Section 88.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph authorizes the person on whom the penalty is imposed to assert his rights before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

**153.** Section 356 of the Act is amended

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

“**356.** An employee believing himself to be the victim of a contravention of a provision of this division may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”;

(2) by replacing “the Commission des relations du travail” in the second and third paragraphs by “the Administrative Labour Tribunal”.

#### ACT RESPECTING SCHOOL ELECTIONS

**154.** Section 30.1 of the Act respecting school elections (chapter E-2.3) is amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph authorizes the persons on whom the penalty is imposed to assert their rights before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

**155.** Section 205 of the Act is replaced by the following section:

“**205.** An employee believing himself to be the victim of a contravention of a provision of this chapter may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

#### ELECTION ACT

**156.** Section 255 of the Election Act (chapter E-3.3) is amended

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

“**255.** An employee believing himself to be the victim of a contravention of a provision of this division may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise

by an employee of a right under the Labour Code (chapter C-27) apply in such a case, with the necessary modifications.”;

(2) by replacing “the Commission des relations du travail” in the second and third paragraphs by “the Administrative Labour Tribunal”.

## PAY EQUITY ACT

**157.** Section 4 of the Pay Equity Act (chapter E-12.001) is amended by adding the following paragraph at the end:

“In this Act, unless the context indicates otherwise, “Commission” means the Commission des normes, de l’équité, de la santé et de la sécurité du travail.”

**158.** The heading of Chapter V of the Act is replaced by the following heading:

“DUTIES AND POWERS OF THE COMMISSION”.

**159.** Division I of Chapter V of the Act, comprising sections 77 to 92, is repealed.

**160.** The Act is amended by striking out the following headings before section 93:

### “DIVISION II

“DUTIES AND POWERS”.

**161.** Section 94 of the Act is amended by replacing “its duties and powers” in the introductory clause by “the duties and powers assigned to it by this Act”.

**162.** Section 95.2 of the Act is amended by replacing “the president of the Commission” by “the vice-chairman of the Commission who is responsible for matters relating to this Act”.

**163.** Section 95.4 of the Act is amended by adding “under this Act” at the end of subparagraph 1 of the first paragraph.

**164.** Section 98 of the Act is amended by inserting “or subparagraph 3 of the first paragraph of section 76.2” after “32”.

**165.** Section 114 of the Act is amended by inserting “made under this Act” after “Commission” in the second paragraph.

**166.** The Act is amended by inserting the following chapter after section 114:



**“CHAPTER VII.1****“FINANCING**

**“114.1.** The expenses incurred for the purposes of this Act are paid out of the contributions collected under Chapter III.1 of the Act respecting labour standards (chapter N-1.1).”

**ACT RESPECTING MUNICIPAL TAXATION**

**167.** Section 200 of the Act respecting municipal taxation (chapter F-2.1) is amended

(1) by replacing “with the Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry” in the second paragraph by “with the Administrative Labour Tribunal requesting it to conduct an inquiry”;

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

“The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”;

(3) by replacing all occurrences of “Commission des relations du travail” in the last paragraph by “Administrative Labour Tribunal”, with the necessary modifications.

**JURORS ACT**

**168.** Section 47 of the Jurors Act (chapter J-2) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “the Code” by “the Labour Code (chapter C-27)”.

**ACT RESPECTING ADMINISTRATIVE JUSTICE**

**169.** Section 167 of the Act respecting administrative justice (chapter J-3) is amended by replacing paragraphs 3 to 6 by the following paragraphs:

“(3) the president of the Administrative Labour Tribunal;

“(4) a member of the Administrative Labour Tribunal, other than a vice-president, chosen after consultation with all its members;”.

**170.** Section 168 of the Act is amended by striking out “6,” in the first paragraph.

**171.** Section 184.2 of the Act is amended

- (1) by replacing “seven” in the first paragraph by “five”;
- (2) by replacing “Three” in the second paragraph by “Two”;
- (3) by adding the following paragraph after the second paragraph:  
“The quorum of the committee is three members.”

#### ANTI-CORRUPTION ACT

**172.** Section 72 of the Anti-Corruption Act (chapter L-6.1) is amended

- (1) by replacing “Commission des relations du travail” in the first paragraph by “Administrative Labour Tribunal”, with the necessary modifications;
- (2) by replacing “of the Labour Code (chapter C-27) that pertain to the Commission des relations du travail and its commissioners and to their decisions and the exercise of their powers” in the second paragraph by “of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction”.

#### ACT RESPECTING LABOUR STANDARDS

**173.** Section 1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “the Commission des normes du travail established under section 4” in subparagraph 2 of the first paragraph by “the Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

**174.** The heading of Chapter III of the Act is replaced by the following heading:

“FUNCTIONS AND POWERS OF THE COMMISSION”.

**175.** Sections 4 and 6 to 28 of the Act are repealed.

**176.** Section 28.1 of the Act is replaced by the following section:

**“28.1.** The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under Divisions II to III of Chapter V of this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister."

**177.** Section 29 of the Act is amended by striking out paragraph 1.

**178.** Section 31 of the Act is repealed.

**179.** The Act is amended by inserting the following chapter after section 39.0.0.3:

**"CHAPTER III.0.1**

**"LABOUR STANDARDS ADVISORY COMMITTEE**

**"39.0.0.4.** The Minister shall, by an order published in the *Gazette officielle du Québec*, create a labour standards advisory committee whose role is to provide its opinion on any matter that the Minister or the Commission submits to it concerning the carrying out of this Act.

The advisory committee is composed of the number of members determined by the ministerial order, including at least one person from each of the following groups:

- (1) non-unionized employees;
- (2) unionized employees;
- (3) employers from the big business sector;
- (4) employers from the small and medium-sized business sector;
- (5) employers from the cooperative sector;
- (6) women;
- (7) young people;
- (8) families; and
- (9) cultural communities.

The members are appointed after consultation with bodies that, in the Minister's view, are representative of those groups.

The ministerial order may specify how the advisory committee is to carry out its consultations and set out the committee's operating rules.

**“39.0.0.5.** Meetings of the advisory committee are called and chaired by the vice-chairman who is responsible for matters relating to this Act. The Commission shall assume the secretarial work for the committee. The secretary designated by the Commission shall see to the preparation and conservation of the minutes and opinions of the committee.

**“39.0.0.6.** The members of the committee receive no remuneration except in the cases, on the conditions and to the extent determined in the ministerial order. However, they are entitled to be reimbursed for expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the ministerial order.

**“39.0.0.7.** The Commission shall seek the advisory committee’s opinion

(1) on any regulation it intends to make under this Act;

(2) on any tools it intends to propose in order to facilitate the application of this Act;

(3) on any problems encountered in the application of this Act that it identifies; and

(4) on any other matter that it sees fit to submit to the committee or that the Minister determines.

The advisory committee’s opinions are not binding on the Commission.”

**180.** Section 123.4 of the Act is amended

(1) by replacing “by the Commission des normes du travail, the Commission des normes du travail” in the first paragraph by “by the Commission des normes, de l’équité, de la santé et de la sécurité du travail, the latter” and “to the Commission des relations du travail” by “to the Administrative Labour Tribunal”;

(2) by inserting “and of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)” after “Labour Code (chapter C-27)” in the second paragraph.

**181.** Section 123.14 of the Act is replaced by the following section:

**“123.14.** The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”

**182.** Section 127 of the Act is replaced by the following section:

**“127.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”

**183.** The Act is amended by inserting the following section after section 145:

**“145.1.** Penal proceedings for an offence under this Act may be instituted by the Commission.”

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

**184.** Section 176.20.1 of the Act respecting municipal territorial organization (chapter O-9) is amended by replacing paragraph 3 by the following paragraph:

“(3) contributions paid to the Commission des normes, de l'équité, de la santé et de la sécurité du travail;”.

#### ACT RESPECTING THE PROCESS FOR DETERMINING THE REMUNERATION OF CRIMINAL AND PENAL PROSECUTING ATTORNEYS AND RESPECTING THEIR COLLECTIVE BARGAINING PLAN

**185.** Section 11 of the Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1) is amended by striking out “and the second paragraph of section 116” in the second paragraph.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

**186.** Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended

(1) by striking out both occurrences of “the Commission des relations du travail”;

(2) by replacing “the Commission de la santé et de la sécurité du travail” in paragraph 5 by “the Commission des normes, de l'équité, de la santé et de la sécurité du travail”;

(3) by replacing paragraph 9 by the following paragraph:

“(9) THE CHAIR OF THE BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

**187.** Schedule III to the Act is amended by replacing “the Commission des normes du travail” and “the Commission de la santé et de la sécurité du travail” by “the Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

#### ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

**188.** Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by replacing “the Commission de la santé et de la sécurité du travail” in paragraph 6 by “the Commission des normes, de l’équité, de la santé et de la sécurité du travail”;

(2) by replacing paragraph 10 by the following paragraph:

“(10) THE CHAIR OF THE BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES NORMES, DE L’ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

**189.** Schedule V to the Act is amended by replacing “the Commission des normes du travail” and “the Commission de la santé et de la sécurité du travail” by “the Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

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

**190.** Section 8.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “to the fund of the Commission des relations du travail, established by section 137.62 of the Labour Code (chapter C-27), to cover the expenses incurred by the latter commission” in the first paragraph by “to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) to cover the expenses incurred by the Tribunal”.

**191.** Section 22 of the Act is amended

(1) by replacing “commissioner of the Commission des relations du travail” and all occurrences of “commissioner” in the first paragraph by “member of the Administrative Labour Tribunal” and “member”, respectively;

(2) by replacing all occurrences of “commissioner” in the second and third paragraphs by “member”.

**192.** Section 23 of the Act is amended by replacing “commissioner of the Commission des relations du travail” by “member of the Administrative Labour Tribunal”.

**193.** Section 27 of the Act is amended by replacing “file a complaint with the Commission des relations du travail and request that it exercise the powers granted under section 47.5 of the Code. In addition to the powers entrusted to it by the Code, the Commission des relations du travail may” in the third paragraph by “file a complaint with the Administrative Labour Tribunal and request that it exercise the powers granted under section 47.5 of that Code. In addition to the powers entrusted to it by that Code and the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15), the Tribunal may”.

**194.** Section 32 of the Act is amended by replacing the third paragraph by the following paragraph:

“The voting period begins on the first working day of the eleventh month preceding the expiry date of the collective agreement made under section 47 and ends 20 days later. The counting of the votes begins on the first working day after the voting period, with all the ballot papers that have been received by the time the counting begins.”

**195.** Section 58.1 of the Act is amended

(1) by replacing “the Commission des relations du travail” by “the Administrative Labour Tribunal”;

(2) by replacing “119” by “111.33”.

**196.** Section 107 of the Act is amended

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

“**107.** The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications, to a complaint filed with the Administrative Labour Tribunal under section 105 of this Act.”;

(2) by replacing “The Commission des relations du travail” in the second paragraph by “The Administrative Labour Tribunal”, with the necessary modifications.

**197.** Section 124 of the Act is amended by replacing the second paragraph by the following paragraph:

“However, the provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) and the Labour Code (chapter C-27) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers and the relevant provisions of regulations made under them apply in the construction industry to any request, application, motion, complaint or proceedings brought before the Tribunal under this Act.”

#### ACT RESPECTING THE REPRESENTATION OF CERTAIN HOME CHILDCARE PROVIDERS AND THE NEGOTIATION PROCESS FOR THEIR GROUP AGREEMENTS

**198.** Section 3 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1) is amended by replacing “the Commission des relations du travail established by section 112 of the Labour Code (chapter C-27)” in the first paragraph by “the Administrative Labour Tribunal”.

**199.** Section 58 of the Act is amended

(1) by replacing “of the Commission de la santé et de la sécurité du travail, established by section 137 of the Act respecting occupational health and safety (chapter S-2.1), and of the Commission des lésions professionnelles, established by section 367 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001)” in the first paragraph by “of the Commission des normes, de l’équité, de la santé et de la sécurité du travail and the Administrative Labour Tribunal”;

(2) by replacing “Commission de la santé et de la sécurité du travail” in the third paragraph by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

**200.** Section 59 of the Act is replaced by the following section:

**“59.** The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal’s jurisdiction under the provisions of this Act, except section 58.



Likewise, the relevant provisions of the rules of evidence and procedure made under that Code, that Act and their regulations apply to any applications the Tribunal may receive.”

**201.** Section 109 of the Act is replaced by the following section:

“**109.** The Commission des normes, de l’équité, de la santé et de la sécurité du travail may not receive a complaint filed under the Pay Equity Act (chapter E-12.001) by a home childcare provider to whom this Act applies.”

ACT RESPECTING THE REPRESENTATION OF FAMILY-TYPE  
RESOURCES AND CERTAIN INTERMEDIATE RESOURCES AND THE  
NEGOTIATION PROCESS FOR THEIR GROUP AGREEMENTS

**202.** Section 4 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) is amended by replacing “the Commission des relations du travail established by section 112 of the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal”.

**203.** Section 53 of the Act is amended

(1) by replacing “the Commission des relations du travail” in subparagraph 3 of the second paragraph by “the Administrative Labour Tribunal”;

(2) by replacing “The Commission des relations du travail may, on its own initiative or at the request of an interested person, exercise its powers under the Labour Code (chapter C-27) in order to enforce this section if, in its opinion,” in the third paragraph by “The Administrative Labour Tribunal may, on its own initiative or at the request of an interested person, exercise its powers under the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) in order to enforce this section if, in its opinion,”.

**204.** Section 58 of the Act is amended

(1) by replacing “of the Commission de la santé et de la sécurité du travail established by section 137 of the Act respecting occupational health and safety (chapter S-2.1) and of the Commission des lésions professionnelles established by section 367 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001)” in the first paragraph by “of the Commission des normes, de l’équité, de la santé et de la sécurité du travail and the Administrative Labour Tribunal”;

(2) by replacing “Commission de la santé et de la sécurité du travail” in the third paragraph by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

**205.** Section 59 of the Act is replaced by the following section:

**“59.** The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal's jurisdiction under the provisions of this Act, except section 58. Likewise, the relevant provisions of the rules of evidence and procedure made under that Code, that Act and their regulations apply to any applications the Tribunal may receive.”

**206.** Section 132 of the Act is replaced by the following section:

**“132.** The Commission des normes, de l'équité, de la santé et de la sécurité du travail may not receive a complaint filed under the Pay Equity Act (chapter E-12.001) by a resource to whom this Act applies.”

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

**207.** Section 1 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by replacing the definition of “**Commission**” by the following definition:

““**Commission**” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail established by section 137;”;

(2) by striking out the definition of “**Commission des lésions professionnelles**”;

(3) by adding the following definition in alphabetical order:

““**Administrative Labour Tribunal**” means the Administrative Labour Tribunal established by the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15);”.

**208.** The Act is amended by inserting the following section after section 8:

**“8.0.1.** Chapter VIII.1 and sections 167, 170, 172 and 173 do not apply to the Act respecting labour standards (chapter N-1.1) or the Pay Equity Act (chapter E-12.001).”

**209.** Section 37.3 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Administrative Labour Tribunal”;

(2) by adding the following paragraph at the end:

“Proceedings brought under this section are heard and decided by preference.”

**210.** Section 137 of the Act is amended by replacing “Commission de la santé et de la sécurité du travail” by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

**211.** Section 142 of the Act is amended by adding the following paragraphs at the end:

“One of the vice-chairmen is responsible only for matters relating to the Pay Equity Act (chapter E-12.001). Another vice-chairman is responsible for matters relating to the Act respecting labour standards (chapter N-1.1).

The vice-chairman responsible for matters relating to the Pay Equity Act is appointed after consultation with the Comité consultatif du travail et de la main-d’œuvre.”

**212.** Section 161 of the Act is amended

(1) by inserting “the commissioners,” after “the Commission,”;

(2) by adding the following paragraph at the end:

“Moreover, for the purposes of an inquiry, the commissioners have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.”

**213.** The Act is amended by inserting the following after section 161:

**“DIVISION I.0.1**

**“INDIVIDUAL DECISIONS IN PAY EQUITY MATTERS**

**“161.0.1.** Individual decisions under the Pay Equity Act (chapter E-12.001) are made by the vice-chairman responsible for matters relating to the Pay Equity Act under section 142, and two commissioners.

The commissioners are appointed by the Government after consultation with bodies that, in the Minister’s view, are representative of employers, employees and women.

“**161.0.2.** The commissioners are appointed for a term not exceeding five years. At the expiry of their term, they remain in office until replaced or reappointed.

“**161.0.3.** The commissioners must devote their time exclusively to the duties of their office, which they must exercise on a full-time basis.

“**161.0.4.** The commissioners’ remuneration, employee benefits and other conditions of employment are determined by the Government.

“**161.0.5.** The vice-chairman responsible for matters relating to the Pay Equity Act (chapter E-12.001) and one commissioner constitute the quorum at sittings held under this division. In the case of a tie vote, the vice-chairman has a casting vote. The vice-chairman or a commissioner designated by the vice-chairman may, sitting alone, exercise the powers conferred on the Commission under Division I of Chapter VI of the Pay Equity Act.

“**161.0.6.** If a commissioner is absent or unable to act, the Minister may appoint an interim replacement on the conditions the Minister determines.

“**161.0.7.** The Government may, after consultation with the chairman and vice-chairman of the Commission, appoint any additional commissioner for the time it determines if it considers this necessary for the dispatch of business under this division; the Government shall set the additional commissioner’s salary, employee benefits, additional salary, fees and allowances, as applicable.”

**214.** The Act is amended by inserting the following section after section 162:

“**162.1.** Each year, the chairman of the board of directors and chief executive officer shall submit to the Minister the financial forecasts of the Commission relating to pay equity matters for the following fiscal year, in accordance with the form and content and on the date determined by the Minister. The forecasts, which must provide for the continuation of the activities and mission of the Commission relating to pay equity matters, are submitted to the Minister for approval.”

**215.** Sections 167.2 and 176.0.3 of the Act are repealed.

**216.** The Act is amended by inserting the following section after section 172:

“**172.1.** The Commission may generally or specially authorize a person to exercise the powers conferred on it by the Pay Equity Act (chapter E-12.001) and the Act respecting labour standards (chapter N-1.1).

The second paragraph of section 172 applies to a person referred to in the first paragraph.”

**217.** The Act is amended by inserting the following section after section 174.2:

**“174.3.** The Commission must ensure that measures are implemented to ensure that employees who are members of a professional order governed by the Professional Code (chapter C-26) comply with the standards of conduct to which they are subject.”

**218.** Section 193 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Administrative Labour Tribunal”;

(2) by adding the following paragraph at the end:

“Proceedings brought under this section are heard and decided by preference.”

**219.** The Act is amended by inserting the following section after section 228:

**“228.1.** The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister.”

#### CIVIL PROTECTION ACT

**220.** Section 129 of the Civil Protection Act (chapter S-2.3) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “arising out of the Code” by “under the Labour Code (chapter C-27)”.

#### FIRE SAFETY ACT

**221.** Section 154 of the Fire Safety Act (chapter S-3.4) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “arising out of the Code” by “under the Labour Code (chapter C-27)”.

## ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

**222.** Section 43 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended, in the third paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “the said Code” by “the Labour Code (chapter C-27)”.

## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

**223.** Section 74 of the Act respecting public transit authorities (chapter S-30.01) is replaced by the following section:

“**74.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code (chapter C-27) apply, with the necessary modifications.”

## ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN THE VISUAL ARTS, ARTS AND CRAFTS AND LITERATURE, AND THEIR CONTRACTS WITH PROMOTERS

**224.** Section 3 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01) is amended

(1) by striking out the definition of “Commission”;

(2) by adding the following definition at the end:

““Tribunal” means the Administrative Labour Tribunal.”

## ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM ARTISTS

**225.** Section 2 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1) is amended

(1) by striking out the definition of “**Commission**”;

(2) by adding the following definition at the end:

““**Tribunal**” means the Administrative Labour Tribunal.”

**226.** Section 59.1 of the Act is amended by replacing “paragraph 1 of section 118 of the Code” by “subparagraph 1 of the second paragraph of section 9 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15)”.

**227.** Section 64 of the Act is replaced by the following section:

“**64.** The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (2015, chapter 15) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal’s jurisdiction under this Act. Likewise, the relevant provisions of the rules of evidence and procedure made under that Code, that Act and their regulations apply to any applications the Tribunal may receive.”

#### PROFESSIONAL SYNDICATES ACT

**228.** Section 27 of the Professional Syndicates Act (chapter S-40) is amended by replacing “section 118” in the first paragraph by “the second paragraph of section 14.0.1”.

#### COURTS OF JUSTICE ACT

**229.** Section 5.2 of the Courts of Justice Act (chapter T-16) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “arising out of the Code” by “under the Labour Code (chapter C-27)”.

#### INTEGRITY IN PUBLIC CONTRACTS ACT

**230.** Section 4 of the Integrity in Public Contracts Act (2012, chapter 25) is replaced by the following section:

“**4.** Section 7 of the Act is repealed.”

**231.** Section 75 of the Act is repealed.

**232.** Section 89 of the Act is amended by replacing “in sections 7 and 7.1 of that Act as they read before” by “in section 7 of that Act as it read before”.

**233.** Section 90 of the Act is amended by replacing “in sections 7 and 7.1” by “in section 7”.

**234.** Section 102 of the Act is amended by replacing “75” by “74”.

## REGULATION RESPECTING CONTRIBUTION RATES

**235.** Section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is amended by replacing “0.08%” by “0.07%”.

## MINISTERIAL ORDER 2009-001

**236.** Ministerial order 2009-001 (2009, G.O. 2, 2805, in French only) is amended by replacing all occurrences of “la présidente de la Commission” and “la présidente” in sections 4, 5, 6, 9, 15 and 17 by “le vice-président de la Commission des normes, de l’équité, de la santé et de la sécurité du travail chargé des questions relatives à la Loi sur l’équité salariale” and “le vice-président”, respectively.

## OTHER AMENDING PROVISIONS

**237.** Unless the context indicates otherwise, in any other Act, including an Act amended by this Act, and in any regulation,

(1) “Commission de l’équité salariale”, “Commission des normes du travail” and “Commission de la santé et de la sécurité du travail” are replaced by “Commission des normes, de l’équité, de la santé et de la sécurité du travail”;

(2) “Commission des lésions professionnelles” and “board”, when it means the Commission des lésions professionnelles, are replaced by “Administrative Labour Tribunal” and “Tribunal”, respectively, with the necessary modifications;

(3) “Commission des relations du travail” and “Commission”, when it means the Commission des relations du travail, are replaced by “Administrative Labour Tribunal” and “Tribunal”, respectively, with the necessary modifications; and

(4) “Commission des relations du travail established by the Labour Code (chapter C-27)” and “Commission des relations du travail established under the Labour Code (chapter C-27)” are replaced by “Administrative Labour Tribunal”, with the necessary modifications.

**238.** Unless the context indicates otherwise, in any order, order in council, proclamation, administrative remedy, judicial proceeding, judgment, ordinance, contract, agreement, accord or other document,

(1) a reference to the Commission de l’équité salariale, the Commission des normes du travail or the Commission de la santé et de la sécurité du travail is a reference to the Commission des normes, de l’équité, de la santé et de la sécurité du travail; and

(2) a reference to the Commission des lésions professionnelles or the Commission des relations du travail is a reference to the Administrative Labour Tribunal.



## DIVISION II

### TRANSITIONAL AND FINAL PROVISIONS

§1. — *Transitional provisions regarding the Commission des normes, de l'équité, de la santé et de la sécurité du travail*

**239.** The Commission des normes, de l'équité, de la santé et de la sécurité du travail replaces the Commission de l'équité salariale and the Commission des normes du travail and acquires their rights and assumes their obligations.

**240.** The surpluses accumulated by the Commission des normes du travail are paid into the Consolidated Revenue Fund.

Such surpluses are credited to the Generations Fund as if they were covered by section 4 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1).

**241.** Calls for tenders initiated by the Commission de la santé et de la sécurité du travail before 1 January 2016 are continued in accordance with the provisions applicable on the date they were initiated.

**242.** Any contract in progress on 1 January 2016 is continued in accordance with the provisions applicable to the Commission des normes, de l'équité, de la santé et de la sécurité du travail. If such a provision is incompatible with a provision of the contract, the former provision prevails.

**243.** Matters pending before the Commission de l'équité salariale are continued before the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

**244.** The Commission des normes, de l'équité, de la santé et de la sécurité du travail becomes, without continuance of suit, party to all proceedings to which the Commission de l'équité salariale and the Commission des normes du travail were party.

**245.** A regulation or by-law made by the Commission de l'équité salariale or the Commission des normes du travail, other than an internal by-law, is deemed to be a regulation or by-law made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

**246.** The terms of the members of the board of directors of the Commission de la santé et de la sécurité du travail end on 31 December 2015.

**247.** The term of the chair of the board of directors and chief executive officer of the Commission de la santé et de la sécurité du travail ends on 31 December 2015, without compensation other than the allowance provided for in his or her instrument of appointment.

**248.** The terms of the vice-chairs of the Commission de la santé et de la sécurité du travail end on 31 December 2015, without compensation other than the allowance provided for in their instruments of appointment.

The vice-chairs are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their instruments of appointment.

**249.** The second paragraph of section 141 of the Act respecting occupational health and safety (chapter S-2.1) does not apply to the appointment of the chair of the Commission des normes, de l'équité, de la santé et de la sécurité du travail who is to take office on 1 January 2016.

**250.** The terms of the members of the board of directors of the Commission des normes du travail end on 31 December 2015.

**251.** The term of the chair and director general of the Commission des normes du travail ends on 31 December 2015, under the conditions set out in his or her instrument of appointment.

**252.** The terms of the vice-chairs of the Commission des normes du travail end on 31 December 2015, without compensation other than the allowance provided for in their instruments of appointment.

**253.** The term of the president of the Commission de l'équité salariale ends on 31 December 2015.

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in his or her instrument of appointment.

**254.** The terms of the members of the Commission de l'équité salariale, other than the president, end on 31 December 2015, without compensation other than the allowance provided for in their instruments of appointment.

§2. — *Transitional provisions regarding the Administrative Labour Tribunal*

**255.** The Administrative Labour Tribunal replaces the Commission des lésions professionnelles and the Commission des relations du travail, acquires their rights and assumes their obligations.

**256.** The assets and liabilities of the fund of the Commission des lésions professionnelles provided for in section 429.12 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), repealed by section 116, and those of the fund of the Commission des relations du travail provided for in section 137.62 of the Labour Code (chapter C-27), repealed by section 138, are transferred to the Administrative Labour Tribunal Fund established by section 97.

**257.** Unless the expenditure and investment estimates for the Administrative Labour Tribunal Fund have already been approved by Parliament for the fiscal year in progress on 1 January 2016, the expenditure and investment estimates that are approved for the Fund for that fiscal year correspond to the sum of the available balances of the expenditures and investments approved for that fiscal year for the fund of the Commission des lésions professionnelles provided for in section 429.12 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, and the fund of the Commission des relations du travail provided for in section 137.62 of the Labour Code, repealed by section 138, that are approved for that fiscal year.

**258.** Commissioners of the Commission des lésions professionnelles and the Commission des relations du travail serve out any unexpired portion of their terms as members of the Administrative Labour Tribunal.

The qualifications required by law for becoming a member of the Administrative Labour Tribunal, including 10 years' experience relevant to the exercise of the Tribunal's functions, are not required of persons who become Tribunal members under the first paragraph, even on the subsequent renewal of their terms, for as long as they remain members. The same holds for the commissioners of the Commission des lésions professionnelles who become Tribunal members under the first paragraph as regards the qualification of being an advocate or a notary that is required for appointment to the occupational health and safety division.

**259.** The administrative offices of the president and vice-presidents of the Commission des lésions professionnelles and of the Commission des relations du travail end on 31 December 2015.

**260.** The terms of members of the Commission des lésions professionnelles, other than commissioners, appointed under the fourth or fifth paragraph of section 385 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, end on 31 December 2015.

Such members do not conclude the matters they have begun.

**261.** Matters pending before the Commission des relations du travail or the Commission des lésions professionnelles are continued before the competent division of the Administrative Labour Tribunal.

A matter the hearing of which had already begun or that is under advisement is continued and decided by the commissioner who was assigned to it and who has become a member of the Administrative Labour Tribunal under section 258. The same applies to matters that were assigned to a panel of three commissioners who have become members of the Tribunal.

**262.** The rules of evidence and procedure provided for in this Act to apply before the Administrative Labour Tribunal, including the provisions pertaining to the commencement of a matter, conciliation, the pre-hearing conference and

the hearing, apply according to the status of the matters pending that are continued before the Administrative Labour Tribunal.

However, the Tribunal may set aside those rules and apply the relevant former rules if it considers that the provisions of this Act cause injury to a party.

The relevant former rules of evidence, procedure and practice remain valid with regard to matters pending the hearing of which has begun.

**263.** Until a regulation establishing rules of evidence and procedure is made under the first paragraph of section 105, the rules that applied before the Commission des lésions professionnelles and the Commission des relations du travail continue to apply as suppletive provisions, but only to the extent that they are consistent with this Act.

**264.** The oath taken under section 412 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, or under section 137.32 of the Labour Code, repealed by section 138, by a commissioner who becomes a member of the Administrative Labour Tribunal under section 258 is deemed to have been taken in accordance with section 66 and stands in place of the oath set out in that section.

**265.** Commissioners assigned to a division or region by the competent authorities of the body they came from are considered to have been assigned to the corresponding division of the Administrative Labour Tribunal until such time as the president decides otherwise.

**266.** Commissioners who become members of the Administrative Labour Tribunal under section 258 receive the same remuneration they were receiving on 31 December 2015; they continue to be so remunerated, despite the coming into force of a regulation respecting remuneration and other conditions of employment, if the remuneration they receive is greater than that prescribed by the regulation, until parity is reached.

Until the coming into force of a regulation under section 61, the remuneration and other conditions of employment of persons who become members of the Administrative Labour Tribunal after it is established are determined by the Government.

The first paragraph does not apply to the additional remuneration received by a commissioner described in section 258 for an administrative office.

**267.** The employee benefits and other conditions of employment of commissioners, as they existed prior to the coming into force of this Act, remain applicable to persons who become members of the Administrative Labour Tribunal under section 258 until the coming into force of a regulation respecting remuneration and other conditions of employment.

**268.** Until a code of ethics applicable to the members of the Administrative Labour Tribunal is established under section 67, members of the Tribunal must abide by the code of ethics that applied to them within the body they came from.

**269.** The Code of ethics of the assessors and conciliators of the Commission des lésions professionnelles (chapter A-3.001, r. 3), as it read on 31 December 2015, continues to apply, with the necessary modifications, until the coming into force of the code of ethics established under section 89.

**270.** The last activity reports of the Commission des relations du travail and of the Commission des lésions professionnelles must be prepared and submitted to the Minister by the Administrative Labour Tribunal not later than 1 July 2016.

Those reports must cover the entire period of activity not covered by the last activity reports submitted by the commissions to the Minister.

The Minister tables the reports in the National Assembly within 30 days after receiving them or, if the Assembly is not sitting, within 30 days after resumption.

Such reports must not designate by name any person involved in matters brought before the commissions.

**271.** The terms of the members of the Conseil de la justice administrative who are from the Commission des relations du travail or the Commission des lésions professionnelles end on 31 December 2015. However, such members may conclude the matters pending before them on that date.

§3. — *Other transitional provisions*

**272.** The Minister may, with regard to a commission referred to in this Act, issue any directive on the management of its human, budgetary, physical and information resources in order to facilitate the establishment of the bodies provided for in this Act. A directive may also specify the information which must be sent to the Minister and the time limit for doing so. A directive is binding on the commission concerned and the commission must comply with it.

**273.** The Minister may cancel any decision of a commission referred to in this Act if the decision affects its human, budgetary, physical or information resources in a manner the Minister considers contrary to the future interests of the bodies referred to in this Act.

Such a cancellation may apply to any decision made between 15 April 2015 and the start date of the activities of the Commission des normes, de l'équité, de la santé et de la sécurité du travail or the Administrative Labour Tribunal, as applicable. It must be rendered within 60 days after the decision and has

effect from the date it is rendered. However, a decision made before 12 June 2015 may be cancelled within 60 days after the latter date.

**274.** The Minister may, for the purposes of sections 272 and 273, establish committees to advise the Minister on any question the Minister may submit to them.

**275.** The Government may, by regulation and before 12 December 2016, take any measure necessary or useful for carrying out this Act or fully achieving its purpose.

Such a regulation may, if it so provides, apply as of any later date not prior to 12 June 2015.

§4. — *Final provisions*

**276.** The Minister must, not later than 12 June 2020 and subsequently every 10 years, report to the Government on the carrying out of this Act and the advisability of amending it.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption.

**277.** The Minister of Labour, Employment and Social Solidarity is responsible for the carrying out of this Act. The Minister's responsibility with regard to the Administrative Labour Tribunal also extends to the exercise of the Tribunal's functions under any other Act.

**278.** This Act comes into force on 1 January 2016, except sections 272 to 275 and 277, which come into force on 12 June 2015, and section 235, which comes into force on 1 January 2017.

## SCHEDULE I

*(Section 5)*

In addition to matters arising from the enforcement of the Labour Code, except Division V.1 of that Code, the labour relations division hears and decides proceedings under

(1) the second paragraph of section 45, the second paragraph of section 46 and the third paragraph of section 137.1 of the Charter of the French language (chapter C-11);

(2) the second paragraph of section 72 of the Cities and Towns Act (chapter C-19);

(3) the second paragraph of article 267.0.2 and the third paragraph of article 678.0.2.6 of the Municipal Code of Québec (chapter C-27.1);

(4) the fourth paragraph of paragraph *g* of section 48 of the Act respecting the Commission municipale (chapter C-35);

(5) the second paragraph of section 73 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(6) the second paragraph of section 64 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

(7) the first paragraph of section 30.1 of the Act respecting collective agreement decrees (chapter D-2);

(8) the second paragraph of section 88.1 and the first paragraph of section 356 of the Act respecting elections and referendums in municipalities (chapter E-2.2);

(9) section 205 of the Act respecting school elections (chapter E-2.3);

(10) the second paragraph of section 144 and the first paragraph of section 255 of the Election Act (chapter E-3.3);

(11) sections 104 to 107, the second paragraph of section 109, section 110, the third paragraph of section 111 and sections 112 and 121 of the Pay Equity Act (chapter E-12.001);

(12) section 17.1 of the National Holiday Act (chapter F-1.1);

(13) section 20 and the second paragraph of section 200 of the Act respecting municipal taxation (chapter F-2.1);

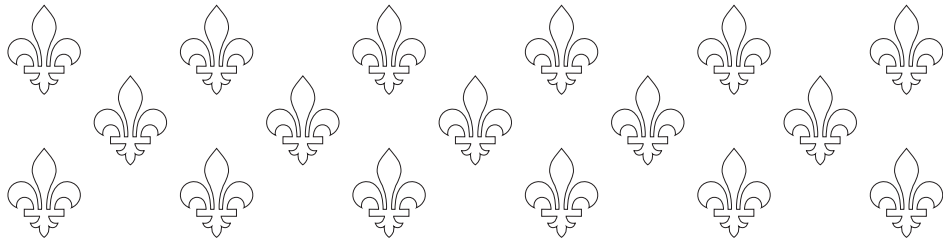
(14) the second paragraph of section 65, the fourth paragraph of section 66 and the third paragraph of section 67 of the Public Service Act (chapter F-3.1.1);

- (15) the second paragraph of section 47 of the Jurors Act (chapter J-2);
- (16) sections 86.1, 123.4, 123.9, 123.12 and 126 of the Act respecting labour standards (chapter N-1.1);
- (17) sections 176.1, 176.6, 176.7 and 176.11 of the Act respecting municipal territorial organization (chapter O-9);
- (18) section 19 of the Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1);
- (19) sections 7, 8, 21, 24, 27, 29, 55 and 104 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1);
- (20) sections 9, 10, 23, 26, 29, 31, 54 and 127 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);
- (21) the second paragraph of section 129 of the Civil Protection Act (chapter S-2.3);
- (22) the second paragraph of section 154 of the Fire Safety Act (chapter S-3.4);
- (23) the third paragraph of section 43 of the Act respecting pre-hospital emergency services (chapter S-6.2);
- (24) the second paragraph of section 73 of the Act respecting public transit authorities (chapter S-30.01);
- (25) sections 15, 21 and 23 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01);
- (26) sections 12, 20, 22, 42.5, 56, 57, 58 and 59.1 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1);
- (27) the second paragraph of section 5.2 of the Courts of Justice Act (chapter T-16);
- (28) sections 10 and 17, the second paragraph of section 23, sections 32 and 76 and the second paragraph of section 82 of the Act respecting bargaining units in the social affairs sector (chapter U-0.1);
- (29) the sixth paragraph of section 57 of the Act to amend various legislative provisions concerning regional county municipalities (2002, chapter 68);



(30) section 75 of the Act to amend the Sustainable Forest Development Act and other legislative provisions (2013, chapter 2).





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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 47  
(2015, chapter 18)

**An Act to modernize the governance of  
Bibliothèque et Archives nationales du  
Québec**

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**Introduced 13 May 2015  
Passed in principle 5 June 2015  
Passed 12 June 2015  
Assented to 12 June 2015**

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**Québec Official Publisher  
2015**

## EXPLANATORY NOTES

*This Act makes various organizational and operational changes to Bibliothèque et Archives nationales du Québec in line with recent practices adopted for the governance of state-owned bodies and enterprises.*

*The changes concern mainly the separation of the offices of chair of the board of governors and president and chief executive officer, the composition of the board, including a requirement to maintain a significant proportion of independent members, and the establishment, under the authority of the board, of an audit committee, a governance and ethics committee and a human resources committee.*

*New planning and reporting requirements are imposed on Bibliothèque et Archives nationales du Québec.*

*Lastly, the Act contains transitional and final provisions.*

## LEGISLATION AMENDED BY THIS ACT:

– Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2).

## **Bill 47**

### **AN ACT TO MODERNIZE THE GOVERNANCE OF BIBLIOTHÈQUE ET ARCHIVES NATIONALES DU QUÉBEC**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** The heading of Chapter I of the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2) is replaced by the following:

“ORGANIZATION

“DIVISION I

“ESTABLISHMENT”.

**2.** Sections 4 to 13 of the Act are replaced by the following:

“DIVISION II

“BOARD OF GOVERNORS

“**4.** The affairs of Bibliothèque et Archives nationales are administered by a board of governors composed of 15 members, including the chair of the board and the president and chief executive officer, appointed in accordance with the rules set out in this division.

“**4.1.** Nine board members are appointed by the Government on the recommendation of the Minister of Culture and Communications and taking into consideration the expertise and experience profiles established by the board, after consultation with bodies the Minister considers representative of the sectors concerned. Among the board members appointed by the Government,

(1) two must come from the archival sector;

(2) two must come from the library science sector;

(3) one must come from the education sector;

(4) one must come from the cultural sector, such as the book, film or music industry; and

(5) the other three may come from various sectors, including the business sector.

One member, a user of Bibliothèque et Archives nationales, is appointed by the Government on the recommendation of the users' committee established under section 13.2.

The person acting as head librarian of Ville de Montréal is a member of the board by virtue of office.

Two other board members are appointed by the Government on the recommendation of Ville de Montréal, one from the borough library sector and the other from the culture and heritage sectors in the territory of Ville de Montréal.

**“4.2.** The chair of the board and the president and chief executive officer are appointed by the Government; their offices may not be held concurrently.

The president and chief executive officer is appointed on the recommendation of the board, based on the expertise and experience profile established by the board.

If the board does not recommend a candidate for the position of president and chief executive officer within a reasonable time, the Government may appoint the president and chief executive officer after notifying the board members.

**“4.3.** At least two thirds of the board members, including the chair, must, in the opinion of the Government, qualify as independent members within the meaning of section 4 of the Act respecting the governance of state-owned enterprises (chapter G-1.02). Sections 5 to 8 of that Act apply, with the necessary modifications.

**“4.4.** One board member must be a member of the professional order of accountants mentioned in the Professional Code (chapter C-26).

One board member must have expertise related to document management within a public body within the meaning of section 2 of the Archives Act (chapter A-21.1).

At least three board members must be from regions other than the Montréal region.

**“4.5.** The composition of the board must tend towards gender parity. The appointments must also be consistent with the government policy established under subparagraph 1 of the first paragraph of section 43 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

**“5.** The chair of the board and the president and chief executive officer are appointed for a term of up to five years and the other board members for a term of up to four years.

At the end of their term, the board members remain in office until replaced or reappointed.

**“6.** Board members may be reappointed twice to serve in that capacity only for a consecutive or non-consecutive term.

In addition to terms served as a board member, the chair of the board may be reappointed twice to serve in that capacity for a consecutive or non-consecutive term.

**“7.** A vacancy on the board is filled in accordance with the rules of appointment governing the appointment of the member to be replaced.

Absence from the number of board meetings determined in the by-laws made under section 13.6 constitutes a vacancy.

**“8.** The president and chief executive officer may not have a direct or indirect interest in a body, enterprise or association that places his or her personal interests in conflict with those of Bibliothèque et Archives nationales. If such an interest devolves to the president and chief executive officer, including by succession or gift, it must be renounced or disposed of with dispatch.

Any other board member who has a direct or indirect interest in a body, enterprise or association that places the member's personal interests in conflict with those of Bibliothèque et Archives nationales must disclose it in writing to the chair of the board and abstain from participating in any discussion or decision involving that body, enterprise or association. The member must also withdraw from a meeting while the matter is discussed or voted on.

This section does not prevent a board member from expressing an opinion on general measures relating to conditions of employment within Bibliothèque et Archives nationales that would also apply to the board member.

**“9.** If a board member is sued by a third party for an act done in the exercise of the functions of office, Bibliothèque et Archives nationales shall assume the member's defence and pay any damages awarded as compensation for the injury resulting from that act, unless the member committed a gross fault or a personal fault separable from those functions.

In penal or criminal proceedings, however, Bibliothèque et Archives nationales shall pay the member's defence costs only if the member was discharged or acquitted, or if it judges that the member acted in good faith.

**“10.** If Bibliothèque et Archives nationales sues a board member for an act done in the exercise of the functions of office and loses its case, it shall pay the member's defence costs if the court so decides.

If Bibliothèque et Archives nationales wins its case only in part, the court may determine the amount of the defence costs it must pay.

**“11.** Board members other than the president and chief executive officer receive no remuneration except in the cases, on the conditions and to the extent determined by the Government. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

### **“DIVISION III**

#### **“OPERATION**

##### **“§1. — *Board of governors and its chair***

**“12.** The board of governors shall determine the strategic directions of Bibliothèque et Archives nationales, see to their implementation and inquire into any issue it considers important.

The board is accountable to the Government, and its chair is answerable to the Minister, for the decisions of Bibliothèque et Archives nationales.

**“13.** The board exercises the functions described in sections 15 to 18 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications, including

- (1) adopting the strategic plan;
- (2) approving the financial statements, annual activity report and annual budget; and
- (3) approving the expertise and experience profiles to be used in appointing board members and those recommended for the office of president and chief executive officer.

**“13.1.** The board must establish an audit committee, a governance and ethics committee and a human resources committee.

The president and chief executive officer cannot be a member of these committees.

These committees are composed solely of independent members.

The responsibilities and rules applicable to those committees are those set out in sections 22 to 27 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.

**“13.2.** In addition to setting up a users' committee, the board may establish any other committee to examine specific issues or to facilitate the proper operation of Bibliothèque et Archives nationales.



Subject to the provisions of this Act, the board shall determine the composition, functions, duties and powers of the committees, and the rules governing the administration of their affairs and any other measure useful for their operation.

**“13.3.** The chair of the board shall preside at board meetings and see to the proper operation of the board.

The chair shall also see to the proper operation of the board committees and may take part in any committee meeting.

**“13.4.** The chair of the board shall evaluate the performance of the other board members according to criteria established by the board.

The chair shall also assume any other function assigned by the board.

**“13.5.** The board shall designate the chair of one of the committees established under section 13.1 as vice-chair to act as a replacement when the chair of the board is absent or unable to act.

**“13.6.** The board may make by-laws to govern the internal management of Bibliothèque et Archives nationales.

The by-laws may provide that absence from the number of board meetings they determine constitutes a vacancy in the cases and circumstances they specify.

**“13.7.** The quorum at board meetings is the majority of its members, including the president and chief executive officer or the chair of the board.

Board decisions are made by a majority vote of the members present.

In the case of a tie vote, the person presiding at the meeting has a casting vote.

**“13.8.** No deed, document or writing binds Bibliothèque et Archives nationales, or may be attributed to it, unless it is signed by the president and chief executive officer or, to the extent and on the conditions provided by by-law of the board, by another person authorized to do so.

The by-law may also, subject to the conditions it determines, allow a required signature to be affixed by means of an automatic device to the documents it determines, or a facsimile of a signature to be engraved, lithographed or printed on such documents. However, the facsimile has the same force as the signature itself only if the document is countersigned by a person authorized by the chair of the board.

**“13.9.** The minutes of board meetings, approved by the board and certified true by the chair or by any other person authorized to do so under the by-laws of the board, are authentic, as are the documents or copies of documents emanating from Bibliothèque et Archives nationales or forming part of its records, provided they are signed or certified true by one of those persons.

“§2. — *President and chief executive officer*

**“13.10.** The president and chief executive officer is responsible for the direction and management of Bibliothèque et Archives nationales within the framework of its by-laws and policies.

The president and chief executive officer shall propose strategic directions to the board, as well as a capital plan and an operating plan for Bibliothèque et Archives nationales.

The president and chief executive officer shall also assume any other function assigned by the board.

**“13.11.** The president and chief executive officer must make sure that the board is given, at its request, adequate human, material and financial resources to enable it and its committees to perform their functions.

**“13.12.** The office of president and chief executive officer is a full-time position.

**“13.13.** The Government shall determine the remuneration, employee benefits and other conditions of employment of the president and chief executive officer.

**“13.14.** The board may designate a personnel member of Bibliothèque et Archives nationales to temporarily exercise the functions of the president and chief executive officer when the latter is absent or unable to act.

“§3. — *Personnel members*

**“13.15.** The personnel members of Bibliothèque et Archives nationales are appointed according to the staffing plan and the standards it establishes. The staffing plan includes at least three senior management positions, with one senior manager responsible for the preservation mission, another for the dissemination mission, and a third for the archival mission. The latter bears the title “Keeper of the Archives nationales du Québec”; the office of the Keeper is located in the city of Québec.

Subject to the provisions of a collective agreement, Bibliothèque et Archives nationales shall determine the standards and scales of remuneration, employee benefits and other conditions of employment of its personnel members in accordance with the conditions defined by the Government.”

- 3.** Section 17 of the Act is repealed.
- 4.** The heading of Chapter IV of the Act is replaced by the following heading:  
“PLANNING, AUDITING AND REPORTING”.
- 5.** Sections 25 and 26 of the Act are replaced by the following section:  
  
“**25.** Bibliothèque et Archives nationales must prepare a strategic plan and submit it to the Government for approval. The plan must take into account the policy directions and objectives given by the Minister.  
  
The plan must be submitted on or before the date set by the Minister and established in accordance with the form, content and intervals determined by the Minister.  
  
The plan must include  
  
(1) the context in which Bibliothèque et Archives nationales operates and the main challenges it faces;  
  
(2) the objectives and strategic directions of Bibliothèque et Archives nationales;  
  
(3) the results targeted over the period covered by the plan;  
  
(4) the performance indicators to be used in measuring results; and  
  
(5) any other element determined by the Minister.”
- 6.** Section 27 of the Act is amended by adding the following paragraph at the end:  
  
“The report must also include the information required under sections 36 to 39 of the Act respecting the governance of state-owned enterprises (chapter G-1.02), with the necessary modifications.”
- 7.** The Act is amended by inserting the following section after section 27:  
  
“**27.1.** Bibliothèque et Archives nationales must also provide the Minister with any information the Minister requires regarding its activities.”
- 8.** The Act is amended by inserting the following sections after section 29:  
  
“**29.1.** The Minister may issue directives on the direction and general objectives to be pursued by Bibliothèque et Archives nationales.

The directives must be approved by the Government, and come into force on the day they are approved. Once approved, they are binding on Bibliothèque et Archives nationales, which must comply with them.

The directives must be tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

**“29.2.** At least once every 10 years, the Minister must report to the Government on the carrying out of this Act. The report must include recommendations concerning the updating of the mission of Bibliothèque et Archives nationales.

The Minister tables the report in the National Assembly.”

#### TRANSITIONAL AND FINAL PROVISIONS

**9.** The chair of Bibliothèque et Archives nationales in office on 12 June 2015 continues in office on the same terms, for the unexpired portion of his or her term, as president and chief executive officer.

The chair continues to assume the function of chair of the board of governors until that office is filled in accordance with the new provisions.

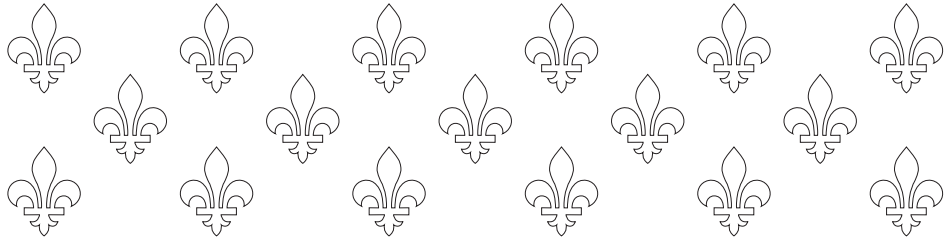
The other members of the board of governors of Bibliothèque et Archives nationales in office on the same date continue in office on the same terms, for the unexpired portion of their term, until they are replaced or reappointed.

**10.** Despite section 4.3 of the Act respecting Bibliothèque et Archives nationales du Québec (chapter B-1.2), enacted by section 2, a member who is not an independent member on 12 June 2015 may be a member of a committee referred to in section 13.1, also enacted by section 2, until the number of independent members on the board of governors corresponds to two thirds of the members.

**11.** The strategic plan requirement under section 25 of the Act respecting Bibliothèque et Archives nationales du Québec, enacted by section 5, applies from the 2016–2017 fiscal year.

**12.** Despite section 29.2 of the Act respecting Bibliothèque et Archives nationales du Québec, enacted by section 8, the first report required under that section 29.2 must be submitted in the fifth year following the year of coming into force of this Act.

**13.** This Act comes into force on 12 June 2015.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 205  
(Private)

## **An Act respecting Ville de Sherbrooke**

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**Introduced 14 May 2015**  
**Passed in principle 12 June 2015**  
**Passed 12 June 2015**  
**Assented to 12 June 2015**

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**Québec Official Publisher**  
**2015**



## Bill 205

(Private)

### AN ACT RESPECTING VILLE DE SHERBROOKE

AS there is reason to amend certain provisions relating to the organization of the municipality of Order in Council 850-2001 dated 4 July 2001, respecting the amalgamation of Ville de Sherbrooke, Ville de Rock Forest, Ville de Lennoxville, Ville de Fleurimont and Ville de Bromptonville, and the municipalities of Ascot and Deauville, amended by Orders in Council 1475-2001, 509-2002 and 1078-2002, and by chapters 37, 68 and 77 of the statutes of 2002, chapter 19 of the statutes of 2003, chapters 20 and 56 of the statutes of 2004, chapter 28 of the statutes of 2005, chapter 60 of the statutes of 2006, chapters 18 and 32 of the statutes of 2008 and chapter 18 of the statutes of 2010;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 5 of Order in Council 850-2001 dated 4 July 2001, respecting Ville de Sherbrooke, amended by section 245 of chapter 19 of the statutes of 2003, is again amended by replacing “six” by “four”.
- 2.** Section 9 of the Order in Council is amended by replacing “19” by “14”.
- 3.** Section 13 of the Order in Council is amended by replacing the table in the second paragraph by the following table:

<b>“Borough</b>	<b>Number of city councillors</b>
1	4
2	4
3	1
4	5
<b>Total</b>	<b>14”.</b>

- 4.** Section 14 of the Order in Council, replaced by section 187 of chapter 28 of the statutes of 2005, is amended by replacing “each of boroughs 1 and” by “borough”.

**5.** Section 18 of the Order in Council is amended by replacing “four” in the first paragraph by “three”.

**6.** Section 19 of the Order in Council is replaced by the following section:

**“19.** The mayor chairs executive committee meetings and may designate a committee member to act as chair if the mayor so wishes.

If the chair is absent, the executive committee chooses one of its members to act as chair.”

**7.** Section 23 of the Order in Council is repealed.

**8.** Section 35 of the Order in Council, replaced by section 189 of chapter 28 of the statutes of 2005, is amended

(1) by replacing “boroughs 1 and” in the first paragraph by “borough”;

(2) by replacing “each of those boroughs” in the second paragraph by “that borough”;

(3) by adding the following paragraph after the second paragraph:

“In borough 1, the boundaries of one of the districts are as described in Schedule D.”

**9.** Schedule B to the Order in Council is replaced by the following schedule:



**“SCHEDULE B**

[Translation of original French]

File: 3856

Minute: 1913

CANADA  
PROVINCE OF QUÉBEC

**TECHNICAL DESCRIPTION**

Technical description of the boundaries of the municipal boroughs for the territory of the municipality of Ville de Sherbrooke.

**BOROUGH 1**

Starting from the northwest corner of lot 1 511 654; thence, starting westerly to follow the municipal boundary of Ville de Sherbrooke, to the south line of the cadastre of Canton de Stoke; part of the said south line of the cadastre, westerly, to the centre line of Chemin du Sanctuaire; part of the centre line of Chemin du Sanctuaire, southerly then southwesterly, to the centre line of Autoroute 610; part of the centre line of Autoroute 610, westerly, to the centre line of Chemin de Valence; part of the centre line of Chemin de Valence and its extension, southwesterly, to the centre line of Rivière Saint-François; part of the centre line of Rivière Saint-François, northwesterly, to the centre line of Autoroute 610; part of the centre line of Autoroute 610, westerly, to the centre line of Autoroute 10-55; part of the centre line of Autoroute 10-55, southwesterly, to the northerly extension of the centre line of the north-south segment of Chemin Labonté; the said extension and part of the centre line of Chemin Labonté, southerly, to the centre line of Boulevard Industriel; thence, southeasterly to the northeast corner of lot 3 196 497; thence, in a general southerly direction along the east and north lines of lot 3 196 497 to the southeast corner of lot 3 196 497; thence, to the north corner of lot 3 772 328; thence, southwesterly along the northwest line of lots 3 772 328, 3 772 327 and 3 196 478; the southwest line of lots 3 196 478 and 3 196 476; thence, southerly to the northeast corner of lot 5 020 454; the east line of lots 5 020 454 and 4 778 319; thence, southerly to the intersection of the north line of lot 3 583 902 with the centre line of Boulevard du Mi-Vallon; southerly along the centre line of Boulevard du Mi-Vallon, to the north line of lot 2 032 330; easterly, part of the north line of lot 2 032 330, the south boundary of lots 3 196 330 to 3 196 332, 3 196 355, 3 196 358, 3 196 359, 3 193 725 to 3 193 728, 3 772 460, 4 340 112, 4 763 032, 4 089 265, 4 663 663, 3 196 796, 3 411 166, 1 394 176, 1 394 193 to 1 394 186, 1 394 178, 1 394 177, 1 394 185 to 1 394 180, 1 394 195, 1 394 196, 1 394 179, 1 394 197, 1 512 074, 1 394 217 to 1 394 213, 1 394 211, 1 394 200, 1 394 198 and 1 511 959; the northwest and northeast lines of lot 1 511 568; the southwest and southeast lines of lot 2 104 552; part of the southwest line of lot 2 104 251 in a southeasterly direction; the southeast line of lots 2 104 251 and 2 104 378; the south line of lots 1 511 570, 1 511 958, 1 511 626, 1 979 813, 1 979 814, 1 512 056, 1 511 664 and 1 512 186 and its extension, easterly, to the centre line of Rivière Magog; part of the centre line of Rivière Magog, in a general

southerly direction, to the northerly extension of the centre line of Rue Labbé; the said extension and the centre line of Rue Labbé in a southeasterly and easterly direction; the centre line of Rue Felton to the municipal boundary; part of the municipal boundary of Ville de Sherbrooke, starting southerly to follow the said municipal boundary, to the starting point.

## **BOROUGH 2**

Starting from the intersection of the centre line of Rivière Saint-François with the southwesterly extension of the centre line of Chemin de Valence; thence, the said extension and part of the centre line of Chemin de Valence, northeasterly, to the centre line of Autoroute 610; part of the centre line of Autoroute 610, easterly, to the centre line of Chemin du Sanctuaire; part of the centre line of Chemin du Sanctuaire, northeasterly then northerly, to the south line of the cadastre of Canton de Stoke; part of the said south line of the cadastre, easterly, to the municipal boundary of Ville de Sherbrooke; continuing easterly to follow the said municipal boundary, to the easterly extension of the north line of lot 2 444 702; the said extension in a westerly direction and the north line of lots 2 444 702, 2 447 063, 2 444 652 and 4 045 545; southerly along part of the east line of lot 1 385 336 and the east line of lots 1 386 410 and 1 386 844; westerly along the south line of lots 1 386 844 and 1 385 335, the north line of lots 2 447 058, 2 444 572, 2 444 571, 2 444 569, 2 444 561, 2 446 965, 2 446 664 and 2 446 646; southerly along the west line of lots 2 446 646, 2 446 664, 2 446 645 and 2 446 629; from the southwest corner of lot 2 446 629 to the intersection of the north line of lot 2 447 108 with the centre line of Rue St. Francis; southerly, part of the centre line of Rue St. Francis to the easterly extension of the north line of lot 2 446 446; the said extension in a westerly direction, the north, west and northwest lines of lot 2 446 446 and its southwesterly extension to the centre line of the branch of Rivière Saint-François situated north of Île Marie (lot 2 446 444); part of the centre line of Rivière Saint-François, in a general northwesterly direction and passing east of the islands encountered, to the starting point.

## **BOROUGH 3**

Starting from the southeast corner of lot 2 131 035; northerly, along the east line of lots 2 131 035, 2 131 037, 2 131 036, 2 132 053, 2 131 040, 2 340 892, 2 131 042, 2 131 901, 2 131 103, 2 131 101, 2 131 102, 2 131 192, 2 131 895, 2 131 195, 2 332 375, 2 131 894 and 2 131 197; westerly, part of the south line of lot 2 444 782 to the southerly extension of the east line of lot 2 447 016; the said extension in a northerly direction and the east line of lot 2 447 016 and its northerly extensions through lots 2 444 782 and 3 160 750 to the southeast corner of lot 2 447 024; the east line of lot 2 447 024 and its extension to the most northerly south corner of lot 2 444 767; thence, northwesterly along the southwest line of lot 2 444 767; thence, the northwest line, north line and part of the northeast line of lot 2 444 767 to the south line of lot 1 028 647; the south line of lots 1 028 647, 1 028 665, 3 942 962, 3 942 963, 1 028 603, 1 028 600 and its easterly extension to the centre line of Rivière Saint-François; part of the centre line of Rivière Saint-François, in a general easterly direction along the centre line of the branch of Rivière Saint-

François situated north of Île Marie (lot 2 446 444), to the southwesterly extension of the northwest line of lot 2 446 446; the northwest, west and north lines and its easterly extension to the centre line of Rue St. Francis; northerly, part of the centre line of Rue St. Francis to the north line of lot 2 447 108; thence, to the southwest corner of lot 2 446 629; thence, northerly along the west line of lots 2 446 629, 2 446 645, 2 446 664 and 2 446 646; easterly along the north line of lots 2 446 646, 2 446 664, 2 446 965, 2 444 561, 2 444 569, 2 444 571, 2 444 572, 2 447 058, the south line of lots 1 385 335 and 1 386 844; northerly along the east line of lots 1 386 844 and 1 386 410 and part of the east line of lot 1 385 336 to the north line of lot 4 045 545; easterly along the north line of lots 4 045 545, 2 444 652, 2 447 063 and 2 444 702 and its extension to the centre line of Rivière Saint-François; thence, starting in a southerly direction to follow the municipal boundary to the starting point.

#### **BOROUGH 4**

Starting from the intersection of the centre lines of Rue Dunant and Rue Felton; westerly, the centre line of Rue Felton, the centre line of Rue Labbé and its northerly extension to the centre line of Rivière Magog; part of the centre line of Rivière Magog in a general northerly direction to the easterly extension of the south line of lot 1 512 186; the said extension in a westerly direction, the south line of lots 1 512 186, 1 511 664, 1 512 056, 1 979 814, 1 979 813, 1 511 626, 1 511 958 and 1 511 570; the southeast line of lots 2 104 378 and 2 104 251; part of the southwest line of lot 2 104 251 to the southeast line of lot 2 104 552; the southeast and southwest lines of lot 2 104 552; the northeast and northwest lines of lot 1 511 568; the south line of lots 1 511 959, 1 394 198, 1 394 200, 1 394 211, 1 394 213 to 1 394 217, 1 512 074, 1 394 197, 1 394 179, 1 394 196, 1 394 195, 1 394 180 to 1 394 185, 1 394 177, 1 394 178, 1 394 186 to 1 394 193, 1 394 176, 3 411 166, 3 196 796, 4 663 663, 4 089 265, 4 763 032, 4 340 112, 3 772 460, 3 193 728 to 3 193 725, 3 196 359, 3 196 358, 3 196 355, 3 196 332 to 3 196 330 and part of the north line of lot 2 032 330, to the centre line of Boulevard du Mi-Vallon; part of the centre line of Boulevard du Mi-Vallon in a northerly direction to its intersection with the north line of lot 3 583 902, part of the centre line of Boulevard du Mi-Vallon in a northerly direction to the southeast corner of lot 4 778 319; the east line of lots 4 778 319 and 5 020 454; from the northeast corner of lot 5 020 454 to the south corner of lot 3 196 476; thence, northwesterly, the southwest line of lots 3 196 476 and 3 196 478; the northwest line of lots 3 196 478, 3 772 327 and 3 772 328; from the north corner of lot 3 772 328 to the southeast corner of lot 3 196 497; thence, in a general northerly direction along the east and north lines of lot 3 196 497 to the northeast corner of lot 3 196 497; the said corner, northwesterly to the intersection of the centre line of Boulevard Industriel with the southerly extension of the centre line of Chemin Labonté; thence, northerly, the said extension, part of the centre line of Chemin Labonté and the northerly extension of the centre line of the north-south segment of Chemin Labonté to the centre line of Autoroute 10-55; northeasterly, part of the centre line of Autoroute 10-55 to the centre line of Autoroute 610; easterly, part of the centre line of Autoroute 610 to the centre line of Rivière Saint-François; thence, part of the centre line of Rivière Saint-François, in a general southerly direction

and passing east of the islands encountered, to the easterly extension of the south line of lot 1 028 600; westerly, the said extension and the south line of lots 1 028 600, 1 028 603, 3 942 963, 3 942 962, 1 028 665 and 1 028 647; the southwest line of lot 1 028 647 and part of the southwest line of lot 1 028 648, to the south line of lot 1 030 789; the south line of the said lot 1 030 789; the southeast and northeast line of lot 3 160 750 to the most northerly south corner of lot 2 444 767; thence, southerly to the east corner of lot 2 447 024; thence, southerly, the east line of lot 2 447 024; from the southeast corner of lot 2 447 024, southerly, the northerly extension of the east line of lot 2 477 016; the east line of lot 2 447 016 and its southerly extensions to the south line of lot 2 444 782 through lots 3 160 750 and 2 444 782; easterly, part of the south line of lot 2 444 782; southerly along the east line of lots 2 131 197, 2 131 894, 2 332 375, 2 131 195, 2 131 895, 2 131 192, 2 131 102, 2 131 101, 2 131 103, 2 131 901, 2 131 042, 2 340 892, 2 131 040, 2 132 053, 2 131 036, 2 131 037 and 2 131 035 to the municipal boundary; westerly along the municipal boundary to the starting point.

The whole as shown on a plan entitled “Ville de Sherbrooke – Limites des arrondissements” prepared by the Division de la géomatique of Ville de Sherbrooke on 26 February 2014.

All of the lot numbers appearing in this technical description are part of the cadastre of Québec.

This technical description, bearing my minute 1913, was prepared for the purpose of delineating municipal boroughs and is not to be used for any other purpose without the written authorization of the undersigned.

Sherbrooke, 26 February 2014

Paul Martin,  
Land Surveyor”.

**10.** The Order in Council is amended by adding the following schedule at the end:

**“SCHEDULE D**

[Translation of original French]

File: 3856

Minute: 1914

CANADA  
PROVINCE OF QUÉBEC

**TECHNICAL DESCRIPTION**

Technical description of the boundaries of the district of Brompton of the municipality of Ville de Sherbrooke.

**DISTRICT OF BROMPTON**

Starting from the northwest corner of lot 1 511 654; thence, starting westerly to follow the municipal boundary of Ville de Sherbrooke, to the south line of the cadastre of Canton de Stoke; part of the said south line of the cadastre, westerly, to the centre line of Chemin du Sanctuaire; part of the centre line of Chemin du Sanctuaire, southerly then southwesterly, to the centre line of Autoroute 610; part of the centre line of Autoroute 610, westerly, to the centre line of Chemin de Valence; part of the centre line of Chemin de Valence and its extension, southwesterly, to the centre line of Rivière Saint-François; part of the centre line of Rivière Saint-François, northwesterly, to the centre line of Autoroute 610; part of the centre line of Autoroute 610, westerly, to the centre line of Autoroute 10-55; part of the centre line of Autoroute 10-55, southwesterly, to the easterly extension of the south line of lot 2 338 877; westerly, the said extension, the south line of lots 2 338 877 to 2 338 872 and 1 512 134; northerly along the west line of lot 1 512 134 to the municipal boundary; northerly along the municipal boundary to the starting point.

The whole as shown on a plan entitled “Ville de Sherbrooke – District de Brompton” prepared by the Division de la géomatique of Ville de Sherbrooke on 26 February 2014.

All of the lot numbers appearing in this technical description are part of the cadastre of Québec.

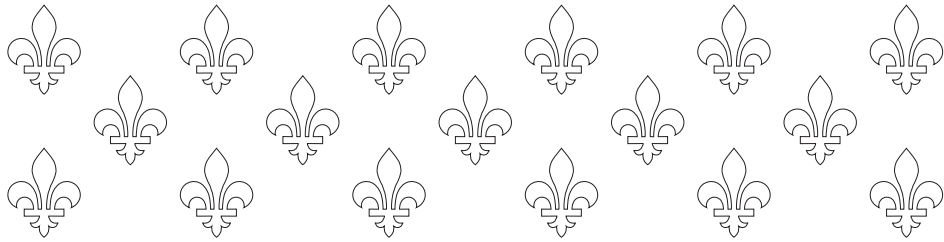
This technical description, bearing my minute 1914, was prepared for the purpose of delineating the district of Brompton and is not to be used for any other purpose without the written authorization of the undersigned.

Sherbrooke, 26 February 2014

Paul Martin,  
Land Surveyor”.

**11.** This Act comes into force on 5 November 2017, except sections 6 and 7, which come into force on 12 June 2015.

However, for the purposes of the 2017 general election, the amendments made by sections 1 to 4 and 8 to 10 have effect from 1 January 2016.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 206  
(Private)

## **An Act respecting Ville de Mercier**

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**Introduced 13 May 2015**  
**Passed in principle 12 June 2015**  
**Passed 12 June 2015**  
**Assented to 12 June 2015**

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**Québec Official Publisher**  
**2015**





## **Bill 206**

(Private)

### **AN ACT RESPECTING VILLE DE MERCIER**

AS Ville de Mercier adopted By-law 2012-892, which orders an expenditure of \$515,000 and a loan of \$515,000 for construction work on a retention basin on lot 98 of the Cours du roi housing project—final phase;

AS Ville de Mercier omitted publishing the notice of coming into force of By-law 2012-892 subsequent to its adoption;

AS that omission contravenes section 362 of the Cities and Towns Act (chapter C-19), consequently deprives the by-law of its legal effects and, therefore, should be remedied;

AS Ville de Mercier subsequently adopted By-law 2014-918, which amends By-law 2012-892 to eliminate the injustices that arose following the application of By-Law 2012-892 due to the mode of taxation it specifies;

AS By-law 2014-918 replaces the mode of taxation specified in By-law 2012-892, which mode was based on the value of the immovables as shown on the assessment roll rather than based on the surface area of the taxable immovables according to the nature of the work and past practice;

AS By-law 2014-918 came into force, in accordance with the law, on 31 May 2014, the day it was published;

AS it is in the interest of Ville de Mercier and the citizens concerned for By-law 2014-918 to have effect from 1 January 2014;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

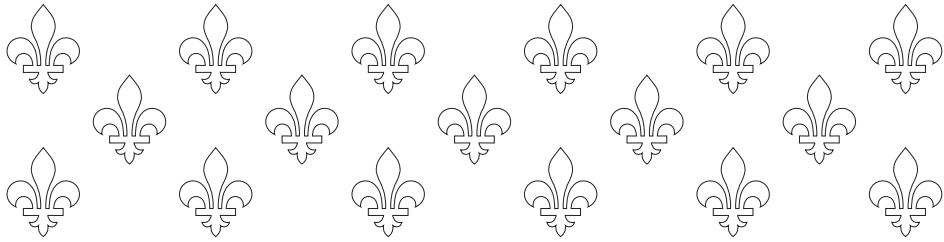
**1.** By-law 2012-892 of Ville de Mercier, entitled Règlement n° 2012-892 décrétant une dépense de 515 000 \$ et un emprunt de 515 000 \$ pour des travaux de construction d'un bassin de rétention sur la terre 98. Projet domiciliaire les Cours du roi – dernière phase (French only), has effect from 3 May 2012.

**2.** By-law 2014-918 of Ville de Mercier, entitled Règlement modifiant le Règlement d'emprunt 2012-892 afin de venir enrayer les iniquités qui sont survenues suite à l'application du Règlement 2012-892, ces iniquités s'étant produites suite au mode de taxation déterminé (French only), has effect from 1 January 2014.

The treasurer must prepare a special collection roll for the year 2014, given the imposition, from 1 January 2014, of the tax provided for in By-law 2014-918.

If the special collection roll requires a tax supplement to be paid to the municipality, the treasurer requests its payment, and no interest or penalty is charged for the period between 1 January 2014 and the payment deadline. However, if the roll requires an overpayment to be refunded, the treasurer refunds the overpayment with interest calculated at an annual rate of 5%.

**3.** This Act comes into force on 12 June 2015.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 207  
(Private)

## **An Act respecting Ville de Boucherville**

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**Introduced 14 May 2015**  
**Passed in principle 12 June 2015**  
**Passed 12 June 2015**  
**Assented to 12 June 2015**

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**Québec Official Publisher**  
**2015**



## **Bill 207**

(Private)

### **AN ACT RESPECTING VILLE DE BOUCHERVILLE**

AS, on 3 March 2009, Ville de Boucherville passed By-law 2009-128 ordering road works and, for that purpose, providing for an expenditure and a loan of up to \$5,208,000;

AS the work ordered by By-law 2009-128 was completed and a loan was contracted;

AS, on 12 May 2014, the municipality passed Resolution 140512-42 authorizing reimbursement of several loans before maturity;

AS the desire of the municipal council was to reimburse those loans borne by all of the municipality's taxpayers;

AS the loan contracted under By-law 2009-128 was reimbursed in full even though a portion of it was to be borne solely by the taxpayers of one part of the municipality's territory;

AS the municipality wishes to correct this error by repaying to the general fund the amount of \$1,058,993, which includes \$851,067 in principal and \$207,926 as compensation;

AS the municipality should be granted certain powers to that end;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Ville de Boucherville is authorized to levy the following special taxes over a 15-year period:

(1) an annual tax totalling \$512,659 to be apportioned among the taxable immovables included in the tax base described in Schedule 2 to By-law 2009-128 on the basis of their area;

(2) an annual tax totalling \$146,882 to be apportioned among the taxable immovables included in the tax base described in Schedule 3 to By-law 2009-128 on the basis of their area;

(3) an annual tax totalling \$188,395 to be apportioned among the taxable immovables included in the tax base described in Schedule 4 to By-law 2009-128 on the basis of their area; and

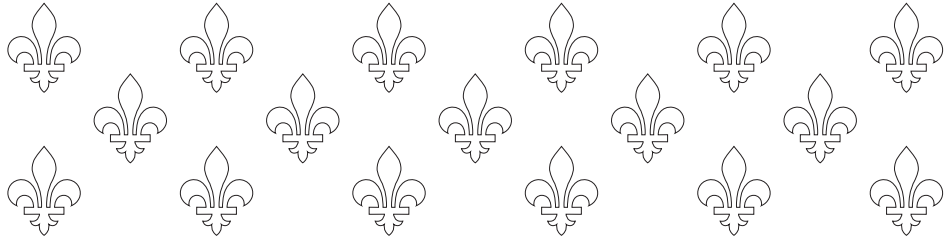
(4) an annual tax totalling \$211,057 to be apportioned among the taxable immovables included in the tax base described in Schedule 5 to By-law 2009-128 on the basis of their area.

The proceeds from the special taxes levied under the first paragraph are paid into the municipality's general fund.

**2.** The municipality may amend the special taxes levied under section 1 by means of a by-law requiring the approval of the Minister of Municipal Affairs and Land Occupancy only.

At least 30 days before it is submitted to the Minister, the amending by-law must be published with a notice stating that any person wishing to object to the approval of the by-law must so inform the Minister in writing within the 30 days.

**3.** This Act has effect from 1 January 2015.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 208  
(Private)

## **An Act respecting Ville de Saint-Félicien**

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**Introduced 14 May 2015**  
**Passed in principle 12 June 2015**  
**Passed 12 June 2015**  
**Assented to 12 June 2015**

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**Québec Official Publisher  
2015**





## **Bill 208**

(Private)

### **AN ACT RESPECTING VILLE DE SAINT-FÉLICIEN**

AS, for the purposes of this Act, an industrial park is any group of immovables forming an identifiable whole and consisting of

(1) land acquired under the Act respecting municipal industrial immovables (chapter I-0.1) or under another Act or a statutory instrument whose purpose is to allow a municipality or municipal body to provide businesses with immovables for industrial, para-industrial or research purposes, including technology;

(2) improvements to the land described in subparagraph 1; and

(3) buildings and other structures on the land described in subparagraph 1;

AS Ville de Saint-Félicien wishes to establish an industrial park in its territory and designate it as an agro-thermal park intended for various greenhouse crops;

AS it is in the interest of Ville de Saint-Félicien that it be granted certain powers to facilitate the establishment of the agro-thermal park;

#### **THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:**

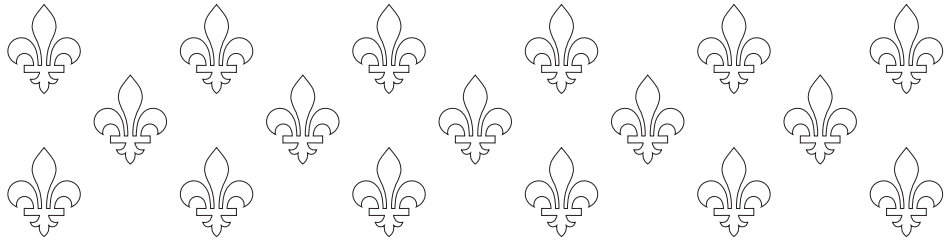
**1.** Ville de Saint-Félicien may establish a non-profit body in order to mandate it to manage its agro-thermal park, and determines the manner in which the body's directors and officers are appointed.

**2.** The body established under section 1 is a mandatory of the municipality.

Sections 477.4 to 477.6 and 573 to 573.3.4 of the Cities and Towns Act (chapter C-19) apply therefore to the body, with the necessary modifications, and the body is considered to be a local municipality for the purposes of a regulation made under section 573.3.0.1 or 573.3.1.1 of the Act.

Among the modifications required under the second paragraph, the following are applicable: if the body does not have a website, the statement and hyperlink required under the second paragraph of section 477.6 of the Cities and Towns Act must be posted on any other website determined by the body; the body gives public notice of the address of that website at least once a year; the notice must be published in a newspaper in the territory of Ville de Saint-Félicien.

- 3.** The municipality may grant, directly or through its mandatary, any lease for the rental of an immovable or part of an immovable located in the agro-thermal park. The term of such a lease is unlimited.
- 4.** The municipality may, on lots 2 912 772, 2 912 773, 2 671 350 and 2 672 907 of the cadastre of Québec, install any water main to transport water from the Fibrek s.e.n.c. plant building located on lot 2 672 907 to the immovable occupied by Serres Toundra inc., also located on lot 2 672 907.
- 5.** The municipality may, at its expense, inspect, maintain or repair any water main referred to in section 4.
- 6.** This Act applies despite any provision to the contrary in any Act, in particular the Municipal Powers Act (chapter C-47.1), the Municipal Aid Prohibition Act (chapter I-15) and the Act respecting municipal industrial immovables (chapter I-0.1).
- 7.** This Act comes into force on 12 June 2015.



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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 493  
(2015, chapter 19)

## **An Act to proclaim Nelson Mandela Day**

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**Introduced 3 June 2015**  
**Passed in principle 12 June 2015**  
**Passed 12 June 2015**  
**Assented to 12 June 2015**

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**Québec Official Publisher**  
**2015**

**EXPLANATORY NOTES**

*The purpose of this Act is to proclaim 11 February Nelson Mandela Day.*

## **Bill 493**

### **AN ACT TO PROCLAIM NELSON MANDELA DAY**

AS Nelson Mandela was President of the Republic of South Africa from 9 May 1994 to 14 June 1999;

AS Nelson Mandela courageously fought apartheid, a political system of institutional racial segregation, during his 27 long years in prison;

AS, over the course of his entire life, Nelson Mandela showed his great determination to promote the fundamental values of liberty, justice, equality and fraternity between peoples, and as these universal values should be central to all decisions and actions by civil society and government institutions;

AS Nelson Mandela played a decisive, historic role in the fields of conflict resolution, reconciliation and human rights protection;

AS Nelson Mandela received concrete support in his fight against apartheid from four Quebecers who were high-ranking political officials: former Canadian Prime Minister Brian Mulroney, former Québec Premiers René Lévesque and Robert Bourassa and former Montréal Mayor Jean Doré;

AS the National Assembly of Québec wishes to honour Nelson Mandela and pay tribute to this exemplary humanist in Québec, an open nation and safe haven for all citizens regardless of their origin, by designating 11 February, the day he was freed in 1990, Nelson Mandela Day;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** The eleventh day of February is proclaimed Nelson Mandela Day.
- 2.** This Act comes into force on 12 June 2015.



## Coming into force of Acts

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Gouvernement du Québec

### **O.C. 780-2015, 2 September 2015**

#### **An Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27)**

#### **— Coming into force of sections 3 and 4 of the Act**

COMING INTO FORCE of sections 3 and 4 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights

WHEREAS the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27) was assented to on 6 December 2013;

WHEREAS section 44 of the Act provides that the Act comes into force on 6 December 2013, except sections 1 to 5, 29 and 30, which come into force on the date or dates to be set by the Government;

WHEREAS Order in Council 109-2014 dated 12 February 2014 set 1 March 2014 as the date of coming into force of sections 1, 2 and 5 of the Act;

WHEREAS Order in Council 823-2014 dated 17 September 2014 set 17 September 2014 as the date of coming into force of section 29 of the Act and provided that section 30 of the Act come into force on the date of coming into force of the first regulation to amend the Regulation respecting land registration (chapter CCQ, r. 6), which regulation came into force on 16 October 2014 in accordance with Order in Council 824-2014 of 17 September 2014 that provided for its making;

WHEREAS it is expedient to set the date of coming into force of sections 3 and 4 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT 1st October 2015 be set as the date of coming into force of sections 3 and 4 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27).

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

102271





## Regulations and other Acts

Gouvernement du Québec

### O.C. 779-2015, 2 September 2015

Parks Act  
(chapter P-9)

#### Parks — Amendment

##### Regulation to amend the Parks Regulation

WHEREAS, under subparagraph *a* of the first paragraph of section 9.1 of the Parks Act (chapter P-9), the Government may, by regulation, determine the cases in which an authorization is required to enter a park or to stay, travel or engage in activities in a park and the fees payable to obtain such authorization;

WHEREAS, under subparagraph *b* of the first paragraph of section 9.1 of the Act, the Government may also, by regulation, exempt, in the cases it determines, any person or class or group of persons it identifies from all or part of the obligations imposed by section 6.1 of the Act or those prescribed in the regulation, on the basis, in particular, of a person's age;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Parks Regulation was published in Part 2 of the *Gazette officielle du Québec* of 15 April 2015 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Forests, Wildlife and Parks:

THAT the Regulation to amend the Parks Regulation, attached to this Order in Council, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Parks Regulation

Parks Act  
(chapter P-9, s. 9.1, subpars. *a* and *b*)

**1.** The Parks Regulation (chapter P-9, r. 25) is amended in section 7 by replacing subparagraph 1 of the first paragraph by the following:

“(1) persons aged 17 or under;”.

**2.** Subparagraph 3 of the first paragraph of section 7 is revoked.

**3.** The second paragraph of section 7 is replaced by the following:

“An application for exemption for a person aged 17 or under may be made by any person who has custody of or is responsible for watching him or her.”.

**4.** Section 1 of Schedule 1 is replaced by the following:

“(1) FEES FOR AUTHORIZATIONS  
TO ENTER PARKS:

	Daily authorization for one park	Annual authorization for one park	Annual authorization for all parks
<hr/> Individual <hr/>			
1 adult (18 and over)	\$8.50	\$42.50	\$76.50
<hr/> Organized group <hr/>			
1 adult (18 and over)	\$7.50		

”.

**5.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102270

Gouvernement du Québec

## O.C. 781-2015, 2 September 2015

An Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27)

Civil Code of Québec

### Change of name and of other particulars of civil status — Amendment

Regulation to amend the Regulation respecting change of name and of other particulars of civil status

WHEREAS articles 71 and 72 of the Civil Code, as amended by sections 3 and 4 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27), empowers the Government to determine by regulation the other conditions a person must meet to obtain a change of the designation of sex in the person's act of birth and to prescribe the documents to be provided with the application for the change;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft of the Regulation to amend the Regulation respecting change of name and of other particulars of civil status was published in Part 2 of the *Gazette officielle du Québec* of 17 December 2014 with a notice that it may be made by the Government on the expiry of 45 days following that publication;

WHEREAS section 43 of the Act to amend the Civil Code as regards civil status, successions and the publication of rights provides that the first regulation made under articles 71 and 72 of the Civil Code, as amended by sections 3 and 4 of that Act, must be examined by the competent committee of the National Assembly before it is made by the Government;

WHEREAS on 15 and 16 April and on 13 and 14 May 2015, the draft Regulation was the subject of special consultations and public hearings before the Committee on Institutions, whereas on 21 May 2015 that committee tabled its report containing three recommendations in the National Assembly, and whereas on 4 June 2015 last, the National Assembly took the report into consideration;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Regulation respecting change of name and of other particulars of civil status, attached hereto, be made.

JUAN ROBERTO IGLESIAS,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting change of name and of other particulars of civil status

An Act to amend the Civil Code as regards civil status, successions and the publication of rights (2013, chapter 27), ss. 3 and 4)

Civil Code of Québec, arts. 64, 71, 72 and 73

**1.** The Regulation respecting change of name and of other particulars of civil status (chapter CCQ, r. 4) is amended by inserting the following after section 23:

“**23.1.** If an applicant's affidavit required under section 1 is in support of an application for a change of the designation of sex that appears in the person's act of birth, the affidavit must also attest that

(1) the designation of sex requested is the designation that best corresponds to the applicant's sexual identity;

(2) the applicant assumes and intends to continue to assume that sexual identity;

(3) the applicant understands the seriousness of the undertaking; and

(4) the applicant's undertaking is voluntary and his or her consent is given in a free and enlightened manner.

**23.2.** An application for a change of the designation of sex that appears in an act of birth must be accompanied by, in addition to the documents referred to in section 4, an affidavit of a person of full age who attests to having known the applicant for at least one year and who confirms that the applicant is fully aware of the seriousness of the application.

**23.3.** If the applicant has already obtained a change of the designation of sex that appears in his or her act of birth, the application, in addition to the documents referred to

in sections 4 and 23.2, must also be accompanied by a letter from a physician, a psychologist, a psychiatrist or a sexologist authorized to practise in Canada or in the State in which the applicant is domiciled who declares having evaluated or followed the applicant and is of the opinion that the change of the designation is appropriate, having regard to the affidavit made by the applicant in support of the initial application.”

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

102272



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## Draft Regulations

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### Draft Regulation

Code of Civil Procedure  
(chapter C-1)

### Civil Practice

COURT OF APPEAL OF QUEBEC

NOTICE is hereby given pursuant to article 64 of the new Code of Civil Procedure, S.Q. 2014, c. C-1, of the draft Civil Practice Regulation attached to this notice.

All interested persons may forward their comments on this draft Regulation by October 15, 2015 to the offices of the Registry of the Court in Montreal or in Quebec City to the following addresses:

**Mtre Pascal Pommier, General Director  
of the Court of Appeal**

Édifice Ernest-Cormier  
100, Notre-Dame street East  
Montreal (Quebec) H2Y 4B6

e-mail address: [pascal.pommier@judex.qc.ca](mailto:pascal.pommier@judex.qc.ca)

**Mtre Patricia Nault, Director – Quebec City Division**

Palais de justice de Québec  
300, Jean-Lesage blvd, suite 4.27  
Quebec City (Quebec) G1K 8K6

e-mail address: [patricia.nault@judex.qc.ca](mailto:patricia.nault@judex.qc.ca)

THE HONOURABLE NICOLE DUVAL HESLER,  
*Chief Justice of Quebec*

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## COURT OF APPEAL

### Draft Civil Practice Regulation

Chapters <sup>1</sup>	Sections of the Regulation
<i>Preliminary Provisions</i>	1 & 2
I <i>Public Hearings and Decorum (Art. 11-15<sup>2</sup>)</i>	3 - 7
II <i>Confidentiality (Art. 16)</i>	8 - 10
III <i>Technological Means (Art, 26 &amp; 27)</i>	11 & 12
IV <i>Quarrelsome Conduct (Art. 55)</i>	13 - 16
V. <i>Court Offices (Art. 66 &amp; 67)</i>	17 - 20
VI <i>Pleadings (Art. 99-104)</i>	21 - 25
VII <i>Notice of Appeal (Art. 352-354)</i>	26 – 31
VIII <i>Dismissal of Appeal and Security (Art. 364 – 366 &amp; 376)</i>	32 - 34
IX <i>Appeal Management (Art. 367)</i>	35 - 40
X <i>Appeal Briefs (Art. 370-376)</i>	41 - 52
XI <i>Memoranda (Art. 374)</i>	53 - 55
XII <i>Books of Authorities</i>	56 - 58
XIII <i>Applications in the Course of Proceedings (Art. 377-380)</i>	59-67
XIV <i>Settlement Conference (Art. 381)</i>	68 & 69
XV <i>Rolls of Hearing (Art. 383 &amp; 384)</i>	70 - 75
XVI <i>Hearings of the Court (Art. 385 &amp; 386)</i>	76 – 79

<sup>1</sup> The sequence of chapters is that of the *Code of Civil Procedure*, S.Q. 2014, c.1

<sup>2</sup> The articles in parentheses are those of the *C.C.P.*

<b>XVII</b>	<b>Legal Costs</b>	<b>80</b>
<b>XVIII</b>	<b>Scope of this Regulation</b>	<b>81 – 84</b>
<b>XIX</b>	<b>Coming into Force (art. 833) Preliminary Provisions</b>	<b>85</b>

1. *Enabling Provision.* This Regulation is adopted pursuant to the Court's powers arising out of its administrative independence (*Re Provincial Court Judges*, ([1997] 3 S.C.R. 3), in conformity with article 63 of the *Code of Civil Procedure (C.C.P.)*).

2. *Interpretation (Art. 25).* This Regulation is complementary to the *C.C.P.*; it is interpreted and applied in the same manner.

### **I Public Hearings and Decorum (Art. 11 – 15)**

3. *Sitting Days (Art. 82).* The dates on which the Court, a judge or a clerk sit are published on the Court's web site ([www.courtdappelduquebec.ca/en/](http://www.courtdappelduquebec.ca/en/)).

4. *Court Usher (Art. 14(3)).* A court usher shall be present during all hearings and is responsible for the opening and closing of each sitting.

5. *Decorum (Art. 14).* The judge presiding at a hearing shall take all necessary measures to ensure the maintenance of decorum and to assure the respect of all those present.

6. *Sound Devices.* Everyone present must turn off the sound of any device in such person's possession.

7. *Dress.* In Court, the following dress is obligatory:

(a) for counsel: a gown, bands, white collared shirt and dark garment;

(b) for articulated students: gown and dark garment;

(c) for clerks and court ushers: gown and dark garment.

Before a judge or clerk: simple and unadorned attire.

### **II Confidentiality (Art. 16 & 108 (1))**

8. *Express Reference (Art. 353 and 358)* If any part of the file is confidential, the notice of appeal, the representation (*or non-representation*) statement shall include express reference to this effect as well as a specific reference to the legislative provision or court order that is the basis of the confidentiality.

*Additional Reference.* In any such file, each proceeding must include the word "CONFIDENTIAL" beneath the court file number.

9. *Restricted Access.* In such files, access to documents filed under seal is restricted (Art. 16, para. 2).

10. *Red Binding (Art. 370).* Red binding shall be used to indicate the confidential nature of a volume. The confidential portion of a brief shall be produced in a separate volume.

### **III Technological Means (Art. 26)**

11. *Technological Media.* The parties shall attach an electronic version (*CD Rom, DVD-Rom, USB key*) to each copy of their brief, if available. Such electronic version must permit key-word searches and include hyperlinks to the extent possible.

Such version must be identified as a proceeding (*number, an abbreviated title, date ...*)

12. *Case Management (Art. 367 & 367, para. 2).* A case management decision may provide for the filing of documents (*applications, exhibits, depositions...*) by electronic means.

### **IV Quarrelsome Conduct (Art. 55)**

13. *Scope.* Upon request and proof of quarrelsome conduct, the Court may subject a party to prior authorization for any legal proceeding.

The Court may also do so on its own initiative or on that of a judge, in which case the Clerk shall advise the party of the grounds being invoked and summon such party before the Court.

14. *Prohibited Access.* The Court may prohibit a quarrelsome party access to its premises.

15. *Request for Authorization.* A party declared to be quarrelsome who seeks to file a pleading shall request authorization by letter addressed to the Chief Justice and file it at the Office of the Court, to which is attached the judgment declaring the party to be quarrelsome and the proposed proceeding.

16. *Consequence.* Failing authorization, the proceeding is deemed never to have existed (*and thus cannot be filed*).

### **V Court Offices (Art. 66 & 67)**

17. *Office Hours.* The Court offices are open from 8:30am to 4:30pm.

18. *Register.* The Clerk shall maintain a computerized register (in French "*le plumitif*"), which for each file, shall include all relevant information (*such as the co-ordinates of those involved, receipt of documents, and matters arising during the appeal*).

19. *Contact.* The Clerk shall use the last known co-ordinates of the parties and their lawyers to contact them. A party who is not represented shall provide the necessary co-



ordinates in the notice of appeal or the non-representation statement (Art. 358, para. 2) and in the pleadings. The counsel responsible for the file (Art. 103) shall include their name, that of the law firm and all their co-ordinates (*including their email address, their computerized code and their locker number, where applicable*) in the pleadings.

**20.** *Access to a File (Art.66).* The consultation of a file and the removal of a document shall take place under the authority of the Clerk. The Clerk may provide photocopies of documents upon the payment of the applicable costs.

## **VI Proceedings (Art. 99 – 104)**

**21.** *Format.* Proceedings shall be produced on good quality white paper in letter format (21.5 cm x 28 cm).

The text shall be reproduced on one side only of each page, with a minimum of one and one half spaces between lines, except for citations that are single spaced and indented. The margins shall be no less than 2.5 cm, and the type face no less than 12 point.

**22.** *Style of Cause.* The style of cause consists of the name of the parties, their status in appeal in capital letters, followed by that in first instance in lower case letters.

An intervener in first instance is designated as APPELLANT, RESPONDENT or IMPLADED PARTY, depending on the circumstances.

The status in appeal of a decision-maker contemplated by a judicial review appeal shall be designated as IMPLADED PARTY.

**23.** *Heading.* The heading contained on the backing and the first page of the pleading (*within a box if necessary*) shall indicate its date, the party producing it, its nature, and if it includes a demand, the precise provision on which it is based.

**24.** *Amendment (Art. 206).* Any amendment to a proceeding shall be so identified (*in the margin, by underlining it or by indicating that it has been struck...*).

**25.** *Notification (Art. 109).* The parties shall notify their proceedings (including briefs and memoranda) to the appellant and to the other parties who have produced a representation (*or non-representation*) statement.

The appellant shall reproduce article 358 C.C.P., para. 2, as well as section 25, para. 1, above and section 30 of this Regulation on the backing of its notice of appeal.

## **VII Notice of Appeal (Art. 352 – 354)**

**26.** *Miscellaneous Requirements.* In addition to the requirements of Article 353 C.C.P., the appellant shall mention in the notice of appeal:

- the duration of the trial;
- a statement relating to confidentiality (s. 10 above);
- the obligation to produce a representation statement (s. 25 above).

**27.** *Grounds of Appeal (Art. 353).* The appellant shall describe the grounds of appeal succinctly in no more than 10 pages.

**28.** *Number of Copies.* If an application for leave to appeal is attached to a notice of appeal, the applicant shall file two copies at the Office of the Court accompanied by all documents that must be attached to a notice (Art. 353) and its application (Art. 357).

**29.** *Proof of Notification (Art. 354 & 358).* Within two working days, the appellant shall file in the Office of the Court the proof of notification of the notice to the impleaded parties and of two copies to the clerk of first instance within the prescribed time limit.

The Clerk shall inform the appellant of the file number in appeal as soon as it has been assigned.

**30.** *Failure to Produce a Representation Statement (Art. 358).* If a party fails to produce a representation (or non-representation) statement, it shall be precluded from filing any other pleading in the file.

The appeal shall be conducted in the absence of such party.

The Clerk is not obliged to notify any notice to such party.

If the statement is produced after the expiry of the time limit, the Clerk may accept the filing subject to conditions that the Clerk may determine.

**31.** *Notice of Incidental Appeal (Art. 359).* A notice of incidental appeal need not be accompanied by a copy of the trial judgment (Art. 353, para. 1). Nevertheless, a certificate relating to the transcription of depositions must accompany the notice (Art. 353, para. 3) within 15 days (Art. 357, para. 4).

#### **VIII Dismissal of the Appeal and Security (Art. 364 and following)**

**32.** *Dismissal of Application (Art. 366).* An application to dismiss an appeal, with or without security, may be dismissed on the face of the record.

The Clerk shall advise the parties without delay; such notice terminates the suspension of the time limits for the preparation of the appeal record (Art. 365, para 2).

**33.** (*Ex officio*). Before dismissing an appeal on its own initiative (Art. 365) or subjecting it to security (Art. 364), the Court shall allow the appellant to present any submissions it may have, in writing or at a hearing.

**34.** *Lapsed Appeal and Foreclosure (Art. 376), Recourse (Art. 25 & 84).* The Court may relieve a party from its default resulting in the lapse of an appeal or its foreclosure from pleading.

#### **IX Appeal Management (Art. 367)**

**35.** *Request for Management (Art. 367)* A party desiring management of its appeal shall so inform the Clerk by letter as soon as possible (error in French version?).

**36.** *Leave to Appeal from a Judgment (Art. 357) that Terminates a Proceeding (Art. 30).* A judge who grants leave to appeal from a judgment that terminates a proceeding may manage the conduct of the appeal (Art. 367 & 373), save with respect to the establishment of a date of hearing.

**37.** *Leave to Appeal from a Judgment in the Course of a Proceeding (Art. 31).* A judge who grants leave to appeal from a judgment rendered in the course of proceedings shall fix the date and duration of hearing and establish a timetable for the production of memoranda unless, for such purpose, the judge refers the matter to the Clerk (Art. 368 & 374).

**38.** *Interruption of the Prosecution of the Appeal.* A party who becomes aware of a circumstance that terminates the appeal (*discontinuance, Art. 213, transaction, Art. 217 & 220, bankruptcy*) or suspends its prosecution shall so inform the Clerk without delay.

**39.** *Remote Hearings (Art. 26).* A party who wishes to be heard by technological means (*videoconferences or otherwise*) without attending the courthouse shall so request the Clerk by letter. The judge presiding the hearing shall decide whether or not to grant the request.

*Necessary Steps.* The parties shall take the necessary steps for the hearing to be held in such manner.

*Costs.* The costs of a hearing by technological means shall be assumed by the party who made the request, and form part of the legal costs (Art. 339).

**40.** *Joinder of Appeals.* The Clerk may ex officio join appeals.

**X** **Briefs (Art. 370 – 376)**

**41.** *Content.* The appellant's brief shall include its Argument and three schedules; that of the respondent includes its Argument, and if necessary elements in addition to those of the appellant's schedules.

**42.** *Argument.* Each Argument shall be divided into five parts:

- Part I: (*Facts*): the appellant shall succinctly recite the facts. The respondent may comment and relate additional facts;
- Part II (*Issues in Dispute*): the appellant shall concisely enumerate the issues in dispute. The respondent may answer and state any other relevant issue;
- Part III (*Submissions*): each party shall develop its submissions, with specific reference to the content of the schedules;
- Part IV (*Conclusions*): each party shall state the precise conclusions it seeks;
- Part V (*Authorities*): each party shall prepare a list of authorities that includes a specific reference to the paragraph(s) at which they are cited.

**43. Joint Statement (Art. 372(2)).** If there is a joint statement, the appellant shall produce it at the beginning of Schedule III.

**44. Number of Pages:** The first four parts of the Argument may be no more than 30 pages.

**45. Schedules.** The appellant's brief shall consist of three schedules, which reproduce:

- Schedule I: the judgment under appeal (*including reasons*) and, in the case of judicial review or appeal, the impugned decision, as well as the minutes of the hearing in first instance;
- Schedule II:
  - a) the notice of appeal (*Art. 352*), and, as the case may be, the application for leave to appeal (*Art. 357*) and the judgment granting leave;
  - b) the proceedings of the joined issue;
  - c) all applicable statutory provisions other than those in the *Civil Code of Québec* and the *Code of Civil Procedure*;
- Schedule III: all and only those exhibits and depositions necessary for the Court to decide the issues in dispute (*Art. 372, para. 1*).

**46. Excerpts.** Schedule III may be produced by technological means, in which case only the excerpts (*whether brief or lengthy*) to which the Submissions refer, shall be reproduced on paper.

Each page of the technological version shall use the same pagination as on the paper version.

**47. Final requirements.** On the last page of the brief, its author shall (*Art. 99, para. 3*):

- attest that the brief complies with the requirements of this Regulation;
- undertakes to make available to any other party, at no cost, the depositions in its possession in paper or electronic format;
- indicate the time requested for oral argument, (*including appellant's reply*).

**48. Incidental Appeal (Art. 371).** The content of the brief of an incidental appellant shall be the same as that of a principal appeal, and shall exclude that which has already been produced in the latter.

The Argument of the incidental appellant shall be divided into two parts: the first shall respond to the principal appeal; the second shall set out its submissions as incidental appellant.

The title of this brief is “Brief of respondent/incidental appellant”.

**49.** *Format (Art. 370).* The brief shall comply with the following:

- (a) *Colour.* The cover page shall be yellow for the appellant, green for the respondent and gray for any other party;
- (b) *Cover Page.* The following shall be indicated on the cover page:
  - (i) the file number in appeal;
  - (ii) the court that rendered the judgment under appeal, the judicial district, the name of the judge, the date of the judgment and the court file number;
  - (iii) the style of cause in accordance with section 22 above;
  - (iv) the title of the brief by reference to the status of the party in appeal;
  - (v) the name of its author who signs the attestation.
- (c) *Table of Contents.* The first volume of the brief shall contain a general table of contents at the front and each subsequent volume (*and that prepared electronically*) shall contain a table for its contents;
- (d) *Pagination.* Page numbers of the brief shall be placed at the top of the page in the centre;
- (e) *Spacing, Typeface and Margins.* The text of the Argument shall have at least one and one half spaces between the lines (*except for quotations, which shall be single spaced and indented*). The typeface shall be 12 point font with no more than 12 characters per 2.5 cm (*thereby excluding Times New Roman and Garamond font*). The margins shall be no less than 2.5 cm;
- (f) *Numbering of Paragraphs.* The paragraphs of the Argument shall be numbered;
- (g) *Printing.* The Argument and Schedule I shall be printed on the left hand side of the volume and recto verso for the other Schedules;
- (h) *Number of Pages.* Each volume shall be composed of a maximum of 225 sheets;
- (i) *Volumes.* Each volume shall be numbered on the cover page and its bottom edge, and make mention of the sequence of pages it contains;
- (j) *Exhibits.* All exhibits included in the schedules shall be legible, failing which they shall be accompanied by a transcription of the text, and be reproduced in the order of their numbering. Each exhibit shall be reproduced beginning on a new page that includes the exhibit number, its date and nature. Photocopies of photographs are permitted only if they are clear;

- (k) *Depositions.* Each deposition shall begin on a new page and mention in the title the surname of the witness (*in upper case type*), followed by the witness' given name and place of residence (*in lower case type*) as well as the following information in abbreviated form (*in parentheses*):
- the name of the party that called the witness;
  - the stage of the trial (*case in chief, defence, rebuttal*) or at a pre-trial stage;
  - the stage of the examination (*examination in chief, cross-examination, re-examination*).

The title of the pages that follow restates the name of the witness and the information in abbreviated form.

- (l) *Four in One Format.* Depositions may be reproduced in paper copy format of four pages in one using an Arial 10 font or its equivalent. The four pages shall contain a maximum of 25 lines, numbered on the left hand side of the page, and be in vertical sequence. The page itself shall have only one title (*corresponding to the commencement of the text*).

**50. Copies and Notification.** Seven copies in paper copy format and by electronic means (*if available*) shall be produced at the Office of the Court.

The parties are notified (*Art. 373*) by the delivery to them of two copies. The proof of notification within the stipulated time limit is produced at the Office of the Court within two working days.

**51. Non-compliance.** If a brief does not comply with the foregoing requirements, the Clerk shall advise its author of the elements requiring correction and establish a time limit within which a corrected brief may be filed. The Clerk shall so advise the other parties accordingly.

Failing correction, the production of the brief shall be refused.

**52. Time Limit for Incidental Appeal (*Art. 373*).** If the principal appeal ends prematurely, the time limit for the production of the incidental appellant's brief is three months.

## **XI Memoranda (*Art. 374*)**

**53. Content.** The Argument consists of 10 pages. Its author shall attach all documents necessary for the adjudication of the appeal (*judgment under appeal, pleadings, excerpts from depositions, etc.*).

**54. Number of Copies.** Five copies of the memorandum shall be produced.

**55. Format.** The memorandum shall include a title page, a table of contents and be paginated consecutively.

The provisions relating to briefs (*including the final requirements*) apply to memoranda with the necessary adaptations.

## **XII Books of Authorities**

**56.** *The Book of Authorities.* Each party may produce a book of authorities (*statutory provisions, jurisprudence and doctrine*), printed recto verso and separated by tabs; the excerpts relied upon are identified (*by a marginal line, underlining or highlighting*). The texts must be in Word format (*unless unavailable*).

The text of judgments of the Supreme Court of Canada must be that which is published in its reports, whether in paper copy or electronically.

The texts of authorities may be limited to relevant excerpts (*along with the preceding and succeeding page*) together with the headnote of the judgment (*if available*).

If the book of authorities is produced electronically (*by an appeal management decision or as a complement to a paper copy version*), key word searches must be possible.

**57.** *Excluded judgments.* The Court publishes a list of judgments that the parties must exclude from their book of authorities.

**58.** *Filing.* Four copies of the book of authorities (*in one or more volumes*) shall be produced for a panel and only one copy for a judge or clerk. The book of authorities shall be notified and filed at the Office of the Court at least 30 days before the hearing of an appeal and as soon as possible before the date of hearing of an application.

The late filing of a book of authorities entails the refusal to grant the applicable costs.

## **XIII Applications in the Course of a Proceeding (Art. 377 – 380)**

**59.** *Application (A written proceeding presenting a legal claim directly to a court).* An application in the course of a proceeding shall be made by a proceeding of no more than 10 pages, attached to which there shall be a solemn declaration (*Art. 101, para. 3 and 106, para. 1*). Four copies of an application shall be produced when presented to the Court; two copies shall be produced when presented to a judge or the Clerk.

**60.** *Attached Documents.* The applicant shall attach one copy of each document necessary for the adjudication of the application (*notice of appeal, judgment under appeal including reasons, pleadings, exhibits, depositions, statutes and regulations...*).

**61.** *Dates of Presentation.* The Clerk shall publish the calendar of hearing dates for applications before the Court, a judge or the Clerk. The notice of presentation must specify, in addition to the date and time, the courtroom in which the application will be presented.

*Reservation.* The applicant must reserve a date from the Clerk for the presentation of an application before the Court.

**62.** *Time of Presentation.* An application to the Court or a judge is made presentable at 9:30am, and that to the Clerk at 9:00am. The Clerk may change the time at which the application is presented.

**63.** *Time Limits (Art. 377).* The time limit for the notification and production of an application is computed in working days, excluding Saturdays.

**64.** *Incomplete or irregular Application.* The Clerk shall notify the applicant if the application is incomplete. If the applicant does not remedy the default within the prescribed time limit prior to its presentation (30, 5 or 2 days), the Clerk continues the application to a later date and so advises the parties.

A presiding judge may, before the hearing, strike from the roll an application if, on its face, it does not substantially comply with the requirements established by law. The Clerk shall so inform the applicant and the other parties of such a decision without delay.

**65.** *Adjournment on Consent.* The parties may only adjourn an application once by agreement. The applicant shall so inform the Clerk as soon as possible, or if the application seeks the dismissal of the appeal, at least 10 days prior to its presentation (Art. 365).

**66.** *Request for Adjournment.* A party seeking an adjournment shall so inform the judge presiding the panel, the judge or the Clerk who, as soon as possible, shall decide whether to grant or dismiss it, or postpone the decision until the beginning of the hearing.

**67.** *Excusal of Attendance.* A party who declares in writing that an application will not be contested is excused from attendance at the hearing, unless advised otherwise by the Clerk.

#### **XIV Settlement Conference (Art. 381)**

**68.** *Form to be completed.* The parties shall complete the form published on the Court's web site in order to request that a settlement conference be held.

The filing of the completed form suspends the time limits of the appeal.

The judge responsible for settlement conferences shall establish the date on which it will be held with the parties.

**69.** *Confidentiality of Documents (Art. 382).* The parties shall transmit all relevant documents that do not form part of the record of the appeal to the judge responsible for settlement conferences.

The commencement and termination of the suspension of time limits shall be noted in the computerized register.

#### **XV Rolls of Hearing (Art. 383 & 384)**



**70. General Roll.** The Clerk shall inscribe on the general roll appeals proceeding with briefs and those proceeding with memoranda not heard by preference (*Art. 383*). The Clerk so advises the parties.

**71. Weekly Rolls.** The Clerk prepares weekly rolls of hearing, observing to the extent possible the order in which cases are inscribed on the roll, subject to the preferences provided by law (*Art. 383, para. 2*) or that are granted by order.

The Clerk mentions the time allotted to each party, including that of a reply (*Art. 385*).

**72. Preferences Prescribed by Law.** The Clerk shall publish the preferences prescribed by law on the Court's web site.

**73. Priorities by Order (*Art. 68*).** The Chief Justice may, ex officio or pursuant to an application, order that an appeal be heard by preference. Such application shall be presented on the date and time determined with the Clerk. It shall be notified to the parties and filed at the Office of the Court at least two working days before its presentation.

**74. Appeals Proceeding with Memoranda (*Art. 368*).** Appeals proceeding with memoranda, which are heard by preference unless otherwise provided, shall be inscribed directly on a weekly roll. If the timetable for the production of the memoranda is not respected, the inscription may be postponed to a later date.

**75. Notice of Hearing (*Art. 385*).** The Clerk shall notify counsel (and unrepresented parties) of the date of hearing of the appeal by sending them the weekly roll of hearing at least 30 days in advance. The roll shall also be posted at the Office of the Court and published on the Court's web site.

#### **XVI Hearings of the Court (*Art. 385*)**

**76. Order of Hearing.** The hearings of the Court begin at 9:30am. The Clerk may convene the parties at a different time for the hearing of their appeal. Appeals are heard in the sequence they appear on the roll. An appeal may be heard in the absence of a party.

**77. Pleading.** The pleading of a party may be split and exceptionally be made by two counsel, however, only one counsel may reply for an appellant.

**78. Outline of Pleading.** At the beginning of a hearing, a party may produce an outline not exceeding two pages, and may attach to it (*with tabs*) excerpts from its brief and its authorities to which it intends to refer.

**79. Recording.** The digital recording of oral argument is available upon payment of the applicable fee; that of a judgment must be authorized (*the form for which is available at the Office of the Court*).

#### **XVII Legal Costs (*Art. 387 & 339*)**

**80.** *Taxation (Art. 344).* The Clerk who taxes the bill of costs must ensure that any costs not subject to the tariff are reasonable.

### **XVIII Scope of this Regulation**

**81.** *Exemption.* The Clerk may excuse a party from compliance with a provision of this Regulation if the circumstances so justify. In such cases the Clerk shall advise the other parties accordingly.

**82.** *Closure of an Inactive File.* If a file has been inactive for more than one year, the Clerk may, after giving the parties an opportunity to be heard, declare the file closed and transfer it to the archives.

Upon application, a judge may determine the conditions for its reactivation (*Art. 18*).

**83.** *Clerk's Practice Direction.* The Clerk may publish a practice direction to explain or render more precise this Regulation or a practice before the Court.

**84.** *Notice from the Chief Justice.* The Chief Justice may inform counsel of a proposed amendment to a provision of this Regulation and invite them to apply it immediately as if it were in force.

### **XIX Coming into Force (Art. 833)**

**85.** This Regulation replaces the "Rules of Practice of the Court of Appeal of Quebec in Civil Matters" (CQLR, c. 25, r. 14).

It comes into force upon the coming into force of the new *Code of Civil Procedure* (S.Q. 2014, c.1).

## Notice

An Act respecting collective agreement decrees (chapter D-2)

### Automotive services industry – Québec — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has been petitioned by the contracting parties to amend the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to amend the Decree respecting the automotive services industry in the Québec region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Decree is to increase the minimum hourly wage rates provided for in the Decree.

Study of the matter shows that the proposed amendments will have a negligible impact on small and medium-sized businesses.

Further information may be obtained by contacting Patrick Bourassa, Direction des politiques du travail, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 528-9738; fax: 418 643-9454; email: patrick.bourassa@travail.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45 day period to the Associate Deputy Minister for Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

MANUELLE OUDAR,  
*Associate Deputy Minister for Labour*

### Decree to amend the Decree respecting the automotive services industry in the Québec region

An Act respecting collective agreement decrees (chapter D-2, ss. 4 and 6.1)

**1.** The Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) is amended in section 1.02

(1) by replacing “Association des spécialistes du pneu du Québec inc.” in paragraph 1 by “Association des spécialistes de pneu et mécanique du Québec (ASPMQ)”;

(2) by replacing “La section locale 4511 du Syndicat national de l’automobile, de l’aérospatiale, du transport et des autres travailleurs et travailleuses” in paragraph 2 by “Unifor section locale 4511”.

**2.** Section 3.02 is amended

(1) by striking out “Except for the pump attendant,” in the first paragraph;

(2) by adding “Except for the pump attendant,” at the beginning of the second paragraph.

**3.** Section 3.03 is revoked.

**4.** Section 7.09 is amended by adding the following at the end of the first paragraph: “Despite the foregoing, an employee who is entitled to more than one week of annual leave may request the employer that the indemnity related to that leave be paid to the employee at the same time the employee would have received it, had the employee not been on leave.”.

**5.** Section 8.16 is amended by inserting the following before paragraph 1:

“(0.1) if the employee is absent owing to sickness, an organ or tissue donation for transplant or an accident;”.

**6.** Section 9.01 is replaced by the following:

“**9.01** The minimum hourly wage rates are as follows:

Trades	As of [enter the date of coming into force of this Decree]	As of [enter the date occurring one year after the date of coming into force of this Decree]	As of [enter the date occurring 2 years after the date of coming into force of this Decree]
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**1. Journeyman\***

Class A	\$22.61	\$23.12	\$23.70
Class A/B	\$20.62	\$21.09	\$21.62
Class B	\$19.93	\$20.38	\$20.89
Class C	\$17.74	\$18.14	\$18.59

Trades	As of [enter the date of coming into force of this Decree]	As of [enter the date occurring one year after the date of coming into force of this Decree]	As of [enter the date occurring 2 years after the date of coming into force of this Decree]
<b>Apprentice</b>			
1st year	\$13.24	\$13.57	\$13.91
2nd year	\$14.08	\$14.44	\$14.80
3rd year	\$14.83	\$15.20	\$15.58
4th year	\$15.61	\$16.00	\$16.40
<b>2. Parts Clerk</b>			
Class A	\$16.49	\$16.86	\$17.29
Class A/B	\$15.99	\$16.35	\$16.76
Class B	\$15.50	\$15.85	\$16.25
Class C	\$15.03	\$15.37	\$15.76
<b>Apprentice – Parts Clerk</b>			
1st year	\$11.67	\$11.97	\$12.27
2nd year	\$12.40	\$12.71	\$13.03
3rd year	\$13.23	\$13.56	\$13.90
4th year	\$13.97	\$14.32	\$14.68
<b>3. Messenger</b>			
	\$10.72	\$10.96	\$11.24
<b>4. Dismantler</b>			
1st year	\$12.65	\$12.93	\$13.26
2nd year	\$13.29	\$13.59	\$13.93
After 2 years	\$13.93	\$14.25	\$14.60
<b>5. Washer</b>			
	\$10.72	\$10.96	\$11.24

Trades	As of [enter the date of coming into force of this Decree]	As of [enter the date occurring one year after the date of coming into force of this Decree]	As of [enter the date occurring 2 years after the date of coming into force of this Decree]
<b>6. Service Attendant</b>			
1st year	\$11.79	\$12.06	\$12.36
2nd year	\$12.86	\$13.15	\$13.48
After 2 years	\$13.93	\$14.25	\$14.60
<b>7. Service Salesperson</b>			
1st year	\$12.80	\$13.09	\$13.42
2nd year	\$14.03	\$14.34	\$14.70
3rd year	\$15.31	\$15.65	\$16.05
4th year	\$16.50	\$16.87	\$17.30
5th year	\$16.83	\$17.21	\$17.64
After 5 years	\$17.18	\$17.56	\$18.00

\* The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, machinist, bodyworker, wheel aligner, automatic transmission specialist, painter, upholsterer and bodyman.

A pump attendant is entitled to the minimum hourly wage rate provided for in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3).”

**7.** Section 13.01 is amended by replacing “22 December 2013” and “June 2013” by “31 December 2018” and “June 2018”, respectively.

**8.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations: **A**: Abrogated, **N**: New, **M**: Modified

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