



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 128

(1996, chapter 82)

**An Act to amend the Act
respecting the conditions of
employment in the public sector
and the municipal sector**

Introduced 15 December 1995
Passage in principle 12 June 1996
Passage 20 December 1996
Assented to 23 December 1996

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EXPLANATORY NOTES

This bill amends the Act respecting the conditions of employment in the public sector and the municipal sector by repealing the provisions that imposed a 1% reduction in the annual expenditure relating to the remuneration and social benefits of the employees, members and chief executive officers of public bodies or municipal bodies and to those of certain health professionals.

The bill also contains transitional and consequential amendments.

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THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Division II of Chapter II, section 28 and the second paragraph of section 34 of the Act respecting the conditions of employment in the public sector and the municipal sector (1993, chapter 37) are repealed.

2. Section 35 of the said Act is amended by replacing the figure “25” in the first line of the first paragraph by the figure “19”.

3. Division II of Chapter III and the second paragraph of section 44 of the said Act are repealed.

4. Sections 20 to 25 of the said Act shall cease to have effect in respect of pharmacists and medical residents referred to in section 35 of the said Act only after the expiry of a three-year period from the beginning of the first year of reference in which those sections were actually applied to such pharmacists and medical residents.

5. No repeal under this Act shall entail the termination of an agreement referred to in section 24 or 41 of the Act respecting the conditions of employment in the public sector and the municipal sector or of a measure applied under the second paragraph of section 28 or of a measure, other than those provided for in section 40, which is applied under the second paragraph of section 44 of the said Act.

6. The parties to an agreement proposing a replacement measure, recognized by the Government under the first paragraph of section 24 of the Act respecting the conditions of employment in the public sector and the municipal sector or recognized by the

parties under the second paragraph of that section, whose effect extends beyond 31 March 1996, may agree on amendments to the conditions of employment of the employees concerned to compensate, up to 1%, for the annual reduction in expenditure relating to remuneration and social benefits which, after that date, results from the agreement.

If no agreement is entered into before 1 April 1997, one of the parties may, within sixty days from that date, refer the disagreement to arbitration as if it were a grievance.

The arbitrator shall determine amendments to the conditions of employment designed to compensate the employees concerned to the extent provided for in the first paragraph. However, at the request of one party, the arbitrator must seek to re-establish the conditions of employment prevailing before the agreement referred to in section 24 was entered into, regardless of the application of sections 20 to 22 of the said Act, unless the other party proves that it would suffer serious prejudice thereby.

Every amendment made to the conditions of employment that is determined by the arbitration award shall form part of the collective agreement.

The process of amendment of the conditions of employment provided for in this section does not constitute a revision of the collective agreement within the meaning of section 107 of the Labour Code (R.S.Q., chapter C-27).

7. Section 6 applies, with the necessary modifications, to the parties to an agreement entered into under section 41 of the Act respecting the conditions of employment in the public sector and the municipal sector which proposes a replacement measure recognized by the parties under the said section and whose effect extends beyond 31 December 1995.

8. A public body that has given an employee leave without pay or taken any other measure in respect of the employee pursuant to section 20 of the Act respecting the conditions of employment in the public sector and the municipal sector, in respect of a period subsequent to 31 March 1996, shall reimburse to the employee the sums not paid to him by reason of such leave or measure.

The same applies to a municipal body that has given an employee leave without pay or taken a measure pursuant to section 40 of that Act for a period subsequent to 31 December 1995.

9. No grievance or other similar proceeding pertaining to a measure provided for in an order under section 22 or determined under section 40 of the Act respecting the conditions of employment in the public sector and the municipal sector may be filed, instituted or continued.

A grievance or other proceeding contesting the terms and conditions of application of such a measure, or based on the fact that the application of a measure results in the recovery of more than 1% of an employee's remuneration or social benefits, may be filed, instituted or continued.

10. Sections 1 and 2 have effect from 1 April 1996 and section 3 has effect from 1 January 1996.

11. This Act comes into force on 23 December 1996.