



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 67

(1999, chapter 85)

An Act to amend the Act respecting labour standards as regards differences in treatment

Introduced 4 June 1999
Passage in principle 25 November 1999
Passage 17 December 1999
Assented to 20 December 1999

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EXPLANATORY NOTES

This bill amends the Act respecting labour standards to prohibit, as regards matters covered by labour standards, differences in treatment based solely on the date of hiring between employees performing the same tasks in the same establishment.

A number of rules are provided for the enforcement of the prohibition, including effective dates that vary according to whether they apply to collective agreements, individual employment contracts or collective agreement decrees.

While preventing a duplication of proceedings, the bill gives all employees the possibility of bringing a complaint concerning prohibited differences in treatment before the Commission des normes du travail.

The bill requires a report on the application of its provisions, and the expediency of maintaining or amending them, to be made to the Government and to be tabled in the National Assembly not later than 2004.

Bill 67

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS AS REGARDS DIFFERENCES IN TREATMENT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The heading of Division VII of Chapter IV of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “OTHER” by “MISCELLANEOUS OTHER”.
2. The said Act is amended by inserting the following after section 87:

“DIVISION VII.1

“DIFFERENCES IN TREATMENT

“87.1. No agreement or decree may, with respect to a matter covered by a labour standard that is prescribed by Divisions I to VI and VII of this chapter and is applicable to an employee, operate to apply to the employee, solely on the basis of the employee’s hiring date, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.

The same applies in respect of a matter corresponding to any of the matters referred to in the first paragraph where a labour standard pertaining to that matter has been fixed by regulation.

“87.2. A condition of employment based on seniority or years of service does not contravene section 87.1.

“87.3. The conditions of employment applied to an employee pursuant to a special arrangement for the handicapped and the conditions of employment applied temporarily to an employee following a reclassification or demotion, an amalgamation of enterprises or an internal reorganization in an enterprise shall be disregarded for the purposes of section 87.1.

The wages and wage rules temporarily applied to an employee to prevent the employee from being disadvantaged owing to the employee’s integration into a new wage rate, a wage scale whose range has been modified or a new wage scale shall also be disregarded, provided that

(1) the wage rate or wage scale is established to be applicable, subject to the situations referred to in the first paragraph, to all employees performing the same tasks in the same establishment; and

(2) the difference between the wage applied to the employee and the rate or scale established to be applicable to all such employees is progressively eliminated within a reasonable period of time.”

3. Section 102 of the said Act is amended by adding “, unless the complaint concerns a condition of employment prohibited by section 87.1; in the latter case, the complainant must prove to the Commission that he has not exercised such recourses or that, having exercised them, he discontinued proceedings before a final decision was rendered” at the end of the second paragraph.

4. The Minister of Labour shall, not later than 30 June 2004, report to the Government on the application of Division VII.1 of Chapter IV of the Act respecting labour standards, enacted by section 2 of this Act, and on the advisability of maintaining or amending the provisions of that division.

The report shall be tabled in the National Assembly within the next 15 days or, if the Assembly is not sitting, within 15 days of resumption. The competent committee of the National Assembly shall examine the report.

5. In the case of a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or an arbitration award in lieu thereof, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force, after 29 February 2000, of a first collective agreement for a certified group of employees, of a new collective agreement or of an arbitration award in lieu thereof.

6. In the case of an agreement within the meaning of the Act respecting labour standards, other than agreements referred to in section 5 of this Act, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act has effect from 1 July 2000, unless the agreement is binding on an employee in a group of employees certified under the Labour Code and for which a first collective agreement within the meaning of that Code has not been made and is therefore not in force; in the latter case, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force of the first collective agreement or of an arbitration award in lieu thereof.

7. In the case of a decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from 1 January 2001.

8. For the purposes of sections 5 and 6 of this Act, the date of coming into force of a collective agreement is the date determined pursuant to section 72 of the Labour Code.

9. This Act comes into force on 1 January 2000.