



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 63

(2001, chapter 49)

An Act to amend the Labour Code and the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions

Introduced 15 November 2001

Passage in principle 27 November 2001

Passage 14 December 2001

Assented to 18 December 2001

EXPLANATORY NOTES

This bill amends the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions in order to establish rules governing the appointment of labour commissioners as commissioners of the new Commission des relations du travail, authorize labour commissioners to participate in the Pension Plan of Management Personnel, provide for the prolongation of the first term of the first Commission's president for a maximum period of two years by reason of the work required for the establishment of the Commission, and determine certain administrative rules concerning the Labour Court and its members.

In addition, the bill amends the Labour Code to remedy an omission in the English text of a provision relating to essential services in the public service.

LEGISLATION AMENDED BY THIS BILL :

- Labour Code (R.S.Q., chapter C-27);
- Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26).

Bill 63

AN ACT TO AMEND THE LABOUR CODE AND THE ACT TO AMEND THE LABOUR CODE, TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The English text of section 111.15.2 of the Labour Code (R.S.Q., chapter C-27), enacted by section 61 of chapter 26 of the statutes of 2001, is amended by adding the following sentence at the end of the second paragraph: “In addition, the council may at any time, at the request of either party, modify the decision so made.”

2. Section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26) is amended by replacing “the Government and Public Employees Retirement Plan (chapter R-10)” in the second and third lines of section 137.30 of the Labour Code by “the Pension Plan of Management Personnel (2001, chapter 31)”.

3. Section 207 of the said Act is replaced by the following section :

“207. Any person acting as labour commissioner general, assistant labour commissioner general or labour commissioner on (*insert here the date preceding the date of coming into force of this section*) or before (*insert here the date of coming into force of section 112 of the Labour Code, enacted by section 63 of this Act*) is declared qualified for appointment as a commissioner of the Commission des relations du travail and that person’s name shall be recorded in the register kept under section 137.14 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act; the candidacy of such a person shall be examined by the committee appointed to examine the renewal of a term, which may, after meeting the person, recommend to the Government that the person be appointed.

The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall set up the examination committee provided for in the first paragraph and appoint the committee members, who shall include the president of the Commission des relations du travail or a vice-president of the Commission designated by the president, a person from the legal sector and two persons from the labour relations sector; the Associate Secretary General shall also designate the chair of the committee.

For the purposes of the first paragraph, the provisions of sections 4, 6 to 10 and 27 to 30 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their term of office, enacted by Order in Council 566-98 dated 22 April 1998 (1998, G.O. 2, 1752) apply, with the necessary modifications.

However, no unfavourable recommendation may be made by the examination committee in respect of a person unless the committee has informed the person beforehand of its intention and of the reasons therefor, and given the person an opportunity to present observations.

The members of the committee may not be prosecuted by reason of acts performed in good faith in the exercise of their functions.

Following a recommendation of the committee, the Government may appoint any person referred to in the first paragraph to the office of commissioner of the Commission des relations du travail, in which case the person is deemed to meet the requirements provided for in section 137.12 of the Labour Code, enacted by section 63 of this Act, even as regards a subsequent renewal, as long as the person remains a commissioner.

Subject to the eighth paragraph, every person referred to in the first paragraph may remain an employee of the Ministère du Travail until the person is appointed to the office of commissioner of the Commission des relations du travail. The chair of the Conseil du trésor shall establish the person's classification on the basis of the current classification in the public service, years of experience and formal training. The person shall occupy the position and exercise the functions assigned by the Deputy Minister of Labour.

Any person referred to in the first paragraph who is not appointed to the office of commissioner of the Commission des relations du travail within the period during which the qualification certificate provided for in section 137.15 of the Labour Code, enacted by section 63 of this Act, is valid, and who is informed that his or her services are no longer required by the Ministère du Travail, shall be placed on reserve in the public service and shall remain an employee of the Ministère du Travail until the person is assigned a position by the chair of the Conseil du trésor.”

4. The said Act is amended by inserting the following sections after section 210:

“210.1. From 1 January 2002, the chief judge of the Court of Québec shall exercise, without additional remuneration, the powers and functions of the chief judge of the Labour Court with respect to the judges of that court until the Labour Court ceases to exercise the powers and functions conferred upon it by sections 211, 212 and 214.

“210.2. The first paragraph of section 162 of the Act to amend the Courts of Justice Act and other legislation to establish the Court of Québec (1988, chapter 21) shall cease to apply to the judges of the Labour Court on 1 January 2002.”

5. Section 221 of the said Act is amended by inserting the following paragraph after the first paragraph :

“The Government may, owing to the work required for the establishment of the Commission des relations du travail, extend for a period not exceeding two years the maximum duration of the first administrative mandate of the first president of the Commission, provided for in section 137.41 of the Labour Code, enacted by section 63 of this Act. In that case, the instrument of appointment of the first president must mention the extension, and the duration of the first mandate, as commissioner, of the first president of the Commission is extended for the same period.”

6. Section 1 has effect from 15 July 2001.

7. Sections 210.1 and 210.2 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26), enacted by section 4 of this Act, come into force on 1 January 2002.

8. This Act comes into force on 18 December 2001.