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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SEVENTH LEGISLATURE

## Bill 28

(2006, chapter 6)

### **An Act to amend the Pay Equity Act**

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**Introduced 18 May 2006**

**Passage in principle 25 May 2006**

**Passage 25 May 2006**

**Assented to 25 May 2006**

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**Québec Official Publisher  
2006**

## EXPLANATORY NOTES

*This bill amends the Pay Equity Act to facilitate the achievement of pay equity in the public and parapublic sectors.*

*To that end, the bill replaces the existing single governmental entity by two entities, the public service enterprise and the parapublic sector enterprise. It establishes special rules for those entities as regards the representation on pay equity committees of employees not covered by a certification, and specifies the scope of pay equity plans.*

*In addition, the bill provides for the establishment of a single pay equity plan for all employees in the parapublic sector enterprise who are represented by a certified association, and specifies the composition of the pay equity committee responsible for establishing that plan.*

*The bill also proposes other amendments, including consequential amendments.*

## Bill 28

### AN ACT TO AMEND THE PAY EQUITY ACT

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** Section 3 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of this Act,

(1) the Conseil du trésor is deemed to be the employer in the public service enterprise and the parapublic sector enterprise;

(2) the public service enterprise includes government departments and bodies and persons other than the National Assembly whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1); and

(3) the parapublic sector enterprise includes colleges, school boards and institutions to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies.”

**2.** Section 11 of the Act is amended by adding the following paragraph at the end:

“In the parapublic sector enterprise, however, there may be only one pay equity plan for all employees represented by certified associations.”

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

“**19.1.** In the public service enterprise and the parapublic sector enterprise, a certified association or, where applicable and under section 21.1, a group of employees’ associations, that represents employees in a job class to which a pay equity plan applies also represents, for the purposes of that plan and until it has been completed, all the employees in that job class who are not covered by a certification.

The adjustments in compensation and the terms and conditions of payment of compensation adjustments set out in such a plan are the only ones applicable to all such employees.”

**4.** The Act is amended by inserting the following section after section 20:

**“20.1.** In the public service enterprise and the parapublic sector enterprise, an association that comprises employees not represented by a certified association and that is recognized by government order for labour relations purposes and a representative body referred to in section 432 of the Act respecting health services and social services (chapter S-4.2) are considered to be certified associations for the purposes of the designation of members of the pay equity committee responsible for establishing a pay equity plan applicable to employees not represented by a certified association.

Section 19.1 applies, with the necessary modifications, to those associations and bodies as well as to the employees they represent.”

**5.** The Act is amended by inserting the following section after section 21:

**“21.1.** The pay equity committee responsible for establishing the pay equity plan referred to in the third paragraph of section 11 is composed of 16 members, 11 of whom shall represent employees and five of whom shall represent the employer.

The members representing employees shall be designated as follows:

(1) two by each of the following employees’ associations or groups of employees’ associations: the Centrale des syndicats du Québec (CSQ), the Confédération des syndicats nationaux (CSN), the Fédération des infirmières et infirmiers du Québec (FIIQ) and the Fédération des travailleurs et travailleuses du Québec (FTQ);

(2) one by the Alliance du personnel professionnel et technique de la santé et des services sociaux (APTS);

(3) one by the employees’ associations or groups of such associations that represent employees covered by an accreditation in colleges and school boards, to which subparagraphs 1 and 2 do not apply, that do not form part of associations or groups referred to in those subparagraphs and that are not affiliated with them; and

(4) one by employees’ associations or groups of such associations that represent employees covered by a certification in an institution to which the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) applies, to which subparagraphs 1 and 2 do not apply, that do not form part of associations or groups referred to in those subparagraphs and that are not affiliated with them.”

**6.** Section 23 of the Act is amended by adding the following paragraph at the end:

“The Commission may also authorize another mode of designation of the representatives of employees not represented by a certified association.”

**7.** Section 40 of the Act is amended by inserting “or, if applicable, the bargaining agent appointed under the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2)” after “concerned” in the fifth line of the second paragraph.

**8.** Section 74 of the Act is amended by replacing “applicable” in the fourth line by “or the conditions of employment applicable”.

**9.** Section 93 of the Act is amended by inserting the following paragraph after paragraph 5:

“(5.1) authorizing a mode of designation of representatives to a pay equity committee other than that provided for in the first paragraph of section 23;”.

**10.** A pay equity committee in the public service enterprise must, if the postings under sections 75 and 76 of the Pay Equity Act (R.S.Q., chapter E-12.001) were effected before 25 May 2006, again effect the postings under the second paragraph of section 75 and section 76 to allow employees not covered by a certification but who are in a job class to which the pay equity plan established by the committee applies to exercise the rights exercisable under section 76 of that Act.

**11.** This Act comes into force on 25 May 2006.