



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 111

(2010, chapter 21)

An Act to amend the Act respecting labour standards in order to facilitate reciprocal enforcement of decisions ordering the payment of a sum of money

Introduced 11 June 2010

Passed in principle 21 September 2010

Passed 29 September 2010

Assented to 29 September 2010

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EXPLANATORY NOTES

This Act allows the Commission des normes du travail to send to the competent authority of another State a request for the enforcement of a decision rendered in Québec and ordering the payment of a sum of money under the Act respecting labour standards. In addition, the Commission is empowered to ensure enforcement in Québec of decisions of the same nature rendered in another State if, among other things, that State is recognized by the Government as offering reciprocity in the enforcement of decisions rendered in Québec.

Lastly, this Act grants the Commission the power to enter into agreements, according to law, with a government other than that of Québec, or with an international organization, for the purposes of the provisions under its administration.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting labour standards (R.S.Q., chapter N-1.1).

Bill 111

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS IN ORDER TO FACILITATE RECIPROCAL ENFORCEMENT OF DECISIONS ORDERING THE PAYMENT OF A SUM OF MONEY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 6.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by adding the following paragraph at the end:

“It may also, according to law, enter into an agreement with another government or an international organization, or a body of such a government or organization, for the purposes of the Acts and regulations under its administration.”

2. Section 39 of the Act is amended by adding the following paragraph at the end:

“(16) send to the competent authority of a State a request for the enforcement of a decision ordering the payment of a sum of money under this Act.”

3. The Act is amended by inserting the following sections after section 39:

“39.0.0.1. The Commission ensures that decisions rendered outside Québec under an Act having similar objectives to those of this Act are enforced in Québec, provided all of the following conditions are met:

(1) the State in which the decision was rendered is recognized by a government order, on the recommendation of the Minister of Labour and, as applicable, the Minister responsible for Canadian Intergovernmental Affairs or the Minister of International Relations, as having legislation substantially similar to this Act and as offering reciprocity in the enforcement of decisions concerning employment standards;

(2) a request to that effect is made to the Commission by the competent authority of the State concerned, accompanied by a certified copy of the decision and a certificate attesting that the decision is no longer subject to ordinary redress and is final or enforceable, and by the address and other contact information for the Québec residence, domicile, business establishment, head office or office of the employer concerned and, if applicable, of the other debtors subject to the decision;

(3) the decision orders the payment of a sum of money and is, in the opinion of the Commission, consistent with public order.

“39.0.0.2. On receipt of a request that meets the requirements of section 39.0.0.1, the Commission files the certified copy of the decision, together with the certificate, with the office of the Superior Court in the district where the residence, domicile, business establishment, head office or office of the employer or another debtor concerned is situated.

As of the date of its filing with the office of the Superior Court, the decision is equivalent to a judgment rendered by that court and has all the effects of such a judgment.

“39.0.0.3. The employer or another debtor concerned may, in accordance with the Code of Civil Procedure (chapter C-25), oppose enforcement of the decision on any ground set out in that Code or in paragraphs 1 to 5 of article 3155 of the Civil Code.”

4. This Act comes into force on 29 September 2010.