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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

## Bill 8

(2014, chapter 9)

### **An Act to amend the Labour Code with respect to certain employees of farming businesses**

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**Introduced 13 June 2014**  
**Passed in principle 30 September 2014**  
**Passed 21 October 2014**  
**Assented to 22 October 2014**

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## EXPLANATORY NOTES

*This Act amends the Labour Code to introduce special provisions that apply to the employees of an employer who are assigned to a farming business, unless at least three such employees are ordinarily and continuously employed.*

*The Act requires, among other things, that the employer give an association of employees a reasonable opportunity to make representations concerning the employees' conditions of employment. The employer must examine the representations and discuss them with the association's representatives.*

*Diligence and good faith must govern the conduct of the association of employees and the employer at all times.*

*Furthermore, the Act confers jurisdiction on the Commission des relations du travail to hear and determine any complaint alleging a contravention of these special provisions.*

*Lastly, it contains transitional and final provisions.*

## LEGISLATION AMENDED BY THIS ACT:

- Labour Code (chapter C-27).

## Bill 8

### AN ACT TO AMEND THE LABOUR CODE WITH RESPECT TO CERTAIN EMPLOYEES OF FARMING BUSINESSES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

- 1.** Section 21 of the Labour Code (chapter C-27) is amended by striking out the fifth paragraph.
- 2.** The Code is amended by inserting the following after section 111.26:

#### “CHAPTER V.3

#### “SPECIAL PROVISIONS APPLICABLE TO FARMING BUSINESSES

“**111.27.** This chapter applies to the employees of an employer who are assigned to a farming business, unless at least three such employees are ordinarily and continuously employed.

Divisions II and III of Chapter II and Chapters III to V do not apply to employees referred to in the first paragraph.

“**111.28.** The employer must give an association of employees of the farming business a reasonable opportunity to make representations about the conditions of employment of its members.

“**111.29.** Considerations relevant in determining whether a reasonable opportunity has been given include the following:

- (1) the timing of the representations relative to concerns that may arise in running a farming business, such as planting and harvesting days, weather conditions, animal health and safety and plant health;
- (2) the frequency and repetitiveness of the representations.

“**111.30.** An association of employees may make its representations verbally or in writing. The employer must examine the representations and discuss them with the association’s representatives.

If representations are made in writing, the employer gives the association of employees a written acknowledgement of having read them.

Diligence and good faith must govern the parties’ conduct at all times.

**“111.31.** The employer or the owner of an agricultural operation is required to allow any representative of an association of employees holding a permit issued by the Commission in accordance with the regulation made for that purpose under section 138 to enter and have access to the place under the employer’s or owner’s control where employees are living.

**“111.32.** An association of employees, an employer or an employers’ association that believes that a right conferred by this chapter has not been respected may file a complaint with the Commission.”

**3.** Section 138 of the Code is amended by replacing “section 8 or 9” in subparagraph *a* of the first paragraph by “sections 9, 111.26 and 111.31”.

**4.** Section 141 of the Code is amended by adding the following paragraph at the end:

“An employer who or which fails to acknowledge as representing employees in his or its employ the representatives of an association referred to in Chapter V.3 or to have discussions with them in good faith according to the process provided for in that chapter is guilty of an offence under the first paragraph and liable to the fine prescribed in that paragraph.”

#### TRANSITIONAL AND FINAL PROVISIONS

**5.** Any certification granted under the Labour Code (chapter C-27) between 13 June 2014 and 22 October 2014 with respect to employees who are subject to Chapter V.3 of the Code is null.

The same holds for any petition for certification in progress on 22 October 2014 with respect to such employees and for any recourse brought in connection with such a petition.

**6.** Subdivision 4 of Division IV of the Regulation respecting the exercise of the right of association under the Labour Code (chapter C-27, r. 4) applies, with the necessary modifications, to a permit to enter and have access to the place where employees of a farming business are living until the regulation referred to in section 111.31 of the Labour Code is made by the Government.

**7.** This Act comes into force on 22 October 2014.