



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 111

(2016, chapter 20)

An Act to ensure resumption of the regular maritime transport services provided by Relais Nordik inc. and to settle the dispute between that company and some of its employees

Introduced 9 June 2016

Passed in principle 10 June 2016

Passed 10 June 2016

Assented to 10 June 2016

EXPLANATORY NOTES

This Act is to put an end to the ongoing strike in the North Shore region and ensure resumption of regular maritime transport services there.

The Act provides for the resumption of the activities interrupted by the strike and sets out the obligations and prohibitions imposed on the employees, their certified association and the employer for that purpose.

A further purpose of the Act is to ensure the renewal of the collective agreement binding the employer and certified association concerned by providing for a mediation period, followed by arbitration in the event that mediation fails.

Penal sanctions are prescribed for failure to fulfill the obligations or comply with the prohibitions imposed by the Act.

Lastly, the Act provides that the Government may make an order before 30 September 2016 to make subject to this Act a certified association that represents other employees of the employer concerned and that has sent a strike notice to the Minister.

Bill 111

AN ACT TO ENSURE RESUMPTION OF THE REGULAR MARITIME TRANSPORT SERVICES PROVIDED BY RELAIS NORDIK INC. AND TO SETTLE THE DISPUTE BETWEEN THAT COMPANY AND SOME OF ITS EMPLOYEES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

PURPOSE

1. The purpose of this Act is to ensure the resumption of the regular maritime transport services provided by Relais Nordik inc. in the North Shore region.

A further purpose of the Act is to settle the dispute over the renewal of the collective agreement binding the employer, Relais Nordik inc., and the Syndicat des Métallos, Local 9599 (AQ-1004-2670), an association certified to represent some of the employees.

DIVISION II

OBLIGATIONS AND PROHIBITIONS CONCERNING THE RESUMPTION OF REGULAR SERVICES

2. Employees included in the bargaining unit for which the association referred to in section 1 was certified must, as of the day following the coming into force of this Act, report for work according to their regular work schedule and other applicable conditions of employment.

3. Employees to whom section 2 applies must perform all the duties attached to their respective functions, in accordance with the applicable conditions of employment, without any stoppage, slowdown, reduction or degradation of their normal activities.

Employees may not, as part of a concerted action, refuse to provide services to their employer.

Any employee who contravenes this section receives no remuneration for the contravention period.

4. The employer and its officers and representatives must, as of the day following the coming into force of this Act, take the appropriate measures to ensure that regular maritime transport services are provided.

5. The certified association is prohibited from calling or continuing a strike or participating in any other form of concerted action that prevents the employees from returning to work.

6. The certified association must take the appropriate measures to induce the employees it represents to comply with sections 2 and 3.

It must, in particular and before the scheduled return to work, communicate the content of this Act and the date and terms of the return to work to the employees it represents and send the Minister an attestation that it has done so.

7. No one may, by omission or otherwise, in any manner prevent or impede the employees' return to work or the performance of work by employees, or directly or indirectly contribute to slowing down, degrading or delaying the performance of such work.

DIVISION III

MEDIATION

8. A mediator is appointed by the Minister to help the parties settle their dispute.

9. The mediation period lasts for 120 days after the mediator is appointed.

However, the Minister may extend the mediation period for up to 60 days at the request of the parties or the mediator.

The mediator puts an end to the mediation period as soon as the parties inform the mediator that they would like the dispute to be submitted to arbitration.

10. If there is no agreement at the expiry of the mediation period, the mediator gives the parties a report specifying the matters on which there has been agreement and the matters which are still in dispute.

At the same time, the mediator gives a copy of the report with comments to the Minister.

DIVISION IV

ARBITRATION ON THE RENEWAL OF COLLECTIVE AGREEMENT

11. On receiving the mediator's report stating the absence of agreement on the renewal of the collective agreement, the Minister refers the dispute to arbitration and notifies the parties.

12. Within 15 days after receiving the Minister's notice under section 11, the parties must consult each other as to the choice of an arbitrator and inform the Minister of the name of the arbitrator chosen. The Minister then appoints that arbitrator.

Failing agreement between the parties within the time prescribed, the Minister appoints an arbitrator from the list drawn up annually by the Minister under the second paragraph of section 77 of the Labour Code (chapter C-27) and informs the parties.

13. The Minister sends the arbitrator a copy of the mediator's report. Only matters not identified as having been the subject of an agreement between the parties may be referred to arbitration.

Despite the end of the mediation process and even after sending the report, the mediator may continue to act at the request of the parties. However, the mediator may not continue to act once the arbitration hearings have begun.

Any agreement entered into after the mediator's report has been sent must be included in an additional report that is sent to the parties and the Minister without delay. The Minister then sends the report to the arbitrator.

14. The arbitrator hears the dispute with diligence and according to the procedure and the method of proof the arbitrator considers appropriate.

15. Arbitration expenses and fees are shared equally by the employer and the certified association.

The arbitrator's expenses and fees are those prescribed in the Regulation respecting the remuneration of arbitrators (chapter C-27, r. 6); the tariff of remuneration is that declared in accordance with section 12 of that regulation, if applicable.

16. Sections 76 and 79, the first paragraph of section 80, sections 82 to 89, 91, 91.1, 93 and 139 to 140 of the Labour Code apply, with the necessary modifications, to the arbitration and regarding the arbitrator.

17. The arbitrator must render an award within six months after the date the dispute was referred to the arbitrator. However, the Minister may grant an extension at the arbitrator's request.

18. In the award, the arbitrator records the stipulations relating to the matters that have been agreed on, as evidenced in the mediator's report.

The parties may, at any time, come to an agreement on a matter in dispute and the corresponding stipulations must also be recorded in the arbitration award.

The arbitrator may not amend such stipulations except for the purpose of making modifications that are necessary to make the stipulations consistent with a clause of the award.

19. The award is binding on the parties for not less than one year nor more than three years from the date the award is filed with the Minister, and has effect from the expiry of the previous collective agreement, unless the parties agree on another period of time or effective date.

DIVISION V

PENAL PROVISIONS

20. Anyone who contravenes a provision of sections 2 to 7 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine

(1) of \$100 to \$250 in the case of an employee or of a person not mentioned in paragraph 2 or 3;

(2) of \$1,000 to \$10,000 in the case of an officer, representative or employee of the certified association, or of an officer or representative of the employer; and

(3) of \$5,000 to \$50,000 in the case of the employer, the certified association or a union, federation or confederation with which the certified association is affiliated or to which it belongs.

21. Any person who, by an act or an omission, aids the commission of an offence or, by encouragement, advice, consent or order, induces another person to commit an offence is a party to the offence and is liable to the same penalty as that prescribed for the offender.

When the offence is committed by a legal person or an association, any officer or representative who in any manner approves of the act constituting the offence or acquiesces to the commission of the offence is guilty of the offence.

DIVISION VI**MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

22. The conditions of employment contained in the expired collective agreement apply, with the necessary modifications, until a new collective agreement replacing it comes into effect.

23. The Government may, by an order made before 30 September 2016, make subject to this Act an association that is certified to represent employees from another bargaining unit of the company of the employer Relais Nordik inc. and that has sent a strike notice in accordance with section 111.0.23 of the Labour Code (chapter C-27). In such a case, the obligations and prohibitions imposed by this Act on the employer Relais Nordik inc. apply with the necessary modifications, and sections 2 and 4 must be read as if the reference to the coming into force of this Act were replaced by a reference to the making of the order.

24. The Minister responsible for Labour is responsible for the administration of this Act.

25. This Act comes into force on 10 June 2016.