

Gouvernement du Québec

O.C. 1454-2024, 25 September 2024

Act respecting collective agreement decrees
(chapter D-2)

Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec

Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec

WHEREAS, under the first paragraph of section 18 of the Act respecting collective agreement decrees, the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec is to adopt regulations for its formation, the number of its members, their admission, their replacing, the appointing of substitutes and the administration of funds; fix its head office; determine the name under which it is to be designated and, generally, draw up regulations for its internal management and the exercise of the rights conferred upon it by law;

WHEREAS, under the first paragraph of section 19 of the Act, the regulations contemplated in section 18 of the Act are to be transmitted to the Minister of Labour and are approved, with or without amendment by the Government; and notice of such approval is to be published in the *Gazette officielle du Québec*;

WHEREAS, under subparagraph 1 of the second paragraph of section 22 of the Act, from the mere fact of its formation, the committee may, as of right, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the board of directors of the committee adopted the Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec at its sitting of 20 June 2024;

WHEREAS it is expedient to approve the Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Internal regulation of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec

Act respecting collective agreement decrees
(chapter D-2, s. 18, 1st par., and s. 22, 2nd par., subpar. 1).

DIVISION I SCOPE

1. Application — This Regulation applies to contracting parties of the Comité paritaire du personnel de l'industrie de la signalisation routière du Québec, to members of the board of directors of the committee, as well as to employees, if applicable, and consultants of the parity committee.

This Regulation supplements the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17). Where this Regulation is in conflict with or its meaning is unclear in relation to the provisions of the General Regulation, the General Regulation takes precedence.

DIVISION II ESTABLISHMENT AND MISSION OF THE COMMITTEE

2. Name — The parity committee is designated under the name “Comité paritaire du personnel de l'industrie de la signalisation routière du Québec”.

In this Regulation, it is designated under the name “committee”.

3. Head office — The head office of the committee is located in the territory of the Communauté métropolitaine de Montréal.

The address of the head office is published on the website of the committee.

4. Mission — The committee oversees and ensures the application of the Decree respecting personnel in the traffic control industry in Québec (chapter D-2, r. 16.1). For that purpose, the committee must, in particular,

(1) advise and inform the employees and professional employers of the conditions of employment determined in the decree;

(2) exercise all recourses arising out of the decree or the Act respecting collective agreement decrees (chapter D-2) in favour of employees; and

(3) hear and consider any written complaint from a professional employer or from an employee respecting the decree.

DIVISION III

BOARD OF DIRECTORS OF THE COMMITTEE

§1. Composition and appointment of the members of the board of directors

5. Composition and appointment — The committee is administered by a board of directors consisting of 8 members appointed by the contracting parties in the following manner:

(1) for the employer contracting party,

(a) 4 members from the Association Québécoise des Entrepreneurs en Infrastructure (AQEI);

(2) for the union contracting party,

(a) 4 members from the Syndicat des Métallos (FTQ).

6. Appointment of a substitute — Each contracting party may appoint one or more substitutes to sit on the committee if a member appointed by the contracting party is absent or unable to act. Substitutes have the same rights and privileges as the member they replace.

An illness, a family or professional obligation, a personal leave or a conflict of interest constitute grounds for an absence or inability to act.

7. Attestation and documents — Upon taking office, a member or substitute must send the secretary of the board of directors a document attesting to their appointment, signed by a person authorized by the contracting party that appointed the member or substitute. The secretary gives each new member the documents required to acquire the basic knowledge necessary to exercise their functions.

8. Duration of the term — The members of the board of directors are appointed for a term of 2 years, which is renewable, consecutively or not, for the same duration. The total duration of the terms must not exceed 12 years.

At the end of their term, the members remain in office until they are replaced or re-appointed.

9. Replacement — A vacancy on the board of directors is filled in the manner set out for the appointment of the member to be replaced, for the remainder of the term.

Despite section 8, where a member is appointed to sit on the board of directors in consideration of the position the member occupies within a contracting party and the member is removed from office, the member is replaced by a successor for the remainder of the term.

The secretary of the board of directors informs the contracting parties in writing when a member is replaced.

10. Absence — Where a member is absent from a regular meeting or is unable to act for that meeting, the member is replaced by a substitute appointed by the contracting party the member represents. The contracting party immediately informs the secretary in writing so that the secretary can send the notice of convocation to the substitute. Where a member is absent from more than 2 consecutive regular meetings or resigns, the member's office becomes vacant by operation of law and the secretary immediately notifies in writing the contracting party that appointed the member.

11. Failure to comply — Where a member of the board of directors fails to comply with one or more organizational values of the committee or fails to fulfil his or her commitments, duties or responsibilities, the procedure provided for in section 2 of Schedule 3 to the code of ethics and conduct of the directors applies.

12. Vacancy — A vacancy on the board of directors is filled by the contracting party concerned before the next regular meeting is held.

13. Election of a chair and vice-chair — The board of directors elects, from among its members, a chair and a vice-chair. Where the chair is a representative of the employer contracting party, the vice-chair is a representative of the union contracting party, and vice versa. The chair and vice-chair are elected each year on an alternating basis by the members of the contracting party they represent.

§2. Meetings of the board of directors

14. Regular meeting — A regular meeting must be held at least every 2 months.

15. Special meeting — A special meeting may be convened by the board of directors in regular meeting, by the chair or upon the written request of at least 4 members of the board of directors, including at least 2 members from each of the contracting parties.

The secretary of the board of directors must include the special agenda with the notice of convocation.

16. Annual meeting — The board of directors holds an annual meeting not later than 30 April of each year. At that meeting, the board of directors elects the chair and vice-chair and designates an independent auditor to prepare the financial statements of the committee.

17. Chairing of meetings — Meetings are chaired by the chair or, in the absence of the chair, the vice-chair. If the chair and the vice-chair are unable to act, the board of directors designates, at the beginning of each meeting, a member to chair the meeting.

18. Place of meetings — Meetings of the board of directors are held at the head office of the committee or elsewhere in Québec if a resolution to that effect is adopted at the previous meeting.

The members of the board of directors may, if they all agree, participate in a meeting using technological means allowing all participants to directly communicate with each other. The secretary specifies the means of communication authorized for that purpose in the notice of convocation.

19. Notice of convocation — At least 10 working days before a meeting is held, a written notice of convocation indicating the date, time and place of the meeting and, if applicable, the technological means for participating in the meeting, is sent to each member of the board of directors. The agenda and the documents relating to the subjects on the agenda are sent to the members as soon as possible following the sending of the notice of convocation.

If the meeting concerns the adoption, amendment or repeal of a regulation of the committee, the subject must be included on the agenda of a notice of convocation to a regular or special meeting so that the board of directors can authorize sending the regulation to the Minister for government approval.

The members of the board of directors may waive the notice of convocation to a meeting. The attendance of a member of the board constitutes a waiver of notice, unless the member is present to contest the legality of the calling of the meeting.

20. Quorum — The quorum at meetings is the majority of the members of the board of directors, including at least 2 members from each of the contracting parties.

21. Vote — At meetings, decisions are taken by a majority vote of the members present. In the case of a tie vote, the chair has a casting vote.

Every member present is required to vote or express their opinion for the purpose of making a decision, except in the case of a conflict of interest.

A member of the board of directors who has a direct or indirect interest in an undertaking with which the committee has business connections or intends to have business connections must disclose that interest to the chair, withdraw from the meeting for the duration of the discussion and vote, and abstain from voting on any issue relating to the undertaking.

22. Subcommittee — The board of directors may, by resolution, establish subcommittees to contribute to the carrying out of its administrative responsibilities.

The provisions of sections 18 and 19 apply to the meetings of a subcommittee.

23. Conduct — The meetings of the board of directors and subcommittees are held in camera.

Only members of the board of directors are admitted to the meetings, unless a written invitation is issued by the chair, vice-chair or secretary. Such invitations must be approved beforehand by the members.

24. Procedure for meetings — Unless otherwise provided by a regulation of the committee, the Code de procédure des assemblées délibérantes de Victor Morin applies during regular meetings, special meetings and annual meetings of the board of directors.

DIVISION IV

APPOINTMENT AND FUNCTIONS OF CERTAIN EMPLOYEES OF THE COMMITTEE

25. Appointment of a general manager and a secretary — The board of directors appoints a general manager and a secretary whose functions are provided for in sections 26 and 27. The same person may exercise both functions.

The conditions of employment of the general manager and the secretary are determined by a written contract and approved at a meeting of the board of directors.

26. Functions of the general manager — The general manager manages and administers the day-to-day affairs of the committee in compliance with the applicable rules of law, the orientations of the board of directors and sound and prudent management practices.

Subject to section 25, the general manager must exercise his or her functions on a full-time basis.

In addition to the functions provided for in sections 27 to 30 of the General Regulation to govern the regulations of a parity committee (chapter D 2, r. 17), the functions of a general manager consist in

(1) supervising personnel members of the committee, including hiring, suspending or dismissing any personnel member in accordance with the directives of the board of directors;

(2) being the custodian of the books, archives and other documents of the committee and keeping them at the head office of the committee in accordance with the directives of the board of directors or until a court, the Minister or an officer authorized by the Minister orders the committee to divest itself of them or destroy them;

(3) attending the meetings of the board of directors and the subcommittees and carrying out the decisions rendered at the meetings;

(4) seeing to the preparation of the reports, statistics and financial statements requested by the members of the board of directors or the Minister in accordance with the Act respecting collective agreement decrees (chapter D-2) and the decree;

(5) collecting money from the committee, depositing it in a banking institution, a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3) or a financial institution authorized under the Trust Companies and Savings Companies Act (chapter S-29.02), and retaining the sums so collected until they are disposed of in accordance with the purposes authorized by the board of directors;

(6) maintaining the accounting records of the parity committee, in particular

(a) any sum of money received and disbursed by the committee, itemized and with vouchers;

(b) the assets and liabilities of the committee;

(c) any other transaction affecting the financial situation of the committee;

(7) give security in the form of an insurance policy approved beforehand by the Minister, for which the insurance premium is paid by the committee;

(8) developing, upon the request of the board of directors, the strategic orientations and governance rules of the committee, in particular a strategic plan, a statement of services, a code of ethics and conduct applicable to members of the board of directors and another applicable to the employees of the committee, a policy for processing complaints and a policy for the review of decisions.

27. Functions of the secretary — The functions of the secretary are as follows:

(1) convene and prepare the agenda for meetings of the board of directors and the subcommittees, in accordance with the directives of the chair and the general manager;

(2) attend the meetings of the board of directors and the subcommittees and draw up the minutes of the discussions and decisions;

(3) be the custodian of the seal of the committee and certify any extract or true copy of the minute book of the meetings of the board of directors.

DIVISION V

DELEGATION OF AUTHORITY AND SIGNATURES

28. Vacancy of the general manager position — If the general manager is absent or unable to act, the chair of the board of directors assumes the functions of the general manager and informs the Minister of the situation without delay. The same applies if the general manager is replaced.

29. Bank bills — The payment orders are signed by the chair and the general manager. If the chair or the general manager is unable to act, the vice-chair is authorized to sign the orders in their place.

The receipts and bank bills relating to every payment made by the committee are kept at the head office of the committee and must be produced for auditing and inspection purposes.

30. Approval of accounts — Unless otherwise provided by another regulation, every payment made outside the normal course of operation of the committee must have the prior approval of the board of directors.

31. Signing of contracts — Contracts are approved by the board of directors. They are signed by the chair and the general manager. If the chair or the general manager is unable to act, the vice-chair is authorized to sign in their place.

DIVISION VI

ATTENDANCE ALLOWANCE AND TRAVELLING EXPENSES

32. Attendance allowance — The committee pays an attendance allowance of \$200 per day to its members after they participate in a meeting of the board of directors or one of its subcommittees.

A member may not receive more than 4 attendance allowances per month.

The total amount of allowances paid to a member may not exceed \$5,000 per year.

33. Travelling expenses — The committee reimburses the actual travelling expenses incurred by its members to participate in person in a meeting of the board of directors or one of its subcommittees.

The actual travelling expenses are composed of the costs for transportation, meals and accommodation and are reimbursed on presentation of vouchers and in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603, 2000-03-30).

No expenses are reimbursed for the virtual participation of a member in a meeting of the board of directors or one of its subcommittees.

DIVISION VII

MISCELLANEOUS AND FINAL

34. Fiscal year — The fiscal year of the committee ends on 31 December each year.

35. Replacement — This Regulation replaces the Règlement intérieur du Comité paritaire du personnel de l'industrie de la signalisation routière du Québec, approved by Order in Council 1531-2022 dated 10 August 2022.

36. Coming into force — This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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