NATIONAL ASSEMBLY

SECOND SESSION THIRTY-FIFTH LEGISLATURE

Bill 75
(1996, chapter 71)

An Act to amend the Act respecting collective agreement decrees

Introduced 14 November 1996
Passage in principle 27 November 1996
Passage 20 December 1996
Assented to 23 December 1996

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EXPLANATORY NOTES

The object of this bill is to harmonize the Act respecting collective agreement decrees with certain provisions of the Labour Code and of the Act respecting labour standards, in particular as regards definitions and the measures established for the protection of employees.

In addition, the bill specifies the process and criteria for the evaluation of applications for the juridical extension or amendment of collective agreement decrees, and provides for accelerated processing of the applications. It establishes new criteria in order to adjust the collective agreement decree system to the present socioeconomic context, determines the criteria for the definition of the scope of the decrees and provides for an arbitration procedure.

The bill modifies the role and powers of committees and empowers the Minister to monitor the quality of their management. It also provides for a reduction in administrative expenses and enables the Minister to require, by regulation, that persons to whom collective agreement decrees apply pay certain expenses.

The bill provides for the preparation of a report to evaluate the effects of the Act respecting collective agreement decrees and the advisability of maintaining the manufacturing sector within the scope of the Act. Lastly, it amends certain provisions to harmonize them with the Civil Code of Québec and contains a number of transitional provisions.

Bill 75

AN ACT TO AMEND THE ACT RESPECTING COLLECTIVE AGREEMENT DECREES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), amended by section 43 of chapter 29 of the statutes of 1996, is again amended

(1) by replacing paragraph *b* by the following paragraphs:

"(*b*) "certified association" means the association recognized under the Labour Code (chapter C-27) by decision of the certification agent, the labour commissioner or the Labour Court as the representative of all or some of the employees of an employer;

"(*b*.1) "employers' association" means a group of employers having as its objects the study and safeguarding of the economic interests of its members and, particularly, assistance in the negotiation and application of collective agreements;

"(*b*.2) "association of employees" means a group of employees constituted as a professional syndicate, union, brotherhood or otherwise, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and, particularly, the negotiation and application of collective agreements;";

(2) by replacing paragraph *d* by the following paragraph:

"(*d*) "collective agreement" or "agreement" means a collective agreement within the meaning of the Labour Code or an agreement in writing respecting conditions of employment, based on one or more collective agreements, and made between one or more certified associations or one or more groups of certified associations and one or more employers or one or more employers' associations;";

(3) by striking out paragraph *e*;

(4) by replacing the words "individual, partnership, firm or corporation" in the first line of paragraph *f* by the words "person, partnership or association";

(5) by replacing paragraph *g* by the following paragraph:

"(*g*) "professional employer" means an employer who has in his employ one or more employees covered by the scope of application of a decree;";

(6) by striking out paragraph *l*.

2. Section 2 of the said Act is amended by inserting the word "professional" before the word "employers" in the third line.

3. Section 4 of the said Act is amended by replacing the first paragraph by the following paragraph:

"**4.** The application must be addressed to the Minister, accompanied by a true copy of the agreement and, where applicable, by a true copy of the collective agreement on which the agreement in writing is based."

4. The said Act is amended by inserting, after section 4, the following sections:

"**4.1.** The Minister may require that the parties to the agreement or their members provide him with any document or information he considers necessary for his assessment of the application.

"**4.2.** The application is admissible if the Minister considers that the provisions of sections 3, 4 and 4.1 are complied with and that the application, upon inspection, meets the criteria set out in sections 6, 9 and 9.1.

The Minister may not decide that an application is inadmissible without first informing the applicant of his intention and of the reasons therefor and giving him an opportunity to present observations and, where appropriate, to produce documents to complete the application."

5. Section 5 of the said Act is replaced by the following section:

"**5.** The Minister shall publish in the *Gazette officielle du Québec* a notice of receipt of the application together with the text of the related draft decree. The notice shall also be published in a French language newspaper and in an English language newspaper.

The costs incurred for the publication of the notice in the newspapers and for the translation of the notice and draft decree shall be borne by the applicant.

The notice published in the newspapers shall specify that any objection must be filed within 45 days of publication or within a shorter time if the Minister considers that the urgency of the situation so requires. The notice must set out the reason for the shorter time limit."

6. Section 6 of the said Act is replaced by the following section:

"**6.** At the expiry of the time specified in the notice, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient, if he considers

(1) that the proper field of activity is defined in the application;

(2) that the provisions of the agreement

(*a*) have acquired a preponderant significance and importance for the establishment of conditions of employment;

(*b*) may be extended without any serious inconvenience for enterprises competing with enterprises established outside Québec;

(*c*) do not significantly impair the preservation and development of employment in the defined field of activity; and

(*d*) do not result, where they provide for a classification of operations or for various classes of employees, in unduly burdening the management of the enterprises concerned.

For the purposes of subparagraph 1 of the first paragraph, the Minister shall have regard to the nature of the work, the products and services and the characteristics of the market to which the application applies as well as the fields of activity defined as the scope of other decrees.

The Minister shall, where applicable, give proper consideration to the particular conditions prevailing in the various regions of Québec."

7. The said Act is amended by inserting, after section 6, the following sections:

"**6.1.** Sections 4 to 6 apply to an application for amendment. The publication and translation costs referred to in section 5 shall, however, be borne by the committee.

Sections 4 to 6, except sections 4.1 and 5, do not apply where the amendment applied for is the designation, addition or substitution of a contracting party or the correction of a provision of the decree containing an error in writing or calculation or any other clerical error.

"**6.2.** Where the Minister considers it necessary upon receiving an application for amendment under the first paragraph of section 6.1, he may revise the provisions of the decree not covered by the application on the basis of the criteria provided for in section 6. He may, for such purpose, require any information or document he considers necessary.

After consulting with the contracting parties or the committee, and after publication of a notice as provided for in section 5, the Minister may recommend that the Government issue a decree giving effect to the revised provisions.

"**6.3.** If the Minister does not recommend the granting of the application by the Government, he shall inform the applicant in writing and specify the reasons for his decision."

8. Section 7 of the said Act is replaced by the following section:

"**7.** Notwithstanding section 17 of the Regulations Act (chapter R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein."

9. Section 8 of the said Act is replaced by the following section:

"**8.** The Government may, at any time, extend the term of a decree.

After consulting with the contracting parties or the committee, and after publication of a notice as provided for in section 5, the Government may repeal a decree or amend a decree in conformity with section 6.

Divisions III and IV of the Regulations Act do not apply to a decree extending the term of a decree. Such a decree comes into force on the date of its issue and shall be published in the *Gazette officielle du Québec*."

10. Sections 9 and 10 of the said Act are replaced by the following sections:

"**9.** A decree may include any provision

(1) determining the participation of the committee in the development of industrial strategies in the field of activity defined as the scope of the decree; or

(2) relating to the participation of the committee in the development of manpower training in the field of activity defined as the scope of the decree.

"**9.1.** No decree may impose

(1) a provision of the agreement pertaining to the activities, administration or funding of an association of employees or an employers' association;

(2) a wage increase applicable to an effective wage rate that is higher than the wage rate established in the decree;

(3) the application of a wage rate that is higher than the wage rate established in the decree; or

(4) minimum prices to be charged to the public for certain services.

"**9.2.** Any work carried out in addition to the regular working hours of a day or week shall entail an increase in the hourly wages actually paid to an employee, except for premiums established on an hourly basis.

"**10.** The decree may order that certain persons or associations be treated as contracting parties.

The union party must in all cases be a certified association or a group of certified associations."

11. Section 11 of the said Act is amended by replacing the words "entail a matter of public order and shall govern and rule any work of the same nature or kind as that contemplated by the agreement, within the jurisdiction determined by the decree" in the first, second and third lines by the words "are public policy".

12. The said Act is amended by inserting, after section 11, the following sections :

"**11.1.** Where there is double coverage or an overlapping of fields of activity, an agreement may be made between the committees and the professional employer concerned.

There is double coverage where two or more decrees could be applicable alternately to the same employees of a professional employer, on a continual basis.

There is an overlapping of fields of activity where two or more decrees could be applicable simultaneously to the same employees of a professional employer.

"**11.2.** The agreement must determine which decree is applicable to the employees concerned of the professional employer and may include provisions designed to resolve any difficulty resulting from the application of that decree.

The committee responsible for the application of the decree determined to be applicable shall send a copy of the agreement to the Minister within the next 30 days.

"**11.3.** If no agreement can be reached concerning the double coverage or overlapping of fields of activity, the matter may be referred to an arbitrator by any of the parties concerned.

"**11.4.** The arbitrator shall be chosen by the committees and the professional employer concerned or, if they cannot agree, appointed by the Minister.

The arbitrator appointed by the Minister shall be chosen from the list drawn up under section 77 of the Labour Code.

"**11.5.** The arbitrator shall determine which decree is applicable to the employees concerned.

In rendering his award, the arbitrator may, subject to the third paragraph, have regard to the agreements made and the awards rendered in similar circumstances.

In an instance of double coverage, the arbitrator must render his award on the basis of the main activity of the enterprise of the professional employer in the twelve-month period preceding the application for arbitration. To determine the main activity, he may consider the total number of employees and the volume of products, services and business in each field of activity.

"**11.6.** In exercising his functions, the arbitrator may

(1) interpret and apply any Act, regulation or decree to the extent necessary to resolve a matter referred to him under section 11.3;

(2) order the payment of interest, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31), on any amount owed to an employee pursuant to the arbitration award;

(3) correct at any time a decision containing an error in writing or calculation or any other clerical error;

(4) render any other decision intended to protect the rights of the parties; and

(5) resolve any difficulty resulting from the double coverage or overlapping of fields of activity.

"**11.7.** Sections 100.0.2 to 101.10, except sections 100.1.1, 100.2.1, 100.10 and 100.12, and sections 139, 139.1 and 140 of the Labour Code, adapted as required, apply to the arbitration provided for in section 11.3.

"**11.8.** An agreement made under section 11.1 or an arbitration award binds the parties concerned until the date of expiry of the applicable decree, unless the employees concerned are, in the intervening time, excluded from the scope of the decree.

"**11.9.** Subject to the second paragraph, the Regulation respecting the remuneration of arbitrators, made by Order in Council 975-90 dated 4 July 1990, including any subsequent amendment, applies to the arbitration provided for in section 11.3.

The committees and the professional employer concerned shall each pay half of the fees, expenses and allowances of the arbitrator."

13. Section 13 of the said Act is amended

(1) by replacing the words “a lease and hire of work” in the second line by the words “an employment contract”;

(2) by striking out the figure “, 10” in the third line.

14. Section 14 of the said Act is amended

(1) by inserting the words “and every contractor” after the word “employer” in the first line;

(2) by replacing the words “jointly and severally responsible with such sub-entrepreneur or sub-contractor and any intermediary, for the payment of the wage fixed by the decree” in the second, third and fourth lines by the words “solidarily liable with such sub-entrepreneur or sub-contractor and any intermediary for the pecuniary obligations imposed by this Act, a regulation or a decree and for the levies payable to a committee”;

(3) by adding, at the end, the following paragraph:

“Such solidary liability shall end six months after the completion of the work carried out by the sub-entrepreneur or sub-contractor unless, before the expiry of that time, an employee files a complaint relating to his wages with the committee, a civil action is brought or a notice is sent by the committee pursuant to section 28.1.”

15. The said Act is amended by replacing section 14.1 by the following sections:

“**14.1.** The alienation or concession of the whole or part of an enterprise, otherwise than by judicial sale, or the modification of its juridical structure by amalgamation, division or otherwise does not extinguish any debt arising out of the application of this Act, a regulation or a decree incurred prior to the alienation, concession or modification.

The former employer and his successor are solidarily liable for such a debt.

“**14.2.** The alienation or concession of the whole or part of an enterprise or the modification of its juridical structure by amalgamation, division or otherwise in no way affects the continuity of the application of the conditions of employment established in the decree.”

16. Section 16 of the said Act is amended by replacing the first paragraph by the following paragraph:

“**16.** The parties to a collective agreement rendered obligatory must form a committee responsible for overseeing and ascertaining compliance with the decree. The committee shall also advise and inform the employees

and professional employers of the conditions of employment determined in the decree."

17. Section 17 of the said Act is replaced by the following section:

"**17.** After consulting the contracting parties, the Minister shall appoint to the committee, subject to such conditions and for such term as he deems proper, at least two members chosen in equal number from among the professional employers and the employees concerned who are neither party to the agreement, nor contracting parties, nor members of an association party to the agreement or designated as a contracting party.

The Minister may also designate an observer who shall attend the meetings of the committee. Upon receipt of a notice of such designation, the committee shall give the observer notice of its meetings as if he were a member of the committee."

18. Section 18 of the said Act is amended by replacing the words "corporate seat" in the third line of the first paragraph by the words "head office".

19. Section 19 of the said Act is amended by replacing the words "corporate seat" in the second line of the second paragraph by the words "head office".

20. Section 22 of the said Act is amended

(1) by replacing the words "shall constitute a corporation and shall have the general powers, rights and privileges appertaining to ordinary civil corporations" in the second and third lines of the first paragraph by the words "is a legal person";

(2) by inserting, after subparagraph *a* of the second paragraph, the following subparagraph:

"(*a*.1) Exercise against the directors of a legal person all remedies available to and exercisable by employees under this Act or a decree;";

(3) by replacing the words "the employer" in the first line of subparagraph *c* of the second paragraph by the words "a professional employer";

(4) by striking out the word "three" in the second line of subparagraph *d* of the second paragraph;

(5) by replacing the words "by a guarantee policy which shall be transmitted to" in the fourth line of the first paragraph of subparagraph *e* of the second paragraph by the words "in the form of an insurance policy approved beforehand by";

(6) by inserting the words "enter any worksite or establishment of any employer and" after the word "time," in the second line of the second paragraph of subparagraph *e* of the second paragraph;

(7) by inserting the word “professional” before the word “employer” in the first line of subparagraph *f* of the second paragraph;

(8) by striking out the words “in full” in the fourth line of subparagraph *g* of the second paragraph;

(9) by striking out the words “in full” in the first line of subparagraph 1 of subparagraph *h* of the second paragraph;

(10) by replacing, in the French text, the word “arrêté” in the first line of subparagraph 5 of subparagraph *i* of the second paragraph by the word “décret”;

(11) by inserting, after subparagraph *o* of the second paragraph, the following subparagraphs:

“(*p*) Support, subject to such conditions and to such extent as may be provided in the decree, the development of industrial strategies;

“(*q*) Participate, subject to such conditions and to such extent as may be provided in the decree, in the development of manpower training by drawing up and implementing a training plan subject to accreditation in accordance with section 8 of the Act to foster the development of manpower training (1995, chapter 43);

“(*r*) Use, for the purpose of drawing up and implementing an accredited training plan, the subsidies paid to the committee for such purpose or, by regulation approved with or without amendment by the Government, apply the following modes of financing only:

(1) the levy upon the professional employer of an amount not exceeding 1/2% of the employer’s total payroll calculated in accordance with section 4 of the Act to foster the development of manpower training; such a regulation does not apply to a professional employer who is exempted under that Act or under the committee regulation;

(2) the imposition of fees for the use of services offered within the framework of the training plan, and the determination of exemptions.

The Government may, at any time, by order published in the *Gazette officielle du Québec*, terminate or suspend any levy or reduce or increase the rate thereof.”;

(12) by adding, at the end, the following paragraph:

“Any insurance contract to give effect to subparagraph *m* of the second paragraph must be entered into by the committee as the policyholder and as the beneficiary of any amount paid by the insurer as a dividend, return or premium refund. Any such amount shall be included in the audited financial

statements referred to in section 23 and shall be applied to the improvement of the insurance plan."

21. Section 23 of the said Act is replaced by the following sections:

"**23.** The committee shall transmit to the Minister its annual budgetary estimates and its audited financial statements, a copy of the statement of an independent auditor, a status report concerning each of the funds it administers, any document pertaining to a transfer of funds and an annual report.

The form of the documents shall be determined by the Minister.

The committee shall also transmit a copy of any applicable group insurance contract and policy and pension plan.

The committee shall keep copies of all such documents and give access to them on request during regular office hours.

"**23.1.** The Minister may require any member, officer, mandatary or employee of the committee to provide him with any information or document pertaining to the carrying out of this Act.

The person required to provide the information or documents shall comply within the specified time."

22. Section 24 of the said Act is amended

(1) by replacing the words "an employer" in the first and second lines by the words "a professional employer";

(2) by adding, at the end, the following paragraph:

"The committee shall not disclose the identity of the employee concerned, unless he consents to it."

23. The said Act is amended by inserting, after section 25, the following:

"VERIFICATION AND INQUIRY

"**25.1.** The Minister may, generally or specially, designate a person to verify the documents transmitted under sections 23 and 23.1.

The verifier may, at any reasonable time, enter any place where he has reasons to believe operations or activities are carried out by or on behalf of a committee, and require any information or document, and examine and make copies of any document.

The person required to provide the information or documents must comply within the allotted time.

"**25.2.** No proceedings may be brought against the verifier for any act performed in good faith in the exercise of his functions.

"**25.3.** The verifier shall, on request, identify himself and produce the document signed by the Minister attesting to his capacity.

"**25.4.** No person may hinder the verifier in the exercise of his functions."

24. The said Act is amended by replacing section 26.1 by the following:

"CORRECTIVE ACTION

"**26.1.** The Minister may, even before the conclusion of a verification or inquiry under section 25.1 or 26,

(1) order a committee to take the necessary corrective action within a specified time;

(2) accept a voluntary undertaking by the committee to take the appropriate corrective action.

"PROVISIONAL ADMINISTRATION

"**26.2.** The Minister may, after being made aware of facts revealed upon ascertaining compliance with this Act and after giving the members of the committee concerned an opportunity to present observations in writing concerning such facts within 15 days of receipt of a notice of the Minister to that effect, suspend, as of the date determined by the Minister and for a period not exceeding 120 days, the powers of the committee members and appoint provisional administrators to exercise those powers during the period of suspension, if such facts give him reason to believe

(1) that the committee has failed to comply with the Minister's order under section 26.1 or to fulfil its voluntary undertaking thereunder;

(2) that the committee members are remiss in the performance of the obligations imposed by the Civil Code of Québec on administrators of legal persons or in the performance of their obligations under this Act, a regulation thereunder or a decree;

(3) that a serious fault, such as embezzlement or breach of trust, has been committed by one or more members or officers of the committee;

(4) that one or more members or officers of the committee have transgressed the rules of sound management applicable to the directors of a legal person; or

(5) that practices incompatible with the objects of the committee have been engaged in by the committee.

The Minister may make a decision even before the conclusion of a verification or inquiry under section 25.1 or 26.

The decision of the Minister, giving reasons, shall be forwarded with dispatch to the members of the committee. A notice of the decision shall also be published in the *Gazette officielle du Québec.*

"**26.3.** During the provisional administration, any regulatory provision adopted by, or legal provision applicable to, the committee which makes the validity of an act of the committee subject to authorization or approval by the meeting of members shall have no effect.

"**26.4.** Not later than 30 days before the appointed date of expiry of their mandate, the provisional administrators shall report their findings to the Minister, and submit their recommendations. The report must contain any information required by the Minister.

"**26.5.** After examining the report of the provisional administrators, the Minister may, if he considers it warranted in order to remedy a situation described in subparagraphs 1 to 5 of the first paragraph of section 26.2 or avoid the re-occurrence thereof,

(1) extend the provisional administration for a period not exceeding 90 days or terminate the provisional administration subject to specified conditions;

(2) order a reorganization of the structure and activities of the committee subject to specified conditions;

(3) remove from office one or more of the suspended committee members and provide for the appointment or election of new members.

Any extension of the provisional administration may be renewed for the same reasons by the Minister provided each renewal does not exceed 90 days.

If the report of the provisional administrators does not confirm the existence of a situation described in subparagraphs 1 to 5 of the first paragraph of section 26.2, the Minister shall terminate the provisional administration without delay.

Every decision of the Minister must state the reasons therefor and shall be forwarded with dispatch to the members of the committee.

"**26.6.** On the termination of the provisional administration, the provisional administrators shall render a final account of their administration to the Minister. The account must be sufficiently detailed to allow verification of its accuracy and shall be produced together with the related books and vouchers.

"**26.7.** The expenses, fees and disbursements of provisional administration shall be borne by the committee concerned, unless the Minister decides otherwise.

"**26.8.** No proceedings may be brought against provisional administrators exercising the powers and functions conferred on them for any act performed in good faith in the exercise of such powers and functions.

"**26.9.** No extraordinary recourse under articles 828 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised, and no injunction may be granted against provisional administrators exercising their powers and functions under this division.

A judge of the Court of Appeal may, on motion, summarily annul any judgment, writ, order or injunction issued or granted contrary to this section.

"**26.10.** The Minister shall include, in the report he tables in the National Assembly each year concerning the activities of his department, an account, under a separate heading, of the carrying out of this division."

25. Section 28.1 of the said Act is replaced by the following section:

"**28.1.** A notice sent by a committee by registered or certified mail to a professional employer to the effect that the committee is examining a complaint filed under section 24 interrupts prescription in respect of all his employees for six months from the mailing of the notice.

An application for arbitration also interrupts prescription in respect of the employees of a professional employer until the final decision of the arbitrator appointed under section 11.4."

26. The said Act is amended by inserting, after section 28.1, the following:

"EXPENSES AND FEES

"**28.2.** The Government may, by regulation, determine in what cases and by whom expenses or fees may be payable, and fix the amounts thereof."

27. The said Act is amended by inserting, after section 30, the following section:

"**30.1.** An employee who believes that he has been dismissed, suspended or transferred for any of the reasons set forth in paragraph *a*, *b* or *c* of section 30 and who wishes to assert his rights shall do so before the labour commissioner appointed under the Labour Code as though he were an employee dismissed, suspended or transferred by reason of his having exercised a right under that Code. Sections 15 to 20, 118 to 137, 139, 139.1, 140, 146 and sections 150 to 152 of the Labour Code apply, adapted as required.

Notwithstanding section 16 of the Labour Code, the time allowed for presenting a complaint to the labour commissioner-general shall be 45 days. If the complaint is presented within that time to the committee or the Minister, failure to present it to the labour commissioner-general cannot be invoked against the complainant. The labour commissioner-general shall send copy of the complaint to the committee concerned.

The committee may, with the consent of the parties, appoint a person who shall endeavour to resolve the complaint to the satisfaction of the parties."

28. Section 31 of the said Act is amended by replacing the words "exemplary damages" in the fourth line by the words "punitive damages".

29. Section 35 of the said Act is amended by replacing the words "employer or employee violating" in the first line by the words "professional employer or employee who contravenes".

30. The said Act is amended by inserting, after section 37, the following section:

"**37.1.** Every person who, in any manner, obstructs or hinders a provisional administrator, an investigator or a verifier in the exercise of his powers and functions under this Act is guilty of an offence.

Every person convicted of an offence under this section is liable to a fine of $500 to $5,000 in the case of a natural person or $1,000 to $10,000 in the case of a legal person. For any subsequent offence, the amounts are doubled."

31. Section 38 of the said Act is amended by adding, after the figure "$200" in the last line, the words "and, for any subsequent offence, to a fine of $200 to $500".

32. Section 39 of the said Act is replaced by the following sections:

"**39.** Every person who aids, abets, counsels, allows, authorizes or commands another person to commit an offence under this Act is guilty of an offence.

Every person convicted of an offence under this section is liable to the same penalty as that prescribed for the offence whose commission he aided or abetted.

"**39.1.** No person convicted of an offence under section 37.1, or of an offence under section 39 where it relates to an offence under section 37.1, may be elected or appointed a member, officer or mandatary of a committee or exercise any other function within a committee.

A disqualification under the first paragraph stands for five years, unless a pardon is obtained."

33. Section 44 of the said Act is amended by inserting the word "professional" before the word "employer" in the first line.

34. Section 45 of the said Act is amended

(1) by inserting the word "professional" before the word "employer" in the first line;

(2) by adding the following paragraph:

"The amount owed to the employee bears interest, from the date of the claim, at the rate fixed under section 28 of the Act respecting the Ministère du Revenu (chapter M-31)."

35. Section 47 of the said Act is amended by inserting the word "professional" before the word "employer" in the first line.

36. Section 48 of the said Act is amended by inserting the word "professional" before the word "employer" in the fourth line.

TRANSITIONAL AND FINAL PROVISIONS

37. A decree in force on 23 December 1996 shall expire either on the date determined therein, if any, or on 23 June 1998 whichever occurs last.

38. The Government may extend the term of a decree referred to in section 37 for a period not exceeding 18 months.

39. The provisions of paragraphs *b* and *d* of section 1 of the Act respecting collective agreement decrees, as they read before 23 December 1996, apply to any application for amendment, replacement or renewal of the Decree respecting hairdressers in the Hull region (R.R.Q., chapter D-2, r.15). The provisions of paragraph 4 of section 9.1 and the second paragraph of section 10 of the said Act as amended by this Act do not apply in respect of that decree.

40. The provisions of section 12 do not apply to double coverage or an overlapping of fields of activity involving the decrees referred to in section 37 or extended under section 38.

41. The provisions of a qualification plan provided for in a decree or by-law referred to in section 56 of the Manpower Vocational Training and Qualification Act (1969, chapter 51) may, until such time as they are replaced or repealed, be revised without, however, extending the scope of such provisions.

Subject to the third and fourth paragraphs, such a qualification plan may be financed only as provided for in subparagraph *r* of the second paragraph of section 22 of the Act respecting collective agreement decrees.

The fees payable pursuant to a regulation made under the second paragraph shall be limited to the taking of examinations, the issue and renewal of certificates of qualification and the issue and updating of apprentice booklets.

The amounts levied upon a professional employer pursuant to a regulation made under the second paragraph and the amounts levied pursuant to subparagraph *r* of the second paragraph of section 22 of the Act respecting collective agreement decrees shall not exceed 1/2% of the total payroll calculated in accordance with section 4 of the Act to foster the development of manpower training.

Every regulation made by the committee under this section shall be transmitted to the Minister and must be approved with or without amendment by the Government. The Government may, at all times, by order published in the *Gazette officielle du Québec*, terminate or suspend the levy provided for in a regulation made under the second paragraph or reduce or increase the rate thereof.

42. The Minister of Labour shall, on or before 23 December 1999, report to the Government on the carrying out of the Act respecting collective agreement decrees.

The report, as regards the manufacturing sector, shall be made in collaboration with the Minister responsible for Industry and Trade, and shall express an opinion as to the advisability of maintaining that sector within the scope of the said Act.

The report shall be tabled within the next 15 days in the National Assembly or, if it is not sitting, within 15 days of resumption.

43. The provisions of this Act come into force on 23 December 1996, except section 17 and the second, third, fourth and fifth paragraphs of section 41, which come into force on the date or dates to be fixed by the Government.