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# NATIONAL ASSEMBLY

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SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 31  
(2001, chapter 26)

**An Act to amend the Labour Code, to  
establish the Commission des relations  
du travail and to amend other legislative  
provisions**

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**Introduced 15 May 2001  
Passage in principle 5 June 2001  
Passage 21 June 2001  
Assented to 21 June 2001**

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## **EXPLANATORY NOTES**

*This bill amends the Labour Code to facilitate its application, in particular as concerns certification.*

*The bill provides for the establishment of the Commission des relations du travail, a unified decision-making authority having jurisdiction in labour relations which is to take over the decision-making responsibilities currently exercised by the office of the labour commissioner general in matters related to collective labour relations and dispose of individual complaints and proceedings brought before the labour commissioner general under the Labour Code or other Acts.*

*The new Commission des relations du travail will be given the appropriate powers necessary for the exercise of its functions, in particular the power to issue orders including safeguarding or preventive orders, and the power to initiate conciliation to bring the parties to an agreement.*

*The decisions of the new authority will not be subject to appeal and accordingly, the Labour Court is abolished. The bill specifies which authorities are to have jurisdiction as regards proceedings formerly brought before the Labour Court.*

*The rules applicable to the persons composing the Commission are established in the bill, as are those governing the Commission's operation, in particular the selection, functions, duties and powers of the president, vice-presidents and commissioners. The applicable rules of evidence and procedure are also dealt with in the bill.*

*The bill also amends the scope of the provisions of the Labour Code that concern the transmission of rights and obligations on the alienation or transfer of the operation of an enterprise and adds provisions designed to resolve difficulties related to the application of those provisions.*

*It introduces a mechanism making it possible to determine in advance whether changes to the mode of operation of an undertaking would convert the status of employees in that of contractor without employee status.*

*The bill also provides that it will be possible for the Commission, once only during the bargaining period and at the request of the employer, to order the holding of a ballot allowing employees to vote on the latest management offer.*

*Lastly, the bill contains various technical and consequential amendments and transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Cities and Towns Act (R.S.Q., chapter C-19);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Labour Code (R.S.Q., chapter C-27);
- Municipal Code of Québec (R.S.Q., chapter C-27.1);
- Act respecting the Commission municipale (R.S.Q., chapter C-35);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Act respecting municipal taxation (R.S.Q., chapter F-2.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);

- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Jurors Act (R.S.Q., chapter J-2);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Fire Safety Act (2000, chapter 20);
- Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);
- Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

- Act respecting public transit authorities (2001, chapter 23).

**LEGISLATION REPEALED BY THIS BILL :**

- Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85).



## Bill 31

### AN ACT TO AMEND THE LABOUR CODE, TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

#### LABOUR CODE

1. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended

(1) by replacing “certification agent, the labour commissioner or the Court” in the second line of paragraph *b* by “Commission”;

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

“(i) “Commission” — the Commission des relations du travail established by this Code;”;

(3) by replacing “labour commissioner” in the first line of subparagraph 1 of paragraph *l* by “Commission”;

(4) by replacing “Labour Court” in the second line of subparagraph 3 of paragraph *l* by “Commission”;

(5) by striking out “a certification agent or labour commissioner contemplated by this Act,” in the seventh and eighth lines of subparagraph 3 of paragraph *l*;

(6) by inserting the following subparagraph after subparagraph 6 of paragraph *l* :

“(7) a labour relations officer of the Commission;”;

(7) by striking out paragraphs *p*, *q* and *r*.

2. Section 2 of the said Code is amended by replacing “a labour commissioner” in the first line of the second paragraph by “the Commission”.

3. Section 8 of the said Code is amended by replacing “labour commissioner general” in the fourth line of the first paragraph by “Commission”.

4. Section 9 of the said Code is amended by replacing “labour commissioner general” in the fourth line of the first paragraph by “Commission”.

5. Section 11 of the said Code is amended by replacing “labour commissioner” in the third paragraph by “Commission”.

6. Section 15 of the said Code is amended by replacing “labour commissioner” in the fifth line of the first paragraph by “Commission”.

7. Section 16 of the said Code is replaced by the following section :

“16. The employees who believe that they have been the victim of a sanction or action referred to in section 15 must, if they wish to avail themselves of the provisions of that section, file a complaint at one of the offices of the Commission within thirty days of the sanction or action.”

8. Section 17 of the said Code is amended by replacing “labour commissioner having cognizance of the matter” in the first and second lines by “Commission, on being referred the matter,”.

9. Section 19 of the said Code is amended

(1) by replacing “labour commissioner” in the first and second lines of the first paragraph by “Commission”;

(2) by striking out the third paragraph.

10. Sections 19.1 and 20 of the said Code are repealed.

11. The said Code is amended by adding the following section after section 20:

“20.0.1. Every employer who intends to make changes to the mode of operation of his undertaking entailing the conversion of the status of an employee to whom a certification or a petition for certification applies to that of contractor without employee status, must so inform the association of employees concerned by means of a written notice containing a description of the changes.

Where the association does not share the opinion of the employer on the consequences of the changes on the status of the employee, the association may, within 30 days after receipt of the notice, apply to the Commission for a determination as to the consequences of such changes on the status of the employee. The association must, without delay, transmit a copy of the application to the employer.

The employer may not implement the changes referred to in the first paragraph before the expiry of the time fixed in the second paragraph or, if the



association of employees has, at that time, requested the intervention of the Commission, before an agreement is reached with the association as to the consequences of the changes on the status of the employee, or before the decision of the Commission is rendered, whichever occurs first.

The Commission must render its decision within 60 days after receipt of the association's application."

12. Section 21 of the said Code is amended

(1) by replacing "certification agent, or according to the decision of the labour commissioner" in the fourth and fifth lines of the third paragraph by "labour relations officer or according to the decision of the Commission";

(2) by striking out the sixth paragraph.

13. Section 22 of the said Code is amended

(1) by inserting "subject to subparagraph *b.2*," at the beginning of subparagraph *b.1* of the first paragraph ;

(2) by inserting the following subparagraph after subparagraph *b.1* of the first paragraph :

"(b.2) twelve months after the decision of the Commission on the description of the bargaining unit rendered under paragraph *d.1* of section 28, in the case of a group of employees for whom a collective agreement has not been made and for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this Code ;";

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

"In the case of a collective agreement which, under paragraph 1 of section 45.2, expires 12 months after the date of the transfer of part of the operation of an undertaking, certification may not be applied for, notwithstanding subparagraphs *d* and *e* of the first paragraph, until the ninetieth to the sixtieth day prior to such date of expiration."

14. Sections 23 to 24 of the said Code are repealed.

15. Section 25 of the said Code is replaced by the following section :

"25. Certification shall be applied for by an association of employees by means of a petition filed with the Commission which shall, upon receipt of the petition, send a copy to the employer together with any information it considers appropriate.

The petition must be authorized by a resolution of the association and signed by its authorized representatives, indicate which group of employees the association wishes to represent, and be accompanied with the applications

for membership provided for in subparagraph *b* of the first paragraph of section 36.1 or with copies of those applications and of any document or information required by a regulation of the Government.

The employer must, on or before the first working day following the day the petition is received, post a copy of the petition in a conspicuous place. The employer must also, within five days after copy of the petition is received, post, in a conspicuous place, the complete list of the employees of the undertaking concerned by the petition indicating the function of each. The employer must send forthwith a copy of the list to the petitioning association and place a copy thereof at the disposal of the labour relations officer seized of the petition.”

16. Section 26 of the said Code is amended

(1) by replacing “labour commissioner general” in the first line of the first paragraph by “Commission”;

(2) by striking out the second paragraph.

17. Section 27 of the said Code is replaced by the following section :

“27. The Commission shall, by any means it considers appropriate, make a copy of the petition for certification available to the public for consultation.”

18. Section 27.1 of the said Code is amended by replacing the second paragraph by the following paragraph :

“For the purposes of the first paragraph, a petition is deemed to have been filed on the day it is received in one of the offices of the Commission.”

19. Section 28 of the said Code is amended

(1) by replacing “labour commissioner general” in the first line of paragraph *a* by “Commission”;

(2) by adding the following sentences at the end of paragraph *a*: “If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Commission and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification.”;

(3) by adding the following sentences at the end of paragraph *b*: “If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Commission and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification.”;

(4) by replacing the words “certification agent” wherever they occur in paragraphs *a*, *b*, *c* and *d* by “labour relations officer”;

(5) by replacing “who shall record them in the report made to the labour commissioner-general.” in the third and fourth lines of paragraph *c* by “. The labour relations officer must present a summary report concerning the disagreement to the Commission and transmit a copy to the parties. The report must contain the reasons set forth by the employer, a description of the unit that the employer thinks suitable and, if applicable, the indication that 35% to 50% of the employees comprised in the bargaining unit are members of the association of employees.”;

(6) by replacing “labour commissioner” in the sixth and seventh lines of paragraph *d* by “Commission”;

(7) by replacing “labour commissioner general” in the ninth line of paragraph *d* by “Commission”;

(8) by striking out “The labour commissioner general shall then refer the matter to a labour commissioner.” in the tenth and eleventh lines of paragraph *d*;

(9) by inserting the following paragraph after paragraph *d*:

“(d.1) The labour relations officer shall immediately certify the association, even where there is no agreement with the employer as regards part of the bargaining unit, if the officer considers that the association is nevertheless representative and that it will remain representative regardless of any decision of the Commission on the description of the bargaining unit. The labour relations officer shall, at the same time, make a report on the disagreement to the Commission and send a copy of the report to the parties. No notice of negotiation may be given by the certified association before the decision of the Commission on the description of the bargaining unit.”;

(10) by replacing paragraph *e* by the following paragraph:

“(e) Where a certified association already exists, or where there is more than one petitioning association of employees, the labour relations officer shall, if the officer ascertains that there is agreement on the bargaining unit and on the persons contemplated by the bargaining unit between the employer and any association concerned, certify the association grouping the absolute majority of the employees or, if not, hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1. If there is disagreement on the bargaining unit or on the persons to whom it applies, the officer shall make a report on the disagreement to the Commission and send a copy thereof to the parties.”

20. Sections 29 to 31 of the said Code are replaced by the following sections:

“29. A labour relations officer may not certify an association whenever he has reason to believe that section 12 has not been complied with or is informed that a third party or an interested party has filed a complaint under that section. However, the labour relations officer may, on his own initiative or at the request of the Commission, make an investigation into the alleged contravention of section 12.

The labour relations officer may also suspend an examination made under section 28.

For the purposes of the inquiry referred to in the first paragraph, the labour relations officer may

(1) have access, at any reasonable time, to any work place or establishment of a party to obtain information necessary for the application of this Code ;

(2) require any information necessary for the application of this Code and the production of any relevant document for examination and reproduction.

The labour relations officer shall, on request, produce identification and show the certificate of capacity issued by the Commission.

“30. The labour relations officer shall make a report on any investigation made on his own initiative or at the request of the Commission. The labour relations officer shall also make a report on any examination suspended by the officer pursuant to section 29.

Such a report must be sent to the president of the Commission, entered in the record of the case and sent to the interested parties. Interested parties may present their observations in writing to the Commission within five days from receipt of the report. The parties’ observations, if any, shall also be entered in the record of the case.

“31. The Commission may not certify an association of employees if it is established to the satisfaction of the Commission that section 12 has not been complied with.

Where the Commission must rule on a petition for certification, the Commission may, of its own motion, invoke non-compliance with section 12.”

21. Section 32 of the said Code is amended

(1) by replacing the first paragraph by the following paragraphs :

“32. The Commission shall, where a petition for certification is referred to it, dispose of any matter relating to the bargaining unit and the persons contemplated by the bargaining unit ; the Commission may, for that purpose, modify the unit proposed by the petitioning association.

Only any association concerned and the employer are deemed interested parties as regards the bargaining unit and the persons contemplated by the bargaining unit.”;

(2) by replacing “He” and “he” in the first two lines of the second paragraph by “The Commission” and “it”, respectively.

22. Sections 33 and 34 of the said Code are repealed.

23. Section 35 of the said Code is amended by replacing the first sentence by the following sentence: “The record of the Commission shall include the reports produced by the labour relations officer under sections 28 and 30, the exhibits and documents filed, the recording or stenographic notes of the testimony, where applicable, and the decision of the Commission.”

24. Section 36 of the said Code is amended by replacing “labour commissioner-general, the deputy labour commissioner-general, the labour commissioner, the certification agent,” in the third and fourth lines by “Commission, a member of its personnel,”.

25. Section 36.1 of the said Code is amended

(1) by replacing subparagraphs *b* and *c* of the first paragraph by the following subparagraphs:

“(b) he has signed an application for membership that contains, in particular, the information prescribed by regulation of the Government and that has not been revoked before the filing of the petition for certification or the request for an assessment of the representative character of the association;

“(c) he has personally paid as union dues an amount equal to or greater than the amount fixed by regulation of the Government within the twelve months preceding either the request for an assessment of the representative character of the association or the filing of the petition for certification;”;

(2) by striking out “or its mailing by registered or certified mail” in the third and fourth lines of subparagraph *d* of the first paragraph;

(3) by replacing “The certification agent, the labour commissioner or the Court” in the first line of the second paragraph by “The Commission”.

26. Section 37 of the said Code is amended by replacing “labour commissioner” in the first line of the first paragraph by “Commission”.

27. Sections 37.1, 38 and 39 of the said Code are amended by replacing the words “labour commissioner” wherever they occur in those sections by “Commission”.

28. Section 40 of the said Code, amended by section 218 of chapter 56 of the statutes of 2000, is again amended by replacing “a labour commissioner” in the second line by “the Commission”.

29. Section 41 of the said Code is amended

(1) by replacing “A labour commissioner” in the first line of the first paragraph by “The Commission”;

(2) by replacing “paragraph *b.1, c, d or e*” in the first line of the first paragraph by “subparagraph *b.1, b.2, c, d or e* of the first paragraph or the second paragraph”;

(3) by replacing “third” in the first line of the second paragraph by “fourth”;

(4) by replacing “labour commissioner” in the second and third lines of the second paragraph by “Commission”;

(5) by replacing “certification agent” in the first line of the third paragraph by “labour relations officer”;

(6) by replacing “labour commissioner-general or the labour commissioner to whom the matter has been referred, as the case may be, within ten days of receiving the report, failing which a decision may be rendered without calling the parties for a hearing” in the fourth, fifth, sixth and seventh lines of the third paragraph by “Commission within ten days after receiving the report”.

30. Section 42 of the said Code is amended

(1) by replacing “labour commissioner seized of the matter or a labour commissioner designated to that effect by the labour commissioner-general” in the third, fourth and fifth lines of the first paragraph by “Commission”;

(2) by replacing “labour commissioner seized of the matter” in the third line of the second paragraph by “Commission”.

31. Section 45 of the said Code is amended by striking out “otherwise than by judicial sale” in the second line of the first paragraph.

32. The said Code is amended by inserting the following section after section 45:

“45.1. The employer shall give the association of employees concerned a notice indicating the date on which he intends to alienate or transfer the operation of all or any part of his undertaking. The association has 90 days after the date of receipt of the notice to apply to the Commission for a determination as to the application of section 45.

In the absence of such a notice, the time prescribed for filing such an application is 270 days from knowledge of the fact that the undertaking has been alienated or that the operation of all or a part of the undertaking has been transferred.

“45.2. Where the operation of part of an undertaking is transferred and notwithstanding section 45, the following rules apply :

(1) the collective agreement expires on the date fixed for its expiry or 12 months after the date of the transfer of the operation of part of the undertaking, whichever is earlier, unless, on motion by an interested party filed within the prescribed time, as the case may be, in the first or second paragraph of section 45.1, the Commission determines that the new employer remains bound by the collective agreement until the date fixed for its expiry, if it considers that the transfer was made for the purpose of dividing a bargaining unit or interfering with the power of representation of an association of employees ;

(2) the new employer is not bound by the certification or the collective agreement where a special agreement on the transfer includes a clause to the effect that the parties elect not to apply to the Commission to request the application of section 45. Such a clause binds the Commission but does not affect the effect, within the transferring employer’s enterprise, of the certification of the association of employees having signed the agreement.

Subparagraph 1 of the first paragraph does not apply in the case of the transfer of the operation of part of an undertaking between employers of the public and parapublic sectors within the meaning of paragraph 1 of section 111.2.

“45.3. Where an undertaking subject to the Canada Labour Code (Revised Statutes of Canada, 1985, chapter L-2) as regards labour relations becomes, in that regard, subject to the legislative authority of Québec, the following provisions shall apply :

(1) a certification granted, a collective agreement made and proceedings commenced under the Canada Labour Code for the securing of certification or the making or carrying out of a collective agreement are deemed to be a certification granted, a collective agreement made and filed and proceedings commenced under this Code ;

(2) the employer remains bound by the certification or collective agreement or, where section 45 would have been applicable had the undertaking been under the legislative authority of Québec, the new employer becomes bound by the certification or collective agreement as if the employer were named therein and becomes *ipso facto* a party to any related proceeding in the place and stead of the former employer ;

(3) proceedings in progress for the securing of certification or the making or carrying out of a collective agreement shall be continued and decided according to the provisions of this Code, with the necessary modifications.

However, the collective agreement made by an uncertified association binds the new employer only until the expiry of 90 days after the date of alienation or transfer of operation if the association has not filed, during that time, a petition for certification in respect of the bargaining unit governed by the collective agreement or in respect of an essentially similar unit. If such a petition for certification is filed within that time, the collective agreement continues to bind the new employer until the date of a decision rendered by the Commission refusing, as the case may be, to grant certification.

No certification may be applied for by another association of employees in respect of such a bargaining unit before the expiry of 90 days or, if a petition for certification is filed during that time, before the date of the decision of the Commission refusing, as the case may be, to grant certification.”

33. Section 46 of the said Code is replaced by the following section :

“46. It shall be the duty of the Commission, upon the motion of an interested party, to dispose of any matter relating to the application of sections 45 to 45.3. For that purpose, the Commission may, in particular, determine the applicability of those sections.

The Commission may also, upon the motion of an interested party, settle any difficulty arising out of the application of those sections and of their effects in the manner it considers the most appropriate. To that end, the Commission may, in particular, render any decision necessary for the implementation of an agreement reached by the interested parties on the description of the bargaining units and on the designation of an association to represent the group of employees to whom the bargaining unit described in the agreement applies or on any other question of common interest.

Where two or more associations of employees are concerned by the application of sections 45 and 45.3, the Commission may also, to the same end,

- (1) grant or amend a certification ;
- (2) certify the association of employees that includes the absolute majority of the employees or hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1 ;
- (3) describe or modify a bargaining unit ;
- (4) merge bargaining units and, where two or more collective agreements apply to the employees of the new employer included in a bargaining unit



resulting from the merger, determine the collective agreement that remains in force and make any modification or adaptation to the provisions of the collective agreement it considers necessary.

The merger of bargaining units entails the merger, if any, of the employees' seniority lists to which they applied, according to the rules determined by the Commission governing the employees' integration.

Where the operation of an undertaking is transferred to another during certification proceedings, the Commission may decide that the transferring employer and the transferee are successively bound by the certification."

34. Section 47.3 of the said Code is replaced by the following section :

"47.3. If an employee believes, after being dismissed or the subject of a disciplinary sanction, that, in that respect, the certified association has contravened section 47.2, the employee must, if he wishes to rely on that section, file, within six months, a complaint with and apply in writing to the Commission for an order directing that the employee's claim be referred to arbitration."

35. Section 47.4 of the said Code is repealed.

36. Section 47.5 of the said Code is amended

(1) by replacing "If the Court considers that the association has violated section 47.2, it" in the first line of the first paragraph by "If the Commission considers that the association has contravened section 47.2, it";

(2) by replacing "The Court" in the first line of the second paragraph by "The Commission".

37. Sections 49 and 50 and Division IV of Chapter II of Title I of the said Code, including sections 50.1 to 51.1, are repealed.

38. Section 52.2 of the said Code is amended by replacing "labour commissioner" in the first line of the third paragraph by "Commission".

39. The said Code is amended by inserting the following section after section 58.1 :

"58.2. The Commission may, at the request of the employer and if it considers that it may foster the negotiation or making of a collective agreement, order a certified association to hold, on the date or within the time limit it determines, a secret ballot to give those of its members that are included in the bargaining unit an opportunity to accept or refuse the last offers made by the employer concerning all the matters still in dispute between the parties.

The Commission may order the holding of such a ballot only once during the negotiation of a collective agreement.

The ballot shall be held under the supervision of the Commission, according to the rules determined by the Commission.”

40. Section 61 of the said Code is amended by replacing “labour commissioner general” in the fourth line by “Commission”.

41. Section 72 of the said Code is amended by replacing “the office of the labour commissioner general” in the first and second lines of the first paragraph by “one of the offices of the Commission”.

42. Section 86 of the said Code is amended by adding the following paragraph at the end:

“Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties.”

43. Section 89 of the said Code is replaced by the following section:

“89. The arbitrator shall forward the original of the award to one of the offices of the Commission and send, at the same time, a copy to each party.”

44. Section 90 of the said Code is replaced by the following section:

“90. The award of the arbitrator must be rendered within 60 days after the end of the last arbitration sitting.

If the arbitrator is unable to act, the Minister may, at the request of the arbitrator or of a party, grant an extension of a specific number of days to the arbitrator.

If the Minister considers that the circumstances and the interest of the parties so warrant, the Minister may also, at the request of the arbitrator, grant the latter an extension of not more than 30 days which may, on the same conditions, be extended.”

45. Section 92 of the said Code is amended

(1) by replacing “two” in the second line by “three”;

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

“Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties.”

46. Section 93.9 of the said Code is amended by adding the following paragraph at the end:

“The arbitrator shall send a copy of the award to the Minister, in addition to the persons referred to in section 89.”

47. Section 99.8 of the said Code is amended by adding the following paragraph at the end:

“Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties.”

48. Section 99.9 of the said Code is amended by adding the following sentence at the end of the second paragraph: “The arbitrator shall send a copy of the award to the Minister, in addition to the persons referred to in section 89.”

49. Section 100.2 of the said Code is amended by adding the following paragraph at the end:

“For the purposes set out in section 136, the arbitrator may also hold a pre-hearing conference prior to the hearing of the grievance.”

50. Section 100.6 of the said Code is amended by adding the following paragraph at the end:

“Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties.”

51. Section 100.12 of the said Code is amended by inserting “, including a provisional order,” after “decision” in paragraph g.

52. Section 101 of the said Code is amended by replacing the second sentence by the following sentence: “Section 129 applies, with the necessary modifications, to the arbitration award; however, the authorization of the Commission provided for in that section is not required.”

53. Section 101.6 of the said Code is amended by replacing “the office of the labour commissioner general” in the second line by “one of the offices of the Commission”.

54. Section 101.7 of the said Code is amended

(1) by replacing “Labour Court” in the third line by “Commission”;

(2) by replacing, in the French text, “il” in the fourth line by “elle”.

55. Section 101.8 of the said Code is amended by replacing “the office of the labour commissioner general” in the third and fourth lines by “one of the offices of the Commission”.

56. Section 101.10 of the said Code is replaced by the following section :

“101.10. The secretary or, in the absence of the secretary, a person duly authorized by the president of the Commission may certify true any arbitration award filed in accordance with section 101.6.”

57. Section 103 of the said Code is amended by replacing the first paragraph by the following paragraphs :

“103. The Government may determine, by regulation, after consultation with the Conseil consultatif du travail et de la main-d’oeuvre, the remuneration and expenses to which the arbitrators of disputes and grievances appointed by the Minister are entitled, one or more methods for determining the remuneration and expenses to which the arbitrators chosen by the parties are entitled, and the situations in which the regulation does not apply.

The regulation may also determine who shall assume the payment of such remuneration and expenses and, where applicable, in what proportion.”

58. Section 111.0.19 of the said Code is amended by adding the following sentence at the end of the third paragraph: “The council may also order the certified association to postpone the exercise of its right to strike until the association informs the council of the action it intends to take in respect of the recommendations.”

59. Section 111.3 of the said Code is amended by replacing “paragraph *d*” in the first line of the first paragraph by “subparagraph *d* of the first paragraph”.

60. Section 111.11 of the said Code is amended by inserting “or a group of employees referred to in the second paragraph of section 69 of the Public Service Act (chapter F-3.1.1)” after “institution” in the sixth line of the first paragraph.

61. The said Code is amended by inserting the following sections before Division IV of Chapter V.1 :

“111.15.1. If no agreement is reached under section 69 of the Public Service Act (chapter F-3.1.1), a party may request the council to designate a person to help the parties to reach an agreement, or to itself determine what essential services must be maintained and in what manner. The party making the request shall notify the other party without delay.

After the request is sent, the parties must forward without delay any relevant information respecting the essential services that must be maintained to the council and attend any sitting of the council to which they are convened.

“111.15.2. On receiving a request under section 111.15.1, the council, on its own initiative or at the request of either party, may designate a person to help the parties to reach an agreement.

The council may also, at any time after receiving the request, determine the essential services that must be maintained in the event of a strike and the manner of maintaining them.

“111.15.3. No person shall derogate from any of the provisions of an agreement under section 69 of the Public Service Act or from a decision made by the council under section 111.15.2 of this Code.”

62. Section 111.20 of the said Code is amended

(1) by replacing the first paragraph by the following paragraph :

“111.20. The council may file a true copy of an order made under section 111.0.19, 111.17 or 111.18 or, where applicable, of an undertaking made under section 111.19 at the office of the clerk of the Superior Court of the district of Montréal, where the public service or the body involved is situated in the districts of Beauharnois, Bedford, Drummond, Hull, Iberville, Joliette, Labelle, Laval, Longueuil, Mégantic, Montréal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe or Terrebonne and, where it is situated in another district, at the office of the clerk of the Superior Court of the district of Québec.”;

(2) by inserting “or undertaking” after “order” in the first line of the second paragraph.

63. Chapter VI of Title I of the said Code is replaced by the following chapter:

**“CHAPTER VI**

**“COMMISSION DES RELATIONS DU TRAVAIL**

**“DIVISION I**

**“ESTABLISHMENT, OBJECT AND JURISDICTION**

“112. A labour relations commission is hereby established under the name “Commission des relations du travail”.

“113. The head office of the Commission shall be situated in the territory of Ville de Québec, at the place determined by the Government. Notice of the address of the head office and of any change of address shall be published in the *Gazette officielle du Québec*.

The Commission shall have an office in the territory of Ville de Montréal and an office in the territory of Ville de Québec. Notice of the address of each office and of any change of address shall be published in the *Gazette officielle du Québec*.

“114. The Commission is responsible for ensuring the diligent and efficient application of the provisions of this Code and exercising the other functions assigned to it under this Code or any other Act.

Except as regards the provisions of sections 111.0.1 to 111.2, sections 111.10 to 111.20 and Chapter IX, the Commission shall hear and dispose, to the exclusion of any court or tribunal, of any complaint for a contravention of this Code, of any proceedings brought pursuant to the provisions of this Code or any other Act and of any application made to the Commission in accordance with this Code or any other Act. Proceedings brought before the Commission pursuant to another Act are listed in Schedule I.

For such purposes, the Commission shall exercise the functions, powers or duties assigned to it by this Code or any other Act.

“115. The Commission is composed of a president, two vice-presidents, and commissioners, and of the members of its personnel who are entrusted with rendering decisions on its behalf.

“116. Any complaint related to the application of sections 12 and 13 and, in the case of a refusal to employ a person, the application of section 14, shall be filed with the Commission within 30 days of knowledge of the alleged contravention.

The time limit provided for in section 47.3 applies to any complaint filed with the Commission that is related to the application of section 47.2 even where the complaint does not pertain to a dismissal or disciplinary sanction.

## “DIVISION II

### “DUTIES AND POWERS

“117. Before rendering a decision, the Commission shall allow the parties to be heard. The Commission may, however, proceed on the record, if it considers it appropriate and if the parties consent thereto.

In respect of certification, the obligation imposed by the first paragraph does not apply in respect of a decision made by a labour relations officer. The labour relations officer shall, however, allow the interested parties to present observations and, if appropriate, to produce documents to complete their file.

“118. The Commission may, in particular,

(1) summarily reject any motion, application, complaint or procedure it considers to be improper or dilatory;

(2) refuse to rule on the merits of a complaint where it considers that the complaint may be settled by an arbitration award disposing of a grievance, except in the case of a complaint referred to in section 16 of that Code or in sections 123 and 123.1 of the Act respecting labour standards (chapter N-1.1) or a complaint filed under another Act;

(3) make any order, including a provisional order, it considers appropriate to safeguard the rights of the parties;

(4) determine any question of law or fact necessary for the exercise of its jurisdiction;

(5) confirm, modify or quash the contested decision or order and, if appropriate, render the decision or order which, in its opinion, should have been rendered or made initially;

(6) render any decision it considers appropriate;

(7) ratify a conciliation agreement, if in conformity with the law.

“119. Except with regard to an actual or apprehended strike, slowdown, concerted action, other than a strike or slowdown, or lock-out in a public service or in the public and parapublic sectors within the meaning of Chapter V.1, the Commission may also

(1) order a person, group of persons, association or group of associations to cease performing, not to perform or to perform an act in order to be in compliance with this Code;

(2) require any person to redress any act or remedy any omission made in contravention of a provision of this Code;

(3) order a person or group of persons, in light of the conduct of the parties, to apply the measures of redress it considers the most appropriate;

(4) issue an order not to authorize or participate in, or to cease authorizing or participating in, a strike or slowdown within the meaning of section 108 or a lock-out that is or would be contrary to this Code, or to take measures considered appropriate by the Commission to induce the persons represented by an association not to participate, or to cease participating, in such a strike, slowdown or lock-out;

(5) order, where applicable, that the grievance and arbitration procedure under a collective agreement be accelerated or modified.

“120. The Commission and its commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

### **“DIVISION III**

#### **“PRE-DECISION CONCILIATION**

“121. If the parties to a case consent thereto, the president of the Commission may ask a personnel member to meet with the parties and attempt to bring them to an agreement.

“122. Nothing said or written in the course of conciliation may be admitted as evidence, unless the parties consent thereto.

“123. Every agreement shall be recorded in writing and the documents, if any, to which it refers shall be attached thereto. The agreement must be signed by the conciliation officer and by the parties, and is binding on the parties.

The agreement may be submitted to the Commission for approval at the request of either party.

If no request for approval is submitted to the Commission within six months from the date of the agreement, the agreement terminates the matter at the expiry of that time.

### **“DIVISION IV**

#### **“DECISION**

“124. A complaint, a proceeding or an application shall be heard and decided by one commissioner, except as regards certification granted under section 28.

The president may, where he considers it appropriate, assign a matter to a panel of three commissioners that includes at least one advocate or notary who shall preside the sitting.

Where a case is heard by more than one commissioner, the case is decided by a majority of the commissioners having heard it.

“125. If a commissioner to whom a case is referred does not render a decision within the applicable time, the president of the Commission may, by virtue of his office or at the request of a party, remove the commissioner from the case.

Before removing a commissioner who has not rendered a decision within the applicable time, the president must take the circumstances and the interest of the parties into account.

“126. A decision containing an error in writing or in calculation or any other clerical error may be corrected, on the record and without further formality, by the person who rendered the decision.



Where the person is unable to act or has ceased to hold office, another labour relations agent or commissioner, as the case may be, designated by the president of the Commission may correct the decision.

“127. The Commission may, on application, review or revoke any decision or order it has made

(1) if a new fact is discovered which, had it been known in time, could have warranted a different decision ;

(2) if an interested party, owing to reasons considered sufficient, could not present observations or be heard ; or

(3) if a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the commissioner who made it. Such a decision or order may be reviewed or revoked only by a panel of three commissioners that includes at least one advocate or notary who shall preside the sitting.

“128. Review or revocation proceedings are brought by a motion filed at one of the offices of the Commission within a reasonable time following the decision concerned or following the discovery of a new fact that may warrant a different decision. The motion shall refer to the decision concerned and state the grounds invoked in support of the motion. It shall contain any other information required by the rules of evidence and procedure.

The secretary of the Commission shall send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it.

The Commission shall proceed on the record, unless a party demands to be heard or if, on its own initiative, the Commission considers it appropriate.

“129. The Commission may, within six months after the date of the decision, on application by an interested party, authorize the filing of the decision at the office of the clerk of the Superior Court of the district of the domicile of one of the parties to whom the decision applies.

The decision of the Commission becomes enforceable as if it were a final judgment of the Superior Court and has all the effects of such a judgment.

If the decision contains an order to do or not to do something, any person named or designated in the decision who transgresses the order or refuses to comply therewith, and any person not designated who knowingly contravenes the order, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53

to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding \$50,000 with or without imprisonment for not over one year. These penalties may be imposed again until the offender complies with the decision.

## **“DIVISION V**

### **“RULES OF EVIDENCE AND PROCEDURE**

#### **“§1. — *General provisions***

“130. Applications or complaints made to the Commission as well as any proceedings are introduced by filing a copy at one of the offices of the Commission.

Subject to the second paragraph of section 27.1, for the purposes of the first paragraph, applications, complaints, motions or proceedings are deemed to have been filed on the day they were mailed by registered or certified mail or on the day they were received if they were filed under any other mode of transmission determined by regulation of the Commission.

“131. Cases in which the matters in dispute are substantially the same or whose subject-matters could suitably be combined, whether or not the same parties are involved, may be joined by order of the president or of a person designated by the president, on the conditions fixed by the president.

An order made under the first paragraph may be revoked by the Commission hearing the matter if the Commission believes that the interests of justice will be better served.

“132. Every decision of the Commission must be recorded in writing, signed and notified to the interested persons or parties and must give the reasons on which it is based.

“133. In the case of a petition for certification, the decision of the Commission must be rendered within 60 days of the filing of the petition with the Commission. However, in the case of a petition under section 111.3, the decision of the Commission must be rendered within the period comprised between the end of the period for filing a petition for certification and the date of expiry of the collective agreement or anything in lieu thereof.

In the case of an application referred to in section 45.1, the Commission must render its decision within 90 days after the filing of the application with the Commission.

In any other case, of any nature whatsoever, the Commission must render its decision within 90 days after the case is taken under advisement.

The president may grant an extension. Before granting an extension, the president must take the circumstances and the interest of interested persons or parties into account.

“134. A decision of the Commission is without appeal and must be complied with without delay by every person to whom it applies.

“§2. — *Provisions applicable at the time of a hearing*

“135. The commissioner to whom a case has been referred may call the parties to a pre-hearing conference if it is considered useful and the circumstances of the case allow it.

“136. The pre-hearing conference is held by the commissioner for the purpose of

- (1) defining the questions to be dealt with at the hearing ;
- (2) assessing the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought ;
- (3) ensuring that all documentary evidence is exchanged by the parties ;
- (4) planning the conduct of the proceedings and proof at the hearing ;
- (5) examining the possibility for the parties of admitting certain facts or of proving them by means of sworn statements ; and
- (6) examining any other question likely to simplify or accelerate the conduct of the hearing.

A pre-hearing conference may also enable the parties to reach an agreement and thus terminate a case.

“137. The commissioner shall cause matters on which the parties have reached an agreement, admissions and decisions made by the commissioner to be recorded in the minutes of the pre-hearing conference. The minutes shall be filed in the record and a copy shall be sent to the parties.

The agreements, admissions and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the proceeding, unless the Commission, when hearing the matter, permits a derogation therefrom to prevent an injustice.

“137.1. If a party duly notified fails to appear at the time fixed for the hearing without having provided a valid excuse, or chooses not to be heard, the Commission may nonetheless proceed with the hearing and render a decision.

“137.2. In the absence of provisions applicable to a particular case, the Commission may supply any procedure consistent with this Code and its rules of procedure.

“137.3. Notice shall be sent to the parties within a reasonable time before the hearing, stating

- (1) the purpose, date, time and place of the hearing ;
- (2) that the parties have the right to be assisted or represented ; and
- (3) that the Commission has the authority to proceed, without further delay or notice, despite the failure of a party to appear at the time and place fixed, if no valid excuse is provided.

“137.4. The Commission may hear the parties by any means provided for in its rules of evidence and procedure.

“137.5. Where an investigation is conducted by the Commission, the investigation report shall be filed in the record of the case and a copy thereof shall be transmitted to all interested parties.

In such a case, the president and the vice-presidents of the Commission may neither hear nor decide alone the case.

“137.6. A party who wishes to cause witnesses to be heard and to produce documents shall proceed in the manner prescribed in the rules of evidence and procedure of the Commission.

“137.7. Every person summoned to testify before the Commission in any case governed by this Code or any other Act is entitled to the same taxation as witnesses before the Superior Court and to the reimbursement of travelling and living expenses.

Such taxation is payable by the party who proposed the summons, but a person who receives his or her salary during such period is entitled only to the reimbursement of travelling and living expenses.

Where a person is duly summoned on the initiative of the Commission, the taxation is payable by the Commission.

“137.8. Where, by reason of inability to act, a commissioner is unable to continue a hearing, another commissioner designated by the president of the Commission may, with the consent of the parties, continue the hearing and rely, as regards oral evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer’s notes or on the recording of the hearing, subject to a witness being recalled or other evidence required where the commissioner finds the notes or the recording insufficient.

The same rule applies to the continuance of a hearing after a commissioner ceases to hold office and to any case heard but not yet decided at the time a commissioner is removed from the case.

Where a case is heard by more than one commissioner, the hearing is continued by the remaining commissioners. Where opinions are equally divided on a question, the matter is referred to the president of the Commission or to a commissioner designated by the president, to be decided according to law.

“137.9. A commissioner who has knowledge of a valid cause for recusation must declare that cause in a writing filed in the record and must advise the parties of it.

“137.10. A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a commissioner seized of the case if the party has good reason to believe that a cause for recusation exists.

The application for recusation shall be addressed to the president of the Commission. Unless the commissioner removes himself or herself from the case, the application shall be decided by the president or by a commissioner designated by the president.

## “DIVISION VI

### “COMMISSIONERS

#### “§1. — *Appointment*

“137.11. The commissioners of the Commission shall be appointed by the Government, in the number determined by the Government. Commissioners shall be appointed after consultation with the most representative associations of workers and employers’ associations.

“137.12. Only a person who has knowledge of the applicable legislation and ten years’ experience pertinent to the matters under the jurisdiction of the Commission may be a commissioner of the Commission.

“137.13. The commissioners shall be appointed from among persons declared to be qualified according to the recruiting and selection procedure established by government regulation. The regulation shall, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity ;

(2) determine the procedure by which a person may seek nomination as a candidate ;

(3) authorize the establishment of selection committees to assess the qualifications of candidates and formulate an opinion concerning them ;

(4) fix the composition of the committees and the mode of appointment of committee members ;

(5) determine the selection criteria to be taken into account by the committees ; and

(6) determine the information a committee may require from a candidate and the consultations it may hold.

“137.14. The names of the persons declared to be qualified shall be recorded in a register kept at the Ministère du Conseil exécutif.

“137.15. A certificate of qualifications shall be valid for a period of 18 months or for such period as is determined by government regulation.

“137.16. The members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

“§2. — *Term of office*

“137.17. Subject to the following exceptions, the term of office of a commissioner is five years.

“137.18. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment of a commissioner where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

“137.19. The term of office of a commissioner shall be renewed for five years, after consultation with the most representative associations of workers and employers’ associations,

(1) unless the commissioner is notified to the contrary at least three months before the expiry of the commissioner’s term by the agent authorized therefor by the Government ; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the commissioner’s term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“137.20. The renewal of the term of office of a commissioner shall be examined according to the procedure established by government regulation. The regulation may, in particular,

- (1) authorize the establishment of committees ;
- (2) fix the composition of the committees and the mode of appointment of committee members ;
- (3) determine the criteria to be taken into account by the committees ; or
- (4) determine the information a committee may require from the commissioner and the consultations it may hold.

“137.21. The members of an examination committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

“137.22. The term of office of a commissioner may terminate prematurely only on the commissioner’s retirement or resignation, or on the commissioner’s being dismissed or otherwise removed from office, in the circumstances referred to in sections 137.23 to 137.25.

“137.23. To resign, a commissioner must give the Minister reasonable notice in writing and send a copy to the president of the Commission.

“137.24. The Government may dismiss a commissioner if the Conseil de la justice administrative so recommends, after an inquiry following a complaint for breach of the code of ethics or of the prescriptions governing conflicts of interest or incompatible functions or for a dereliction of duty under this Code. It may also impose a suspension or issue a reprimand.

A complaint must be in writing and must briefly state the grounds on which it is based. The complaint is sent to the seat of the council.

The council shall, when examining a complaint brought against a commissioner, act in conformity with the provisions of sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, where the council, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one member chosen by the council from a list established by the president of the Commission after consultation with the commissioners and of two other members chosen from among the members of the council, one of whom shall neither practice a legal profession nor be a member of the Administrative Tribunal of Québec. The commissioner of the Commission or, where the commissioner is unable to act, another commissioner of the Commission chosen in the same manner, shall also take part in the deliberations of the council for the purposes of section 192 of the said Act.

“137.25. The Government may remove a commissioner from office if, in the opinion of the Government, a permanent disability prevents the commissioner from performing the duties of a commissioner satisfactorily. Permanent disability is ascertained by the Conseil de la justice administrative after an inquiry is conducted at the request of the Minister or of the president of the Commission.

The council shall, when conducting an inquiry to determine whether a commissioner is suffering from a permanent disability, act in conformity with the provisions of sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications; however, the inquiry committee shall be formed in accordance with the rules set out in section 137.24.

“137.26. A commissioner may, with the authorization of and for the time determined by the president of the Commission, continue to exercise the functions of a commissioner after the expiry of his or her term of office in order to conclude the cases the commissioner has begun to hear but has yet to determine; the commissioner shall be considered to be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

“§3. — *Remuneration and other conditions of employment*

“137.27. The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed for the expenses incurred in the performance of his or her duties.

The Government may make regulations determining other conditions of employment applicable to all or certain commissioners, including employment benefits other than a pension plan.



The regulatory provisions may vary according to whether they apply to a full-time or part-time commissioner or to a commissioner holding an administrative office within the Commission.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

“137.28. The Government shall fix, in accordance with the regulations, the remuneration, employment benefits and other conditions of employment of the commissioners.

“137.29. Once fixed, a commissioner’s remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the Commission shall cease upon termination of such office.

“137.30. The pension plan of commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

“137.31. A public servant appointed as a commissioner of the Commission ceases to be subject to the Public Service Act (chapter F-3.1.1) in all matters concerning his office as commissioner; the public servant is, for the duration of his appointment and to discharge the duties of commissioner, on full leave without pay.

“§4. — *Ethics and impartiality*

“137.32. Each commissioner shall, before acting as such, take an oath, solemnly affirming the following: “I (...) swear that I will exercise the powers and fulfil the duties of my office impartially and honestly and to the best of my knowledge and abilities.”

The oath shall be taken before the president of the Commission. The president of the Commission shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.

“137.33. The Government shall, after consultation with the president, establish a code of ethics applicable to the commissioners.

The code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated therein.

“137.34. The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons representing them; it shall, in particular, define the conduct that is derogatory to the honour, dignity or integrity of a commissioner. In addition, the code of ethics may determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of interests, and the functions they may exercise gratuitously.

The code of ethics may provide for special rules governing part-time commissioners.

“137.35. A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between the commissioner’s personal interest and the commissioner’s duties of office, unless the interest devolves to the commissioner by succession or gift and the commissioner renounces it or disposes of it with dispatch.

“137.36. In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Code, a commissioner must refrain from pursuing an activity or placing himself or herself in a situation incompatible, within the meaning of the code of ethics, with the exercise of the commissioner’s functions.

“137.37. Full-time commissioners shall devote themselves exclusively to their office.

They may, however, carry out any mandate entrusted to them by order of the Government after consultation with the president of the Commission.

## “DIVISION VII

### “CONDUCT OF THE COMMISSION’S AFFAIRS

#### “§1. — *Internal management*

“137.38. The administrative affairs of the Commission shall be conducted in accordance with rules of internal management established by the president of the Commission, after consultation with the vice-presidents. The rules shall be submitted to the Government for approval.

“137.39. The Commission may, in accordance with its rules of internal management, enter into an agreement with any person, association, partnership or body, and with the Government or a department or body of the Government.

The Commission may also, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of such an organization.

“§2. — *Administrative mandate*

“137.40. The Government shall appoint a president and two vice-presidents.

Those persons must comply with the requirements provided for in section 137.12 and shall be appointed after consultation with the most representative associations of workers and employers’ associations.

The persons appointed under the first paragraph become, upon their appointment, commissioners of the Commission charged with an administrative office.

“137.41. The administrative mandates of the president and vice-presidents shall not exceed five years and shall be determined in the instrument of appointment.

At the expiry of their mandate, the president and the vice-presidents shall remain in office until replaced or reappointed.

They may continue to exercise their functions as commissioners in order to dispose of the matters they have begun to hear; they shall be considered to be supernumerary commissioners during such time as is necessary.

“137.42. The Government shall fix the remuneration, employment benefits and other conditions of employment of the president and vice-presidents.

“137.43. The president and the vice-presidents shall exercise their functions on a full-time basis.

“137.44. The Minister shall designate a vice-president to replace the president or another vice-president.

“137.45. The administrative mandate of the president or of a vice-president may terminate prematurely only if the president or vice-president relinquishes his or her administrative office, on the premature termination of his or her term of office as commissioner, or on his or her dismissal or removal from administrative office in circumstances referred to in section 137.46.

“137.46. The Government may remove the president or a vice-president from administrative office if the Conseil de la justice administrative so recommends, after an inquiry is conducted at the Minister’s request concerning a lapse pertaining only to administrative duties. The council shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications; however, the formation of an inquiry committee is subject to the rules set out in section 137.24.

“§3. — *Management and administration*

“137.47. In addition to the exercise of the powers and duties that may otherwise be assigned to the president, the president is charged with the administration and general management of the Commission.

The functions of the president include

(1) directing the personnel of the Commission and seeing to it that the personnel’s functions are carried out ;

(2) promoting the professional development of the personnel of the Commission and the commissioners as regards the exercise of their functions ;

(3) fostering the participation of commissioners in the formulation of guiding principles so as to maintain a high level of quality and coherence in the decisions of the Commission ;

(4) coordinating and assigning the work of the commissioners who, in that respect, must comply with the president’s orders and directives ;

(5) seeing to the observance of the standards of ethics.

“137.48. For the exercise of the Commission’s functions, duties and powers, the president may appoint labour relations officers charged with

(a) attempting to bring the parties to an agreement ;

(b) ascertaining the representative character of an association of employees or its rights to be granted certification ;

(c) conducting, at the request of the president of the Commission, or on their own initiative in matters referred to them, an investigation into an apprehended contravention of section 12, a survey or research on any matter relating to certification and the safeguarding or exercise of the freedom of association.

Those persons are also charged with exercising any other functions entrusted to them by the president.

“137.49. In assigning work to commissioners, the president may take the commissioners’ specific knowledge and experience into account.

“137.50. The president may delegate all or part of the president’s powers and duties to the vice-presidents.

“137.51. In addition to the powers and duties that may otherwise be assigned to them or delegated to them by the president, the vice-presidents shall assist and advise the president in the exercise of his or her functions and perform their administrative functions under the president’s authority.

“§4. — *Immunity*

“137.52. The Commission, its commissioners and the members of its personnel may not be prosecuted for an act done in good faith in the exercise of their functions.

“137.53. No person designated by the Commission to attempt to bring the parties to an agreement may be compelled to disclose anything revealed to or learned by the person in the exercise of his functions, or to produce personal notes or a document made or obtained in the exercise of his functions before a court or tribunal or an arbitrator or before a body or person exercising judicial or quasi-judicial functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used as the basis for an agreement and for the decision confirming an agreement following conciliation.

“§5. — *Personnel and material and financial resources*

“137.54. The secretary and the other members of the personnel of the Commission shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

“137.55. The secretary shall have custody of the records of the Commission.

“137.56. The documents emanating from the Commission are authentic if they are signed, as are copies if they are certified true, by the president, a vice-president or the secretary or, as the case may be, by any person designated by the president for that purpose.

“137.57. Once proceedings have been completed, the parties shall reclaim the exhibits they produced and the documents they filed.

The exhibits or documents not reclaimed by the parties may be destroyed after the expiry of one year from the date of the decision of the Commission or of the proceeding terminating the proceedings, unless the president decides otherwise.

“137.58. The fiscal year of the Commission shall end on 31 March.

“137.59. Each year, the president shall submit the budgetary estimates of the Commission for the following fiscal year to the Minister according to the form, tenor and schedule determined by the Minister.

The estimates shall be submitted to the Government for approval.

“137.60. The books and accounts of the Commission shall be audited by the Auditor General each year and whenever ordered by the Government.

“137.61. Not later than 15 days before the expiry of the time limit provided for in the second paragraph, the Commission shall submit a report of activities for the preceding fiscal year to the Minister.

The Minister shall table the report in the National Assembly within four months of the end of such fiscal year or, if the Assembly is not in session, within 15 days of resumption.

“137.62. The sums required for the purposes of this chapter shall be taken out of the fund of the Commission des relations du travail.

The fund shall be made up of

(1) the sums paid by the Minister out of the appropriations allocated for that purpose by Parliament;

(2) the sums paid by the Commission des normes du travail under section 28.1 of the Act respecting labour standards (chapter N-1.1);

(3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission.

“137.63. The Government may, subject to the conditions it determines, authorize the Minister of Finance to advance to the fund of the Commission sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the Commission.”

64. Section 138 of the said Code is amended

(1) by replacing the part before subparagraph *a* of the first paragraph by the following:

“138. The Government may make any regulation it deems proper to give effect to the provisions of this Code, in particular;”

(2) by inserting “of the first or second paragraph” after “subparagraph *d* or *e*” in the fourth line of subparagraph *b* of the first paragraph;

(3) by replacing subparagraph *e* of the first paragraph by the following subparagraphs:

“(e) to require any document or information that must be submitted with a petition or motion from an association;

“(f) to determine a tariff of administrative fees, professional fees or charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission. The regulation may also

i. provide that the administrative fees, professional fees or charges may vary according to the applications, complaints, proceedings, documents or services or according to the persons or categories or subcategories of persons ;

ii. determine the persons and categories or subcategories of persons who are exempt from the payment of duties, fees or charges and the applications, complaints, proceedings, documents or services to which the exemption applies ;

iii. prescribe, for the applications, complaints, proceedings, documents or services it designates, the terms and conditions of payment of the administrative fees, professional fees and charges ;

“(g) to determine the information to be included in the application for membership referred to in subparagraph *b* of the first paragraph of section 36.1 ;

“(h) to fix the minimum amount of union dues referred to in subparagraph *c* of the first paragraph of section 36.1.” ;

(4) by replacing the second paragraph by the following paragraph :

“The Commission may, in a regulation passed by a majority of the commissioners, make rules of evidence and procedure specifying the manner in which the rules established under this Code or the special Acts pursuant to which the proceedings are brought are to be implemented, and rules concerning the mode of transmission of documents and the place where a document may be filed with the Commission.” ;

(5) by replacing the third paragraph by the following paragraph :

“A regulation made under the second paragraph must be submitted to the Government for approval.”

65. The heading of Chapter VIII of Title I of the said Code is replaced by the following heading :

“RECOURSES”.

66. Section 139 of the said Code is replaced by the following section :

“139. Except on a question of jurisdiction, none of the extraordinary recourses provided for in articles 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against an arbitrator, the Conseil des services essentiels, the Commission, any of its commissioners or a labour relations officer of the Commission acting in their official capacity.”

67. Section 144 of the said Code is amended by replacing “certification agent, labour commissioner, the Court or one of its judges” in the third and fourth lines by “the Commission”.

68. Section 146.2 of the said Code is amended

(1) by replacing “or 111.10.7” in the third line by “or 111.10.7 or in an agreement or a decision referred to in section 111.15.3”;

(2) by inserting “or with the agreement or the decision” after “list” in the fifth line.

69. Section 151 of the said Code is amended by striking out the second paragraph.

70. The said Code is amended by adding the following schedule at the end :

“SCHEDULE I

“PROCEEDINGS BROUGHT UNDER OTHER ACTS

“In addition to the proceedings brought under this Code, the Commission shall hear and decide proceedings under

(1) the second paragraph of section 45 and the second paragraph of section 46 of the Charter of the French language (chapter C-11);

(2) the second paragraph of section 72 of the Cities and Towns Act (chapter C-19);

(3) the second paragraph of section 267.0.2 of the Municipal Code of Québec (chapter C-27.1);

(4) the fourth paragraph of paragraph *g* of section 48 of the Act respecting the Commission municipale (chapter C-35);

(5) the first paragraph of section 30.1 of the Act respecting collective agreement decrees (chapter D-2);

(6) the second paragraph of section 88.1 and the first paragraph of section 356 of the Act respecting elections and referendums in municipalities (chapter E-2.2);

(7) section 205 of the Act respecting school elections (chapter E-2.3);

(8) the second paragraph of section 144 and the first paragraph of section 255 of the Election Act (chapter E-3.3);



(9) sections 104 to 107, 110, 112 and 121, the second paragraph of section 109 and the third paragraph of section 111 of the Pay Equity Act (chapter E-12.001);

(10) section 17.1 of the National Holiday Act (chapter F-1.1);

(11) the sixth paragraph of section 5.2, section 20 and the second paragraph of section 200 of the Act respecting municipal taxation (chapter F-2.1);

(12) the second paragraph of section 65, the fourth paragraph of section 66 and the third paragraph of section 67 of the Public Service Act (chapter F-3.1.1);

(13) the second paragraph of section 256 of the Forest Act (chapter F-4.1);

(14) the second paragraph of section 47 of the Jurors Act (chapter J-2);

(15) sections 123, 123.1 and 126 of the Act respecting labour standards (chapter N-1.1);

(16) sections 176.1, 176.6, 176.7 and 176.11 of the Act respecting municipal territorial organization (chapter O-9);

(17) the second paragraph of section 49 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1);

(18) section 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the third paragraph of section 93 and the fourth paragraph of section 105 of the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);

(19) the second paragraph of section 5.2 of the Courts of Justice Act (chapter T-16);

(20) the second paragraph of section 154 of the Fire Safety Act (2000, chapter 20);

(21) the second paragraph of section 73 and the seventh paragraph of section 265.1 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34);

(22) the second paragraph of section 64 of Schedule VI and the seventh paragraph of section 229 of Schedule VI to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56);

(23) the second paragraph of section 73 of the Act respecting public transit authorities (2001, chapter 23).”

## ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

71. Section 473 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by striking out the first paragraph.

## ACT RESPECTING THE BARREAU DU QUÉBEC

72. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1) is amended

(1) by replacing subparagraph 2 of paragraph *a* of subsection 2 by the following subparagraph :

“(2) the Commission des relations du travail established by the Labour Code;”;

(2) by replacing “, an investigator or the Labour Court” in the third line of subparagraph 6 of paragraph *a* of subsection 2 by “or an investigator”.

## BUILDING ACT

73. Section 11.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “Subject to section 164.1, the Labour Court” in the first line by “The construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”.

74. Sections 11.2 and 11.3 of the said Act are repealed.

75. Section 160 of the said Act is amended by striking out “or the Labour Court” in the fourth and fifth lines.

76. The heading of subdivision 1 of Division II of Chapter VII of the said Act is struck out.

77. Section 164.1 of the said Act is amended by replacing the first paragraph by the following paragraph :

“164.1. Any interested person may contest before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)

(1) a ruling of the Board or of a mandatary Corporation referred to in section 129.3 where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1 ; and

(2) a ruling of the Board or of a municipality referred to in section 132 made under section 123, 124, 127, 128, 128.3 or 128.4.”

78. Section 164.2 of the said Act is amended

(1) by replacing “or the Corporation” in the first paragraph by “, the Corporation or the municipality”;

(2) by replacing “of the Board or the Corporation” in the third line of the second paragraph by “of the Board, the Corporation or the municipality”.

79. Section 164.3 of the said Act is amended by replacing “or the Corporation” in the first line by “, the Corporation or the municipality”.

80. Section 164.4 of the said Act is amended by replacing “or the Corporation” in the second line by “, the Corporation or the municipality”.

81. Section 164.5 of the said Act is amended by replacing “or the Corporation” in the second line of the first paragraph by “, the Corporation or the municipality”.

82. Subdivision 2 of Division II of Chapter VII of the said Act, comprising sections 165 to 172, is repealed.

#### CHARTER OF THE FRENCH LANGUAGE

83. Section 45 of the Charter of the French language (R.S.Q., chapter C-11), amended by section 7 of chapter 57 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph :

“A staff member not subject to a collective agreement who believes he has been aggrieved by an action that is prohibited by the first paragraph may exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

84. Section 46 of the said charter, amended by section 8 of chapter 57 of the statutes of 2000, is again amended

(1) by replacing the second paragraph by the following paragraph :

“A person, whether or not in an employment relationship with the employer, who believes he has been aggrieved by a contravention of the first paragraph and who is not subject to a collective agreement may exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”;

(2) by replacing “a labour commissioner by filing a complaint as provided by section 16 of the Labour Code,” in the first and second lines of the fourth paragraph by “the Commission”;

(3) by striking out the second sentence of the fourth paragraph;

(4) by replacing “labour commissioner” in the first line of the fifth paragraph by “Commission”;

(5) by replacing “labour commissioner or the arbitrator finds the complaint to be justified, the labour commissioner or the arbitrator may issue any order he” in the first and second lines of the sixth paragraph by “Commission or the arbitrator finds the complaint to be justified, the Commission or the arbitrator may issue any order the Commission or the arbitrator”.

85. Section 47 of the said charter, enacted by section 9 of chapter 57 of the statutes of 2000, is amended by replacing “a labour commissioner” in the first line of the fourth paragraph by “the Commission des relations du travail”.

#### CITIES AND TOWNS ACT

86. Section 72 of the Cities and Towns Act (R.S.Q., chapter C-19), enacted by section 2 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the fourth and fifth lines of the second paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint”.

87. Section 72.1 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners”;

(2) by striking out “and 118 to 137” in the fourth line.

88. Section 72.2 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner” in the first line before paragraph 1 and in the first line of paragraph 3 by “Commission des relations du travail”.

89. Section 72.3 of the said Act, enacted by section 2 of chapter 54 of the statutes of 2000, is repealed.

90. Section 73 of the said Act, enacted by section 107 of chapter 56 of the statutes of 2000, is amended by replacing “72.3” in the first line by “72.2”.

91. Section 468.51 of the said Act, amended by section 4 of chapter 54 of the statutes of 2000, is again amended by replacing “72.3” by “72.2”.

## CODE OF CIVIL PROCEDURE

92. Article 60 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing “labour commissioner general” in the third line of the second paragraph by “Commission des relations du travail”.

## CODE OF PENAL PROCEDURE

93. Article 370 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing “85 of the statutes of 1987” in the fourth line by “26 of the statutes of 2001”.

## MUNICIPAL CODE OF QUÉBEC

94. Section 267.0.2 of the Municipal Code of Québec (R.S.Q., chapter C-27.1), enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the fourth and fifth lines of the second paragraph by “Commission des relations du travail to make an inquiry and dispose of the complaint”.

95. Section 267.0.3 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners”;

(2) by striking out “and 118 to 137” in the fourth line.

96. Section 267.0.4 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner” in the first line before paragraph 1 and in the first line of paragraph 3 by “Commission des relations du travail”.

97. Section 267.0.5 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is repealed.

98. Section 267.0.6 of the said Code, enacted by section 10 of chapter 54 of the statutes of 2000, is amended by replacing “267.0.5” in the first line by “267.0.4”.

## ACT RESPECTING THE COMMISSION MUNICIPALE

99. Section 48 of the Act respecting the Commission municipale (R.S.Q., chapter C-35), amended by section 319 of chapter 12 and by section 18 of chapter 54 of the statutes of 2000, is again amended

(1) by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the fourth and fifth lines of the fourth paragraph of paragraph *g* by “Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint”;

(2) by replacing “72.3” in the first line of the fifth paragraph of paragraph *g* by “72.2”.

#### ACT RESPECTING COLLECTIVE AGREEMENT DECREES

100. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing “certification agent, the labour commissioner or the Labour Court” in the second and third lines of paragraph *b* by “Commission des relations du travail”.

101. Section 30.1 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph:

“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 Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”;

(2) by replacing the second paragraph by the following paragraph:

“Notwithstanding section 16 of the Labour Code, the period within which a complaint must be filed with the Commission is 45 days. If the complaint is presented to the committee within that time, failure to present the complaint to the Commission cannot be invoked against the complainant. The Commission shall send a copy of the complaint to the committee concerned.”

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

102. Section 88.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), amended by section 35 of chapter 54 of the statutes of 2000, is again amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph authorizes the person on whom the penalty is imposed to assert his rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

103. Section 356 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“356. An employee believing himself or herself to be the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”;

(2) by replacing the words “labour commissioner general” wherever they occur in the second and third paragraphs by the words “Commission des relations du travail”.

#### ACT RESPECTING SCHOOL ELECTIONS

104. Section 205 of the Act respecting school elections (R.S.Q., chapter E-2.3) is replaced by the following section :

“205. An employee believing himself or herself to be the victim of a contravention of this chapter may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

105. Section 206 of the said Act is amended by replacing the words “labour commissioner general” wherever they occur by the words “Commission des relations du travail”.

#### ELECTION ACT

106. Section 255 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by replacing the first paragraph by the following paragraph :

“255. An employee believing himself or herself to be the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”;

(2) by replacing the words “labour commissioner general” wherever they occur in the second and third paragraphs by the words “Commission des relations du travail”.

#### PAY EQUITY ACT

107. Section 104 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing “Labour Court” in the second line by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

108. Sections 105 and 106 of the said Act are amended by replacing the words “Labour Court” wherever they occur by the words “Commission des relations du travail”.

109. Section 107 of the said Act is amended

(1) by replacing the words “Labour Court” wherever they occur by the words “Commission des relations du travail”;

(2) by replacing “Labour Court to order that the injured employee be reinstated, on such date as the Labour Court” in the first and second lines of the third paragraph by “Commission des relations du travail to order that the injured employee be reinstated, on such date as the Commission des relations du travail”.

110. Section 108 of the said Act is amended by replacing “Labour Court” in the first line of the first paragraph by “Commission des relations du travail”.

111. Section 109 of the said Act is amended

(1) by replacing “Labour Court” in the first line of the first paragraph by “Commission des relations du travail”;

(2) by replacing “Labour Court” in the second line of the second paragraph by “Commission des relations du travail”.

112. Section 110 of the said Act is amended by replacing “Labour Court” in the second line by “Commission des relations du travail”.

113. Section 111 of the said Act is amended by replacing “Labour Court” in the fifth line of the third paragraph by “Commission des relations du travail”.

114. The heading of Division II of Chapter VI of the said Act is amended by replacing “LABOUR COURT” by “THE COMMISSION DES RELATIONS DU TRAVAIL”.

115. Section 112 of the said Act is amended by replacing “Labour Court created by the Labour Code (chapter C-27)” in the first line by “Commission des relations du travail”.

116. Section 113 of the said Act is amended by replacing “Labour Court are final and” by “Commission des relations du travail are”.

117. Section 121 of the said Act is amended by replacing “Labour Court” in the fifth line by “Commission des relations du travail”.

118. Section 123 of the said Act is amended by replacing “Commission or the Labour Court” in the third line of the second paragraph by “Commission de l’équité salariale or the Commission des relations du travail”.



## ACT RESPECTING MUNICIPAL TAXATION

119. Section 5.2 of the Act respecting municipal taxation (R.S.Q., chapter F-2.1), enacted by section 109 of the Act to amend various legislative provisions concerning municipal affairs (2001, chapter 25) is amended by replacing “with the labour commissioner general who shall designate a labour commissioner to make an inquiry and decide the complaint. The provisions of the Labour Code (chapter C-27) relating to the labour commissioner general, the labour commissioners” in the sixth paragraph by “with the Commission des relations du travail established under the Labour Code (chapter C-27) so that it may make an inquiry and dispose of the complaint. The provisions of the Labour Code relating to the Commission des relations du travail, its commissioners”.

120. Section 20 of the said Act, amended by section 38 of chapter 54 of the statutes of 2000, is again amended by replacing “72.3” by “72.2”.

121. Section 27 of the said Act, amended by section 39 of chapter 54 of the statutes of 2000, is again amended by replacing “labour commissioner general” in the second line of the second paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

122. Section 200 of the said Act, enacted by section 58 of chapter 54 of the statutes of 2000, is amended

(1) by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the third and fourth lines of the second paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry and dispose of the complaint”;

(2) by replacing “labour commissioner general, the labour commissioners” in the first and second lines of the third paragraph by “Commission des relations du travail, its commissioners”;

(3) by striking out “and 118 to 137” in the fourth line of the third paragraph;

(4) by replacing “labour commissioner” in the first line of the fourth paragraph by “Commission des relations du travail”;

(5) by replacing “labour commissioner” in the second line of the fourth paragraph and in the first line of subparagraph 3 of the fourth paragraph by “Commission des relations du travail”;

(6) by striking out the fifth, sixth and seventh paragraphs.

## PUBLIC SERVICE ACT

123. Section 65 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing “a labour commissioner” in the first and second lines of the first paragraph by “the Commission des relations du travail”;

(2) by replacing “Labour Court established by the Labour Code” in the first line of the second paragraph by “Commission des relations du travail”;

(3) by replacing, in the French text, “il” in the third line of the second paragraph by “elle”.

124. Section 66 of the said Act is amended

(1) by replacing “labour commissioner” in the second line of the third paragraph by “Commission des relations du travail”;

(2) by replacing “Labour Court” in the first line of the fourth paragraph by “Commission des relations du travail”;

(3) by replacing, in the French text, “il” in the second line of the fourth paragraph by “elle”.

125. Section 67 of the said Act is amended by replacing “Labour Court within 15 days of the decision of the Court rendered” in the third and fourth lines of the third paragraph by “Commission des relations du travail within 15 days of the decision rendered by the Commission”.

126. Section 69 of the said Act is amended

(1) by replacing “by decision of the Labour Court” in the third line of the second paragraph by “, failing an agreement, by a decision of the Conseil des services essentiels established by the Labour Code (chapter C-27)”;

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

“The Conseil du trésor shall transmit, without delay, a copy of any agreement made under the second paragraph to the Conseil des services essentiels.”

## FOREST ACT

127. Section 256 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “A labour commissioner” in the first line of the second paragraph by “The Commission des relations du travail established by the Labour Code”.

## ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

128. Section 28.1 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1) is repealed.

## ACT RESPECTING ELECTRICAL INSTALLATIONS

129. Section 34 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by replacing “Labour Court established by the Labour Code (chapter C-27)” in the second line of the third paragraph by “construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”.

130. Section 35.3 of the said Act is repealed.

## JURORS ACT

131. Section 47 of the Jurors Act (R.S.Q., chapter J-2) is amended by replacing the second paragraph by the following paragraph :

“Any contravention of this section, in addition to being an offence against this Act, authorizes an employee to assert his rights before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

## STATIONARY ENGINEMEN ACT

132. Section 9.2 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by replacing “Tribunal referred to in section 9.3” in the third and fourth lines of the first paragraph by “construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”.

133. Section 9.3 of the said Act is amended by replacing “Labour Court established by the Labour Code (chapter C-27)” in the second and third lines of the first paragraph by “construction industry commissioner”.

134. Section 9.4 of the said Act is repealed.

## ACT RESPECTING THE MINISTÈRE DU REVENU

135. Section 69 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended

(1) by replacing “labour commissioner general, the Labour Court” in the fourth and fifth lines of the fourth paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”;

(2) by replacing “labour commissioner general, the Labour Court” in the first and second lines of the fifth paragraph by “Commission des relations du travail”.

#### ACT RESPECTING THE MINISTÈRE DU TRAVAIL

136. The Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following section after section 8:

“8.1. The Minister may generally or specially delegate, in writing, the exercise of the powers conferred on the Minister under this Act or an Act under the Minister’s administration to a personnel member of the department or to the holder of a position.”

137. The said Act is amended by inserting the following chapter after section 16:

#### “CHAPTER II.1

#### “TARIFFING

“16.1. The Government may determine, by regulation, a tariff of administrative fees, professional fees or other charges attached to applications filed with or services provided by the Ministère du Travail relating to the application of this Act or any other Act. The regulation may also

(1) provide that administrative or professional fees and charges may vary according to the applications or services or according to the categories or subcategories of persons ;

(2) determine the persons and categories or subcategories of persons who are exempt from the payment of administrative or professional fees and charges and the applications or services to which the exemption applies ;

(3) prescribe, for the applications or services it designates, the terms and conditions of payment of the administrative fees, professional fees and charges.”

#### ACT RESPECTING LABOUR STANDARDS

138. Section 6.2 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is repealed.

139. The said Act is amended by inserting the following section after section 28:

“28.1. The Commission des normes du travail shall contribute to the fund of the Commission des relations du travail referred to in section 137.62 of the Labour Code (chapter C-27) to provide for expenses incurred by the Commission in relation to proceedings brought before the Commission under Divisions II and III of Chapter V of this Act.

The amount and terms and conditions of payment of the contribution of the Commission des normes du travail shall be determined by the Government after consultation with the Commission by the Minister.”

140. Section 123 of the said Act is amended

(1) by replacing the first and second paragraphs by the following paragraphs :

“123. An employee who believes he has been the victim of a practice prohibited by section 122 or 122.2 and who wishes to assert his rights must do so before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.

Notwithstanding section 16 of the Labour Code, the period within which a complaint must be filed with the Commission des relations du travail is 45 days. If the complaint is submitted within that time to the Commission des normes du travail, failure to file the complaint to the Commission des relations du travail cannot be invoked against the complainant. The Commission des relations du travail shall transmit a copy of the complaint to the Commission des normes du travail.” ;

(2) by replacing “A labour commissioner” in the first line of the third paragraph by “The Commission des relations du travail” ;

(3) by replacing “he” in the first line of the third paragraph by “it” ;

(4) by inserting “des normes du travail” after “Commission” in the first line of the fourth paragraph.

141. Section 123.1 of the said Act is amended by replacing “labour commissioner general” in the first and second lines of the second paragraph by “Commission des relations du travail”.

142. Section 124 of the said Act is amended

(1) by replacing “Commission” wherever it occurs by “Commission des normes du travail” ;

(2) by replacing “labour commissioner general or with the Minister” in the first and second lines of the second paragraph by “Commission des relations du travail”.

143. Section 125 of the said Act is amended by replacing “Commission” wherever it occurs by “Commission des normes du travail”.

144. Section 126 of the said Act is replaced by the following section :

“126. If no settlement is reached within 30 days following receipt of the complaint by the Commission des normes du travail, the employee may, within the ensuing 30 days, apply in writing to the Commission des normes du travail for referral of the complaint to the Commission des relations du travail so that the latter may conduct an inquiry and decide the complaint.”

145. Section 126.1 of the said Act is amended by inserting “des normes du travail” after “Commission” in the first line.

146. Section 127 of the said Act is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners”;

(2) by striking out “and 118 to 137” in the fourth line.

147. Section 128 of the said Act is amended

(1) by replacing the part of the first paragraph preceding subparagraph 1 by the following :

“128. Where the Commission des relations du travail considers that the employee has been dismissed without good and sufficient cause, the Commission may”;

(2) by replacing “he” in the first line of subparagraph 3 of the first paragraph by “the Commission” and “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

148. Section 129 of the said Act is repealed.

149. Section 130 of the said Act is amended by replacing “a labour commissioner” in the first line by “the Commission des relations du travail”.

150. Section 131 of the said Act is replaced by the following section :

“131. The Commission des relations du travail shall send forthwith a true copy of its decision to the Commission.”

#### ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

151. The Act respecting municipal territorial organization (R.S.Q., chapter O-9), amended by chapters 27, 54 and 56 of the statutes of 2000 and chapter 25 of the statutes of 2001, is again amended

(1) by replacing “A labour commissioner to whom a petition addressed to the labour commissioner general is referred” in the first and second lines of the third paragraph of section 176.1 by “The Commission des relations du travail, established by the Labour Code (chapter C-27), after being seized of an application for certification,”;

(2) by replacing “labour commissioner general” in the third line of section 176.4 by “Commission”;

(3) by replacing “labour commissioner to whom an agreement made under section 176.3 is referred” in the first and second lines of the first paragraph of section 176.5 by “Commission, after being seized of an agreement made under section 176.3,”;

(4) by replacing “commissioner” in the third line of the second paragraph of section 176.5 by “Commission”;

(5) by replacing “the labour commissioner general” at the end of the second paragraph of section 176.5 by “the Commission”;

(6) by replacing “labour commissioner” in the first line of the third paragraph of section 176.5 by “Commission”;

(7) by replacing “labour commissioner general requesting that a labour commissioner” in the third and fourth lines of section 176.6 by “Commission requesting it to”;

(8) by replacing “labour commissioner general” in the third line of the first paragraph of section 176.7 by “Commission”;

(9) by replacing “labour commissioner general” in the first line of section 176.8 by “Commission”;

(10) by replacing, in the French text, “le commissaire général du travail” in the first line of section 176.8 by “la Commission”;

(11) by replacing “the labour commissioner general” in the second line of section 176.8 by “it”;

(12) by replacing “labour commissioner to whom an application made to the labour commissioner general is referred pursuant to section 176.6 or 176.7” in the first and second lines of the first paragraph of section 176.9 by “Commission, after being seized of an application pursuant to section 176.6 or 176.7,”;

(13) by replacing “labour commissioner” in the first line of the third paragraph of section 176.9 by “Commission”;

(14) by replacing “the labour commissioner” in the second and third lines of the third paragraph of section 176.9 by “it”;

(15) by replacing “labour commissioner” in the third line of the third paragraph of section 176.9 by “Commission”;

(16) by replacing “labour commissioner” in the first line of the fifth paragraph of section 176.9 by “Commission”;

(17) by replacing “labour commissioner” in the second and third lines of the fifth paragraph of section 176.9 by “Commission”;

(18) by replacing “the labour commissioner”, “he considers” and “the commissioner” in the fifth paragraph of section 176.9 by “the Commission”, “the Commission considers” and “the Commission”, respectively;

(19) by replacing “labour commissioner general” in the first line of the sixth paragraph of section 176.9 by “Commission”;

(20) by replacing “labour commissioner general” in the first and second lines of the first paragraph of section 176.11 by “Commission”;

(21) by replacing “labour commissioner general” in the sixth line of the first paragraph of section 176.11 by “Commission”;

(22) by replacing “labour commissioner to whom the matter is referred” in the first line of the second paragraph of section 176.11 by “Commission”;

(23) by replacing “the labour commissioner” in the second and in the third lines of the second paragraph of section 176.11 by “it” and “the Commission”, respectively;

(24) by replacing the third paragraph of section 176.19 by the following paragraph:

“Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties.”;

(25) by replacing “the office of the labour commissioner general” in the first and second lines of the fourth paragraph of section 176.19 by “one of the offices of the Commission”.

#### ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF DISASTER

152. Section 49 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended by replacing the second paragraph by the following paragraph:



“Any contravention of the first paragraph, in addition to being an offence against this Act, authorizes the employee to exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

153. Section 61 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended by replacing “in the office of the labour commissioner general” in the first and second lines of the first paragraph by “at one of the offices of the Commission des relations du travail”.

154. Section 74 of the said Act is amended by replacing “the office of the labour commissioner general” in the first and second lines by “one of the offices of the Commission des relations du travail”.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

155. Section 183 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10), amended by section 36 of chapter 32 of the statutes of 2000, is again amended by replacing “chief judge of the Labour Court” in the second line of the third paragraph by “president of the Commission des relations du travail established by the Labour Code (chapter C-27)”.

156. Schedule I to the said Act, amended by section 48 of chapter 32 of the statutes of 2000, is again amended

(1) by inserting, in alphabetical order, “the Commission des relations du travail” in paragraph 1 ;

(2) by inserting, in alphabetical order, “the Commission des relations du travail” in paragraph 3.

157. The words “chief judge of the Labour Court” in a pension plan established under section 9, 10 or 10.0.1 of the said Act are replaced by “president of the Commission des relations du travail established by the Labour Code”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING  
AND MANPOWER MANAGEMENT IN THE CONSTRUCTION  
INDUSTRY

158. Section 21 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended

(1) by replacing “section” in subparagraph 1 of the third paragraph by “sections 11.1 and”;

(2) by inserting “the third paragraph of section 34 and” after “under” in subparagraph 3 of the third paragraph;

(3) by adding the following subparagraph at the end of the third paragraph :

“(4) proceedings instituted under section 9.3 of the Stationary Enginemen Act (chapter M-6).”

159. Section 21.2 of the said Act is amended by adding the following paragraph at the end :

“The construction industry commissioner or the construction industry deputy-commissioner may confirm, amend or quash any contested decision or order and, if appropriate, make the decision or order which, in his opinion, should have been made initially.”

160. Section 45.0.3 of the said Act is amended by replacing “the clerk of the office of the labour commissioner general” in the second line of the second paragraph by “one of the offices of the Commission des relations du travail established by the Labour Code (chapter C-27)”.

161. Section 48 of the said Act is amended

(1) by replacing “the office of the labour commissioner general” in the third and fourth lines of the first paragraph by “one of the offices of the Commission des relations du travail”;

(2) by replacing “The labour commissioner general shall, without delay, transmit to the Commission” in the first and second lines of the second paragraph by “The Commission des relations du travail shall, without delay, transmit to the Commission de la construction du Québec”.

162. Section 61.4 of the said Act is amended by replacing “Labour Court” in the second line of the first paragraph by “Commission des relations du travail”.

163. Section 65 of the said Act is amended

(1) by replacing “Labour Court at Montréal or at Québec” in the first line of the first paragraph by “Commission des relations du travail”;

(2) by replacing the second sentence of the first paragraph by the following sentence: “At the expiry of such period, the Commission des relations du travail shall dispose of the motion unless the person whose recusation is requested has consented to the request in a written declaration filed at one of the offices of the Commission des relations du travail.”;

(3) by replacing “Court” in the second line of the fourth paragraph by “Commission des relations du travail”.

164. Section 74 of the said Act is amended by replacing “Labour Court” in the first line of the second paragraph by “Commission des relations du travail”.

165. Section 75 of the said Act is amended by replacing “Labour Court” in the second line of the second paragraph by “Commission des relations du travail”.

166. Section 93 of the said Act is amended by replacing the third paragraph by the following paragraph:

“The chairman’s decision may be contested before the Commission des relations du travail within 60 days after being received; the Commission’s decision is not subject to appeal.”

167. Section 105 of the said Act is amended by replacing “Labour Court” in the first line of the fourth paragraph by “Commission des relations du travail”.

#### ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

168. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1) is amended by striking out the definitions of “labour commissioner”, “labour commissioner general” and “Court”.

169. Section 244 of the said Act is repealed.

#### COURTS OF JUSTICE ACT

170. Section 5.2 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph, in addition to being an offence against this Act, authorizes an employee to exercise a remedy before the Commission des relations du travail established by the Labour Code (chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

171. Section 106 of the said Act is amended by adding the following paragraph at the end:

“Notwithstanding the first paragraph, only the judges of the Court designated by the chief judge shall exercise the jurisdiction conferred on the Court for the application of the provisions of the following Acts:

(1) the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(2) the Building Act (chapter B-1.1);

(3) the Labour Code (chapter C-27);

(4) the Act respecting collective agreement decrees (chapter D-2);

(5) the Pay Equity Act (chapter E-12.001);

(6) the National Holiday Act (chapter F-1.1);

(7) the Act respecting manpower vocational training and qualification (chapter F-5);

(8) the Act respecting piping installations (chapter I-12.1);

(9) the Act respecting electrical installations (chapter I-13.01);

(10) the Stationary Enginemen Act (chapter M-6);

(11) the Act respecting labour standards (chapter N-1.1);

(12) the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);

(13) the Act respecting occupational health and safety (chapter S-2.1).”

172. Section 248 of the said Act is amended by striking out “chief judge of the Labour Court,” in the first and second lines of paragraph *d.1*.

ACT TO ESTABLISH THE COMMISSION DES RELATIONS  
DU TRAVAIL AND TO AMEND VARIOUS LEGISLATION

173. The Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85) is repealed.

FIRE SAFETY ACT

174. Section 154 of the Fire Safety Act (2000, chapter 20) is amended by replacing the second paragraph by the following paragraph :

“In addition, a person who feels aggrieved by a measure referred to in the first paragraph may exercise a recourse before the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27). The provisions applicable to a remedy relating to the exercise by an employee of a right arising out of the Code apply, with the necessary modifications.”

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE  
DE MONTRÉAL

175. Section 73 of the Act respecting the Communauté métropolitaine de Montréal (2000, chapter 34), enacted by section 111 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the third and fourth lines of the second paragraph by “Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) requesting it to make an inquiry and to dispose of the complaint”.

176. Section 74 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners” ;

(2) by striking out “and 118 to 137” in the fourth line.

177. Section 74.1 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is amended by replacing “labour commissioner” in the first line before paragraph 1 and in the first line of paragraph 3 by “Commission des relations du travail”.

178. Section 74.2 of the said Act, enacted by section 111 of chapter 54 of the statutes of 2000, is repealed.

179. Section 75 of the said Act, amended by section 112 of chapter 54 of the statutes of 2000, is again amended by replacing “74.2” by “74.1”.

180. Section 265.1 of the said Act, enacted by section 68 of the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56), is amended by replacing the seventh paragraph by the following paragraph:

“Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in any document referred to in the second paragraph may, if the officer or employee believes that the document should apply to him, file a complaint in writing, within 30 days of being laid off or dismissed, with the Commission des relations du travail and request it to make an inquiry and dispose of the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications.”

ACT TO REFORM THE MUNICIPAL TERRITORIAL ORGANIZATION  
OF THE METROPOLITAN REGIONS OF MONTRÉAL, QUÉBEC  
AND THE OUTAOUAIS

181. Section 52 of Schedule I to the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, chapter 56) is amended by replacing “the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)” in the first, second and third lines by “one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code”.

182. Section 152 of Schedule I to the said Act is amended

(1) by replacing “a labour commissioner” in the second line of paragraph 3 by “the Commission des relations du travail”;

(2) by replacing “a labour commissioner” in the second line of paragraph 4 by “the Commission des relations du travail”;

(3) by replacing “the sixth paragraph of section 21 of the Labour Code (R.S.Q., chapter C-27)” in the third and fourth lines of paragraph 4 by “section 203 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26)”;

(4) by replacing “labour commissioner’s decision” in the first line of paragraph 5 by “decision of the Commission des relations du travail”.

183. Section 183 of Schedule I to the said Act is amended by replacing “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

184. Section 49 of Schedule II to the said Act is amended by replacing “the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)” in the first, second and third lines by “one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code”.

185. Section 132 of Schedule II to the said Act is amended

(1) by replacing “a labour commissioner” in the second line of paragraph 3 by “the Commission des relations du travail”;

(2) by replacing “labour commissioner’s decision” in the first line of paragraph 4 by “decision of the Commission des relations du travail”.

186. Section 163 of Schedule II to the said Act is amended by replacing “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

187. Section 49 of Schedule III to the said Act is amended by replacing “the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)” in the first, second and third lines by “one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code”.

188. Section 89 of Schedule III to the said Act is amended

(1) by replacing “a labour commissioner” in the second line of paragraph 3 by “Commission des relations du travail”;

(2) by replacing “labour commissioner’s decision” in the first line of paragraph 4 by “decision of the Commission des relations du travail”.

189. Section 120 of Schedule III to the said Act is amended by replacing “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

190. Section 78 of Schedule IV to the said Act is amended by replacing “labour commissioner’s decision” in the first line of paragraph 3 by “decision of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27)”.

191. Section 121 of Schedule IV to the said Act is amended by replacing “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

192. Section 47 of Schedule V to the said Act is amended by replacing “the office of the labour commissioner general in accordance with the first paragraph of section 72 of the Labour Code (R.S.Q., chapter C-27)” in the first, second and third lines by “one of the offices of the Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) in accordance with the first paragraph of section 72 of that Code”.

193. Section 103 of Schedule V to the said Act is amended

(1) by replacing “a labour commissioner” in the second line of paragraph 3 by “the Commission des relations du travail”;

(2) by replacing “labour commissioner’s decision” in the first line of paragraph 4 by “decision of the Commission des relations du travail”.

194. Section 134 of Schedule V to the said Act is amended by replacing “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

195. Section 64 of Schedule VI to the said Act is amended by replacing “labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the third, fourth and fifth lines of the second paragraph by “Commission des relations du travail established by the Labour Code (R.S.Q., chapter C-27) to make an inquiry and dispose of the complaint”.

196. Section 65 of Schedule VI to the said Act is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners”;

(2) by striking out “and 118 to 137” in the fourth line.

197. Section 66 of Schedule VI to the said Act is amended by replacing the part before paragraph 1 by the following :

“66. The Commission may”.

198. Section 67 of Schedule VI to the said Act is repealed.

199. Section 68 of Schedule VI to the said Act is amended by replacing “67” in the first line by “66”.

200. Section 229 of Schedule VI to the said Act is amended by replacing the seventh paragraph by the following paragraph :

“Any officer or employee laid off or dismissed by a regional county municipality referred to in the first paragraph who is not identified in a document referred to in the second paragraph may, if the officer or employee



believes that the document should apply, file a complaint in writing within 30 days of being laid off or dismissed with the Commission des relations du travail requesting it to make an inquiry and decide the complaint. The provisions of the Labour Code (R.S.Q., chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdictions shall apply, with the necessary modifications.”

## ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

201. The Act respecting public transit authorities (2001, chapter 23) is amended

(1) by replacing “the labour commissioner general who shall appoint a labour commissioner to make an inquiry and decide the complaint” in the second paragraph of section 73 by “the Commission des relations du travail established under the Labour Code (R.S.Q., chapter C-27) so that it may make an inquiry and dispose of the complaint”;

(2) by replacing “the labour commissioner general, the labour commissioners” in section 74 by “the Commission des relations du travail, its commissioners”;

(3) by replacing “labour commissioner” in the first line and in paragraph 3 of section 75 by “Commission des relations du travail” and “Commission”, respectively.

## TRANSITIONAL AND FINAL PROVISIONS

202. The associations which were recognized by the Commission hydroélectrique du Québec (Hydro-Québec) or Ville de Montréal on 2 August 1969 to represent groups of persons comprising, in whole or in part, managers, superintendents, foremen or employer representatives in its relations with its employees and which, on that date or in the year preceding that date, were, in their respect, signatories of a collective labour arrangement, shall, from 17 July 1970, be certified associations in their respect as if certification had been granted by a labour commissioner or by the Commission des relations du travail.

203. The provisions of a regulation made under section 138 of the Labour Code (R.S.Q., chapter C-27) remain in force to the extent that they are not inconsistent with this Act.

204. In any statute or statutory instrument, the expressions “labour commissioner general”, “assistant labour commissioner general”, “deputy labour commissioner-general” and “labour commissioner” shall be replaced, with the necessary modifications, by the word “Commission” or the expression “Commission des relations du travail”, unless the context indicates otherwise.

205. In any statute or statutory instrument, the expressions “the clerk of the office of the labour commissioner general”, “the office of the labour commissioner-general” and “the office of the labour commissioner general” shall be replaced, with the necessary modifications, by the expression “one of the offices of the Commission des relations du travail” or “one of the offices of the Commission”, unless the context indicates otherwise.

206. Until the coming into force of section 112 of the Labour Code (R.S.Q., chapter C-27), enacted by section 59 of this Act, a labour commissioner may, upon the motion of an interested party, dispose of any matter relating to the application of section 45.3 of the Labour Code, enacted by section 32 of this Act. For such purpose, the labour commissioner may exercise the powers provided for in the second paragraph of section 46 of the Labour Code.

For the purposes of this section, the words “the Commission” in the second and third paragraphs of section 45.3 shall read as though they were replaced by the words “the labour commissioner”.

207. The labour commissioner general, assistant labour commissioner general and labour commissioners on (*insert here the date preceding the date of coming into force of this section*) are hereby declared qualified for appointment as commissioners of the Commission des relations du travail and their names shall be recorded in the register kept under section 137.14 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act; the candidacy of such persons shall be examined by the committee appointed to examine the renewal of a term, which may recommend to the Government that they be appointed. Section 137.11 of the Labour Code, enacted by section 63 of this Act, applies to their appointment.

Every person to whom the first paragraph applies and who becomes a commissioner of the Commission des relations du travail is deemed to meet the requirements provided for in section 137.12 of the Labour Code, enacted by section 63 of this Act, even at the time of a subsequent renewal, as long as the person remains a commissioner.

Every person to whom the first paragraph applies shall remain an employee of the Ministère du Travail until the person is appointed commissioner of the Commission des relations du travail. The chair of the Conseil du trésor shall establish the person’s classification on the basis of the current classification in the public service, years of experience and formal training. The person shall occupy the position and exercise the functions assigned by the Deputy Minister of Labour.

If a person to whom the first paragraph applies is not appointed commissioner of the Commission des relations du travail within the period during which the qualification certificate provided for in section 137.15 of the Labour Code, enacted by section 63 of this Act, is valid, the person shall be placed on reserve in the public service and shall remain an employee of the Ministère du Travail until the chair of the Conseil du trésor can place the person.

208. Until a code of ethics applicable to commissioners of the Commission des relations du travail is adopted in accordance with section 137.33 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act, and comes into force, the commissioners of the Commission des relations du travail are bound to fulfil the duties below and any breach may be invoked in a complaint against them.

Commissioners must exercise their functions with honesty and avoid all situations having an adverse effect on the exercise of their functions; the commissioners' conduct must at all times be compatible with the requirements of honour, dignity and integrity attaching to the exercise of their functions.

209. The members of the personnel of the Ministère du Travail to whom a government order applies shall become, without further formality, members of the personnel of the Commission des relations du travail.

210. The chief judge of the Labour Court shall continue to receive the additional remuneration attached to the office of chief judge until the expected date of expiry of the chief judge's term. The chief judge is also entitled during that period to the reimbursement of official expenses attached to the office of chief judge.

At the end of that period, the chief judge of the Labour Court is entitled to receive, pursuant to section 116 of the Courts of Justice Act (R.S.Q., chapter T-16), until the salary received as judge of the Court of Québec is equal to the salary and additional remuneration the chief judge was receiving at the end of that period, the difference between the latter amount and the chief judge's salary.

However, if an additional remuneration is otherwise paid to the chief judge of the Labour Court under section 115 of that Act or if, pursuant to section 121 of that Act, the chief judge is reimbursed for official expenses, the amounts paid under this section shall be reduced accordingly.

The additional remuneration attached to the office of chief judge and paid to that judge is, for the purposes of the fourth paragraph of section 122, the second paragraph of section 224.9 and the second paragraph of section 231 of the Courts of Justice Act, included in the average salary taken into account for the purpose of computing the judge's retirement pension, provided that upon the judge's becoming eligible for retirement with a pension, at least seven years have elapsed since the judge's appointment as chief judge of the Labour Court.

211. Proceedings under section 11.1 of the Building Act (R.S.Q., chapter B-1.1), section 34 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) or section 9.3 of the Stationary Enginement Act (R.S.Q., chapter M-6) that are pending before the Labour Court on 15 July 2001 shall be continued before that Court in accordance with the provisions of law as they read before being amended by this Act.

212. Matters pending before the Labour Court on (*insert here the date of coming into force of this section*) shall be continued before that court in accordance with the provisions of the Labour Code as they read before being amended by this Act.

213. Matters pending before the labour commissioner general, the deputy labour commissioner general or a labour commissioner on (*insert here the date of coming into force of this section*) shall be continued before the Commission, without continuance of suit.

214. Matters in which a decision was rendered before (*insert here the date of coming into force of this section*) and for which an appeal to the Labour Court was provided by law shall remain subject to an appeal to the extent that the time within which an appeal may be filed under the former law has not expired. The time for appeal runs from the date on which the decision is rendered. Such matters shall be decided by the Labour Court in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

215. The rules of evidence and procedure applicable before the Commission des relations du travail, in particular the provisions respecting the introductory and preliminary procedure, pre-decision conciliation, the pre-hearing conference or the hearing, apply according to the status of the records to the proceedings which, on the date of coming into force of the new Act, had already been brought and are to be continued before the Commission.

Where the parties or interested persons have already been convened to the hearing, the former rules of evidence and procedure remain applicable to the proceedings, unless the parties agree to apply the new rules.

216. Until the coming into force of a regulation prescribing rules of procedure provided for in the second paragraph of section 138 of the Labour Code (R.S.Q., chapter C-27), enacted by section 64 of this Act, proceedings before the Commission des relations du travail shall be governed by the rules of procedure applicable before the labour commissioner general, but only to the extent that they are consistent with the new Act.

217. The records, documents and archives of the Labour Court become the records, documents and archives of the Court of Québec when they are no longer necessary for the purposes of sections 212 and 214.

218. The records, documents and archives of the office of the labour commissioner general relating to the application of the Acts under the jurisdiction of the Commission des relations du travail become the records, documents and archives of the Commission when they are no longer necessary for the purposes of sections 212 and 214.

219. The certificates and other documents issued by or originating from the labour commissioner general or the office of the labour commissioner general remain valid and are deemed to have been issued by or to originate from the Commission des relations du travail.

220. The sums put at the disposal of the office of the labour commissioner general shall, to the extent determined by the Government, be paid into the fund of the Commission des relations du travail.

221. The Government may appoint the first president and vice-presidents of the Commission des relations du travail before it is established. Such persons shall be appointed in accordance with sections 137.40 to 137.46 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act, as if those provisions were in force.

Until the Commission des relations du travail is established, the function of the president and the vice-presidents of the Commission des relations du travail shall be to prepare the implementation of Chapter VI of the Labour Code, as replaced by section 63 of this Act, and the president and vice-presidents shall have all the powers required for such purpose.

Until the coming into force of section 137.62 of the Labour Code, enacted by section 63 of this Act, the sums required to provide for the remuneration and other conditions of employment of those persons shall be taken out of the appropriations granted to the Ministère du Travail.

222. The provisions of this Act come into force on the date or dates to be fixed by the Government, except the provisions of paragraph 2 of section 12, section 31, section 45.3 of the Labour Code enacted by section 32, sections 42, 44, 45, 47, 50, 51, 57, 58, 60 to 62, 73 to 82, 93, 126, 128 to 130, 132 to 134, 136 and 137, paragraph 24 of section 151, sections 158, 159 and 173, paragraph 3 of section 182 and sections 202, 206, 211 and 221, which come into force on 15 July 2001.