



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 42

**An Act to group the Commission de l'équité
salariale, the Commission des normes du
travail and the Commission de la santé et
de la sécurité du travail and to establish the
Administrative Labour Tribunal**

Introduction

**Introduced by
Mr. Sam Hamad
Minister of Labour, Employment and Social Solidarity**

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EXPLANATORY NOTES

This bill provides for the reorganization of certain labour institutions.

More specifically, it establishes the Administrative Labour Tribunal to replace the Commission des lésions professionnelles and the Commission des relations du travail and take over their jurisdictions.

The bill defines the Tribunal's jurisdiction, provides for the rules of procedure that are to apply to the matters it is to hear, establishes the framework applicable to Tribunal members and in particular their recruitment and appointment, and sets the rules that are to govern the conduct of the Tribunal's business.

Furthermore, the bill groups the activities of the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and renames the latter "Commission des droits, de la santé et de la sécurité du travail".

Consequential amendments are made to a number of Acts in light of these new institutions and their organization.

Various transitional provisions are also made to ensure that grouped activities currently exercised by certain bodies can be continued by the new institutions. Hence, those institutions will assume the obligations of the grouped bodies, and the members of the Commission des relations du travail and the Commission des lésions professionnelles will become members of the Tribunal, except the management and union members of the latter commission, whose term ends on the date of assent to this Act and whose functions are not maintained within the Tribunal.

Lastly, until the Commission des droits, de la santé et de la sécurité du travail and the Administrative Labour Tribunal are fully in place, the Minister of Labour, Employment and Social Solidarity is granted a temporary power to issue directives with regard to the bodies to be grouped with them.

LEGISLATION AMENDED BY THIS BILL:

- Workers’ Compensation Act (chapter A-3);
- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Financial Administration Act (chapter A-6.001);
- Act respecting the Agence du revenu du Québec (chapter A-7.003);
- Health Insurance Act (chapter A-29);
- Act respecting the Barreau du Québec (chapter B-1);
- Building Act (chapter B-1.1);
- Cities and Towns Act (chapter C-19);
- Labour Code (chapter C-27);
- Municipal Code of Québec (chapter C-27.1);
- Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);
- Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);
- Act respecting contracting by public bodies (chapter C-65.1);
- Act respecting elections and referendums in municipalities (chapter E-2.2);
- Act respecting school elections (chapter E-2.3);
- Election Act (chapter E-3.3);
- Pay Equity Act (chapter E-12.001);
- Act respecting municipal taxation (chapter F-2.1);
- Jurors Act (chapter J-2);
- Act respecting administrative justice (chapter J-3);
- Anti-Corruption Act (chapter L-6.1);

- Act respecting labour standards (chapter N-1.1);
- Act respecting municipal territorial organization (chapter O-9);
- Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1);
- Act respecting the Government and Public Employees Retirement Plan (chapter R-10);
- Act respecting the Pension Plan of Management Personnel (chapter R-12.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1);
- Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);
- Act respecting occupational health and safety (chapter S-2.1);
- Civil Protection Act (chapter S-2.3);
- Fire Safety Act (chapter S-3.4);
- Act respecting pre-hospital emergency services (chapter S-6.2);
- Act respecting public transit authorities (chapter S-30.01);
- Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01);
- Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1);
- Professional Syndicates Act (chapter S-40);
- Courts of Justice Act (chapter T-16);
- Integrity in Public Contracts Act (2012, chapter 25).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting contribution rates (chapter N-1.1, r. 5).

MINISTERIAL ORDER AMENDED BY THIS BILL:

- Ministerial order 2009-001 (2009, G.O. 2, 2805, in French only).

Bill 42

AN ACT TO GROUP THE COMMISSION DE L'ÉQUITÉ SALARIALE, THE COMMISSION DES NORMES DU TRAVAIL AND THE COMMISSION DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL AND TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

CHAPTER I

ADMINISTRATIVE LABOUR TRIBUNAL

DIVISION I

ESTABLISHMENT AND JURISDICTION

1. The Administrative Labour Tribunal is established.

The function of the Tribunal is to make determinations in matters brought under sections 5 to 8 of this Act. Unless otherwise provided by law, the Tribunal exercises its jurisdiction to the exclusion of any other tribunal or adjudicative body.

The Tribunal is also responsible for ensuring the efficient and diligent application of the Labour Code (chapter C-27) and exercising the other functions assigned to it by the Code or any other Act.

In this Act, unless the context indicates otherwise, the word “matters” includes any request, application, petition, complaint, contestation or motion and any other proceeding under the Tribunal’s jurisdiction.

2. The Tribunal is composed of members appointed by the Government after consultation with the Comité consultatif du travail et de la main-d’œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2).

The Tribunal is also composed of the members of its personnel who are charged with rendering decisions on its behalf.

3. The Tribunal’s head office is located 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 is published in the *Gazette officielle du Québec*.

The Tribunal has an office in Montréal. It may also have offices in other administrative regions if warranted by the number of matters brought. However, it may not have an office in an immovable occupied by the Commission des droits, de la santé et de la sécurité du travail.

4. The Tribunal sits in four divisions:

- the labour relations division;
- the occupational health and safety division;
- the essential services division; and
- the construction industry and occupational qualification division.

5. Matters arising from the enforcement of the Labour Code or another Act referred to in Schedule I are heard and decided by the labour relations division, except matters arising from the enforcement of Chapters V.1 and IX of that Code.

6. The following are heard and decided by the occupational health and safety division:

(1) matters arising from the enforcement of section 359, 359.1, 450 or 451 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001); and

(2) matters arising from the enforcement of section 37.3 or 193 of the Act respecting occupational health and safety (chapter S-2.1).

7. The following are heard and decided by the essential services division:

(1) matters arising from the enforcement of Chapter V.1 of the Labour Code;

(2) matters arising from the enforcement of section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003); and

(3) matters arising from the enforcement of section 53 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2).

8. The following are heard and decided by the construction industry and occupational qualification division:

(1) matters arising from the enforcement of section 11.1 or 164.1 of the Building Act (chapter B-1.1);

(2) matters arising from the enforcement of section 41.1 of the Act respecting workforce vocational training and qualification (chapter F-5);

(3) matters arising from the enforcement of section 9.3 of the Stationary Enginemen Act (chapter M-6); and

(4) matters arising from the enforcement of the first paragraph of section 7.7, section 21, the third paragraph of section 27, section 58.1, the first paragraph of section 61.4, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the first paragraph of section 80.1, the first paragraph of section 80.2, section 80.3, the second and third paragraphs of section 93, section 105 or a regulation under subparagraph 8.7 of the first paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

9. The Tribunal has the power to decide any issue of law or fact necessary for the exercise of its jurisdiction.

In addition to the other powers conferred on it by law, the Tribunal may

(1) summarily reject any matter it considers to be improper or dilatory, or make it subject to conditions;

(2) refuse to rule on the merits of a complaint filed under the Labour Code or the Act respecting labour standards (chapter N-1.1) if, in its opinion, the complaint can be settled by an arbitration award disposing of a grievance, except in the case of a complaint filed under section 16 of the Labour Code or sections 123 and 123.1 of the Act respecting labour standards;

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

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

(5) render any decision it considers appropriate; and

(6) ratify an agreement, if it is in compliance with the law.

10. The Tribunal and its members have the powers and immunity conferred on commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

DIVISION II

PROCEDURE

§1.— *Commencement*

11. A matter is commenced by a pleading, called the originating pleading, being filed with one of the Tribunal's offices.

An originating pleading that involves a worker must be filed with the Tribunal office serving the region where the worker is domiciled or, if the worker is domiciled outside Québec, with a Tribunal office in a region where the employer has an establishment.

If no worker is party to a matter, the originating pleading is filed with the Tribunal office serving a region where the employer has an establishment.

Subject to the second paragraph of section 27.1 of the Labour Code, a pleading is deemed to have been filed on the day it was mailed by registered mail or, if filed under any other mode of transmission determined by regulation of the Tribunal, on the day it was received.

Unless the context indicates otherwise, in this Act, "pleading" also includes any writing designed to make an application or support a party's contentions.

12. The originating pleading must specify the conclusions sought and set out the grounds in support of them.

It must also contain any other information required by the Tribunal's rules of evidence and procedure.

13. On receiving an originating pleading with regard to a matter that is for the occupational health and safety division to hear and decide, the Tribunal delivers a copy to the other parties and to the Commission des droits, de la santé et de la sécurité du travail. The Commission must, within 20 days after receiving a copy of the pleading, send a copy of the record in its possession relating to the contested decision to the Tribunal and each of the parties.

The Tribunal has a right of access to the record that the Commission des droits, de la santé et de la sécurité du travail possesses with regard to a matter that is for the occupational health and safety division to hear and decide.

The Commission des droits, de la santé et de la sécurité du travail may intervene before that division at any time until the end of the proof and hearing. If it wishes to intervene, the Commission must send a notice to that effect to each of the parties and to the Tribunal; the Commission is then considered to be a party to the proceeding.

14. The Tribunal may accept a pleading despite a defect of form or an irregularity.

15. The Tribunal may extend a time limit or relieve a person from the consequences of failing to act within the allotted time if it is shown that the person could not reasonably have acted within that time and if, in the Tribunal's opinion, no other party suffers serious harm as a result.

16. The rules pertaining to the notices provided for in article 95 of the Code of Civil Procedure (chapter C-25) apply, with the necessary modifications, to matters brought before the Tribunal.

17. The notification of pleadings must be made in accordance with the rules established by the Tribunal.

18. If the Tribunal notes, after examining a matter that is for the occupational health and safety division to hear and decide, that the Commission des droits, de la santé et de la sécurité du travail failed to rule on certain issues although it was required to do so by law, the Tribunal may, if the hearing date has not been set, stay the proceeding for the period it determines so that the Commission may act.

If, at the expiry of the allotted time, the matter is maintained, the Tribunal hears it as though it were a matter to contest the original decision.

19. Whether or not the same parties are involved, matters in which the issues in dispute are substantially the same or could fittingly be combined may be joined by order of the president of the Tribunal or a person designated by the president, on specified conditions.

On its own initiative or at a party's request, the Tribunal may revoke such an order if, after hearing the matter, it is of the opinion that the interests of justice will thus be better served.

20. The parties may be represented by the person of their choice except a professional who has been struck off the roll or declared disqualified to practise, or whose right to engage in professional activities has been restricted or suspended in accordance with the Professional Code (chapter C-26) or any legislation governing a profession.

§2.—*Pre-decision conciliation and agreements*

21. With the consent of the parties to a matter, the president of the Tribunal, or a Tribunal member or personnel member designated by the president, may ask a conciliator to meet with the parties and attempt to bring them to an agreement.

22. Nothing said or written in the course of a conciliation session may be admitted as evidence without the parties' consent.

23. An agreement must be evidenced in writing and any documents to which it refers must be attached to it. It must be signed by the parties and, if applicable, the conciliator, and is binding on the parties.

The agreement may be submitted to the Tribunal for approval at either party's request. If no request for approval is submitted to the Tribunal within 12 months after the date of the agreement, the matter is terminated.

Despite the second paragraph, an agreement in a matter brought before the occupational health and safety division must be ratified by a Tribunal member to the extent that it is in accordance with law. The ratified agreement terminates the matter and stands as the Tribunal's decision.

24. If no agreement is reached or the Tribunal refuses to ratify the agreement, the Tribunal must hold a hearing as soon as possible.

25. Conciliators may not disclose nor be compelled to disclose anything revealed to them or learned by them in the exercise of their functions, nor produce personal notes or any document made or obtained in the course of those functions, before a court or a body or person exercising judicial or quasi-judicial functions.

Despite 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 has a right of access to such a document unless it provides the basis for an agreement and for the decision to ratify the agreement.

§3.—Pre-hearing conference

26. The Tribunal may call the parties to a pre-hearing conference.

27. The pre-hearing conference is held by a Tribunal member. Its purpose is

- (1) to define the issues to be argued at the hearing;
- (2) to assess the advisability of clarifying and specifying the parties' contentions and the conclusions sought;
- (3) to ensure that all documentary evidence is exchanged by the parties;
- (4) to plan the conduct of the proceeding and the order of presentation of evidence at the hearing;
- (5) to examine the possibility for the parties of admitting certain facts or of proving them by means of sworn statements; and
- (6) to examine any other matter likely to simplify or accelerate the conduct of the hearing.

The pre-hearing conference may also allow the parties to come to an agreement and thus terminate the matter.

28. The member must record, in the minutes of the pre-hearing conference, the points on which the parties have reached an agreement, the facts admitted and the decisions made by the member. The minutes are filed in the record and a copy is sent to the parties.

Agreements, admissions and decisions recorded in the minutes, as far as they may apply, govern the conduct of the proceeding unless the Tribunal, when hearing the matter, permits a departure from them to prevent an injustice.

§4.—*Hearing*

29. Every matter is heard by a Tribunal member, except matters pertaining to certification granted under section 28 of the Labour Code.

If the president considers it appropriate, the president may assign a matter to a panel of three members.

30. If the president considers it expedient, the president may assign one or more assessors appointed under section 84 to a member sitting on the occupational health and safety division.

31. The president may, in the interests of the sound administration of justice, determine that a matter must be heard and decided by preference or as a matter of priority.

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

33. A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a member seized of the matter if the party has serious reasons to believe that there is a cause for recusation.

The application for recusation must be addressed to the president. Unless the member removes himself or herself from the matter, the application is decided by the president or by a member designated by the president.

34. If an inquiry is conducted by the Tribunal, the inquiry report must be filed in the record of the matter and a copy of it sent to all interested parties.

In such instances, the president and the vice-presidents may not, sitting alone, hear or decide the matter.

35. Before rendering its decision, the Tribunal must allow the parties to be heard by any means provided for in its rules of evidence and procedure. However, with the parties' consent, the Tribunal may proceed on the record if it considers it appropriate.

36. The Tribunal may sit at any place in Québec, even on a holiday. If a hearing is held in a locality where a court sits, the court clerk must allow the Tribunal to use court premises unless they are being used for court sittings.

37. Notice must 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 Tribunal has the authority to proceed without further delay or notice despite a party's failure to appear at the stated time and place if no valid excuse is provided.

38. If a duly notified party does not appear at the time set for the hearing and has not provided a valid excuse for the party's absence, or chooses not to be heard, the Tribunal may proceed with the hearing of the matter and render a decision.

39. A party who wishes to have witnesses heard and to produce documents must proceed in the manner prescribed by the rules of evidence and procedure.

40. Unless otherwise provided in the Tribunal's rules of evidence and procedure, a person summoned to testify before the Tribunal 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 a salary during such period is entitled only to the reimbursement of travelling and living expenses.

If a person is duly summoned on the Tribunal's initiative, the taxation is payable by the Tribunal.

41. A member may visit premises or order an expert appraisal by a qualified person the member designates to examine and assess the facts of a matter before the member.

The owner, lessee or occupant of premises that the member wishes to visit must facilitate access to them.

42. If a member cannot continue a hearing owing to an inability to act, another member designated by the president may, with the parties' consent, continue the hearing and rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the member finds the notes or the recording insufficient.

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

If a matter is heard by more than one member, the hearing is continued by the remaining members.

43. In the absence of provisions applicable to a particular case, the Tribunal may remedy the inadequacy by any procedure consistent with this Act and its rules of evidence and procedure.

§5.—*Decision*

44. A matter is decided by the member who heard it.

If a matter is heard by more than one member, the decision is made by the majority.

If a matter is heard by two members under the third paragraph of section 42 and opinions are equally divided on an issue, the issue is referred to the president or a member designated by the president, to be decided according to law. In such a case, the president or designated member may, with the parties' consent, rely, as regards testimonial evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer's notes or the recording of the hearing, subject to a witness being recalled or other evidence being required if the president or designated member finds the notes or the recording insufficient.

45. Subject to a special rule provided by law, the Tribunal must render its decision within three months after the matter is taken under advisement and, in the case of the occupational health and safety division, within nine months after the originating pleading is filed.

The president may extend any time limit prescribed by this Act or a special Act, taking into account the interested persons' or parties' circumstances and interests.

46. Failure by the Tribunal to observe a time limit does not cause the matter to be withdrawn from the member or invalidate a decision or order rendered or made by the member after the expiry of the time limit.

However, if a member to whom a matter is referred does not render a decision within the applicable time limit, the president may, by virtue of office or at a party's request, remove the member from the matter.

Before taking such action, the president must take the parties' circumstances and interests into account.

47. The Tribunal's decisions must be communicated in clear and concise terms.

A decision which, as far as a person is concerned, terminates a matter must give reasons and be set out in writing, signed and notified to the interested persons or parties. A decision rendered by the occupational health and safety division must also be notified to the Commission des droits, de la santé et de la sécurité du travail.

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

If the person is unable to act or has ceased to hold office, another labour relations officer or another Tribunal member, as the case may be, designated by the president may correct the decision.

49. The Tribunal may, on application, review or revoke a decision or an order it has rendered or made

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

(2) if an interested party, owing to reasons considered sufficient, could not make representations 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 member who rendered or made it.

50. A review or revocation proceeding is brought by a motion filed with the Tribunal within a reasonable time after the decision concerned or after the discovery of a new fact that could warrant a different decision. The motion must specify the decision concerned and state the grounds in support of the motion. It must also contain any other information required by the rules of evidence and procedure.

Subject to section 17, the party filing the motion must send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it or, if the decision was rendered under Chapter V.1 of the Labour Code, within the time limit specified by the president of the Tribunal.

The Tribunal proceeds on the record unless a party asks to be heard or the Tribunal, on its own initiative, considers it appropriate to hear the parties.

51. The Tribunal's decision is final and without appeal, and the persons concerned must comply with it immediately.

The decision is enforceable according to the terms and conditions it sets out, provided the parties have received a copy of it or have been otherwise advised of it.

The forced execution of a decision begins by the decision being filed with the office of the competent court in accordance with the rules set out in the Code of Civil Procedure.

If the decision contains an order to do or not do something, any person named or designated in the decision who transgresses the order or refuses to comply with it, and any person not designated who knowingly contravenes it, is guilty of contempt of court and may be sentenced by the competent court, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure, to a fine not exceeding \$50,000 with or without a term of imprisonment of up to one year. These penalties may be reimposed until the offender complies with the decision.

DIVISION III

TRIBUNAL MEMBERS

§1.—Recruitment and selection

52. Only an advocate or a notary who has knowledge of the applicable legislation and 10 years' experience relevant to the exercise of the Tribunal's functions may be a member of the Tribunal.

53. Tribunal members are chosen from among persons declared qualified according to the recruiting and selection procedure established by government regulation.

The regulation prescribing the recruiting and selection procedure must, in particular,

(1) determine the publicity to be made for recruitment purposes and its content;

(2) determine the application procedure to be followed by candidates;

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

(4) determine 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.

54. The names of the persons declared qualified are recorded in a register kept at the Ministère du Conseil exécutif.

55. A certificate of qualification is valid for a period of 18 months or for any other period determined by government regulation.

56. The members of a selection committee are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

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

§2. — *Term and renewal*

57. Tribunal members are appointed for a term of five years.

However, the Government may determine a shorter term of a fixed duration in a member's instrument of appointment if the candidate so requests for serious reasons or if special circumstances stated in the instrument of appointment require it.

58. The term of a member is renewed for five years according to the procedure provided for in section 59,

(1) unless the member is otherwise notified by the agent authorized for that purpose by the Government, at least three months before the expiry of the member's term; or

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

A variation of the term is valid only for a fixed period of less than five years determined in the instrument of renewal and, unless it is requested by the member for serious reasons, only if special circumstances stated in the instrument of renewal require it.

59. The renewal of a Tribunal member's term must be examined according to the procedure established by government regulation. The regulation may, in particular,

(1) authorize the establishment of committees;

(2) determine the composition of the committees and the mode of appointment of committee members, who must not belong to the Administration within the meaning of the Public Administration Act (chapter A-6.01) or represent it;

(3) determine the criteria to be taken into account by a committee; and

(4) determine the information a committee may require from a Tribunal member and the consultations it may hold.

An examination committee may not make a recommendation against the renewal of a Tribunal member's term without first informing the member of its intention to do so and its reasons for doing so, and without giving the member an opportunity to make representations.

The members of an examination committee cannot be prosecuted for an act performed in good faith in the exercise of their functions.

60. The members of an examination committee are not remunerated except in such cases and on such conditions as may be determined by the Government.

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

§3.—Remuneration and other conditions of employment

61. The Government makes regulations determining

(1) the mode of remuneration of the members and the applicable standards and scales as well as the method for determining the annual percentage of salary advancement up to the maximum salary rate and the annual percentage of the adjustment of the remuneration of members whose salary has reached the maximum rate; and

(2) the conditions under which and the extent to which a member may be reimbursed for expenses incurred in the exercise of the functions of office.

The Government may also make regulations determining other conditions of employment applicable to all or some members, including employee benefits other than a pension plan.

Regulatory provisions may vary according to whether they apply to a member holding an administrative office within the Tribunal.

62. The Government determines the members' remuneration, employee benefits and other conditions of employment in accordance with the regulations.

63. Once a member's remuneration has been set, it may not be reduced.

However, additional remuneration attaching to an administrative office within the Tribunal ceases on termination of the office.

64. The pension plan of Tribunal members is determined pursuant to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

65. A public servant appointed as a Tribunal member ceases to be subject to the Public Service Act (chapter F-3.1.1) in all matters concerning the office of member; for the duration of the term of office and for the purpose of discharging the duties of office, such a public servant is on full leave without pay.

§4. — *Ethics and impartiality*

66. Before entering office, members must 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.”

Members take the oath before the president of the Tribunal; the president takes the oath before a judge of the Court of Québec.

The writing evidencing the oath is sent to the Minister.

67. The Government must, after consultation with the president, establish a code of ethics applicable to the members.

The Tribunal must make the code public.

68. The code of ethics sets out the rules of conduct of members and their duties toward the public, the parties, the parties’ witnesses and the persons representing the parties; it defines, in particular, conduct that is derogatory to the honour, dignity or integrity of members. In addition, it 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 free of charge.

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

70. In addition to complying with conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Act, members must refrain from engaging in activities or placing themselves in situations that are incompatible, within the meaning of that code, with the exercise of their functions.

71. Full-time members must devote themselves exclusively to their office, but may, with the president's written consent, engage in teaching activities for which they may be remunerated. They may also carry out any mandate conferred on them by order of the Government after consultation with the president.

§5.—End of term and suspension

72. A member's term may terminate prematurely only if the member retires or resigns or is dismissed or otherwise removed from office in the circumstances described in this subdivision.

73. To resign, a member must give the Minister reasonable notice in writing and send a copy to the president.

74. The Government may dismiss a Tribunal member if the Conseil de la justice administrative so recommends, following an inquiry into a complaint for a breach of the code of ethics, of a duty under this Act or of the requirements relating to conflicts of interest or incompatible functions. It may also suspend or reprimand the member.

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

When examining a complaint brought against a Tribunal member, the council must act in accordance with sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, if the council forms an inquiry committee for the purposes of section 186 of that Act, two committee members, at least one of whom neither practises a legal profession nor is a member of a body of the Administration whose president or chair is a member of the council, must be chosen from among the council members referred to in paragraphs 1, 2 and 7 to 9 of section 167 of that Act. The third member of the inquiry committee is the council member referred to in paragraph 4 of that section or is chosen from a list drawn up by the president of the Tribunal, after consultation with all the members of the Tribunal. In the latter case, if the inquiry committee finds the complaint to be justified, the third member takes part in the deliberations of the council for the purpose of determining a penalty.

75. The Government may remove a Tribunal member from office for loss of a qualification required by law to exercise the functions of office or if in its opinion a permanent disability prevents the member from satisfactorily performing the duties of office. 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 Tribunal.

When conducting an inquiry to determine whether a member has a permanent disability, the council acts in accordance with 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 the fourth paragraph of section 74.

76. A Tribunal member whose term has expired may, with the authorization of and for the time determined by the president, continue to exercise the functions of office in order to conclude the matters the member has begun to hear but has yet to determine; in such instances, the member is considered to be a supernumerary member for the time required.

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

DIVISION IV

CONDUCT OF TRIBUNAL'S BUSINESS

§1.—*Administrative office*

77. The Government designates a president and vice-presidents.

Those persons must meet the requirements set out in section 52 and are designated after consultation with the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail. On being appointed, they become members of the Tribunal holding an administrative office.

78. The Minister designates a vice-president to temporarily replace the president or another vice-president when required.

If the vice-president so designated is absent or unable to act, the Minister designates another vice-president as a replacement.

79. The administrative office of the president or a vice-president is of a fixed duration of up to five years determined in the instrument of appointment or renewal.

80. The administrative office of the president or a vice-president may terminate prematurely only if they relinquish such office, if their appointment as member expires, or if they are dismissed or otherwise removed from administrative office in the circumstances referred to in section 81.

81. The Government may remove the president or a vice-president from administrative office for loss of a qualification required by law to hold that office.

The Government may also remove those persons from administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister's request concerning a breach pertaining only to their administrative powers and duties. The council acts in accordance with

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 the fourth paragraph of section 74.

§2.—*Management and administration*

82. In addition to the powers and duties that may otherwise be assigned to the president, the president is responsible for the Tribunal's administration and general management.

The president's functions include

(1) directing the Tribunal's personnel and ensuring that they carry out their functions;

(2) fostering members' participation in the formulation of guiding principles for the Tribunal so as to maintain a high level of quality and coherence in its decisions;

(3) designating a member to be responsible for the administration of an office of the Tribunal;

(4) coordinating the work of and assigning work to the Tribunal members, who must comply with the president's orders and directives in that regard;

(5) seeing that standards of ethical conduct are complied with; and

(6) promoting the professional development of Tribunal members and personnel as regards the exercise of their functions.

83. When a member is appointed, the president assigns the member to one or more divisions of the Tribunal and one or more regions.

To expedite the Tribunal's business, the president may reassign or temporarily assign a member to another division or region.

In assigning work to members, the president takes their specific knowledge and experience into account.

84. The president appoints full-time assessors to the occupational health and safety division.

Their function is to sit with the members and advise them on any question of a medical, professional or technical nature.

To expedite the business of that division, the president may also appoint persons who are not members of the Tribunal's personnel as part-time or temporary assessors and determine their fees.

85. The president appoints conciliators, whose function is to meet with the parties and attempt to bring them to an agreement.

86. The president appoints labour relations officers to exercise the functions, duties and powers assigned to the Tribunal by the Labour Code. The officers are charged with

(1) attempting to bring parties to an agreement;

(2) ascertaining the representative character of an association of employees or its right to be certified; and

(3) at the president's request or on their own initiative in matters referred to them, conducting investigations into alleged contraventions of section 12 of that Code or conducting surveys or research on any question relating to certification or to the safeguarding or exercise of freedom of association.

87. The president appoints persons to conduct investigations or to help the parties come to an agreement for the purposes of Chapter V.1 of the Labour Code.

88. The positions referred to in sections 85 to 87 may be held concurrently. Persons who hold those positions must also assume any other functions entrusted to them by the president.

89. The president must establish a code of ethics applicable to assessors, conciliators, labour relations officers and investigators and see that it is observed.

The Tribunal must make the code public.

90. The president may delegate all or some of the president's powers and duties to the vice-presidents or to a member responsible for the administration of a regional office.

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

92. The Tribunal may enter into an agreement with any person, association, partnership or body, or with the Government or a department or body of the Government.

It may also, subject to the applicable legislative provisions, enter into an agreement with another government or an international organization, or with a body of such a government or organization.

§3.—*Personnel and material and financial resources*

93. The secretary and the other members of the Tribunal's personnel are appointed in accordance with the Public Service Act.

94. The secretary has custody of the Tribunal's records.

95. Documents emanating from the Tribunal are authentic if they are signed or, in the case of copies, if they are certified by the president, a vice-president or the secretary or by a person designated by the president for that purpose.

96. Once a matter is terminated, the parties must retrieve the exhibits they produced and the documents they filed.

Exhibits and documents that are not retrieved may be destroyed after the expiry of one year from the date of the Tribunal's final decision or from the date of the proceeding terminating the matter, unless the president decides otherwise.

97. The Administrative Labour Tribunal Fund is established.

The Fund is dedicated to financing the Tribunal's activities.

98. The following are credited to the Fund:

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

(2) the sums paid by the Commission des droits, de la santé et de la sécurité du travail under section 366.1 of the Act respecting industrial accidents and occupational diseases, section 28.1 of the Act respecting labour standards and section 228.1 of the Act respecting occupational health and safety;

(3) the sums paid by the Commission de la construction du Québec under section 8.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry, by a mandatory Corporation and by the Régie du bâtiment du Québec under sections 129.11.1 and 152.1 of the Building Act;

(4) the sums transferred to it by the Minister for the purposes of section 41.1 of the Act respecting workforce vocational training and qualification;

(5) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges relating to the matters brought before, the pleadings and other documents filed with or the services provided by the Tribunal;

(6) the sums transferred to it by the Minister of Finance under the first paragraph of section 54 of the Financial Administration Act (chapter A-6.001); and

(7) the gifts, legacies and other contributions made to the Fund to further the achievement of its objects.

Despite section 51 of the Financial Administration Act, the books of account of the Administrative Labour Tribunal Fund need not be kept separately from the Tribunal's books and accounts. In addition, section 53, the second paragraph of section 54 and section 56 of that Act do not apply to the Fund.

99. The sums required for the purposes of the Tribunal's activities are debited from the Fund.

100. The Tribunal's fiscal year ends on 31 March.

101. Each year the president submits the Tribunal's budgetary estimates for the following fiscal year to the Minister, in accordance with the form, content and schedule determined by the Minister.

The estimates are submitted to the Government for approval.

The Tribunal's budgetary estimates must include, in relation to the Administrative Labour Tribunal Fund, the elements listed in subparagraphs 1 to 5 of the second paragraph of section 47 of the Financial Administration Act and, as applicable, the excess amount referred to in section 52 of that Act.

Despite the third paragraph of section 47 of the Financial Administration Act, the Tribunal's budgetary estimates need not be prepared jointly with the Minister of Finance and the Chair of the Conseil du trésor.

Once approved by the Government, the Tribunal's budgetary estimates are sent to the Minister of Finance, who includes the elements relating to the Administrative Labour Tribunal Fund in the special funds budget.

102. The Tribunal's books and accounts are audited by the Auditor General each year and whenever the Government so orders.

103. The Tribunal must, not later than 30 June each year, report to the Minister on its activities and governance. The report must contain the information required by the Minister.

The report must not designate by name any person concerned by the matters brought before the Tribunal. The Tribunal may, in the report, make recommendations on the Acts, regulations, policies, programs and administrative procedures under its jurisdiction.

The Minister must table the report in the National Assembly without delay or, if the Assembly is not sitting, within 15 days after resumption.

104. Each year, the president presents a plan to the Minister in which the president sets out management objectives aimed at ensuring the accessibility of the Tribunal and the quality and promptness of its decision-making process, and gives an account of the results achieved in the preceding year.

§4.—*Regulations*

105. In a regulation passed by a majority of its members, the Tribunal may make rules of evidence and procedure specifying the manner in which the rules established by this Act or by the Acts under which matters are heard by the Tribunal are to be applied.

The Tribunal may also establish the rules to be observed by parties in reaching an agreement or drawing up a list pursuant to Chapter V.1 of the Labour Code.

Such a regulation is submitted to the Government for approval.

106. The Government may, by regulation, determine the tariff of administrative fees, professional fees and other charges relating to the matters brought before, the pleadings and other documents filed with or the services provided by the Tribunal, as well as the mode of payment of such fees and charges.

§5.—*Immunity and recourses*

107. The Tribunal, its members and its personnel members may not be prosecuted for an act performed in good faith in the exercise of their functions.

108. Except on a question of jurisdiction, no recourse under articles 33 and 834 to 846 of the Code of Civil Procedure may be exercised nor any injunction granted against the Tribunal, its members or its labour relations officers acting in their official capacity.

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

109. No recourse may be exercised by reason or in consequence of a report or an order made by the Tribunal under Chapter V.1 of the Labour Code or any related publications.

CHAPTER II

AMENDING, TRANSITIONAL AND FINAL PROVISIONS

DIVISION I

AMENDING PROVISIONS

WORKERS' COMPENSATION ACT

110. Section 46 of the Workers' Compensation Act (chapter A-3) is amended by replacing "Commission des normes du travail" in paragraphs *a* and *b* of subsection 7 by "Commission".

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

111. Section 2 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended

(1) by replacing the definition of "**Commission**" by the following definition:

"**Commission**" means the Commission des droits, de la santé et de la sécurité du travail";

(2) by adding the following definition in alphabetical order:

"**Administrative Labour Tribunal**" or "**Tribunal**" means the Administrative Labour Tribunal established by the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*);".

112. Section 43 of the Act is amended by replacing "the fourth paragraph of section 296 and sections 429.25, 429.26 and 429.32" by "the second paragraph of section 296 of this Act and the first and second paragraphs of section 13 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)".

113. Section 329 of the Act is amended by adding the following paragraph at the end:

"A worker referred to in the first paragraph may, at any time until the end of the proof and hearing, intervene before the Tribunal in a proceeding under this section."

114. Section 359 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Tribunal”;

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

“If such a contestation concerns a decision cancelling an income replacement indemnity granted by the Commission, the Tribunal may order that the execution of the contested decision be postponed as regards that conclusion and that the effects of the initial decision be maintained for the time it specifies, provided the beneficiary demonstrates that there is an emergency or that he would suffer serious harm were the initial decision of the Commission to cease to have effect.

The following must be heard and decided by preference:

(1) a contestation under the second paragraph;

(2) a contestation brought under this section and concerning the reduction or suspension of an indemnity established under subparagraph *e* of paragraph 2 of section 142.

The following must be heard and decided as a matter of priority:

(1) a contestation brought under this section in respect of the existence of an employment injury other than a recurrence, relapse or aggravation, or the fact that the person is a worker or is considered to be a worker;

(2) a contestation brought under this section and concerning the foreseeable date when the worker’s employment injury will consolidate or the foreseeable time the injury will take to consolidate, or the existence or assessment of the worker’s functional disability.

A decision in respect of a contestation under the fourth paragraph must be rendered within 90 days after the originating pleading is filed and within 60 days after the matter is taken under advisement.”

115. The Act is amended by inserting the following section after section 366:

“366.1. The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under this Act.

The amount of the Commission’s contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister.”

116. Chapter XII of the Act, comprising sections 367 to 429.59, is repealed.

117. Section 589 of the Act is amended

(1) by replacing “Commission de la santé et de la sécurité du travail” by “Commission des droits, de la santé et de la sécurité du travail”;

(2) by striking out “, except Chapter XII” at the end.

FINANCIAL ADMINISTRATION ACT

118. Schedule 1 to the Financial Administration Act (chapter A-6.001) is amended by striking out “Commission de l’équité salariale”.

119. Schedule 2 to the Act is amended

(1) by striking out “Commission des lésions professionnelles”, “Commission des normes du travail” and “Commission des relations du travail”;

(2) by inserting “Administrative Labour Tribunal” in alphabetical order.

ACT RESPECTING THE AGENCE DU REVENU DU QUÉBEC

120. Section 50 of the Act respecting the Agence du revenu du Québec (chapter A-7.003) is amended

(1) by replacing “of the Commission des relations du travail established under the Labour Code (chapter C-27)” in the first paragraph by “of the Administrative Labour Tribunal”;

(2) by replacing “to the Commission des relations du travail” in the third paragraph by “to the Administrative Labour Tribunal”.

HEALTH INSURANCE ACT

121. Section 65 of the Health Insurance Act (chapter A-29) is amended by replacing “Commission de la santé et de la sécurité du travail, the Commission des normes du travail” in the sixth paragraph by “Commission des droits, de la santé et de la sécurité du travail”.

ACT RESPECTING THE BARREAU DU QUÉBEC

122. Section 128 of the Act respecting the Barreau du Québec (chapter B-1) is amended, in subsection 2,

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

“(2) the Administrative Labour Tribunal;”;

(2) by replacing “Commission de la santé et de la sécurité du travail established pursuant to the Act respecting occupational health and safety (chapter S-2.1), a review board established under the said Act or the Workers’ Compensation Act (chapter A-3),” in subparagraph 3 of paragraph *a* by “Commission des droits, de la santé et de la sécurité du travail established by the Act respecting occupational health and safety (chapter S-2.1), a review board established under the Workers’ Compensation Act (chapter A-3) or” and by striking out “, the Commission d’appel en matière de lésions professionnelles established pursuant to the Act respecting industrial accidents and occupational diseases (chapter A-3.001) or the Commission des lésions professionnelles established under the said Act” in that subparagraph.

BUILDING ACT

123. Section 129.11.1 of the Building Act (chapter B-1.1) is amended by replacing “fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27),” by “Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)”.

124. Section 152.1 of the Act is amended by replacing “fund of the Commission des relations du travail, established under section 137.62 of the Labour Code (chapter C-27),” by “Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)”, with the necessary modifications.

CITIES AND TOWNS ACT

125. Section 72.1 of the Cities and Towns Act (chapter C-19) is replaced by the following section:

“72.1. The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19.”

LABOUR CODE

126. Section 1 of the Labour Code (chapter C-27) is amended

(1) by replacing “Commission” in paragraph *b* by “Tribunal”, with the necessary modifications;

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

“(i) “Tribunal”: the Administrative Labour Tribunal established by the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*);”;

(3) by replacing “Commission” when it appears in subparagraphs 1 and 3 of paragraph *l* as a reference to the Commission des relations du travail by “Tribunal”, with the necessary modifications;

(4) by replacing subparagraph 7 of paragraph *l* by the following subparagraph:

“(7) a public servant of the Tribunal assigned to functions set out in section 86 or 87 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*);”.

127. The Code is amended by inserting the following section after section 14:

“**14.0.1.** Any complaint to the Tribunal relating to the application of section 12, section 13 or, in the case of a refusal to employ a person, section 14, must be filed with the Tribunal within 30 days of the alleged contravention coming to light.

In addition to the powers otherwise conferred on it, the Tribunal may dissolve an association of employees if it is proved to the Tribunal that the association participated in a contravention of section 12. If the association is a professional syndicate, the Tribunal shall send an authentic copy of its decision to the enterprise registrar, who shall give notice of the decision in the *Gazette officielle du Québec*.”

128. Section 16 of the Code is amended by replacing “at one of the offices of the Commission” by “with the Tribunal”.

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

“39.1. A decision concerning a petition for certification must be rendered within 60 days after the petition is filed.

Section 35 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) does not apply if such a decision is rendered by a labour relations officer. The labour relations officer must, however, allow the interested parties to make representations and, if appropriate, to produce documents to complete the record.”

130. The Code is amended by inserting the following section after section 46:

“46.1. The Tribunal’s decision upon a motion referred to in the first paragraph of section 46 with regard to the applicability of sections 45 to 45.3 must be rendered within 90 days after the motion is filed.”

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

“47.3. Any complaint by an employee under section 47.2 must be filed with the Tribunal within six months after the alleged contravention and request the Tribunal to order that his claim be referred to arbitration.”

132. Section 100.2 of the Code is amended by replacing “136” in the third paragraph by “26 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)”.

133. Section 101 of the Code is amended by replacing the second sentence by the following sentence: “Section 51 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) applies to the arbitration award, with the necessary modifications.”

134. Section 111.3 of the Code is amended by adding the following paragraph at the end:

“A decision in respect of an application under the first paragraph must be rendered within the period comprised between the end of the period for filing an application for certification and the date of expiration of the collective agreement or document in lieu thereof. The second paragraph of section 39.1 applies to such a decision.”

135. Section 111.22 of the Code is replaced by the following section:

“111.22. When the Tribunal acts under a provision of this chapter, the time limits under this Code for rendering a decision, as well as sections 21 to 25, 45, the second and third paragraphs of section 46 and the third and fourth paragraphs of section 51 of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*), do not apply.”

136. The Code is amended by inserting the following after section 111.32:

“CHAPTER V.4

“GENERAL POWERS OF THE TRIBUNAL

“111.33. In addition to the powers assigned to it by this Code and the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*), the Tribunal may, for the purposes of this Code,

(1) order a person, a group of persons, an association or a group of associations to do, not do or cease doing something in order to comply with this Code;

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

(3) order a person or a group of persons, taking into consideration the conduct of the parties, to apply the measures of redress it considers best;

(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 the measures it considers appropriate to induce the persons represented by an association not to participate in, or to cease participating in, such a strike, slowdown or lock-out; and

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

However, these powers do not apply in the case of a strike, a slowdown, any concerted action other than a strike or slowdown or a lock-out, whether real or apprehended, in a public service or in the public and parapublic sectors within the meaning of Chapter V.1.”

137. Chapter VI of Title I of the Code, comprising sections 112 to 137.63, is repealed.

138. Section 138 of the Code is amended by striking out everything that follows subparagraph *e* of the first paragraph.

139. Section 139 of the Code is amended by replacing “an arbitrator, the Commission, any of its commissioners or a labour relations officer of the Commission acting in their official capacity” by “arbitrators acting in their official capacity”.

140. Section 139.1 of the Code is amended by replacing “to any person, body or agency mentioned in section 139 acting in their official capacities” by “to arbitrators acting in their official capacity”.

141. Section 140.1 of the Code is repealed.

142. Section 144 of the Code is amended by replacing “of the Commission” by “of the Tribunal under this Code”.

143. Sections 150 and 151 of the Code are repealed.

144. Section 152.1 of the Code is amended by striking out the second sentence.

145. Schedule I to the Code is repealed.

MUNICIPAL CODE OF QUÉBEC

146. Article 267.0.3 of the Municipal Code of Québec (chapter C-27.1) is replaced by the following article:

“267.0.3. The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal, and section 100.12 of the Code, also apply, with the necessary modifications, except sections 15 to 19.”

147. Article 678.0.2.6 of the Code is amended by replacing the third paragraph by the following paragraphs:

“An officer or employee dismissed by a local municipality who is not identified in a document referred to in the first paragraph of article 678.0.2.3 may, if the officer or employee believes that the document should provide that identification, file a complaint in writing within 30 days of being dismissed with the Administrative Labour Tribunal requesting it to conduct an inquiry.

The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications, as do the provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE MONTRÉAL

148. Section 74 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is replaced by the following section:

"74. The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19."

ACT RESPECTING THE COMMUNAUTÉ MÉTROPOLITAINE DE QUÉBEC

149. Section 65 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is replaced by the following section:

"65. The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19."

ACT RESPECTING CONTRACTING BY PUBLIC BODIES

150. Section 7.1 of the Act respecting contracting by public bodies (chapter C-65.1) is repealed.

ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

151. Section 88.1 of the Act respecting elections and referendums in municipalities (chapter E-2.2) is 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 Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

152. Section 356 of the Act is amended

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

“**356.** An employee believing himself to be the victim of a contravention of a provision of this division may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”;

(2) by replacing “the Commission des relations du travail” in the second and third paragraphs by “the Administrative Labour Tribunal”.

ACT RESPECTING SCHOOL ELECTIONS

153. Section 30.1 of the Act respecting school elections (chapter E-2.3) is amended by replacing the second paragraph by the following paragraph:

“Any contravention of the first paragraph authorizes the persons on whom the penalty is imposed to assert their rights before the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

154. Section 205 of the Act is replaced by the following section:

“**205.** An employee believing himself to be the victim of a contravention of a provision of this chapter may file a complaint with the Administrative Labour Tribunal.”

ELECTION ACT

155. Section 255 of the Election Act (chapter E-3.3) is amended

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

“255. An employee believing himself to be the victim of a contravention of a provision of this division may file a complaint with the Administrative Labour Tribunal. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply in such a case, with the necessary modifications.”;

(2) by replacing “the Commission des relations du travail” in the second and third paragraphs by “the Administrative Labour Tribunal”.

PAY EQUITY ACT

156. Section 4 of the Pay Equity Act (chapter E-12.001) is amended by adding the following paragraph at the end:

“In this Act, unless the context indicates otherwise, “Commission” means the Commission des droits, de la santé et de la sécurité du travail.”

157. The heading of Chapter V of the Act is replaced by the following heading:

“DUTIES AND POWERS OF THE COMMISSION”.

158. Division I of Chapter V of the Act, comprising sections 77 to 92, is repealed.

159. The Act is amended by striking out the following headings before section 93:

“DIVISION II

“DUTIES AND POWERS”.

160. Section 94 of the Act is amended

(1) by replacing “its duties and powers,” in the introductory clause by “the duties and powers assigned to it by this Act”;

(2) by striking out paragraph 1.

161. Section 95.4 of the Act is amended by adding “under this Act” at the end of subparagraph 1 of the first paragraph.

162. Section 98 of the Act is amended by inserting “or subparagraph 3 of the first paragraph of section 76.2” after “32”.

163. Section 114 of the Act is amended by inserting “made under this Act” after “Commission” in the second paragraph.

164. The Act is amended by inserting the following chapter after section 114:

“CHAPTER VII.1

“FINANCING

“114.1. The expenses incurred for the purposes of this Act are paid out of the contributions collected under Chapter III.1 of the Act respecting labour standards (chapter N-1.1).”

ACT RESPECTING MUNICIPAL TAXATION

165. Section 200 of the Act respecting municipal taxation (chapter F-2.1) is amended

(1) by replacing “with the Commission des relations du travail established by the Labour Code (chapter C-27) to make an inquiry” in the second paragraph by “with the Administrative Labour Tribunal requesting it to conduct an inquiry”;

(2) by replacing the third paragraph by the following paragraphs:

“The provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19.”;

(3) by replacing all occurrences of “Commission des relations du travail” in the last paragraph by “Administrative Labour Tribunal”, with the necessary modifications.

JURORS ACT

166. Section 47 of the Jurors Act (chapter J-2) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “the Code” by “the Labour Code (chapter C-27)”.

ACT RESPECTING ADMINISTRATIVE JUSTICE

167. Section 167 of the Act respecting administrative justice (chapter J-3) is amended by replacing paragraphs 3 to 6 by the following paragraphs:

“(3) the president of the Administrative Labour Tribunal;

“(4) a member of the Administrative Labour Tribunal, other than a vice-president, chosen after consultation with all its members;”.

168. Section 168 of the Act is amended by striking out “6,” in the first paragraph.

ANTI-CORRUPTION ACT

169. Section 72 of the Anti-Corruption Act (chapter L-6.1) is amended

(1) by replacing “Commission des relations du travail” in the first paragraph by “Administrative Labour Tribunal”, with the necessary modifications;

(2) by replacing “of the Labour Code (chapter C-27) that pertain to the Commission des relations du travail and its commissioners and to their decisions and the exercise of their powers” in the second paragraph by “of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction”.

ACT RESPECTING LABOUR STANDARDS

170. Section 1 of the Act respecting labour standards (chapter N-1.1) is amended by replacing “the Commission des normes du travail established under section 4” in subparagraph 2 of the first paragraph by “the Commission des droits, de la santé et de la sécurité du travail”.

171. The heading of Chapter III of the Act is replaced by the following heading:

“FUNCTIONS AND POWERS OF THE COMMISSION”.

172. Sections 4 and 6 to 28 of the Act are repealed.

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

“28.1. The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under Divisions II to III of Chapter V of this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister."

174. Section 29 of the Act is amended by striking out paragraphs 1 and 2.

175. Section 31 of the Act is repealed.

176. Section 123.4 of the Act is amended

(1) by replacing "by the Commission des normes du travail, the Commission des normes du travail" in the first paragraph by "by the Commission des droits, de la santé et de la sécurité du travail, the latter" and "to the Commission des relations du travail" by "to the Administrative Labour Tribunal";

(2) by inserting "and of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)" after "Labour Code (chapter C-27)" in the second paragraph.

177. Section 123.14 of the Act is replaced by the following section:

"123.14. The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19."

178. Section 127 of the Act is replaced by the following section:

"127. The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19."

ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

179. Section 176.20.1 of the Act respecting municipal territorial organization (chapter O-9) is amended by replacing paragraph 3 by the following paragraph:

“(3) the contributions paid to the Commission des droits, de la santé et de la sécurité du travail;”.

ACT RESPECTING THE PROCESS FOR DETERMINING THE REMUNERATION OF CRIMINAL AND PENAL PROSECUTING ATTORNEYS AND RESPECTING THEIR COLLECTIVE BARGAINING PLAN

180. Section 11 of the Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1) is amended by striking out “and the second paragraph of section 116” in the second paragraph.

ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

181. Schedule I to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) is amended

(1) by striking out both occurrences of “the Commission des relations du travail”;

(2) by replacing “the Commission de la santé et de la sécurité du travail” in paragraph 5 by “the Commission des droits, de la santé et de la sécurité du travail”;

(3) by replacing paragraph 9 by the following paragraph:

“(9) THE CHAIR OF THE BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES DROITS, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

182. Schedule III to the Act is amended by replacing “the Commission des normes du travail” and “the Commission de la santé et de la sécurité du travail” by “the Commission des droits, de la santé et de la sécurité du travail”.

ACT RESPECTING THE PENSION PLAN OF MANAGEMENT PERSONNEL

183. Schedule II to the Act respecting the Pension Plan of Management Personnel (chapter R-12.1) is amended

(1) by replacing “the Commission de la santé et de la sécurité du travail” in paragraph 6 by “the Commission des droits, de la santé et de la sécurité du travail”;

(2) by replacing paragraph 10 by the following paragraph:

“(10) THE CHAIR OF THE BOARD OF DIRECTORS AND CHIEF EXECUTIVE OFFICER OF THE COMMISSION DES DROITS, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL”.

184. Schedule V to the Act is amended by replacing “the Commission des normes du travail” and “the Commission de la santé et de la sécurité du travail” by “the Commission des droits, de la santé et de la sécurité du travail”.

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

185. Section 8.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “to the fund of the Commission des relations du travail, established by section 137.62 of the Labour Code (chapter C-27), to cover the expenses incurred by the latter commission” in the first paragraph by “to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) to cover the expenses incurred by the Tribunal”.

186. Section 22 of the Act is amended

(1) by replacing “commissioner of the Commission des relations du travail” and all occurrences of “commissioner” in the first paragraph by “member of the Administrative Labour Tribunal” and “member”, respectively;

(2) by replacing all occurrences of “commissioner” in the second and third paragraphs by “member”.

187. Section 23 of the Act is amended by replacing “commissioner of the Commission des relations du travail” by “member of the Administrative Labour Tribunal”.

188. Section 27 of the Act is amended by replacing “file a complaint with the Commission des relations du travail and request that it exercise the powers granted under section 47.5 of the Code. In addition to the powers entrusted to it by the Code, the Commission des relations du travail may” in the third paragraph by “file a complaint with the Administrative Labour Tribunal and request that it exercise the powers granted under section 47.5 of the Code. In addition to the powers entrusted to it by this Code and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*), the Tribunal may”.

189. Section 58.1 of the Act is amended

(1) by replacing “the Commission des relations du travail” by “the Administrative Labour Tribunal”;

(2) by replacing “119” by “111.33”.

190. Section 107 of the Act is amended

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

“**107.** The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications, to a complaint filed with the Administrative Labour Tribunal under section 105 of this Act.”;

(2) by replacing “The Commission des relations du travail” in the second paragraph by “The Administrative Labour Tribunal”, with the necessary modifications.

191. Section 124 of the Act is amended by replacing the second paragraph by the following paragraph:

“However, the provisions of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) and the Labour Code (chapter C-27) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers and the relevant provisions of regulations made under them apply in the construction industry to any application, motion, complaint or proceedings brought before the Tribunal under this Act.”

**ACT RESPECTING THE REPRESENTATION OF CERTAIN HOME
CHILDCARE PROVIDERS AND THE NEGOTIATION PROCESS FOR
THEIR GROUP AGREEMENTS**

192. Section 3 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1) is amended by replacing “the Commission des relations du travail established by section 112 of the Labour Code (chapter C-27)” in the first paragraph by “the Administrative Labour Tribunal”.

193. Section 58 of the Act is amended

(1) by replacing “of the Commission de la santé et de la sécurité du travail, established by section 137 of the Act respecting occupational health and safety (chapter S-2.1), and of the Commission des lésions professionnelles, established by section 367 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001)” in the first paragraph by “of the Commission des

droits, de la santé et de la sécurité du travail and the Administrative Labour Tribunal”;

(2) by replacing “Commission de la santé et de la sécurité du travail” in the third paragraph by “Commission des droits, de la santé et de la sécurité du travail”.

194. Section 59 of the Act is replaced by the following section:

“59. The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal’s jurisdiction under the provisions of this Act, except section 58. Likewise, the relevant provisions of the rules of evidence and procedure made under the Code, the Act and their regulations apply to any applications the Tribunal may receive.”

195. Section 109 of the Act is replaced by the following section:

“109. The Commission des droits, de la santé et de la sécurité du travail may not receive a complaint filed under the Pay Equity Act (chapter E-12.001) by a home childcare provider to whom this Act applies.”

ACT RESPECTING THE REPRESENTATION OF FAMILY-TYPE RESOURCES AND CERTAIN INTERMEDIATE RESOURCES AND THE NEGOTIATION PROCESS FOR THEIR GROUP AGREEMENTS

196. Section 4 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2) is amended by replacing “the Commission des relations du travail established by section 112 of the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal”.

197. Section 53 of the Act is amended

(1) by replacing “the Commission des relations du travail” in subparagraph 3 of the second paragraph by “the Administrative Labour Tribunal”;

(2) by replacing “The Commission des relations du travail may, on its own initiative or at the request of an interested person, exercise its powers under the Labour Code (chapter C-27) in order to enforce this section if, in its opinion,” in the third paragraph by “The Administrative Labour Tribunal may, on its own initiative or at the request of an interested person, exercise its powers under the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour

Tribunal (*insert the year and chapter number of this Act*) in order to enforce this section if, in its opinion,”.

198. Section 58 of the Act is amended

(1) by replacing “of the Commission de la santé et de la sécurité du travail established by section 137 of the Act respecting occupational health and safety (chapter S-2.1) and of the Commission des lésions professionnelles established by section 367 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001)” in the first paragraph by “of the Commission des droits, de la santé et de la sécurité du travail and the Administrative Labour Tribunal”;

(2) by replacing “Commission de la santé et de la sécurité du travail” in the third paragraph by “Commission des droits, de la santé et de la sécurité du travail”.

199. Section 59 of the Act is replaced by the following section:

“59. The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal’s jurisdiction under the provisions of this Act, except section 58. Likewise, the relevant provisions of the rules of evidence and procedure made under the Code, the Act and their regulations apply to any applications the Tribunal may receive.”

200. Section 132 of the Act is replaced by the following section:

“132. The Commission des droits, de la santé et de la sécurité du travail may not receive a complaint filed under the Pay Equity Act (chapter E-12.001) by a resource to whom this Act applies.”

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

201. Section 1 of the Act respecting occupational health and safety (chapter S-2.1) is amended

(1) by replacing the definition of “**Commission**” by the following definition:

““**Commission**” means the Commission des droits, de la santé et de la sécurité du travail established by section 137;”;

(2) by striking out the definition of “**Commission des lésions professionnelles**”;

(3) by adding the following definition in alphabetical order:

“**Administrative Labour Tribunal**” means the Administrative Labour Tribunal established by the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*);”.

202. The Act is amended by inserting the following section after section 8:

“8.0.1. Chapter VIII.1 and sections 167, 170, 172 and 173 do not apply to the Act respecting labour standards (chapter N-1.1) or the Pay Equity Act (chapter E-12.001).”

203. Section 37.3 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Administrative Labour Tribunal”;

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

“Proceedings brought under this section are heard and decided by preference.”

204. Section 137 of the Act is amended by replacing “Commission de la santé et de la sécurité du travail” by “Commission des droits, de la santé et de la sécurité du travail”.

205. Section 142 of the Act is amended by adding the following paragraph at the end:

“One of the vice-chairmen is responsible for matters relating to the Pay Equity Act (chapter E-12.001).”

206. Sections 167.2 and 176.0.3 of the Act are repealed.

207. Section 193 of the Act is amended

(1) by replacing “the Commission des lésions professionnelles” by “the Administrative Labour Tribunal”;

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

“Proceedings brought under this section are heard and decided by preference.”

208. The Act is amended by inserting the following section after section 228:

“228.1. The Commission shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission

de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) to cover the expenses incurred by the Tribunal in relation to proceedings brought before the Tribunal under this Act.

The amount of the Commission's contribution and the terms of payment are determined by the Government after consultation with the Commission by the Minister."

CIVIL PROTECTION ACT

209. Section 129 of the Civil Protection Act (chapter S-2.3) is amended, in the second paragraph, by replacing "the Commission des relations du travail established by the Labour Code (chapter C-27)" by "the Administrative Labour Tribunal" and "arising out of the Code" by "under the Labour Code (chapter C-27)".

FIRE SAFETY ACT

210. Section 154 of the Fire Safety Act (chapter S-3.4) is amended, in the second paragraph, by replacing "the Commission des relations du travail established by the Labour Code (chapter C-27)" by "the Administrative Labour Tribunal" and "arising out of the Code" by "under the Labour Code (chapter C-27)".

ACT RESPECTING PRE-HOSPITAL EMERGENCY SERVICES

211. Section 43 of the Act respecting pre-hospital emergency services (chapter S-6.2) is amended, in the third paragraph, by replacing "the Commission des relations du travail established by the Labour Code (chapter C-27)" by "the Administrative Labour Tribunal" and "the said Code" by "the Labour Code (chapter C-27)".

ACT RESPECTING PUBLIC TRANSIT AUTHORITIES

212. Section 74 of the Act respecting public transit authorities (chapter S-30.01) is replaced by the following section:

"74. The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction apply, with the necessary modifications.

The provisions of the Labour Code (chapter C-27) that pertain to the powers of the members of the Tribunal and section 100.12 of the Code also apply, with the necessary modifications, except sections 15 to 19."

ACT RESPECTING THE PROFESSIONAL STATUS OF ARTISTS IN THE
VISUAL ARTS, ARTS AND CRAFTS AND LITERATURE, AND THEIR
CONTRACTS WITH PROMOTERS

213. Section 3 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01) is amended

(1) by striking out the definition of “Commission”;

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

““Tribunal” means the Administrative Labour Tribunal.”

ACT RESPECTING THE PROFESSIONAL STATUS AND CONDITIONS
OF ENGAGEMENT OF PERFORMING, RECORDING AND FILM
ARTISTS

214. Section 2 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1) is amended

(1) by striking out the definition of “**Commission**”;

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

““**Tribunal**” means the Administrative Labour Tribunal.”

215. Section 59.1 of the Act is amended by replacing “paragraph 1 of section 118 of the Code” by “subparagraph 1 of the second paragraph of section 9 of the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*)”.

216. Section 64 of the Act is replaced by the following section:

“**64.** The provisions of the Labour Code (chapter C-27) and the Act to group the Commission de l’équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers apply, with the necessary modifications, to any application that lies within the Tribunal’s jurisdiction under this Act. Likewise, the relevant provisions of the rules of evidence and procedure made under the Code, the Act and their regulations apply to any applications the Tribunal may receive.”

PROFESSIONAL SYNDICATES ACT

217. Section 27 of the Professional Syndicates Act (chapter S-40) is amended by replacing “section 118” in the first paragraph by “the second paragraph of section 14.0.1”.

COURTS OF JUSTICE ACT

218. Section 5.2 of the Courts of Justice Act (chapter T-16) is amended, in the second paragraph, by replacing “the Commission des relations du travail established by the Labour Code (chapter C-27)” by “the Administrative Labour Tribunal” and “arising out of the Code” by “under the Labour Code (chapter C-27)”.

INTEGRITY IN PUBLIC CONTRACTS ACT

219. Section 4 of the Integrity in Public Contracts Act (2012, chapter 25) is replaced by the following section:

“**4.** Section 7 of the Act is repealed.”

220. Section 75 of the Act is repealed.

221. Section 89 of the Act is amended by replacing “in sections 7 and 7.1 of that Act as they read before” by “in section 7 of that Act as it read before”.

222. Section 90 of the Act is amended by replacing “in sections 7 and 7.1” by “in section 7”.

223. Section 102 of the Act is amended by replacing “75” by “74”.

REGULATION RESPECTING CONTRIBUTION RATES

224. Section 1 of the Regulation respecting contribution rates (chapter N-1.1, r. 5) is amended by replacing “0.08%” by “0.07%”.

MINISTERIAL ORDER 2009-001

225. Ministerial order 2009-001 (2009, G.O. 2, 2805, in French only) is amended by replacing all occurrences of “la présidente de la Commission” and “la présidente” in sections 4, 5, 6, 9, 15 and 17 by “le vice-président de la Commission des droits, de la santé et de la sécurité du travail chargé des questions relatives à la Loi sur l'équité salariale” and “le vice-président”, respectively.

OTHER AMENDING PROVISIONS

226. Unless the context indicates otherwise, in any other Act, including an Act amended by this Act, and in any regulation,

(1) “Commission de l’équité salariale”, “Commission des normes du travail” and “Commission de la santé et de la sécurité du travail” are replaced by “Commission des droits, de la santé et de la sécurité du travail”;

(2) “Commission des lésions professionnelles” and “board”, when it means the Commission des lésions professionnelles, are replaced by “Administrative Labour Tribunal” and “Tribunal”, respectively, with the necessary modifications;

(3) “Commission des relations du travail” and “Commission”, when it means the Commission des relations du travail, are replaced by “Administrative Labour Tribunal” and “Tribunal”, respectively, with the necessary modifications;

(4) “Commission des relations du travail established by the Labour Code (chapter C-27)” and “Commission des relations du travail established under the Labour Code (chapter C-27)” are replaced by “Administrative Labour Tribunal”, with the necessary modifications.

227. Unless the context indicates otherwise, in any order, order in council, proclamation, administrative remedy, judicial proceeding, judgment, ordinance, contract, agreement, accord or other document,

(1) a reference to the Commission de l’équité salariale, the Commission des normes du travail or the Commission de la santé et de la sécurité du travail is a reference to the Commission des droits, de la santé et de la sécurité du travail;

(2) a reference to the Commission des lésions professionnelles or the Commission des relations du travail is a reference to the Administrative Labour Tribunal.

DIVISION II

TRANSITIONAL AND FINAL PROVISIONS

§1.—*Transitional provisions regarding the Commission des droits, de la santé et de la sécurité du travail*

228. The Commission des droits, de la santé et de la sécurité du travail replaces the Commission de l’équité salariale and the Commission des normes du travail and acquires their rights and assumes their obligations.

229. The surpluses accumulated by the Commission des normes du travail are paid into the Consolidated Revenue Fund.

Such surpluses are credited to the Generations Fund as if they were covered by section 4 of the Act to reduce the debt and establish the Generations Fund (chapter R-2.2.0.1).

230. Calls for tenders initiated by the Commission de la santé et de la sécurité du travail before (*insert the date of coming into force of paragraph 1 of section 201*) are continued in accordance with the provisions applicable on the date they were initiated.

231. Any contract in progress on (*insert the date of coming into force of paragraph 1 of section 201*) is continued in accordance with the provisions applicable to the Commission des droits, de la santé et de la sécurité du travail. If such a provision is incompatible with a provision of the contract, the former provision prevails.

232. Matters pending before the Commission de l'équité salariale are continued before the Commission des droits, de la santé et de la sécurité du travail.

For a two-year period beginning on (*insert the date of coming into force of paragraph 1 of section 201*), individual decisions under the Pay Equity Act (chapter E-12.001) are made by the vice-chair of the Commission des droits, de la santé et de la sécurité du travail who, under section 142 of the Act respecting occupational health and safety (chapter S-2.1), as amended by section 205 of this Act, is responsible for matters relating to the application of that Act, or by a person designated by that vice-chair.

233. The Commission des droits, de la santé et de la sécurité du travail becomes, without continuance of suit, party to all proceedings to which the Commission de l'équité salariale and the Commission des normes du travail were party.

234. A regulation or by-law made by the Commission de l'équité salariale or the Commission des normes du travail, other than an internal by-law, is deemed to be a regulation or by-law made by the Commission des droits, de la santé et de la sécurité du travail.

235. The terms of the members of the board of directors of the Commission des normes du travail end on (*insert the date of the day preceding the date of coming into force of paragraph 1 of section 201*).

236. The term of the chair and director general of the Commission des normes du travail ends on (*insert the date of the day preceding the date of coming into force of paragraph 1 of section 201*), under the conditions set out in his or her instrument of appointment.

237. The terms of the vice-chairs of the Commission des normes du travail end on (*insert the date of the day preceding the date of coming into force of*

paragraph 1 of section 201), without compensation other than the allowance provided for in their instruments of appointment.

238. The term of the president of the Commission de l'équité salariale ends on *(insert the date of the day preceding the date of coming into force of paragraph 1 of section 201)*.

The president is reintegrated into the public service under the conditions governing an eventual return to the public service set out in her instrument of appointment.

239. The terms of the members of the Commission de l'équité salariale, other than the president, end on *(insert the date of the day preceding the date of coming into force of paragraph 1 of section 201)*, without compensation other than the allowance provided for in their instruments of appointment.

However, a person whose term ended under the first paragraph may be designated by the vice-chair of the Commission des droits, de la santé et de la sécurité du travail under the second paragraph of section 232 to make individual decisions under the Pay Equity Act. In such a case, the person's remuneration and other conditions of employment are those provided for in section 3 of the person's instrument of appointment as member of the Commission de l'équité salariale and the person's term cannot end after *(insert the date that is two years after the date of coming into force of paragraph 1 of section 201)*.

§2.—*Transitional provisions regarding the Administrative Labour Tribunal*

240. The Administrative Labour Tribunal replaces the Commission des lésions professionnelles and the Commission des relations du travail, acquires their rights and assumes their obligations.

241. The assets and liabilities of the fund of the Commission des lésions professionnelles provided for in section 429.12 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), repealed by section 116, and those of the fund of the Commission des relations du travail provided for in section 137.62 of the Labour Code (chapter C-27), repealed by section 137, are transferred to the Administrative Labour Tribunal Fund established by section 97.

242. Unless the expenditure and investment estimates for the Administrative Labour Tribunal Fund have already been approved by Parliament for the fiscal year in progress on *(insert the date of coming into force of section 97 of this Act)*, the expenditure and investment estimates that are approved for the Fund for that fiscal year correspond to the sum of the available balances of the expenditures and investments of the fund of the Commission des lésions professionnelles referred to in section 429.12 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, and the fund of

the Commission des relations du travail referred to in section 137.62 of the Labour Code, repealed by section 137, that are approved for that fiscal year.

243. Commissioners of the Commission des lésions professionnelles and the Commission des relations du travail serve out any unexpired portion of their terms as members of the Administrative Labour Tribunal.

The qualifications required by law for becoming a member of the Administrative Labour Tribunal, including 10 years' experience relevant to the exercise of the Tribunal's functions, are not required of persons who become Tribunal members under the first paragraph, even on the subsequent renewal of their terms, for as long as they remain members.

244. The administrative offices of the president and vice-presidents of the Commission des lésions professionnelles and of the Commission des relations du travail end on *(insert the date of the day preceding the date of coming into force of section 1)*.

245. The terms of members of the Commission des lésions professionnelles, other than commissioners, appointed under the fourth or fifth paragraph of section 385 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, end on *(insert the date of assent to this Act)*.

Such members do not conclude the matters they have begun.

246. Matters pending before the Commission des relations du travail or the Commission des lésions professionnelles are continued before the competent division of the Administrative Labour Tribunal.

A matter the hearing of which had already begun or that is under advisement is continued and decided by the commissioner who was assigned to it and who has become a member of the Administrative Labour Tribunal under section 243. The same applies to matters that were assigned to a panel of three commissioners who have become members of the Tribunal.

247. The rules of evidence and procedure provided for in this Act to apply before the Administrative Labour Tribunal, including the provisions pertaining to the commencement of a matter, conciliation, the pre-hearing conference and the hearing, apply according to the status of the matters pending that are continued before the Administrative Labour Tribunal.

However, the Tribunal may set aside those rules and apply the relevant former rules if it considers that the provisions of this Act cause injury to a party.

The relevant former rules of evidence, procedure and practice remain valid with regard to matters pending the hearing of which has begun.

248. Until a regulation establishing rules of evidence and procedure is made under the first paragraph of section 105, the rules that applied before the Commission des lésions professionnelles and the Commission des relations du travail continue to apply as suppletive provisions, but only to the extent that they are consistent with this Act.

249. The oath taken under section 412 of the Act respecting industrial accidents and occupational diseases, repealed by section 116, or under section 137.32 of the Labour Code, repealed by section 137, by a commissioner who becomes a member of the Administrative Labour Tribunal under section 243 is deemed to have been taken in accordance with the oath set out in section 66 and stands in place of it.

250. Commissioners assigned to a division or region by the competent authorities of the body they came from are considered to have been assigned to the corresponding division of the Administrative Labour Tribunal until such time as the president decides otherwise.

251. Commissioners who become members of the Administrative Labour Tribunal under section 243 receive the same remuneration they were receiving on (*insert the date of the day preceding the date of coming into force of section 1*); they continue to be so remunerated, despite the coming into force of a regulation respecting remuneration and other conditions of employment, if the remuneration they receive is greater than that prescribed by the regulation, until parity is reached.

Until the coming into force of a regulation under section 61, the remuneration and other conditions of employment of persons who become members of the Administrative Labour Tribunal after it is established are determined by the Government.

The first paragraph does not apply to the additional remuneration received by a commissioner described in section 243 for an administrative office.

252. The employee benefits and other conditions of employment of commissioners, as they existed prior to the coming into force of this Act, remain applicable to persons who become members of the Administrative Labour Tribunal under section 243 until the coming into force of a regulation respecting remuneration and other conditions of employment.

253. Until a code of ethics applicable to the members of the Administrative Labour Tribunal is established under section 67, members of the Tribunal must abide by the code of ethics that applied to them within the body they came from.

254. The Code of ethics of the assessors and conciliators of the Commission des lésions professionnelles (chapter A-3.001, r. 3), as it reads on (*insert the date of the day preceding the date of coming into force of section 1*), continues

to apply, with the necessary modifications, until the coming into force of the code of ethics established under section 89.

255. The last activity reports of the Commission des relations du travail and of the Commission des lésions professionnelles must be prepared and submitted to the Minister by the Administrative Labour Tribunal not later than (*insert the date that is six months after the date of coming into force of section 1*).

Those reports must cover the entire period of activity not covered by the last activity reports submitted by the commissions to the Minister.

The Minister tables the reports in the National Assembly within 30 days after receiving them or, if the Assembly is not sitting, within 30 days after resumption.

Such reports must not designate by name any person concerned by matters brought before the commissions.

256. The terms of the members of the Conseil de la justice administrative who are from the Commission des relations du travail or the Commission des lésions professionnelles end on (*insert the date of the day preceding the date of coming into force of section 1*). However, such members may conclude the matters pending before them on that date.

§3.— *Other transitional provisions*

257. The Minister may, with regard to a commission referred to in this Act, issue any directive on the management of its human, financial, physical and information resources in order to set up the bodies provided for in this Act. A directive may also specify the information which must be sent to the Minister and the time limit for doing so. A directive is binding on the commission concerned and the commission must comply with it.

258. The Minister may cancel any decision of a commission referred to in this Act if the decision affects its human, financial, physical or information resources in a manner the Minister considers contrary to the future interests of the bodies referred to in this Act.

Such a cancellation may apply to any decision made between the (*insert the date of introduction of this bill*) and the start date of the activities of the Commission des droits, de la santé et de la sécurité du travail or the Administrative Labour Tribunal, as applicable. It must be rendered within 60 days after the decision and has effect from the date it is rendered. However, a decision made before (*insert the date of assent to this Act*) may be cancelled within 60 days after the latter date.

259. The Minister may, for the purposes of sections 257 and 258, establish committees to advise the Minister on any question the Minister may submit to them.

260. The Government may, by regulation and before (*insert the date that is 18 months after the date of assent to this Act*), take any measure necessary or useful for carrying out this Act or fully achieving its purpose.

Such a regulation is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). However, such a regulation, once published and if it so provides, may apply as of any later date not prior to (*insert the date of assent to this Act*).

§4. — *Final provisions*

261. The Minister must, not later than (*insert the date that is five years after the date of assent to this Act*) and subsequently every 10 years, report to the Government on the carrying out of this Act and the advisability of amending it.

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days after resumption.

262. The Minister of Labour, Employment and Social Solidarity is responsible for the carrying out of this Act. The Minister's responsibility with regard to the Administrative Labour Tribunal also extends to the exercise of the Tribunal's functions under any other Act.

263. This Act comes into force on the date or dates determined by the Government, except

(1) section 116, to the extent that it concerns section 374, the second, fourth, fifth and sixth paragraphs of section 385 and sections 386 and 421 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), and sections 245, 257 to 260 and 262, which come into force on (*insert the date of assent to this Act*);

(2) section 224, which comes into force on (*insert the date that is one year after the date of coming into force of paragraph 1 of section 201*).

SCHEDULE I
(Section 5)

In addition to matters arising from the enforcement of the Labour Code, except Division V.1 of that Code, the labour relations division hears and decides proceedings under

(1) the second paragraph of section 45, the second paragraph of section 46 and the third paragraph of section 137.1 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 article 267.0.2 and the third paragraph of article 678.0.2.6 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 second paragraph of section 73 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01);

(6) the second paragraph of section 64 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02);

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

(8) 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);

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

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

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

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

(13) section 20 and the second paragraph of section 200 of the Act respecting municipal taxation (chapter F-2.1);

(14) 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);

- (15) the second paragraph of section 47 of the Jurors Act (chapter J-2);
- (16) sections 86.1, 123.4, 123.9, 123.12 and 126 of the Act respecting labour standards (chapter N-1.1);
- (17) sections 176.1, 176.6, 176.7 and 176.11 of the Act respecting municipal territorial organization (chapter O-9);
- (18) section 19 of the Act respecting the process for determining the remuneration of criminal and penal prosecuting attorneys and respecting their collective bargaining plan (chapter P-27.1);
- (19) sections 7, 8, 21, 24, 27, 29, 55 and 104 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements (chapter R-24.0.1);
- (20) sections 9, 10, 23, 26, 29, 31, 54 and 127 of the Act respecting the representation of family-type resources and certain intermediate resources and the negotiation process for their group agreements (chapter R-24.0.2);
- (21) the second paragraph of section 129 of the Civil Protection Act (chapter S-2.3);
- (22) the second paragraph of section 154 of the Fire Safety Act (chapter S-3.4);
- (23) the third paragraph of section 43 of the Act respecting pre-hospital emergency services (chapter S-6.2);
- (24) the second paragraph of section 73 of the Act respecting public transit authorities (chapter S-30.01);
- (25) sections 15, 21 and 23 of the Act respecting the professional status of artists in the visual arts, arts and crafts and literature, and their contracts with promoters (chapter S-32.01);
- (26) sections 12, 20, 22, 42.5, 56, 57, 58 and 59.1 of the Act respecting the professional status and conditions of engagement of performing, recording and film artists (chapter S-32.1);
- (27) the second paragraph of section 5.2 of the Courts of Justice Act (chapter T-16);
- (28) sections 10 and 17, the second paragraph of section 23, sections 32 and 76 and the second paragraph of section 82 of the Act respecting bargaining units in the social affairs sector (chapter U-0.1);
- (29) the sixth paragraph of section 57 of the Act to amend various legislative provisions concerning regional county municipalities (2002, chapter 68);

(30) section 75 of the Act to amend the Sustainable Forest Development Act and other legislative provisions (2013, chapter 2).