

Bill 110

**An Act respecting the process of
negotiation of collective agreements and
the settlement of disputes in the
municipal sector**

Section 1

AMENDMENT:

Replace subparagraph 4 of the second paragraph by the following subparagraph:

(4) it is the employer's responsibility to hire qualified personnel and manage its workforce so as to satisfy its operational needs.

Accepté
AMK

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Section 1

AMENDMENT:

Add the following paragraph after the second paragraph:

These principles must be interpreted so as not to limit the right of the parties to negotiate a collective agreement or the right to refer any matter relating to the conditions of employment of employees to a dispute settlement board or an arbitrator for arbitration.

*Accepté
ML*

Bill 110

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Section 2

AMENDMENT:

Add the following paragraphs after paragraph 4:

(5) any body declared by law to be the mandatary or agent of the municipality, any body whose board of directors is composed in the majority of members of the council of a municipality and whose budget is adopted by the council, and any body whose board of directors is composed in the majority of elected municipal officers;

(6) the Société municipale d'habitation Champlain and any other body established under section 59 of Schedule C to the Charter of Ville de Québec (chapter C-11.5); or

(7) the Société d'habitation et de développement de Montréal and any other body constituted under section 218 of Schedule C to the Charter of Ville de Montréal (chapter C-11.4).

*Adopté
AM*

Bill 110

**An Act respecting the process of
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municipal sector**

Section 4

AMENDMENT:

- (1) Replace "120" in the first paragraph by "210".
- (2) Add the following sentence at the end of the first paragraph: "Despite section 53 of the Labour Code, the stage of negotiation begins 90 days before the day of expiry of the current agreement or, in the case of the negotiation of an agreement by a newly certified association, on the day of the certification."

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*Adopté
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Bill 110

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Section 4

AMENDMENT:

Amend amendment 4 by replacing "210" in instruction 1 by "240".

*Adopté
AM*

Bill 110

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Section 5

AMENDMENT:

(1) Add the following sentence at the end: "The Minister may act on the Minister's own initiative if no notice has been received on the 15th day after the day of expiry of either of the time limits provided for in that section, as applicable."

(2) Add the following paragraph:

Despite the first paragraph, at all times, the Minister must appoint a mediator on the joint application of the parties.

*Adopté
AML*

Bill 110

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the settlement of disputes in the
municipal sector**

Section 6

AMENDMENT:

Replace "at the request of the mediator" by "at the joint request of the parties or at the request of the mediator".

*Adopté
AML*

Bill 110

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Section 6

AMENDMENT:

Insert "following the mediator's appointment" after "The mediator has 60 days".

*Adopté
ANL*

Bill 110

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municipal sector**

Section 6

AMENDMENT:

Replace "30" by "60".

*Adopté
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Bill 110

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Section 6

AMENDMENT:

Add the following paragraph at the end:

The parties are required to attend all meetings to which the mediator convenes them.

*Adopté
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Bill 110

**An Act respecting the process of
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municipal sector**

Section 14

AMENDMENT:

Add the following paragraph:

The board has exclusive jurisdiction to determine such matters on the basis of the mediator's report or, as the case may be, on the basis of the mediator's own observation of the matters on which no agreement was reached during the mediation.

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Bill 110

**An Act respecting the process of
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municipal sector**

Section 17

AMENDMENT:

Replace “municipalities and intermunicipal boards that are similar or created to exercise similar functions” in subparagraph 5 of the first paragraph by “similar municipalities and intermunicipal boards”.

*Adopté
AMK*

Bill 110

**An Act respecting the process of
negotiation of collective agreements and
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municipal sector**

Section 30

AMENDMENT:

Replace “of at least five years” by “of five years from the expiry of the collective agreement or, in the case of a first collective agreement, from the date of certification”.

*Adopté
AM*

Bill 110

**An Act respecting the process of
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municipal sector**

Section 34

AMENDMENT:

Withdraw.

*Adopté
AMC*

Bill 110

**An Act respecting the process of
negotiation of collective agreements and
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municipal sector**

Section 35

AMENDMENT:

Add the following sentence at the end of the second paragraph:

The Minister may set up a financial assistance program intended for the parties.

Adopté
ANL

Bill 110

**An Act respecting the process of
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municipal sector**

Section 39

AMENDMENT:

Replace "120th day" in the first paragraph by "150th day".

Adopté
AML

Bill 110

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Section 39

AMENDMENT:

Insert the following paragraph after the first paragraph:

The parties may jointly inform the minister responsible for the administration of the Labour Code that they are extending the period provided for in the first paragraph to the 180th day.

*Adopté
AM*

Bill 110

**An Act respecting the process of
negotiation of collective agreements and
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Section 40

AMENDMENT:

(1) Add the following sentence at the end of the first paragraph: "The minister may act on the Minister's own initiative if no notice has been received on the 15th day after the day of expiry of either of the time limits provided for in that section, as applicable."

(2) Insert the following paragraph after the first paragraph:

Despite the first paragraph, at all times, the Minister must appoint a mediator on the joint application of the parties.

Adopté
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Bill 110

**An Act respecting the process of
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Section 43

AMENDMENT:

Replace the first paragraph by the following paragraph:

The special mandatary must possess, in addition to recognized experience in labour relations, experience in the municipal field or in the field of economy.

Adopté
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Bill 110

**An Act respecting the process of
negotiation of collective agreements and
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municipal sector**

Section 44

AMENDMENT:

- (1) Insert the following paragraph after the first paragraph:

The parties are required to provide the special mandatary with all the relevant information needed to perform the special mandatary's mandate.

- (2) Add "for the sake of fairness to the parties" after "section 17" in the second paragraph.

*Adopté
AMK*

Bill 110

**An Act respecting the process of
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Section 47

AMENDMENT:

Replace “the field of labour relations or municipal law” in subparagraph 1 of the third paragraph by “labour relations or in the municipal field”.

*Adopté
AM*

Bill 110

**An Act respecting the process of
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Section 51

AMENDMENT:

Strike out “de” before “cinq” in the French text.

*Adapté
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Bill 110

**An Act respecting the process of
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Section 53

AMENDMENT:

Add the following “, which time may not exceed twice the time provided for in the first paragraph of that section” after “determine” in the proposed paragraph.

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Bill 110

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Section 55

AMENDMENT:

Replace by the following section:

55. For collective agreements expired before 1 January 2014 for which no new collective agreements have been reached by the parties before (*insert the date of assent to this Act*), the notice provided for in section 4 or 39 must be given by the employer on the 75th day after (*insert the date of assent to this Act*).

For collective agreements expired in 2014 for which no new collective agreements have been reached by the parties before (*insert the date of assent to this Act*), the notice provided for in section 4 or 39 must be given by the employer on the 105th day after (*insert the date of assent to this Act*).

For collective agreements expired in 2015 for which no new collective agreements have been reached by the parties before (*insert the date of assent to this Act*), the notice provided for in section 4 or 39 must be given by the employer on the 135th day after (*insert the date of assent to this Act*).

For collective agreements expired between 1 January 2016 and the 90th day before (*insert the date of assent to this Act*) for which no new collective agreements have been reached by the parties before (*insert the date of assent to this Act*), the notice provided for in section 4 or 39 must be given by the employer on the 150th day after (*insert the date of assent to this Act*).

The parties may jointly send the notice provided for in sections 4 and 39 before the expiry of the time limits provided for in the preceding paragraphs.

The stage of negotiation provided for in section 4 is deemed to begin on (*insert the date of assent to this Act*) when

(1) a collective agreement expiring within 90 days before or after that date is being renewed; or

(2) a first collective agreement involving an association that has been certified less than 90 days before that date is being negotiated.

The second and third paragraphs of sections 4 and 39 apply with the necessary modifications.

The Minister may act on the Minister's own initiative if no notice has been received on the 15th day after the day of expiry of a time limit provided for in the first four paragraphs.

Adopté
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Bill 110

**An Act respecting the process of
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municipal sector**

Section 56

AMENDMENT:

- (1) Insert the following paragraph after the second paragraph:

The hearing includes the evidence stage, followed by oral argument, in which parties make their addresses to the arbitrator.

- (2) Replace the fourth paragraph by the following paragraph:

If the employer fails to send the notice provided for in the fourth paragraph within the prescribed time, the certified association may do so itself. The Minister may act on the Minister's own initiative if no notice has been received on the 15th day after the day of expiry of the time limit provided for in the fourth paragraph.

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Bill 110

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Section 56.1

AMENDMENT:

Insert the following section after section 56:

56.1. The conciliation officers who, on *(insert the date of assent to this Act)*, have been designated in accordance with sections 54 and 55 of the Labour Code to assist the parties in reaching an agreement continue to act until the time limits provided for in section 55 have expired.

Adopté
AM