



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 189

**An Act mainly to confer the
responsibility for overseeing collective
agreement decrees on the Commission
des normes, de l'équité, de la santé et de
la sécurité du travail**

Introduction

**Introduced by
Madam Dominique Vien
Minister responsible for Labour**

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EXPLANATORY NOTES

This bill confers the responsibility for overseeing collective agreement decrees on the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

The bill establishes the functions and general powers of the Commission regarding its new responsibilities and provides that certain responsibilities may be delegated by written agreement.

The bill provides for the establishment of monitoring committees, appointed by the Minister, that are composed of an equal number of members representing employees and professional employers. Those committees will be responsible, among other things, for ensuring changes in the conditions of employment provided for in the decrees and applying for any amendment required for that purpose.

In addition, the bill prescribes that the parity committees currently exercising the responsibilities established by the Act respecting collective agreement decrees shall continue to do so until an order of the Government transfers their responsibilities to the Commission or, in the absence of such an order, until the expiry of a four-year term beginning on the date of coming into force of the provisions of this bill.

Under this bill, the Minister is granted the power to amend a collective agreement decree. The Minister is also granted the power to recommend the repeal of a decree, in particular when a group of employees or professional employers the Minister considers representative objects to its renewal.

The bill also confers on the Administrative Labour Tribunal the responsibility of deciding matters of coverage under the Act respecting collective agreement decrees.

The bill updates the amounts of the fines that may be imposed for offences under that Act.

In addition to consequential amendments, the bill contains various transitional measures. It sets out in particular the conditions under which employees of parity committees may become employees of the Commission, grants the Minister the power to issue directives and cancel any decision contrary to the future interests of employees and professional employers, and authorizes the Government to prescribe, by regulation and for a determined period, any other transitional provision or measure needed for the carrying out of the bill.

Lastly, the Decree respecting hairdressers in the Outaouais region is repealed.

LEGISLATION AMENDED BY THIS BILL:

- Tax Administration Act (chapter A-6.002);
- Act respecting collective agreement decrees (chapter D-2);
- Act respecting workforce vocational training and qualification (chapter F-5);
- Taxation Act (chapter I-3);
- Act respecting labour standards (chapter N-1.1);
- Act respecting occupational health and safety (chapter S-2.1);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

LEGISLATION REPEALED BY THIS BILL:

- Act to amend the Act respecting collective agreement decrees (1996, chapter 71).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting training mutuals (chapter D-8.3, r. 7);
- General Regulation respecting supplemental pension plans (chapter R-15.1, r. 6.2);

- Règlement sur les régimes complémentaires d'avantages sociaux dans l'industrie de la construction (chapter R-20, r. 10, French only);
- Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application (chapter S-6.01, r. 2.3).

DECREE REPEALED BY THIS BILL:

- Decree respecting hairdressers in the Outaouais region (chapter D-2, r. 4).

Bill 189

AN ACT MAINLY TO CONFER THE RESPONSIBILITY FOR OVERSEEING COLLECTIVE AGREEMENT DECREES ON THE COMMISSION DES NORMES, DE L'ÉQUITÉ, DE LA SANTÉ ET DE LA SÉCURITÉ DU TRAVAIL

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

1. Section 1 of the Act respecting collective agreement decrees (chapter D-2) is amended

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

“(c) “monitoring committee” means a committee formed under section 16.11;

“(c.1) “Commission” means the Commission des normes, de l'équité, de la santé et de la sécurité du travail;”;

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

“The Government may, for the purposes of this Act and the decrees and regulations under this Act, make a regulation to define the terms and expressions used or to clarify the definitions set out in this section.”

2. The Act is amended by inserting the following section after section 6:

“**6.0.1.** An application for amendment of a decree shall be made to the Minister by the monitoring committee formed under section 16.11.”

3. Section 6.1 of the Act is amended

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

“Sections 4 to 6 apply to an application for amendment, with the necessary modifications. In particular, only the publication in the *Gazette officielle du Québec* referred to in section 5 is required, and the publication and translation costs referred to in that section shall be borne by the Commission.”;

(2) by striking out “the designation, addition or substitution of a contracting party or” in the second paragraph.

4. Section 6.2 of the Act is replaced by the following section:

“6.2. Upon receiving an application for amendment under section 6.0.1, the Minister may, on his own initiative or at the request of the Commission, revise the provisions not covered by the application for amendment on the basis of the criteria provided for in section 6.

The Minister may also, at any time, revise any provision of a decree on the same basis, if he considers it advisable.

For such purposes, the Minister may require that the Commission or monitoring committee provide him with any information or document he considers necessary.”

5. Section 6.3 of the Act is replaced by the following sections:

“6.3. The Minister may not refuse an application for amendment or proceed with an amendment of a decree under section 6.2 without first informing the Commission in writing of his intention and the reasons therefor, asking it to submit that information to the monitoring committee concerned and giving them an opportunity to present observations and to produce documents within a time specified by the Minister.

“6.4. An amendment to a decree shall be made by the Minister.

However, if an amendment to the scope of the decree has the effect of expanding the nature of the work covered by the decree or extending the territory to which it applies, the Minister shall consult any other minister concerned by the amendment.”

6. Section 7 of the Act is amended by inserting “or an order amending a decree” after “decree”.

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

“8. A decree ceases to have effect when the members of the monitoring committee formed under section 16.11 representing the employees or those representing the professional employers object to its renewal according to the procedure provided for in the decree.

The Minister shall publish a notice to that effect in the *Gazette officielle du Québec*.

“8.1. The Minister may recommend that the Government repeal a decree if he considers that the criteria set out in section 6 are no longer satisfied. The Minister may also recommend the repeal of the decree when a group constituted of employees or professional employers that he considers representative of the employees or employers covered by the decree object to its renewal following the procedure provided in the decree.

However, the Minister may not recommend the repeal of the decree without first informing the Commission in writing of his intention and the reasons therefor, asking it to submit that information to the monitoring committee concerned and giving them an opportunity to present observations and produce documents within a time specified by the Minister.

Before recommending the repeal of the decree, the Minister shall also request 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) to give its opinion regarding the repeal of the decree and inform the Comité of the time within which it shall be given.”

8. Section 9 of the Act is amended

(1) by striking out paragraph 1;

(2) by replacing “committee in workforce” in paragraph 2 by “Commission in workforce training and”;

(3) by adding the following at the end:

“(3) imposing the conditions required to carry on a trade or vocation, in particular the condition to obtain an apprenticeship card or a certificate of competency issued pursuant to an Act under the responsibility of the Minister of Employment and Social Solidarity.

The decree may also, for a transitional period and to facilitate its implementation, contain standards referred to in section 16.3. Such transitional standards shall cease to have effect upon the coming into force of the relevant regulation made by the Commission under section 16.3.”

9. Section 10 of the Act is repealed.

10. The Act is amended by inserting the following section after section 11:

“11.0.1. Where an employer does not recognize that he is covered by a decree, the Commission shall render a decision.

However, the Commission shall provide the employer with the prior notice prescribed by section 5 of the Act respecting administrative justice (chapter J-3) and allow the employer at least 10 days to present observations. It shall also notify the employer of its decision in writing, with reasons.”

11. Section 11.1 of the Act is amended by replacing “committees” in the first paragraph by “Commission”.

12. Section 11.2 of the Act is amended by striking out the second paragraph.

13. The Act is amended by inserting the following sections after section 11.2:

“**11.2.1.** If no agreement referred to in section 11.1 is reached, the Commission shall render a decision in the manner provided for in section 11.0.1.

“**11.2.2.** An employer may, within 30 days of receiving the decision referred to in section 11.0.1 or section 11.2.1, apply in writing for a review of the decision. The Commission shall notify the employer of its decision within 30 days of receiving the application.”

14. Section 11.3 of the Act is replaced by the following section:

“**11.3.** An employer who believes he has been wronged by a review decision may contest it before the Administrative Labour Tribunal within 30 days of notification of the decision.”

15. Section 11.4 of the Act is repealed.

16. Section 11.5 of the Act is amended

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

“The Administrative Labour Tribunal shall determine, as the case may be, whether there is coverage or which decree is applicable to the employees concerned.”;

(2) by replacing “his award”, “arbitrator” and “awards” in the second paragraph by “its decision”, “Tribunal” and “decisions”, respectively;

(3) by replacing “arbitrator”, “his award”, “application for arbitration” and “he may” in the third paragraph by “Tribunal”, “its decision”, “date of the contestation before the Tribunal” and “the Tribunal may”, respectively.

17. Sections 11.6 and 11.7 of the Act are repealed.

18. Section 11.8 of the Act is amended by replacing “an arbitration award” by “a decision of the Administrative Labour Tribunal”.

19. Section 11.9 of the Act is repealed.

20. The Act is amended by inserting the following section after section 11.9:

“**11.10.** An application for review referred to in section 11.2.2 interrupts the prescription applicable to a civil action until a final decision is rendered by the Commission or, if applicable, by the Administrative Labour Tribunal.”

21. Sections 14, 14.1 and 14.2 are replaced by the following section:

“14. Sections 95, 96 and 97 of the Act respecting labour standards (chapter N-1.1) apply to the standards established in this Act and to any resulting claim.”

22. The heading preceding section 16 of the Act is replaced by the following heading:

“FUNCTIONS AND POWERS OF THE COMMISSION AND THE MONITORING COMMITTEES”.

23. Section 16 of the Act is replaced by the following sections:

“16. The Commission is responsible for overseeing and ascertaining compliance with collective agreement decrees.

For this purpose, the Commission shall establish specific programs for overseeing the application of the decrees for which it is responsible.

“16.1. The Commission shall advise and inform the employees and professional employers of the conditions of employment provided for in the decree applicable to them.

The Commission shall receive any complaint respecting the application of the decree and shall endeavour to bring the employees and professional employers to an agreement in case of disagreement respecting the application of this Act or the decree applicable to them.

“16.2. For the purpose of collecting the amounts owing to an employee, the Commission shall exercise the powers provided for in paragraphs 1, 2, 4, 5, 8 to 10 and 13 to 16 of section 39 of the Act respecting labour standards (chapter N-1.1). Sections 98, 99, 101 to 111, 113 to 116 and 118 to 121 of that Act apply, with the necessary modifications.

“16.3. The Commission may, by regulation,

(1) determine specific information that a professional employer is required to enter in the registration system or the register he keeps in accordance with the Regulation respecting a registration system or the keeping of a register (chapter N-1.1, r. 6), in addition to the information required under that regulation, and prescribe the transmission of a report containing some or all of that information, according to the frequency and other terms determined by the Commission;

(2) determine, for the application of the decree, the supplementary contribution to be paid by a professional employer in addition to the contribution required by a regulation made under paragraph 7 of section 29 of the Act respecting labour standards (chapter N-1.1) and, if applicable, by an employee and oblige the professional employer to collect the contribution imposed on employees according to the terms determined in the regulation;

(3) determine, for the application of the decree, the contribution to be paid by an artisan subject to the contribution;

(4) determine the contribution to be paid by a professional employer and, if applicable, by an employee for the purpose of workforce training and skills development, and oblige the professional employer to retain the employee contribution out of his employees' wages;

(5) fix the amounts it may levy, from the funds kept in trust, for the administration of the funds provided for in this Act;

(6) determine the fees payable for using the services offered by the Commission for workforce training and skills development, and determine exemptions; and

(7) determine any measure conducive to the efficient application of the provisions of a decree.

The Commission may make a regulation for the application of several decrees and provide for different standards depending on the decree. The regulation shall be approved by the Government, with or without amendment.

“16.4. If the Commission fails to adopt a regulation within the time the Government considers reasonable, the Government may adopt the regulation.

The Government shall then publish in the *Gazette officielle du Québec* the draft regulation it wishes to adopt with a notice indicating that at the expiry of 60 days following the notice the draft regulation will be adopted by the Government, with or without amendment.

The publication is not required if the Commission has already caused the draft regulation to be published in the *Gazette officielle du Québec* and if no amendment is made to it by the Government.

The regulation comes into force on the tenth day after publication in the *Gazette officielle du Québec* of its final text together with the order under which it was made or on any later date fixed in the order.

“16.5. The Commission shall administer any pension or insurance plan and any other social benefits plan or fund provided for in a decree.

For that purpose, the Commission may collect the requisite contributions, verify eligibility to the benefits claimed, establish a procedure for reviewing decisions and pay the benefits owed.

“16.6. The Commission may, according to law, enter into an agreement with a government department or body, with another government or an international organization or with a body of that government or organization for the application of this Act and the regulations thereunder.

The Commission may, in particular, enter into agreements with a government department or body respecting workforce training and skills development and exercise the functions delegated to it in accordance with that agreement and the law. The agreement may provide in particular that the Commission exercises the functions delegated to it in a different territory than the one provided for in the decree and in respect of persons who are not covered by the decree. In the latter case, the agreement may provide for different fees depending on whether they apply to a person who is covered or a person who is not covered, when a regulation made under subparagraph 4 of the first paragraph of section 16.3 is in force.

“16.7. The Commission may also, by agreement, delegate to a government department or body or to another organization constituted as a legal person the exercise of the following functions resulting from this Act or a decree:

(1) the administration of a plan or a fund referred to in section 16.5, provided that security is required if the delegatee is another organization constituted as a legal person;

(2) the administration of a system for apprenticeship and recognition of certificates of competency provided for in a decree; and

(3) the functions delegated to the Commission under an agreement concerning workforce training and skills development referred to in the second paragraph of section 16.6, provided that the agreement so permits and on the conditions established in that agreement.

The delegation agreement shall stipulate in particular the delegated functions and powers, cover for the financing of the delegated activities and provide for the applicable accountability mechanisms as well as the other terms and conditions of the delegation. The delegation agreement shall be approved by the Minister and shall come into force 10 days after the publication in the *Gazette officielle du Québec* of a notice to that effect or on any later date fixed in the agreement.

“16.8. Sections 39.0.3 to 39.0.6 of the Act respecting labour standards (chapter N-1.1) apply to contributions that a professional employer or artisan must pay or collect under a regulation made in accordance with any of subparagraphs 2 to 4 of the first paragraph of section 16.3, with the necessary modifications.

“16.9. The Commission shall submit to the Minister, at his request and in the manner and within the time he determines, the statistics, reports or other information the Minister considers necessary, in particular the information concerning the number of professional employers and employees covered, oversight and inquiry activities carried out and recourses dealt with by decree.

“16.10. The Commission shall contribute to the Administrative Labour Tribunal Fund, referred to in section 97 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), to cover the expenses incurred by the Tribunal in relation to recourses brought before the Tribunal under this Act.

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

“16.11. For each decree, the Minister shall form a monitoring committee responsible mainly for ensuring changes in the conditions of employment provided for in the decree and applying for any amendment required for this purpose.

One committee may however be given the responsibility of more than one decree.

The composition of the committee is published in the *Gazette officielle du Québec*.

“16.12. A monitoring committee is composed of an equal number of members representing professional employers and employees covered by the decree who are considered by the Minister to be representative of the employers and employees concerned.

“16.13. In addition to applying for amendments to a decree, the monitoring committee shall examine any specific program for overseeing the application of decrees established under the second paragraph of section 16 and present the observations it considers appropriate.

The committee may also submit opinions when it is consulted on:

- (1) any regulation the Commission intends to make under this Act;
- (2) any tools the Commission intends to propose to facilitate the application of this Act;
- (3) any problems encountered in the application of this Act that the Commission identifies; and
- (4) any other matter that the Commission considers relevant to submit to the committee or that the Minister determines.

The committee shall also cooperate in responding to any request by the Minister under section 16.9, to the extent determined by the Commission.

At the request of the Commission or the committee, the Minister shall designate a conciliator to help the committee submit recommendations on the changes in the conditions of employment provided for in the decree. Sections 55 to 57 of the Labour Code (chapter C-27) apply, with the necessary modifications.

“16.14. The Commission shall assume the secretarial work for the monitoring committee.

The Commission shall designate a secretary for the committee, who shall call the meetings, attend them without a right to vote and see to the preparation and conservation of the minutes, requests and opinions of the committee.

The secretary of the committee shall, without delay, send to the Minister any application for amendment of the decree made by the committee.

“16.15. The Minister shall determine rules of governance applicable to all monitoring committees, in particular as to the minimum frequency of meetings.

The members of the committee shall receive no remuneration, except in the cases and on the conditions determined by the Minister. They are, however, entitled to reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Minister. Remuneration and reimbursement of expenses shall be borne by the Commission.

The rules of governance are published in the *Gazette officielle du Québec*.

“16.16. The Minister may also appoint an observer to the monitoring committee for the term he determines. The secretary of the committee must then convene the observer to the meetings of the committee, to which the observer shall participate without a right to vote.

The observer shall report his observations to the Minister, according to the terms the Minister determines.

The observer is entitled to remuneration and reimbursement of his expenses in the same manner as if he were a member of the committee.”

24. Sections 17 to 28.1 of the Act are repealed.

25. Section 28.2 of the Act is amended by replacing “The Government may, by regulation,” by “The Minister may”.

26. Section 30 of the Act is amended

(1) by replacing “of a committee” in paragraph *a* by “of the Commission”;

(2) by replacing “\$200 to \$500” and “\$500 to \$3,000” at the end by “\$600 to \$1,200” and “\$1,200 to \$6,000”, respectively.

27. Section 30.1 of the Act is amended

(1) by replacing everything that follows “section 30” in the first paragraph by “may file a complaint in writing with the Commission”;

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

“A complaint filed under the first paragraph is deemed, for the purposes of the employee’s exercise of a recourse, to have been filed under section 123 of the Act respecting labour standards (chapter N-1.1).”

28. Section 32 of the Act is repealed.

29. Section 33 of the Act is amended

(1) by replacing “furnish the representatives of a committee with the information contemplated in subparagraph *e* of section 22, in the manner therein prescribed, or does not grant them on request, or delays to grant them,” by “provide the Commission with any information it is entitled to require, or does not grant it on request or delays to grant it,”;

(2) by replacing “, as provided in said paragraph, or molests or hinders or insults the said representatives” by “required or molests or hinders or insults its representatives”;

(3) by replacing “\$200 to \$500” and “\$500 to \$3,000” at the end by “\$600 to \$1,200” and “\$1,200 to \$6,000”, respectively.

30. Section 34 of the Act is amended by replacing “of not less than \$200 but not exceeding \$500 for the first offence, and to a fine of not less than \$500 but not exceeding \$3,000 in the case of a second or subsequent conviction” by “of \$600 to \$1,200 and, in the case of a second or subsequent conviction, to a fine of \$1,200 to \$6,000”.

31. Section 35 of the Act is amended

(1) by inserting “a decree or” after “contravenes”;

(2) by replacing “\$50 to \$200” and “\$200 to \$500” by “\$300 to \$500” and “\$600 to \$1,200”, respectively.

32. Section 36 of the Act is amended by replacing “\$50 to \$200” and “\$200 to \$500” by “\$300 to \$500” and “\$600 to \$1,200”, respectively.

33. Section 37.1 of the Act is repealed.

34. Section 38 of the Act is amended by replacing “\$50 to \$200” and “\$200 to \$500” by “\$100 to \$1,200” and “\$1,200 to \$6,000”, respectively.

35. Sections 39.1, 41 and 43 to 47 of the Act are repealed.

36. Section 48 of the Act is amended by replacing both occurrences of “committee” by “Commission”.

37. Section 49 of the Act is amended by replacing “a committee” by “the Commission”.

38. Section 50 of the Act is amended by replacing “committee-plaintiff” by “Commission”.

39. Section 52 of the Act is replaced by the following section:

“**52.** Penal proceedings for an offence under a provision of this Act may be instituted by the Commission.”

OTHER AMENDING PROVISIONS

TAX ADMINISTRATION ACT

40. Section 69.1 of the Tax Administration Act (chapter A-6.002) is amended by inserting “and of a professional employer referred to in the Act respecting collective agreement decrees (chapter D-2)” after “(chapter N-1.1)” in subparagraph g of the second paragraph.

ACT RESPECTING WORKFORCE VOCATIONAL TRAINING AND QUALIFICATION

41. Section 43 of the Act respecting workforce vocational training and qualification (chapter F-5) is amended

(1) by striking out “the parity committees constituted under the Act respecting collective agreement decrees (chapter D-2),” in the first paragraph;

(2) by striking out “of a parity committee,” in the second paragraph.

TAXATION ACT

42. Section 75.2 of the Taxation Act (chapter I-3) is amended by striking out “by a parity committee of the automobile industry formed” in the second paragraph.

ACT RESPECTING LABOUR STANDARDS

43. Section 39.0.1 of the Act respecting labour standards (chapter N-1.1) is amended, in the first paragraph,

(1) by striking out subparagraph 13 in the definition of “employer subject to contribution”;

(2) by striking out subparagraph 3 in the definition of “remuneration subject to contribution”.

44. Section 102 of the Act is amended by striking out “or a decree” and “or that decree” in the second paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

45. Section 8.0.1 of the Act respecting occupational health and safety (chapter S-2.1) is amended by inserting “, the Act respecting collective agreement decrees (chapter D-2)” after “(chapter N-1.1)”.

46. Section 172.1 of the Act is amended

(1) by inserting the following paragraph after the first paragraph:

“The Commission may also generally or specially authorize a person to exercise the powers conferred on it by the Act respecting collective agreement decrees (chapter D-2), on the conditions provided in that Act, if any.”;

(2) by inserting “or the second” after “first” in the second paragraph.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

47. Section 98 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “section 16.10 of the Act respecting collective agreement decrees (chapter D-2),” after “(chapter A-3.001),” in subparagraph 2 of the first paragraph.

48. Schedule I to the Act is amended by replacing paragraph 7 by the following paragraph:

“(7) section 11.3 and the first paragraph of section 30.1 of the Act respecting collective agreement decrees (chapter D-2);”.

ACT TO AMEND THE ACT RESPECTING COLLECTIVE AGREEMENT DECREES

49. Section 39 of the Act to amend the Act respecting collective agreement decrees (1996, chapter 71) is repealed.

DECREE RESPECTING HAIRDRESSERS IN THE OUTAOUAIS REGION

50. The Decree respecting hairdressers in the Outaouais region (chapter D-2, r. 4) and any regulation made under the decree are repealed.

REGULATION RESPECTING TRAINING MUTUALS

51. Section 3 of the Regulation respecting training mutuals (chapter D-8.3, r. 7) is amended by striking out “or a parity committee constituted under the Act respecting collective agreement decrees (chapter D-2)” in the first paragraph.

GENERAL REGULATION RESPECTING SUPPLEMENTAL PENSION PLANS

52. Section 2 of the General Regulation respecting supplemental pension plans (chapter R-15.1, r. 6.2) is amended

(1) by replacing “a parity committee established under the Act respecting collective agreement decrees (chapter D-2)” by “the Commission des normes, de l’équité, de la santé et de la sécurité du travail”;

(2) by replacing “a plan established by decree” by “a plan established by a collective agreement decree in accordance with the Act respecting collective agreement decrees (chapter D-2)”.

RÈGLEMENT SUR LES RÉGIMES COMPLÉMENTAIRES D’AVANTAGES SOCIAUX DANS L’INDUSTRIE DE LA CONSTRUCTION

53. Section 6 of the Règlement sur les régimes complémentaires d’avantages sociaux dans l’industrie de la construction (chapter R-20, r. 10, French only) is amended

(1) by replacing “le comité paritaire qui administre le” in the second paragraph by “de la Commission des normes, de l’équité, de la santé et de la sécurité du travail en sa qualité d’administrateur du”;

(2) by replacing “du comité paritaire qui administre le” in the third paragraph by “la Commission des normes, de l’équité, de la santé et de la sécurité du travail en sa qualité d’administrateur du”.

54. Section 6.1 of the Règlement is amended by replacing “le Comité paritaire des matériaux de construction” by “la Commission des normes, de l’équité, de la santé et de la sécurité du travail”.

PILOT PROJECT CONCERNING REMUNERATED PASSENGER TRANSPORTATION SERVICES REQUESTED EXCLUSIVELY USING A MOBILE APPLICATION

55. Section 33 of the Pilot project concerning remunerated passenger transportation services requested exclusively using a mobile application (chapter S-6.01, r. 2.3) is amended by striking out “by a parity committee” in subparagraph 1 of the fifth paragraph.

TRANSITIONAL AND FINAL PROVISIONS

56. Subject to section 57, the Act respecting collective agreement decrees (chapter D-2) as it reads on (*insert the date that precedes the date of coming into force of this Act*) shall continue to apply in respect of each decree in force and each parity committee in office on that date.

The Act shall continue to apply and to govern the duties, powers and responsibilities of any parity committee that remained in office until an order of the Government transfers the responsibility for overseeing the decree for which it was responsible to the Commission des normes, de l'équité, de la santé et de la sécurité du travail or, in the absence of such a decree, until (*insert the date that is four years after the date of coming into force of this Act*), on which date the responsibilities of any parity committee not covered by a decree on that date, as the case may be, are transferred to the Commission.

57. Until the responsibility for overseeing a decree is transferred to the Commission des normes, de l'équité, de la santé et de la sécurité du travail, sections 11.3 to 11.9 of the Act respecting collective agreement decrees are to be read as follows:

“11.3. If no agreement can be reached concerning the double coverage or overlapping of fields of activity, the matter may be referred to the Administrative Labour Tribunal by any of the parties concerned.

“11.4. The Administrative Labour Tribunal shall determine which decree is applicable to the employees concerned.

In rendering its decision, the Tribunal may, subject to the third paragraph, take into account, among other things, the agreements made and the decisions rendered in similar circumstances.

In an instance of double coverage, the Tribunal must render its decision on the basis of the main activity of the enterprise of the professional employer in the 12-month period preceding the date of the contestation to the Tribunal. To determine the main activity, the Tribunal may consider in particular the total number of employees and the volume of products, services and volume of business in each field of activity.

“11.5. The agreement made under section 11.1 and the decision of the Administrative Labour Tribunal bind the parties concerned until the date of expiry of the applicable decree, unless the employees concerned are, in the intervening time, excluded from the scope of the decree.

Despite the first paragraph, sections 11.3 to 11.9 of the Act respecting collective agreement decrees as they read on (*insert the date preceding the date of assent to this Act*) shall continue to apply to situations that are the object of pending arbitrations on that date.”

58. Section 11.5 of the Act respecting collective agreement decrees, as enacted by section 16 of this Act, does not apply to recourses brought before a court of justice by a parity committee before its dissolution.

59. The government order referred to in the second paragraph of section 56 may provide for any transitional provision or measure needed for transferring to the Commission des normes, de l'équité, de la santé et de la sécurité du travail the responsibilities for the application of a collective agreement decree.

The order may provide in particular for amendments to a collective agreement decree, determine which regulations shall remain in force and make any useful amendment to those regulations. Such regulations are then deemed to be regulations of the Commission.

Sections 8 and 17 of the Regulations Act (chapter R-18.1) do not apply to such an order.

60. A delegation agreement referred to in section 16.7 of the Act respecting collective agreement decrees, as enacted by section 23 of this Act, may be entered into before the coming into force of the order referred to in the second paragraph of section 56, or in the absence of such an order, before the expiry of the four-year term beginning on the coming into force of this Act. However, the delegation agreement shall come into force only on the date of coming into force of the order or on any later date indicated in the order.

61. The coming into force of the order referred to in the second paragraph of section 56 or, in the absence of such an order, the expiry of the four-year term beginning on the coming into force of this Act, entails the dissolution of the parity committee concerned.

The Commission des normes, de l'équité, de la santé et de la sécurité du travail replaces the parity committee concerned; it acquires the parity committee's rights, assumes its obligations and, without continuance of suit, becomes party to any proceeding to which the committee was party.

The Commission is responsible for ensuring the winding-up of the committee. The Commission or the person it designates shall give notice of the dissolution of the committee entered in the enterprise register by filing a declaration to that effect in accordance with the Act respecting the legal publicity of enterprises (chapter P-44.1) and shall act in accordance with articles 359 and 360, the first paragraph of article 361 and articles 362 and 364 of the Civil Code. The Commission shall dispose of the remaining property of the committee in accordance with the instructions of the Minister, who may, among other things, deliver the remaining property to the Commission or devote it to a similar work designated by the Government.

62. The employees of a parity committee identified by the Minister on the recommendation of the Commission become, without further formality, employees of the Commission on the dates the Commission determines.

These employees are deemed to have been appointed according to the Public Service Act (chapter F-3.1.1). In the case of casual employees, this presumption applies only to the unexpired portion of their contract.

The Conseil du trésor shall determine the classification, remuneration and any other condition of employment applicable to them.

The employment contract of the other personnel members of the committee still in office at the date of dissolution of the parity committee shall be terminated on that date.

63. For the purposes of the first paragraph of section 62,

(1) the number of employees identified by the Minister may not be greater than the number of employees determined by an order of the Government referred to in the second paragraph of section 56 or, in the absence of such an order, by an order made for that purpose;

(2) the employees identified by the Minister must be in office in the parity committee on the date preceding the date where they become employees of the Commission; and

(3) the dates determined by the Commission may not be later than the date where the parity committee is dissolved.

64. As of the coming into force of an order referred to in the second paragraph of section 56, any reference to the parity committee concerned in any Act, regulation, order or other document shall be a reference to the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

65. The Minister may, with regard to any parity committee, issue any directive on the management of its human, budgetary, physical or information resources in order to facilitate the transfer of responsibilities provided for in this Act to the Commission des normes, de l'équité, de la santé et de la sécurité du travail. A directive may also specify the information that must be sent to the Minister and the time limit for doing so. A directive is binding on the committee concerned and the committee shall comply with it.

66. The Minister may cancel any decision of a parity committee if it affects its human, budgetary, physical or information resources in a manner the Minister considers contrary to the future interests of the employees and professional employers covered by the decree for which he is responsible.

Such a cancellation may apply to any decision made between (*insert the date of the introduction of this bill*) and the date of coming into force of the order referred to in the second paragraph of section 56 or, in the absence of such an order, on (*insert the date that is four years after the date of coming into force of this Act*). The cancellation has effect from the date on which it is ordered. No decision may however be cancelled more than 60 days after the date of coming into force of the order referred to in the second paragraph of section 56 or, in the absence of such an order, after (*insert the date that is four years after the date of coming into force of this Act*).

67. The Government may, by regulation and not later than 12 months following the date on which the Commission becomes responsible for the application of all collective agreement decrees, prescribe any other transitional provision or measure needed for the carrying out of this Act.

Such a regulation may, if it so provides, apply from any date not prior to the coming into force of this section.

Sections 8 and 17 of the Regulations Act (chapter R-18.1) do not apply to such a regulation.

68. This Act comes into force on (*insert the date of assent to this Act*).

