

Bill 33

**An Act to amend
the Labour Code
concerning the maintenance of
essential services in public services
and in the public and parapublic sectors**

Section 3

AMENDMENT:

Add after proposed section 111.0.17.1:

“111.0.17.2. Before rendering a decision under the first or second paragraph of section 111.0.17 or the second paragraph of section 111.0.17.1, the Tribunal shall give the parties and, if applicable, the person having a sufficient interest, the opportunity to submit their views.”

Adoptée

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Section 3

AMENDMENT:

Replace the first and second paragraphs of proposed section 111.0.17 by:

If of the opinion that a strike may endanger public health or safety, the Tribunal, on its own initiative or at the request of an employer or of a certified association in a public service, may order both parties to maintain essential services in the event of a strike.

For the same reason, the Tribunal, on its own initiative or at the request of a service, undertaking or enterprise not referred to in section 111.0.16 or of a certified association in that service, undertaking or enterprise, may order both parties to maintain essential services in the event of a strike, if the service, undertaking or enterprise, because of the nature of its operations, is comparable to a public service. In such a case, the service, undertaking or enterprise is considered a public service for the purposes of this Code.

The Tribunal may in addition render a decision under the first or second paragraph at the request of a person other than a party, if it considers that the person has a sufficient interest.

Adoptée

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Section 3

AMENDMENT:

Replace “an interested person’s” in the second paragraph of proposed section 111.0.17.1 by “a party’s”.

Adoptée

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Section 12

AMENDMENT:

Replace "If applicable, the negotiation must be conducted" in the first paragraph of proposed section 111.10.1 by "The negotiation may be conducted".

Adopted

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s. 13 (111.10.2)

Bill 33

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Section 13

AMENDMENT:

Replace “15 working days” in proposed section 111.10.2 by “10 working days”.

Adopter

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Section 13

AMENDMENT:

Replace by:

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13. Section 111.10.2 of the Code is replaced by the following section:

“**111.10.2.** Every institution shall, at the request of the Tribunal or of a certified association, communicate to both of them any relevant information on the essential services that must be maintained, within 15 working days after receipt of the request. The request must specify the required information.”

Ad-pte' ce

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Section 22.1

AMENDMENT:

Insert after section 22:

22.1. For the purpose of determining the essential services that must be maintained in the event of a strike by a certified association to which a collective agreement that expires on 31 March 2020 applies, the Tribunal may, at the parties' request, settle any difficulty arising out of the application of sections 111.10.1 and 111.10.3 of the Labour Code, respectively amended by sections 12 and 14.

The Tribunal may also

(1) make recommendations on the parameters to be agreed on by an association or a group of associations it forms part of and an institution or its representative; and

(2) make recommendations as to the content and breakdown of the essential services provided for in an agreement or a list, before the agreement or list is communicated to it under those sections 111.10.1 and 111.10.3.

The Tribunal shall render a decision or issue recommendations within 30 days.

Adopted

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Section 24

AMENDMENT:

Replace by:

24. An employer and a certified association subject to an order made under section 111.0.17 of the Labour Code, as it read before (*insert the date of coming into force of this Act*), are deemed to be subject, from that date, to a decision of the Administrative Labour Tribunal rendered under the first paragraph of section 111.0.17 of the Labour Code, replaced by section 3.

A party may however request the Tribunal to revoke the decision in accordance with the second paragraph of section 111.0.17.1 of the Labour Code, enacted by section 3.”

Adoptée

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Section 20.1

AMENDMENT:

Insert after section 20:

20.1. The Code is amended by inserting the following section after section 111.21:

“111.21.1. Any negotiation of essential services that are governed by this chapter must be begun and carried on diligently and in good faith.”

Adopted