



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 594

**An Act to amend the Labour Code
in order to protect the rights of
agricultural employees**

Introduction

**Introduced by
Mr. Guy Ouellette
Member for Chomedey**

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EXPLANATORY NOTES

This bill amends the Labour Code in order to protect the rights of all agricultural employees.

To that end, special provisions apply to agricultural operations that ordinarily and continuously employ less than three employees.

LEGISLATION AMENDED BY THIS BILL:

- Labour Code (chapter C-27).

Bill 594

AN ACT TO AMEND THE LABOUR CODE IN ORDER TO PROTECT THE RIGHTS OF AGRICULTURAL EMPLOYEES

AS farm workers' right of association must be granted to all agricultural employees, irrespective of the number of employees on a farm, and as that right must be regulated;

AS the fifth paragraph of section 21 of the Labour Code (chapter C-27) will become invalid after the 12-month period following the judgment handed down on 11 March 2013 by the Superior Court of Québec in the matter of *L'Écuyer v. Côté*, [2013] QCCS 973, in records 500-17-058367-106 and 500-17-058556-104;

AS work organization, the maintenance of harmonious relations and the sound management of human resources are key to the success of farms;

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 1 of the Labour Code (chapter C-27) is amended by inserting the following paragraph after paragraph *o*:

“(o.1) “agricultural operations”: all activities related to agriculture, horticulture, poultry raising or livestock raising, including any other practices that form an integral part of such activities;”.

2. Section 21 of the Code is amended by striking out the fifth paragraph.

3. The Code is amended by inserting the following after section 111.26:

“CHAPTER V.3

“SPECIAL PROVISIONS APPLICABLE TO AGRICULTURAL OPERATIONS

“**111.27.** This chapter applies to agricultural operations that ordinarily and continuously employ less than three employees.

“**111.28.** Chapters III and V do not apply to agricultural operations that ordinarily and continuously employ less than three employees.

“**111.29.** An employer must give an association of employees a reasonable opportunity to make representations about the terms and conditions

of employment of one or more of its members who are employed by that employer. For greater certainty, an association of employees may make its representations through a person who is not a member of the association.

“111.30. An association of employees may make its representations orally or in writing. If the representations are made in writing, the employer gives the association a written acknowledgment that the employer has read them.

“111.31. The following considerations, among others, are relevant to the determination of whether a reasonable opportunity has been given:

- (1) the timing of the representations relative to concerns that may arise in running an agricultural operation, including weather, animal health and safety and plant health; and
- (2) the frequency and repetitiveness of the representations.

“111.32. The owner of an agricultural operation where employees are living on lands under the owner’s control must allow any representative holding an authorization issued by the Commission to have access to such lands.

Access to a property allowed by the Commission must not interfere with

- (1) normal agricultural practices, including agricultural practices intended to control the quality of agricultural products;
- (2) agricultural practices that are innovative or experimental;
- (3) human health and safety;
- (4) animal health and safety;
- (5) plant health;
- (6) planting, growing and harvesting;
- (7) bio-security needs; or
- (8) the right to privacy or the right of ownership.

“111.33. No employer, employers’ association or person acting on behalf of an employer or an employers’ association may interfere with the formation, selection or administration of an association of employees, the representation of employees by an association of employees or the lawful activities of an association of employees. However, nothing in this section may be construed as depriving an employer of the employer’s freedom to express views so long

as the employer does not use coercion, intimidation, threats, promises or undue influence.

“111.34. An employee, an association of employees, an employer, an employers’ association or any other person or entity directly involved in an activity related to the exercise of a right under this chapter may file a written complaint with the Commission.”

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

