



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 8

**An Act to amend the Labour Code with
respect to certain employees of farming
businesses**

Introduction

**Introduced by
Mr. Sam Hamad
Minister of Labour**

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EXPLANATORY NOTES

This bill introduces special provisions into the Labour Code for employees of farming businesses that ordinarily and continuously employ fewer than three employees.

It requires, among other things, that the employer give an association of employees a reasonable opportunity to make representations concerning the employees' conditions of employment and that the employer take note of the representations.

It also provides that diligence and good faith must govern all discussions between the association of employees and the employer.

Furthermore, the bill confers jurisdiction on the Commission des relations du travail to hear and determine any complaint alleging a contravention of the special provisions.

Lastly, it contains transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Labour Code (chapter C-27).

Bill 8

AN ACT TO AMEND THE LABOUR CODE WITH RESPECT TO CERTAIN EMPLOYEES OF FARMING BUSINESSES

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) “farming business”: an enterprise that is operated by a producer within the meaning of subparagraph *j* of the first paragraph of section 1 of the Farm Producers Act (chapter P-28) and ordinarily and continuously employs fewer than three employees;”.

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 FARMING BUSINESSES

“**111.27.** Divisions II and III of Chapter II and Chapters III to V do not apply to employees of a farming business.

“**111.28.** The employer must give an association of employees of the farming business a reasonable opportunity to make representations about the conditions of employment of its members.

“**111.29.** Considerations relevant in determining whether a reasonable opportunity has been given include the following:

(1) the timing of the representations relative to concerns that may arise in running a farming business, such as planting and harvesting days, weather conditions, animal health and safety and plant health;

(2) the frequency and repetitiveness of the representations.

“**111.30.** An association of employees may make its representations verbally or in writing. The employer listens to representations made verbally and reads those made in writing.

If representations are made in writing, the employer gives the association of employees a written acknowledgement of having read them.

Diligence and good faith must govern the parties' conduct at every stage of discussions between the association of employees and the employer.

“111.31. The employer or the owner of an agricultural operation is required to allow any representative of an association of employees holding a permit issued by the Commission in accordance with the regulation made for that purpose under section 138 to enter and have access to the place where employees are living.

“111.32. An association of employees, an employer or an employers' association that believes that a right conferred by this chapter has not been respected may file a complaint with the Commission.”

4. Section 138 of the Code is amended by replacing “section 8 or 9” in subparagraph *a* of the first paragraph by “sections 9, 111.26 and 111.31”.

TRANSITIONAL AND FINAL PROVISIONS

5. Any certification granted under the Labour Code (chapter C-27) between (*insert the date of introduction of this bill*) and (*insert the date of coming into force of this section*) with respect to employees who are subject to Chapter V.3 of the Code is null.

The same holds for any petition for certification in progress on (*insert the date of coming into force of this section*) with respect to such employees and for any recourse brought in connection with such a petition.

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