

Bill 42

**An Act to group the Commission de l'équité  
salariale, the Commission des normes du  
travail and the Commission de la santé et de la  
sécurité du travail and to establish the  
Administrative Labour Tribunal**

Section 3

**AMENDMENT:**

Strike out the last sentence of the second paragraph.

Adopté  
CH

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Section 5

**AMENDMENT:**

Replace “except matters arising from the enforcement of” by “except matters brought under”.

*Adapté*  
*W*

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Section 9

**AMENDMENT:**

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

(7) omit the names of the persons concerned by a decision when it is of the opinion that the decision contains information of a confidential nature the disclosure of which could be prejudicial to those persons.

*Adopté*  
*CH*

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Section 11

**AMENDMENT:**

Strike out the fourth paragraph.

*Adopté*  
*CP*

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Section 205.1

**AMENDMENT:**

Insert after section 205:

**205.1** The Act is amended by inserting the following section after section 162:

**“162.1.** Each year, the chairman of the board of directors and chief executive officer shall submit to the Minister the financial forecasts of the Commission en matière d'équité salariale for the following fiscal year, in accordance with the form and content and on the date determined by the Commission. The forecasts, which must provide for the continuation of the activities and mission of the Commission en matière d'équité salariale, are submitted to the Minister for approval.”

*Adopté*  
*(H)*

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Section 205.2

**AMENDMENT:**

Insert after section 205.1 introduced by amendment:

205.2 ~~205.1~~ Section 161 of the Act is amended

- (1) by inserting “the commissioners,” after “the Commission,”;
- (2) by adding the following paragraph at the end:

“Moreover, for the purposes of an inquiry, the commissioners have the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.”

*Adopté*  
*(2)*

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Section 205.3

**AMENDMENT:**

Insert after section 205.2 introduced by amendment:

**205.3.** The Act is amended by inserting the following after section 161:

**“DIVISION 1.0.1**

**“INDIVIDUAL DECISIONS IN PAY EQUITY MATTERS**

**“161.0.1.** Individual decisions under the Pay Equity Act (chapter E-12.001) are made by the vice-chairman responsible for matters relating to the Pay Equity Act under section 142, and two commissioners.

The commissioners are appointed by the Government after consultation with bodies that, in the Minister's view, are representative of employers, employees and women.

**“161.0.2.** The commissioners are appointed for a term not exceeding five years. At the expiry of their term, they remain in office until replaced or reappointed.

**“161.0.3.** The commissioners must devote their time exclusively to the duties of their office, which they must exercise on a full-time basis.

**“161.0.4.** The commissioners' remuneration, employee benefits and other conditions of employment are determined by the Government.

**“161.0.5.** The vice-chairman responsible for matters relating to the Pay Equity Act (chapter E-12.001) and one commissioner constitute the quorum at sittings held under this division. In the case of a tie vote, the vice-chairman has a casting vote. The vice-chairman or a commissioner designated by the vice-chairman may, sitting alone, exercise the powers conferred on the Commission under Division I of Chapter VI of the Pay Equity Act (chapter E-12.001).

**“161.0.6.** If a commissioner is absent or unable to act, the Minister may appoint an interim replacement on the conditions the Minister determines.

**“161.0.7.** The Government may, after consultation with the chairman and vice-chairman of the Commission, appoint any additional commissioner for the time it determines if it considers this necessary for the dispatch of business under this division; the Government shall set the additional commissioner’s salary, employee benefits, additional salary, fees and allowances, as applicable.”

*Adopti'*  
*Q*



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Section 205

**AMENDMENT:**

Replace by:

**205.** Section 142 of the Act is amended by adding the following paragraphs at the end:

“One of the vice-chairmen is responsible only for matters relating to the Pay Equity Act (chapter E-12.001). Another vice-chairman is responsible for matters relating to the Act respecting labour standards (chapter N-1.1).

The vice-chairman responsible for matters relating to the Pay Equity Act is appointed after consultation with the Comité consultatif du travail et de la main-d'oeuvre.”

A handwritten signature in black ink, appearing to be 'Adopté' with a large circular flourish at the end.

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Section 25

**AMENDMENT:**

Replace “Conciliators may not disclose nor be compelled to disclose anything revealed to them or learned by them in the exercise of their functions” in the first paragraph by “A person designated by the Tribunal to attempt to bring the parties to an agreement may not disclose or be compelled to disclose anything revealed to or learned by the person in the exercise of the person’s functions”.

Adopté  
W

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Section 36

**AMENDMENT:**

Insert "free of charge" after "court premises".

*Adopté*

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Section 40

**AMENDMENT:**

Replace “Unless otherwise provided in the Tribunal’s rules of evidence and procedure” in the first paragraph by “Except before the occupational health and safety division”.

*Adopté*

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Section 44

**AMENDMENT:**

Replace “If a matter is heard” by “If a matter is continued”.

Adopté  
②

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Section 45

**AMENDMENT:**

In the second paragraph, insert “for rendering a decision” after “special Act”.

Adopté  
(L)

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Section 50

**AMENDMENT:**

Replace "A review or revocation proceeding" by "An application for review or revocation".

Adopté  
(4)

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Section 51

**AMENDMENT:**

Replace “of the competent court” in the third paragraph by “of the Superior Court in the district in which the matter was commenced”.

Adopté  
WP



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Section 51 (as amended)

**AMENDMENT:**

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

The special rule set out in this paragraph does not apply to a matter that is for the occupational health and safety division to hear and decide.

*Adopté*  
*en*

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Section 52

**AMENDMENT:**

Replace “Only an advocate or a notary” by “Only a person”.

*Adopté*  
*(W)*

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Section 83

**AMENDMENT:**

Add the following paragraph at the end:

Only an advocate or a notary may be assigned, permanently or temporarily, to the occupational health and safety division.

*Adopté*  
*CH*

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Section 61

**AMENDMENT:**

Add the following paragraph at the end:

The regulations come into force on the 15th day following the date of their publication in the *Gazette officielle du Québec* or on a later date specified in the regulations.

Adopté  
(2)

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Section 71

**AMENDMENT:**

Strike out "order of".

Adopté  
CP

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Section 88

**AMENDMENT:**

Replace the two occurrences of "positions" by "offices".

Adopté  
24

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Section 98

**AMENDMENT:**

Strike out subparagraph 7 of the first paragraph.

*Adopté!*  
*HL*

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Section 103

**AMENDMENT:**

Replace “concerned by” in the second paragraph by “involved in”.

*Adopté*  
*W*



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Section 105

**AMENDMENT:**

Add, at the end of the first paragraph, “and make exceptions in the application of the rules established by law concerning a recourse or a division of the Tribunal.”

Adopté  
②

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Section 106

**AMENDMENT:**

Replace “The” at the beginning of the section by “Except before the occupational health and safety division, the”.

Adopté  
CP

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Section 114

**AMENDMENT:**

In the proposed third and fifth paragraphs, replace “a contestation under” by “a contestation referred to in”.

*Adopté*  
*CP*

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Section 122

**AMENDMENT:**

In paragraph 2 of the French text, replace “la Commission d’appel en matière de lésions professionnelles” by “, la Commission d’appel en matière de lésions professionnelles”.

*Adopté'*  


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Section 125

**AMENDMENT:**

Replace by :

**125.** Section 72.1 of the Cities and Towns Act (chapter C-19) is replaced by the following section:

“**72.1.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
CH

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Section 126

**AMENDMENT:**

1. Replace paragraph 2 by:
  - (2) by striking out paragraph *i*;
2. Add the following paragraph at the end:
  - (5) by adding the following paragraph at the end:

“(t) “Tribunal”: the Administrative Labour Tribunal established by the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*);”.

*Adopté*  
*(H)*

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Section 131

**AMENDMENT:**

Replace by:

**131.** Section 47.3 of the Code is amended by striking out “, within six months,”.

**131.1.** Section 47.5 of the Code is amended by inserting the following paragraph before “If the Commission considers that”:

“**47.5.** Any complaint based on section 47.2 must be made within six months of the employee becoming aware of the actions giving rise to the complaint.”

A handwritten signature in black ink, appearing to read "Adolphe" with a stylized flourish underneath.

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Section 132

**AMENDMENT:**

Replace "26" by "27".

Adopté!  
GP



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Section 135

**AMENDMENT:**

Replace “the time limits under this Code for rendering a decision, as well as sections 21 to 25, 45, the second and third paragraphs of section 46 and the third and fourth paragraphs of section 51” in proposed section 111.22 by “sections 21 to 23, 35 and 45, the second and third paragraphs of section 46 and the third and fourth paragraphs of section 51”.

*Adopté!*  
*Q*

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Section 146

**AMENDMENT:**

Replace by:

**146.** Article 267.0.3. of the Municipal Code of Québec (chapter C-27.1) is replaced by the following article:

**“267.0.3.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
CP

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Section 148

**AMENDMENT:**

Replace by:

**148.** Section 74 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01) is replaced by the following section:

“**74.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
C4

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Section 149

**AMENDMENT:**

Replace by:

**149.** Section 65 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) is replaced by the following section:

“**65.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
W

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Section 154

**AMENDMENT:**

Add the following sentence at the end of proposed section 205:

The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications.”

*Adopté!*  
*W*

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Section 160

**AMENDMENT:**

Replace by:

**160.** Section 94 of the Act is amended by replacing “its duties and powers” in the introductory clause by “the duties and powers assigned to it by this Act”.

Adopté  
CP

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Section 160.1

**AMENDMENT:**

Insert after section 160:

**160.1.** Section 95.2 of the Act is amended by replacing “the president of the Commission” by “the vice-chairman of the Commission who is responsible for matters relating to this Act”.

Adopté  
CW

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Section 165

**AMENDMENT:**

Replace paragraph 2 by:

“(2) by replacing the third paragraph by the following paragraph:

“The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
(4)



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Section 168.1

**AMENDMENT:**

Insert after section 168:

**168.1.** Section 184.2 of the Act is amended

- (1) by replacing “seven” in the first paragraph by “five”;
- (2) by replacing “Three” in the second paragraph by “Two”;
- (3) by adding the following paragraph after the second paragraph:  
“The quorum of the committee is three members.”

Adopté  
(4)

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Section 174

**AMENDMENT:**

Replace “paragraphs 1 and 2” by “paragraph 1”.

Adopté  
CP

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Section 175.1

**AMENDMENT:**

Insert after section 175:

**175.1.** The Act is amended by inserting the following chapter after section 39.0.0.3:

**“CHAPTER III.0.1**

**“LABOUR STANDARDS ADVISORY COMMITTEE**

**“39.0.0.4.** The Minister shall, by an order published in the *Gazette officielle du Québec*, create a labour standards advisory committee whose role is to provide its opinion on any matter that the Minister or the Commission submits to it concerning the carrying out of this Act.

The advisory committee is composed of the number of members determined by the ministerial order, including at least one person from each of the following groups:

- (1) non-unionized employees;
- (2) unionized employees;
- (3) employers from the big business sector;
- (4) employers from the small and medium-sized business sector;
- (5) employers from the cooperative sector;
- (6) women;
- (7) young people;
- (8) families;

- (9) cultural communities.

The members are appointed after consultation with bodies that, in the Minister's view, are representative of those groups.

The ministerial order may specify how the advisory committee is to carry out its consultations and set out the committee's operating rules.

**"39.0.0.5.** Meetings of the advisory committee are called and chaired by the vice-chairman who is responsible for matters relating to this Act. The Commission shall assume the secretarial work for the committee. The secretary designated by the Commission shall see to the preparation and conservation of the minutes and opinions of the committee.

**"39.0.0.6.** The members of the committee receive no remuneration except in the cases, on the conditions and to the extent determined in the ministerial order. However, they are entitled to be reimbursed for expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the ministerial order.

**"39.0.0.7.** The Commission shall seek the advisory committee's opinion

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

The advisory committee's opinions are not binding on the Commission."

Adopté  
W

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Section 175.2

**AMENDMENT:**

Insert after section 175.1 introduced by amendment:

**175.2.** The Act is amended by inserting the following section after section 145:

“**145.1.** Penal proceedings for an offence under this Act may be instituted  
by the Commission.”

*Adopté!*  
*GP*

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Section 177

**AMENDMENT:**

Replace by:

**177.** Section 123.14 of the Act is replaced by the following section:

**“123.14.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
WP

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Section 178

**AMENDMENT:**

Replace by:

**178.** Section 127 of the Act is replaced by the following section:

“**127.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté  
CP

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Section 191

**AMENDMENT:**

In the proposed paragraph, insert “request,” before “application”.

*Adopte'*  
*Q*



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Section 206.1

**AMENDMENT:**

Insert after section 206:

**206.1.** The Act is amended by inserting the following section after section 172:

**“172.1.** The Commission may generally or specially authorize a person to exercise the powers conferred on it by the Pay Equity Act (chapter E-12.001) and the Act respecting labour standards (chapter N-1.1).

The second paragraph of section 172 applies to a person referred to in the first paragraph.”

*Adopté*  
*(2)*

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Section 206.2

**AMENDMENT:**

Insert after section 206.1:

**206.2.** The Act is amended by inserting the following section after section 174.2:

**“174.3.** The Commission must ensure that measures are implemented to ensure that employees who are members of a professional order governed by the Professional Code (chapter C-26) comply with the standards of conduct to which they are subject.”

Adopté  
CP

Bill 42

**An Act to group the Commission de l'équité  
salariale, the Commission des normes du  
travail and the Commission de la santé et de la  
sécurité du travail and to establish the  
Administrative Labour Tribunal**

Section 212

**AMENDMENT:**

Replace by:

**212.** Section 74 of the Act respecting public transit authorities (chapter S-30.01) is replaced by the following section:

“**74.** The provisions of the Act to group the Commission de l'équité salariale, the Commission des normes du travail and the Commission de la santé et de la sécurité du travail and to establish the Administrative Labour Tribunal (*insert the year and chapter number of this Act*) pertaining to the Administrative Labour Tribunal, its members, their decisions and the exercise of their jurisdiction and section 100.12 of the Labour Code apply, with the necessary modifications.”

Adopté!

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Section 232

**AMENDMENT:**

Strike out the second paragraph.

Adopté  
(H)

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Section 234.1

**AMENDMENT:**

Insert after section 234:

**234.1.** The terms of the members of the board of directors of the Commission de la santé et de la sécurité du travail end on *(insert the date preceding the date of coming into force of paragraph 1 of section 201)*.

Adopté!  
(2)

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Section 234.2

**AMENDMENT:**

Insert after section 234.1 introduced by amendment:

**234.2.** The term of the chair of the board of directors and chief executive officer of the Commission de la santé et de la sécurité du travail ends on (*insert the date preceding the date of coming into force of paragraph 1 of section 201*), without compensation other than the allowance provided for in his or her instrument of appointment.

A handwritten signature in black ink, appearing to be 'Adopté' with a large circular flourish underneath.

Bill 42

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Section 234.3

**AMENDMENT:**

Insert after section 234.2 introduced by amendment:

**234.3.** The terms of the vice-chairs of the Commission de la santé et de la sécurité du travail end on (*insert the date preceding the date of coming into force of paragraph 1 of section 201*), without compensation other than the allowance provided for in their instruments of appointment.

The vice-chairs are reintegrated into the public service under the conditions governing an eventual return to the public service set out in their instruments of appointment.

Adopté  
(2)

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Section 234.4

**AMENDMENT:**

Insert after section 234.3 introduced by amendment:

**234.4.** The second paragraph of section 141 of the Act respecting occupational health and safety (chapter S-2.1) does not apply to the appointment of the chair of the Commission des droits, de la santé et de la sécurité du travail who is to take office on *(insert the date of coming into force of paragraph 1 of section 201)*.

Adopté!  
CP



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Section 239

**AMENDMENT:**

Strike out the second paragraph.

*Adopté!*  
*CP*

Bill 42

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Section 242

**AMENDMENT:**

Replace “investments of the fund of the Commission des lésions professionnelles referred to” by “approved for that fiscal year for the fund of the Commission des lésions professionnelles provided for”, and replace “referred to in section 137.62” by “provided for in section 137.62”.

Adopté  
CP

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Section 243

**AMENDMENT:**

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

The same holds for the commissioners of the Commission des lésions professionnelles who become Tribunal members under the first paragraph as regards the qualification of being an advocate or a notary that is required for appointment to the occupational health and safety division.

*Adopté!*  
*(H)*

Bill 42

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Section 245

**AMENDMENT:**

Replace “end on (*insert the date of assent to this Act*)” in the first paragraph by “end on (*insert the date preceding the date of coming into force of section 1*)”.

*Adopté!*  
*CP*

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Section 249

**AMENDMENT:**

Replace “the oath set out in section 66 and stands in place of it” by “section 66 and stands in place of the oath set out in that section”.

*Adopte'*  
(2)

Bill 42

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Section 255

**AMENDMENT:**

Replace “concerned by” in the fourth paragraph by “involved in”.

*Adopté*  
*LP*

Bill 42

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Section 257

**AMENDMENT:**

Replace “financial” by “budgetary” and “set up” by “facilitate the establishment of”.

*Adopté*  
*CH*

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Section 258

**AMENDMENT:**

Replace “financial” by “budgetary”.

Adopté!  
(2)



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Section 260

**AMENDMENT:**

Replace “is not subject to the publication requirement or the requirement as regards its date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1). However, such a regulation, once published and if it so provides, may” in the second paragraph by “may, if it so provides,”.

Adopté  
@

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Section 263

**AMENDMENT:**

Replace by:

**263.** This Act comes into force on 1 January 2016, except sections 257 to 260 and 262, which come into force on *(insert the date of assent to this Act)*, and section 224, which comes into force on 1 January 2017.

Adopté  
W

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Entire bill

**AMENDMENT:**

Replace all occurrences of "Commission des droits, de la santé et de la sécurité du travail" by "Commission des normes, de l'équité, de la santé et de la sécurité du travail".

*Adopté!*  
*(W)*

Bill 42

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Section 188.1

**AMENDMENT:**

Insert after section 188:

**188.1.** Section 32 of the Act is amended by replacing the third paragraph by the following paragraph:

“The voting period begins on the first working day of the eleventh month preceding the expiry date of the collective agreement made under section 47 and ends 20 days later. The counting of the votes begins on the first working day after the voting period, with all the ballot papers that have been received by the time the counting begins.”

*Adopté*  
*(w)*