

Bill 176

**An Act to amend the Act respecting
labour standards and other legislative
provisions mainly to facilitate
family-work balance**

Section 9

AMENDMENT:

Replace the proposed third paragraph by:

“(3) if he was not informed at least five days in advance that he would be required to work, unless the nature of his duties requires him to remain available, he is a farm worker, or his services are required within the limits set out in subparagraph 1.”

Adopté
MOB

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Section 15

AMENDMENT:

Replace by:

15. Section 79.1 of the Act is amended by replacing “or an accident” in the first paragraph by “, an accident, domestic violence or sexual violence of which the employee has been a victim”.

Adopté
MEB

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Section 14

AMENDMENT:

Replace by:

14. The heading of Division V.0.1 before section 79.1 of the Act is replaced by the following heading:

“ABSENCES OWING TO SICKNESS, AN ORGAN OR TISSUE DONATION,
AN ACCIDENT, DOMESTIC VIOLENCE, SEXUAL VIOLENCE OR A
CRIMINAL OFFENCE”.

Adopte
MAB

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Section 11.1

AMENDMENT:

Insert after section 11:

11.1. Section 74 of the Act is amended by replacing “owing to sickness, an organ or tissue donation for transplant or an accident under the first paragraph of section 79.1,” in the second paragraph by “for any of the reasons listed in the first paragraph of section 79.1”.

*Adopte
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Section 32.1

AMENDMENT:

Insert after section 32:

32.1. Section 89 of the Act is amended by inserting “, domestic violence, sexual violence” after “an accident” in paragraph 6.

Adopted
MCS

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Section 16

AMENDMENT:

Strike out paragraph 2.

Adopted
MJB

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Section 18

AMENDMENT:

1. Insert "and governed by the Professional Code (chapter C-26)" after "a professional working in the health and social services sector" in subparagraph *b* of paragraph 1.
2. Add the following paragraph at the end:
 - (3) by adding the following paragraph at the end:

"The first two days taken annually shall be remunerated according to the calculation formula described in section 62, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with three months of uninterrupted service, even if he was absent previously."

Adopte
HOB

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Section 19

AMENDMENT:

Insert “and governed by the Professional Code (chapter C-26)” after “a professional working in the health and social services sector” in the proposed paragraph.

Adopté
MAS

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Section 20

AMENDMENT:

Insert “and governed by the Professional Code (chapter C-26)” after “a professional working in the health and social services sector” in proposed section 79.8.1.

Adopté
MAB

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Section 11.0.1

AMENDMENT:

Insert after section 11:

11.0.1. Section 70 of the Act is amended by replacing “owing to sickness, an organ or tissue donation for transplant, an accident or a criminal offence” in the third paragraph by “for any of the reasons set out in section 79.1”.

Aspl
MOB

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Section 16.1

AMENDMENT:

Insert after section 16:

16.1. Section 79.4 of the Act is amended by replacing the second paragraph by the following paragraph:

“Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of any of the events mentioned in section 79.1 or the repetitive nature of the absences constitute good and sufficient cause.”

Adopté
MAB

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Section 27

AMENDMENT:

Replace by:

27. Section 79.16 of the Act is amended by adding the following paragraph at the end:

“The right provided for in the fifth paragraph of section 79.7 applies in the same manner to absences authorized under section 79.1. However, the employer is not required to pay remuneration for more than two days of absence during the same year, when the employee is absent from work for any of the reasons set out in those sections.”

Adopte
UAB

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Section 1

AMENDMENT:

Replace by:

1. Section 3 of the Act respecting labour standards (chapter N-1.1) is amended

(1) by replacing “sections 79.7 to 79.16,” in paragraph 3 by “section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,”;

(2) by inserting the following paragraph after paragraph 5:

“(5.1) to an athlete whose membership in a sports team is conditional on his continued participation in an academic program; or”;

(3) by replacing “sections 79.7 to 79.16,” in paragraph 6 by “section 79.6.1, the first four paragraphs of section 79.7, sections 79.8 to 79.15, the first paragraph of section 79.16,”.

Adopte

NelB

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Section 8

AMENDMENT:

In the paragraph proposed by paragraph 2:

1. Replace subparagraph 1 by:

(1) the agreement must be evidenced in writing and provide for the staggering of working hours over a maximum period of four weeks;

2. Strike out subparagraph 2.

3. Add the following subparagraph at the end:

(4) either the employee or the employer may resiliate the agreement with notice of at least two weeks before the expected end of the staggering period agreed upon.”

Adopté
WOB

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Section 31

AMENDMENT:

Replace by:

31. Section 81.19 of the Act is amended by adding the following sentence at the end of the second paragraph: "They must, in particular, adopt and make available to their employees a psychological harassment prevention and complaint processing policy that includes, in particular, a section on behaviour that manifests itself in the form of verbal comments, actions or gestures of a sexual nature."

Adopté
MCS

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Section 37

AMENDMENT:

Replace by:

37. Section 123.6 of the Act is amended by adding the following paragraph at the end:

“With the employee’s consent, the Commission shall send to the Commission des droits de la personne et des droits de la jeunesse, under the terms of an agreement entered into by those organizations and approved by the Minister, any complaint that concerns discriminatory behaviour filed in accordance with this division. The agreement must also stipulate cooperative arrangements between those two organizations.”

Sam 1

Adopte amendé
MAB

SAM 1
AM 16
s. 37 (123.6)

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Section 37

AMENDMENT:

Add “, in particular to ensure any delay in sending the complaint is not prejudicial to the employee” after “between those two organizations” at the end of the proposed paragraph.

Adopté
MOS

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Section 37.1

AMENDMENT:

Insert after section 37:

37.1. Section 123.7 of the Act is amended by replacing “90 days” by “six months”.

Sam 1

*Adopte amendé
MAB*

SAM 1
AM 17
s. 37.1 (123.7)

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Section 37.1

AMENDMENT:

Replace "six months" in the amendment to section 37.1 by "two years".

Adopté

MAB

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Section 39.1

AMENDMENT:

Insert after section 39:

39.1. Section 123.15 of the Act is amended by inserting “the discriminatory nature of the behaviour, such as” after “, including” in the introductory clause.

Adopte
MOB

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Section 33

AMENDMENT:

In proposed section 92.6:

1. Strike out "knowingly".
2. Add the following paragraph:

The Commission shall make available to the public a list of holders of such licenses that it draws up and keeps up to date.

Adopté
MOB

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Section 33

AMENDMENT:

Replace paragraphs 2 to 5 of proposed section 92.7 by:

- (2) establish categories of licences and determine, for each category, the activities that may be carried on by an agency;
- (3) determine the period of validity of a licence and specify any condition, restriction or prohibition relating to its issue, maintenance and renewal;
- (4) prescribe the administrative measures that apply to a licence holder if the obligations under this Act or the regulations are not complied with;
- (5) determine the obligations of a personnel placement agency or a recruitment agency for temporary foreign workers and those of a client enterprise that retains the services of such an agency; and
- (6) prescribe any other measure to protect the rights of employees to whom this division applies.

Adopte

UOB

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Section 33

AMENDMENT:

Replace proposed section 92.8 by:

“92.8. An agency whose licence application is denied, whose licence is suspended, revoked or not renewed or on which an administrative measure is imposed under paragraph 4 of section 92.7 may contest the Commission’s decision before the Administrative Labour Tribunal within 30 days of notification of the decision.

Abate

WCB

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Section 35

AMENDMENT:

Replace "90 days" in the first paragraph of proposed section 121.1 by "12 months".

Adopté
WAB

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Section 7

AMENDMENT:

Replace "79.2" by "79.7".

Adopté
MOB

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Section 43.1

AMENDMENT:

Insert after section 43:

43.1. The Act is amended by inserting the following section after section 169:

“169.1. The Minister shall, every seven years, report to the Government on the carrying out of this Act.

Sam I

The report is tabled by the Minister in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.”

Adopté amendé
NEOB

SAM 1
AM 24
s. 43.1 (169.1)

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Section 43.1

AMENDMENT:

Add "The competent committee of the National Assembly shall examine the report." after "resumption." in the amendment to section 43.1.

Adopt

MOB

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Section 46.1

AMENDMENT:

Insert after section 46:

46.1. A personnel placement agency or a recruitment agency for temporary foreign workers that is carrying on its activities on the date of coming into force of section 92.5 of the Act respecting labour standards, as enacted by section 33, and that applies for a licence within 45 days of that date, may continue to carry on its activities without holding a licence under that section 92.5 until the Commission des normes, de l'équité, de la santé et de la sécurité du travail renders a decision on the application.

Adopté

UOP

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Section 47

AMENDMENT:

Replace paragraph 1 by:

(1) sections 4, 7, 9, 11, 12 and 16, subparagraph *a* of paragraph 1 and paragraphs 2 and 3 of section 18, sections 27 to 29 and section 31, which come into force on 1 January 2019; and

Adopté
MEB