



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-SIXTH LEGISLATURE

Bill 63

**An Act to amend the Labour Code and
the Act to amend the Labour Code, to
establish the Commission des relations
du travail and to amend other legislative
provisions**

Introduction

**Introduced by
Mr Jean Rochon
Minister of Labour**

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EXPLANATORY NOTES

This bill amends the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions in order to establish rules governing the appointment of labour commissioners as commissioners of the new Commission des relations du travail.

In addition, the bill amends the Labour Code to remedy an omission in the English text of a provision relating to essential services in the public service.

LEGISLATION AMENDED BY THIS BILL :

- Labour Code (R.S.Q., chapter C-27);
- Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26).

Bill 63

AN ACT TO AMEND THE LABOUR CODE AND THE ACT TO AMEND THE LABOUR CODE, TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

1. The English text of section 111.15.2 of the Labour Code (R.S.Q., chapter C-27), enacted by section 61 of chapter 26 of the statutes of 2001, is amended by adding the following sentence at the end of the second paragraph : “In addition, the council may at any time, at the request of either party, modify the decision so made.”

2. Section 207 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, chapter 26) is replaced by the following section :

“207. Any person acting as labour commissioner general, assistant labour commissioner general or labour commissioner on (*insert here the date preceding the date of coming into force of this section*) or before (*insert here the date of coming into force of section 112 of the Labour Code, enacted by section 63 of this Act*) is declared qualified for appointment as a commissioner of the Commission des relations du travail and that person’s name shall be recorded in the register kept under section 137.14 of the Labour Code (R.S.Q., chapter C-27), enacted by section 63 of this Act ; the candidacy of such a person shall be examined by the committee appointed to examine the renewal of a term, which may, after meeting the person, recommend to the Government that the person be appointed.

The Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall set up the examination committee provided for in the first paragraph and appoint the committee members, who shall include the president of the Commission des relations du travail or a vice-president of the Commission designated by the president, a person from the legal sector and two persons from the labour relations sector ; the Associate Secretary General shall also designate the chair of the committee.

For the purposes of the first paragraph, the provisions of sections 4, 6 to 10 and 27 to 30 of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des lésions professionnelles and for the renewal of their

term of office, enacted by Order in Council 566-98 dated 22 April 1998 (1998, G.O. 2, 1752) apply, with the necessary modifications.

However, no unfavourable recommendation may be made by the examination committee in respect of a person unless the committee has informed the person beforehand of its intention and of the reasons therefor, and given the person an opportunity to present observations.

The members of the committee may not be prosecuted by reason of acts performed in good faith in the exercise of their functions.

Following a recommendation of the committee, the Government may appoint any person referred to in the first paragraph to the office of commissioner of the Commission des relations du travail, in which case the person is deemed to meet the requirements provided for in section 137.12 of the Labour Code, enacted by section 63 of this Act, even as regards a subsequent renewal, as long as the person remains a commissioner.

Subject to the eighth paragraph, every person referred to in the first paragraph may remain an employee of the Ministère du Travail until the person is appointed to the office of commissioner of the Commission des relations du travail. The chair of the Conseil du trésor shall establish the person's classification on the basis of the current classification in the public service, years of experience and formal training. The person shall occupy the position and exercise the functions assigned by the Deputy Minister of Labour.

Any person referred to in the first paragraph who is not appointed to the office of commissioner of the Commission des relations du travail within the period during which the qualification certificate provided for in section 137.15 of the Labour Code, enacted by section 63 of this Act, is valid, and who is informed that his or her services are no longer required by the Ministère du Travail, shall be placed on reserve in the public service and shall remain an employee of the Ministère du Travail until the person is assigned a position by the chair of the Conseil du trésor."

3. Section 1 has effect from 15 July 2001.

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