

AMENDMENT

Bill 42

**AN ACT TO PREVENT AND FIGHT PSYCHOLOGICAL HARASSMENT AND
SEXUAL VIOLENCE IN THE WORKPLACE**

SECTION 1 (section 100.0.0.1 of the Labour Code)

In proposed section 100.0.0.1:

1. Strike out "according to the conditions determined by the Minister".
2. Add at the end:

The Minister determines, after consultation with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the conditions of that training, such as the content, the duration and the persons or bodies authorized to offer it.

adopté NB

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SECTION 18 (section 81.19 of the Act respecting labour standards)

Insert “, the person designated to manage them,” after “documents to the employer” in subparagraph 4 of the proposed third paragraph, introduced in paragraph 2.

adopté NS

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SECTION 18 (section 81.19 of the Act respecting labour standards)

Insert "and to the persons designated by the employer to manage a complaint or report" at the end of subparagraph 2 of the proposed third paragraph, introduced in paragraph 2.

adopté NB

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SECTION 19 (section 81.20 of the Act respecting labour standards)

Replace subparagraph a of paragraph 1 by:

(a) by replacing "123.7, 123.15 and 123.16" by "123.15, 123.16 and 123.17";

adopté N.B.

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SECTION 25 (section 123.17 of the Act respecting labour standards)

Replace the last sentence of proposed section 123.17 by: "The parties may, however, by written agreement, agree to relieve each other from the duty of confidentiality, in which case they must specify in the agreement the elements to which the agreement applies and indicate in the agreement when it takes effect."

adopté NB

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**SECTION 4 (section 28.0.1 of the Act respecting industrial accidents
and occupational diseases)**

Strike out “for the purposes of the same establishment, unless the violence arises in a strictly private context” in proposed section 28.0.1.

adopté NB

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SECTION 12 (section 327 of the Act respecting industrial accidents and
occupational diseases)

Strike out paragraph 3.

adopté NB

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SECTION 13 (section 328 of the Act respecting industrial accidents and
occupational diseases)

Withdraw.

adopte NB

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SECTION 11.1 (section 272.1 of the Act respecting industrial accidents
and occupational diseases)

Insert after section 11:

11.1 The Act is amended by inserting the following section after section 272:

“272.1. Where the Administrative Labour Tribunal considers it probable that the psychological harassment entailed an employment injury for the worker and reserves its decision pursuant to the second paragraph of section 123.16 of the Act respecting labour standards (chapter N-1.1), the time limit prescribed in sections 270 to 272, 443 or 452 is counted from the date of the Tribunal’s decision, as long as a claim or notice of election for such an injury has not already been filed with the Commission.

The first paragraph also applies to a worker for whom such a decision is rendered as part of a recourse against psychological harassment under another Act or an agreement.”

adopté N/B

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**SECTION 11.1 (section 272.1 of the Act respecting industrial accidents
and occupational diseases)**

Add the following paragraph at the end of proposed section 272.1, introduced in amendment 9:

Section 31.1 does not apply to a worker who files a claim or notice of election pursuant to the first or second paragraph.

adapte NB

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SECTION 40 (section 45 of the Act respecting the professional status of
artists in the visual arts, film, the recording arts, literature,
arts and crafts and the performing arts)

1. Replace paragraph 1 by:
 - (1) by replacing “sections 43, 44, 63.3 and 63.4” by “sections 43 and 44,
the second paragraph of section 63.3 and section 63.4”;
2. Replace “in section” in paragraph 2 by “in the first paragraph of section”.

adopté NB

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SECTION 43.1

Insert after section 43:

43.1. The Government makes a regulation referred to in subparagraph 9.1 of the first paragraph of section 223 of the Act respecting occupational health and safety, enacted by section 38, if the Commission des normes, de l'équité, de la santé et de la sécurité du travail fails to make one before (*insert the date that is two years after the date of assent to this Act*).

adopté NB