



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 993

**An Act to amend the Labour Code
to ensure transparent and democratic
union practices**

Introduction

**Introduced by
Mr. Youri Chassin
Member for Saint-Jérôme**

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EXPLANATORY NOTES

The purpose of this bill is to reinforce financial transparency and union democracy in Québec. To that end, it amends the Labour Code.

Firstly, the bill provides that any provision of a collective agreement or decree that requires, as a hiring requirement, becoming or remaining a member of an association of employees to be necessary is absolutely null.

Secondly, the bill removes, in the context of a petition for certification, the calculation of union membership as a means of examining the representative character of an association of employees. By doing so, a vote by secret ballot becomes the only method of examination provided for in the Labour Code.

Thirdly, the bill provides that, to maintain its certification on the expiration of a collective agreement it made or the expiration of an arbitration award, a certified association must have its certification confirmed by secret ballot decided by the majority vote of its members within the 30-day period that precedes the period in which certification may be applied for.

Fourthly, the bill provides that a certified association must transmit a copy of its financial statements audited by an independent auditor to the Minister of Labour, who publishes them on the Minister's department's website within 30 days of receiving them.

Lastly, the bill provides for the possibility of enacting transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Labour Code (chapter C-27).

Bill 993

AN ACT TO AMEND THE LABOUR CODE TO ENSURE TRANSPARENT AND DEMOCRATIC UNION PRACTICES

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

LABOUR CODE

1. The Labour Code (chapter C-27) is amended by inserting the following section after section 13:

“**13.1.** Any provision of a collective agreement or decree that requires, as a hiring requirement, becoming or remaining a member of an association of employees to be necessary is absolutely null.”

2. Section 21 of the Code is amended by replacing the first paragraph by the following paragraph:

“Any association of employees that obtains, following the secret ballot held pursuant to paragraph *a* of section 28 or sections 32 and 37, the absolute majority of the votes of the employees of the employer having the right to vote is entitled to be certified.”

3. Section 28 of the Code is amended

(1) by inserting the following sentences after the second sentence in paragraph *a*: “If the labour relations officer ascertains that there is agreement between the employer and the association on the bargaining unit and on the persons contemplated by it, he shall hold a ballot to assure himself of the representative character of the association of employees. He shall certify the association of employees if it obtains the absolute majority of the votes of the employees comprised in the bargaining unit.”;

(2) by striking out paragraph *b*;

(3) by replacing paragraph *c* by the following paragraph:

“(c) if the employer refuses his agreement on the bargaining unit applied for, he must, in writing, set forth his reasons therefor and propose the unit he thinks suitable to the labour relations officer. The labour relations officer must present a summary report concerning the disagreement to the Tribunal and transmit a copy to the parties. The report must contain the reasons set forth by the employer and a description of the unit that the employer thinks suitable. If

the employer neglects or refuses to communicate the reasons for his disagreement and to propose the unit he thinks suitable within fifteen days of receipt of the petition, he is presumed to have given his agreement on the bargaining unit. The labour relations officer shall then follow the procedure provided under paragraph *a*.”;

(4) by inserting “, after holding the secret ballot,” after “immediately” in paragraph *d*;

(5) by inserting “, after holding the secret ballot,” after “considers” in paragraph *d.1*;

(6) by striking out “certify the association grouping the absolute majority of the employees or, if not,” in paragraph *e*.

4. Section 32 of the Code is amended by striking out “calculating the membership of the petitioning association or” in the third paragraph.

5. Section 37 of the Code is amended

(1) by replacing “whenever a petitioning association comprises between 35% and 50% of the employees in the appropriate bargaining unit” in the first paragraph by “for every petition for certification”;

(2) by striking out the second paragraph.

6. The Code is amended by inserting the following section after section 40:

“40.1. To maintain its certification on the expiration of a collective agreement it made or the expiration of an arbitration award, a certified association must have its certification confirmed by secret ballot decided by the majority vote of its members who are comprised in the bargaining unit and who exercise their right to vote within the 30-day period that precedes the period provided for in paragraph *d* or *e* of section 22, as the case may be.

The vote shall be conducted in accordance with the rules provided for by the Tribunal under section 37.2.”

7. Section 47.1 of the Code is replaced by the following section:

“47.1. A certified association must disclose its financial statements audited by an independent auditor to its members every year and transmit a copy thereof to the Minister of Labour not later than 30 June. It must also remit a copy of such financial statements free of charge to any member who requests them.

The Minister of Labour shall publish on the Minister’s department’s website, within 30 days of receiving them, the financial statements transmitted under the first paragraph.”

8. Section 73 of the Code is amended by adding the following paragraph at the end:

“The first paragraph does not apply if the certification ends on the expiration of the collective agreement or on the expiration of the arbitration award following the vote provided for in section 40.1.”

TRANSITIONAL AND FINAL PROVISIONS

9. The Government may, by regulation, enact any transitional provision for the carrying out of this Act.

10. This Act comes into force on 1 January following (*insert the date of assent to this Act*).

