



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 104

**An Act to abolish certain councils and
the government air service fund**

Introduction

**Introduced by
Madam Monique Gagnon-Tremblay
Minister responsible for Government Administration
and Chair of the Conseil du trésor**

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EXPLANATORY NOTES

This bill abolishes the Conseil consultatif du travail et de la main-d'œuvre, the Conseil de la famille et de l'enfance, the Conseil de la science et de la technologie, the Conseil des aînés, the Conseil des relations interculturelles, the Conseil permanent de la jeunesse and the government air service fund.

The rights and obligations assigned to the councils are conferred on various ministers, and transitional measures provide for the transfer of their personnel members and files and records to certain departments.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Financial Administration Act (R.S.Q., chapter A-6.001);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Act respecting educational programming (R.S.Q., chapter P-30.1);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20);
- Act respecting Services Québec (R.S.Q., chapter S-6.3).

LEGISLATION REPEALED BY THIS BILL:

- Act respecting the Conseil consultatif du travail et de la main-d’œuvre (R.S.Q., chapter C-55);
- Act respecting the Conseil de la famille et de l’enfance (R.S.Q., chapter C-56.2);
- Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01);
- Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2);
- Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01);
- Act respecting the government air service fund (R.S.Q., chapter F-3.2.2).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the Québec sales tax (R.R.Q., chapter T-0.1, r. 2);
- Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal (Order in Council 916-90, 1990, G.O. 2, 1758);
- 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 (Order in Council 566-98, 1998, G.O. 2, 1752);
- Regulation respecting the remuneration of arbitrators (Order in Council 851-2002, 2002, G.O. 2, 3809).

Bill 104

AN ACT TO ABOLISH CERTAIN COUNCILS AND THE GOVERNMENT AIR SERVICE FUND

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

ABOLITION OF COUNCILS AND GOVERNMENT AIR SERVICE
FUND

CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D'ŒUVRE

1. The Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55) is repealed.

CONSEIL DE LA FAMILLE ET DE L'ENFANCE

2. The Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2) is repealed.

CONSEIL DE LA SCIENCE ET DE LA TECHNOLOGIE

3. Chapter IV of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01) is repealed.

CONSEIL DES AÎNÉS

4. The Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01) is repealed.

CONSEIL DES RELATIONS INTERCULTURELLES

5. The Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2) is repealed.

CONSEIL PERMANENT DE LA JEUNESSE

6. The Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01) is repealed.

GOVERNMENT AIR SERVICE FUND

7. The Act respecting the government air service fund (R.S.Q., chapter F-3.2.2) is repealed.

DIVISION II

AMENDING PROVISIONS

8. Section 216 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by replacing the second, third and fourth paragraphs by the following paragraph:

“Every year, after consulting with the professional orders concerned and the committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister shall draw up a list of the health professionals who have agreed to act as members of the Bureau.”

9. Sections 228, 385 and 407 of the Act are amended by replacing all occurrences of “Conseil consultatif du travail et de la main-d’œuvre” by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

10. Section 591 of the Act is repealed.

11. Schedule 1 to the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by striking out “Conseil consultatif du travail et de la main-d’œuvre”, “Conseil de la famille et de l’enfance”, “Conseil de la science et de la technologie”, “Conseil des aînés”, “Conseil des relations interculturelles” and “Conseil permanent de la jeunesse”.

12. Sections 77 and 103 of the Labour Code (R.S.Q., chapter C-27) are amended by replacing all occurrences of “Conseil consultatif du travail et de la main-d’œuvre” by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

13. Sections 20 and 21 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) are amended by replacing all occurrences of “Conseil consultatif du travail et de la main-d’œuvre” by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

14. Section 11 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by inserting the following paragraph after the first paragraph:

“The Minister shall establish and publicize a policy on the preparation of the list of arbitrators drawn up by the Minister under section 77 of the Labour Code (chapter C-27). The policy must include criteria for the appraisal of the arbitrators’ qualifications and conduct.”

15. The Act is amended by inserting the following sections after section 12:

“12.1. The Minister shall establish a committee whose role is to give its opinion on any question the Minister submits to it, including the list of arbitrators drawn up by the Minister under section 77 of the Labour Code (chapter C-27).

The committee is composed of an equal number of members representing employers and members representing employees, appointed after consultation with the employers’ and employees’ associations that the Minister considers the most representative.

The members of the committee are appointed for the term determined by the Minister and shall remain in office despite the expiry of their term until they are replaced or reappointed.

The members of the committee shall receive no remuneration. However, they are entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Minister.

Meetings of the committee are called and chaired by the public servant or holder of a position designated by the Minister. A public servant of the department assumes the secretarial work for the committee and sees to the preparation and preservation of the committee’s minutes and opinions.

“12.2. The committee established under section 12.1 may form subcommittees to advise it on questions submitted to it by the Minister. The subcommittees are made up of an equal number of members representing employers and members representing employees.

“12.3. The Minister shall receive and examine complaints concerning the remuneration and expenses claimed by arbitrators whose names appear on the list drawn up by the Minister under section 77 of the Labour Code (chapter C-27), as well as those concerning the conduct and qualifications of the arbitrators.

The Minister shall attempt to resolve complaints to the satisfaction of the complainant and the arbitrator. If no settlement is reached, the Minister may request the opinion of the committee established under section 12.1 before ruling on the complaint.”

16. Section 3.1 of the Act respecting educational programming (R.S.Q., chapter P-30.1) is amended by replacing subparagraphs 2 and 3 of the first paragraph by the following subparagraphs:

“(2) a person designated by the Minister of Economic Development, Innovation and Export Trade;

“(3) a person designated by the Minister of Immigration and Cultural Communities;”.

17. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12) is amended by striking out “the Conseil de la Science et de la Technologie” in section 3.

18. Section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20) is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” in subparagraph 8.5 of the first paragraph by “committee established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2)”.

19. Section 19 of the Act respecting Services Québec (R.S.Q., chapter S-6.3) is amended by striking out “and a representative of the Conseil des aînés” in the second paragraph.

20. Schedule III to the Regulation respecting the Québec sales tax (R.R.Q., chapter T-0.1, r. 2) is amended by striking out “Conseil consultatif du travail et de la main-d’œuvre”, “Conseil de la famille et de l’enfance”, “Conseil de la science et de la technologie”, “Conseil des aînés”, “Conseil des relations interculturelles” and “Conseil permanent de la jeunesse”.

21. Section 16 of the Regulation respecting the procedure for the recruitment and selection of persons apt for designation to the function of arbitrator or appointment to the function of assessor with the Human Rights Tribunal, approved by Order in Council 916-90 (1990, G.O. 2, 1758), is amended by striking out paragraphs 3 and 7.

22. Section 24 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, approved by Order in Council 566-98 (1998, G.O. 2, 1752), is amended by replacing both occurrences of “Conseil consultatif du travail et de la main-d’œuvre” by “committee established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

23. Section 18 of the Regulation respecting the remuneration of arbitrators, approved by Order in Council 851-2002 (2002, G.O. 2, 3809), is amended by replacing “Conseil consultatif du travail et de la main-d’œuvre” in the first paragraph by “committee established under section 12.1 of the Act respecting the Ministère du Travail (R.S.Q., c. M-32.2)”.

DIVISION III

TRANSITIONAL AND FINAL PROVISIONS

24. (1) The Minister of Labour acquires the rights and assumes the obligations of the Conseil consultatif du travail et de la main-d'œuvre established under the Act respecting the Conseil consultatif du travail et de la main-d'œuvre (R.S.Q., chapter C-55).

(2) The Minister of Families acquires the rights and assumes the obligations of the Conseil de la famille et de l'enfance established under the Act respecting the Conseil de la famille et de l'enfance (R.S.Q., chapter C-56.2).

(3) The Minister of Economic Development, Innovation and Export Trade acquires the rights and assumes the obligations of the Conseil de la science et de la technologie established under Chapter IV of the Act respecting the Ministère du Développement économique, de l'Innovation et de l'Exportation (R.S.Q., chapter M-30.01).

(4) The Minister responsible for Seniors acquires the rights and assumes the obligations of the Conseil des aînés established under the Act respecting the Conseil des aînés (R.S.Q., chapter C-57.01).

(5) The Minister of Immigration and Cultural Communities acquires the rights and assumes the obligations of the Conseil des relations interculturelles established under the Act respecting the Conseil des relations interculturelles (R.S.Q., chapter C-57.2).

(6) The Minister responsible for the Secrétariat à la jeunesse acquires the rights and assumes the obligations of the Conseil permanent de la jeunesse established under the Act respecting the Conseil permanent de la jeunesse (R.S.Q., chapter C-59.01).

25. Any complaint that was before the Conseil consultatif du travail et de la main-d'œuvre on 31 December 2010 pursuant to the second paragraph of section 2.1 of the Act respecting the Conseil consultatif du travail et de la main-d'œuvre will continue to be examined by the Minister of Labour in accordance with section 12.3 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2), enacted by section 15 of this Act.

26. (1) The files, records and other documents of the Conseil consultatif du travail et de la main-d'œuvre become files, records and documents of the Minister of Labour.

(2) The files, records and other documents of the Conseil de la famille et de l'enfance become files, records and documents of the Minister of Families.

(3) The files, records and other documents of the Conseil de la science et de la technologie become files, records and documents of the Minister of Economic Development, Innovation and Export Trade.

(4) The files, records and other documents of the Conseil des aînés become files, records and documents of the Minister responsible for Seniors.

(5) The files, records and other documents of the Conseil des relations interculturelles become files, records and documents of the Minister of Immigration and Cultural Communities.

(6) The files, records and other documents of the Conseil permanent de la jeunesse become files, records and documents of the Minister responsible for the Secrétariat à la jeunesse.

27. (1) The members of the personnel of the Conseil consultatif du travail et de la main-d'œuvre in office on 30 December 2010 become members of the personnel of the Ministère du Travail.

(2) The members of the personnel of the Conseil de la famille et de l'enfance and the Conseil des aînés in office on 30 December 2010 become members of the personnel of the Ministère de la Famille et des Aînés.

(3) The members of the personnel of the Conseil de la science et de la technologie in office on 30 December 2010 become members of the personnel of the Ministère du Développement économique, de l'Innovation et de l'Exportation.

(4) The members of the personnel of the Conseil des relations interculturelles in office on 30 December 2010 become members of the personnel of the Ministère de l'Immigration et des Communautés culturelles.

(5) The members of the personnel of the Conseil permanent de la jeunesse in office on 30 December 2010 become members of the personnel of the Ministère du Conseil exécutif.

The personnel members so transferred retain the same conditions of employment.

28. The term of the members of the Conseil consultatif du travail et de la main-d'œuvre, the Conseil de la famille et de l'enfance, the Conseil de la science et de la technologie, the Conseil des aînés, the Conseil des relations interculturelles and the Conseil permanent de la jeunesse in office on 30 December 2010 ends on 31 December 2010.

Members who had employment security in the public service when appointed are reinstated in the public service on the conditions provided in their deed of appointment in case of a return to the public service. The term of the other members ends without any compensation other than that provided for in sections 21 and 22 of the Règles concernant la rémunération et les autres conditions de travail des titulaires d'un emploi supérieur à temps plein, enacted by Order in Council 450-2007 (2007, G.O. 2, 2723), namely, a transition allowance if they have completed their term or a severance allowance if not.

29. The activities, rights and obligations of the government air service fund are transferred to the Centre de services partagés du Québec according to the terms determined by the Government.

30. This Act comes into force on 31 December 2010, except sections 7 and 29, which come into force on the date to be set by the Government.

