



NATIONAL ASSEMBLY

FIRST SESSION

FORTIETH LEGISLATURE

Bill 54

An Act respecting the resumption of work in the construction industry

Introduction

**Introduced by
Madam Agnès Maltais
Minister of Labour**

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EXPLANATORY NOTES

This bill provides for the resumption and normal performance of work interrupted by a strike in the construction industry.

The 2010-2013 collective agreements governing the industrial sector and the institutional and commercial sector of the construction industry are extended until 30 April 2017, with wage rate increases.

Special obligations are imposed both on employees and representative associations and on employers and employers' associations concerning the resumption and continued performance of work.

Civil and penal sanctions are provided in the event that the obligations imposed by the bill are not fulfilled.

Bill 54

AN ACT RESPECTING THE RESUMPTION OF WORK IN THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

DIVISION I

APPLICATION AND INTERPRETATION

1. This Act applies to the employers, employees, associations and work in the industrial sector and the institutional and commercial sector referred to in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

Unless the context indicates otherwise, the definitions provided in sections 1 and 1.1 of that Act apply to this Act.

DIVISION II

RESUMPTION OF WORK

§1.—Employees and representative associations

2. Employees must, as of 6:30 a.m. on Tuesday, 2 July 2013, report for work according to their regular work schedule and other applicable conditions of employment.

3. Employees must, as of 6:30 a.m. on Tuesday, 2 July 2013, perform all the duties attached to their respective functions, according to the applicable conditions of employment, without any stoppage, slowdown, reduction or degradation of their normal activities.

Employees cannot, as part of a concerted action, refuse to provide services to an employer.

4. A representative association, its officers and its representatives are prohibited from calling or continuing a strike or participating in any other form of concerted action if the strike or concerted action involves a contravention of section 2 or 3 by employees the association represents.

5. Representative associations must take the appropriate measures to induce the employees they represent to comply with sections 2 and 3 and not contravene sections 9 and 10.

They must, before 6:30 a.m. on Tuesday, 2 July 2013, communicate the content of this Act publicly to the employees they represent and send an attestation that they have done so to the Minister of Labour.

§2.—*Employers and employers' associations*

6. Employers must, as of 6:30 a.m. on Tuesday, 2 July 2013, take the appropriate measures to ensure the resumption of work interrupted by the strike.

7. The employers' association and sector-based employers' associations are prohibited from declaring or continuing a lock-out or from participating in any other form of concerted action if the concerted action prevents employees from complying with the prescriptions of section 3.

8. The employers' association and sector-based employers' associations must take the appropriate measures to induce the employers they represent to comply with section 6 and not contravene sections 9 and 10.

They must, before 6:30 a.m. on Tuesday, 2 July 2013, communicate the content of this Act publicly to the employers they represent and send an attestation that they have done so to the Minister of Labour.

§3.—*Prohibitions*

9. No person may, by omission or otherwise, in any manner prevent or impede the resumption of construction work or the carrying out of construction work by employees, or directly or indirectly contribute to slowing down, degrading or delaying the carrying out of such work.

10. No person may hinder a person's access to a job site to which the person has a right of access to perform his or her functions.

DIVISION III

CONDITIONS OF EMPLOYMENT

11. The collective agreements expired on 30 April 2013, applicable to the industrial sector and the institutional and commercial sector, are renewed and bind the parties until 30 April 2017, with the necessary modifications.

However, the wage rates applicable to employees are increased as follows:

(1) 2% from 2 July 2013 to 30 April 2014;

(2) 2.1% from 1 May 2014 to 30 April 2015;

(3) 2.2% from 1 May 2015 to 30 April 2016; and

(4) 2.3% from 1 May 2016 to 30 April 2017.

The increases set out in the second paragraph also apply to the applicable travel expenses.

12. The parties may at any time conclude agreements to amend a collective agreement thus renewed, including the increases set out in the second paragraph of section 11.

DIVISION IV

SANCTIONS

§1. — *Civil liability*

13. A representative association is liable for any damage caused by the employees it represents during a contravention of section 2 or 3 unless it is established that the damage is not attributable to the contravention or that the contravention is not part of any concerted action.

Any person who suffers damage because of an act in contravention of section 2 or 3 may apply to the competent court to obtain compensation.

14. The employers' association and sector-based employers' associations are liable for any damage caused by the employers they represent during a contravention of section 6 unless it is established that the damage is not attributable to the contravention.

Any person who suffers damage because of an act in contravention of section 6 may apply to the competent court to obtain compensation.

§2. — *Penal provisions*

15. Any person who contravenes a provision of sections 2 to 10 is guilty of an offence and is liable, for each day or part of a day during which the offence continues, to a fine of

(1) \$100 to \$500 if the person is an employee or a natural person other than a person referred to in paragraph 2 or 3;

(2) \$7,000 to \$35,000 if the person is an officer, an employee or a representative of a representative association or of an association of employees affiliated with a representative association, or an officer or a representative of an employer, of the employers' association or of a sector-based employers' association; and

(3) \$25,000 to \$125,000 if the person is a representative association, an association of employees affiliated with a representative association, an employer, the employers' association or a sector-based employers' association.

16. Any person who helps or, by abetment, advice, consent, authorization or command, induces another person to commit an offence under this Act is guilty of an offence.

A person found guilty under this section is liable to the same penalty as that prescribed for the offence committed by the other person.

DIVISION V

FINAL PROVISIONS

17. The Commission de la construction du Québec oversees the implementation of the provisions of this Act. For such purpose, it has the powers conferred on it by the Act respecting labour relations, vocational training and workforce management in the construction industry.

18. The Minister of Labour is responsible for the administration of this Act.

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

