



---

---

# NATIONAL ASSEMBLY

---

---

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 182

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

---

---

**Introduction**

**Introduced by  
Madam Diane Lemieux  
Minister of Labour**

---

**Québec Official Publisher  
2000**

## EXPLANATORY NOTES

*This bill amends the Labour Code to facilitate its application.*

*The bill makes amendments to the notion of employee and related notions so that a dependent contractor or service provider on certain conditions will be considered to be an employee.*

*The bill amends the scope of the provisions of the Labour Code that concern the transmission of rights and obligations on the transfer or concession of an enterprise and adds provisions designed to foster the settlement of difficulties related to the application of those provisions.*

*The bill introduces provisions to facilitate the resolution of long-standing labour disputes.*

*The bill provides for the establishment of the Commission des relations du travail, a unified decision-making authority having jurisdiction in labour relations and which is to take over the functions currently exercised by the Ministère du Travail in matters of conciliation, mediation and arbitration, as well as the decision-making responsibilities currently exercised by the office of the labour commissioner general and by the construction industry commissioner.*

*The decisions of the new authority will not be subject to appeal and accordingly, the Labour Court is abolished.*

*The new Commission des relations du travail will be given the appropriate powers necessary for the exercise of its functions.*

*The bill provides for the Commission to have two divisions. The Labour Relations Support Division is to exercise the Commission's functions, powers and duties in matters of conciliation, mediation, arbitration, research and inquiries or investigations and to decide matters concerning uncontested certification. The Complaints and Proceedings Division is to dispose of situations of conflict within the application of the Labour Code or other legislation that confers jurisdiction on the Commission to settle complaints and proceedings relating to prohibited practices.*

*The rules applicable to the persons composing the Commission are established in the bill, as are those governing the Commission's operation.*

*The bill specifies which authorities are to have jurisdiction as regards proceedings formerly brought before the Labour Court.*

*Lastly, the bill contains various technical and consequential amendments and transitional and final provisions.*

**LEGISLATION AMENDED BY THIS BILL :**

- Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);
- Health Insurance Act (R.S.Q., chapter A-29);
- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Charter of the French language (R.S.Q., chapter C-11);
- Code of Civil Procedure (R.S.Q., chapter C-25);
- Code of Penal Procedure (R.S.Q., chapter C-25.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting the Conseil consultatif du travail et de la main-d’oeuvre (R.S.Q., chapter C-55);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2);
- Act respecting school elections (R.S.Q., chapter E-2.3);
- Election Act (R.S.Q., chapter E-3.3);
- Pay Equity Act (R.S.Q., chapter E-12.001);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Forest Act (R.S.Q., chapter F-4.1);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);

- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Jurors Act (R.S.Q., chapter J-2);
- Stationary Enginemen Act (R.S.Q., chapter M-6);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Act respecting municipal territorial organization (R.S.Q., chapter O-9);
- Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1);
- Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2);
- Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act respecting occupational health and safety (R.S.Q., chapter S-2.1);
- Courts of Justice Act (R.S.Q., chapter T-16);
- Fire Safety Act (2000, chapter 20).

**LEGISLATION REPEALED BY THIS BILL :**

- Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85).

## Bill 182

### AN 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 :

#### LABOUR CODE

1. Section 1 of the Labour Code (R.S.Q., chapter C-27), amended by section 59 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “certification agent, the labour commissioner or the Court” in the second line of paragraph *b* by “Commission”;

(2) by replacing paragraph *i* by the following paragraph :

“(i) “Commission” — the Commission des relations du travail established by this Code;”;

(3) by adding “or who has a relationship with a dependent contractor or service provider which, in the opinion of the Commission, is such that the terms and conditions of the contract for the carrying out of work or provision of a service by the contractor or service provider could, as regards conditions of employment, reasonably be negotiated collectively” after “employee” in the second line of paragraph *k*;

(4) by inserting the following paragraph after paragraph *k* :

“(k.1) “dependent contractor or service provider” — a person who carries out physical or intellectual work for another person or who provides a service within the framework and according to the methods and means determined by the other person that, in the opinion of the Commission,

(1) are similar to those that are generally applicable, as regards direction or control, to an employee ;

(2) cause the person to be in a position of economic dependence upon the other person;”;

(5) by replacing “but the word does not include” in the second line of paragraph *l* by “. It includes a dependent contractor or service provider but does not include”;

(6) by replacing “labour commissioner” in the first line of subparagraph 1 of paragraph *l* by “Commission”;

(7) by replacing “Labour Court” in the second line of subparagraph 3 of paragraph *l* by “Commission”;

(8) by striking out “a conciliation officer, a mediator or a mediator-arbitrator of the Ministère du Travail,” in the sixth and seventh lines of subparagraph 3 of paragraph *l*, and “a certification agent or labour commissioner contemplated by this Act, the construction industry commissioner and deputy-commissioners contemplated in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)” in the seventh, eighth, ninth, tenth and eleventh lines of that subparagraph;

(9) by inserting the following subparagraph after subparagraph 6 of paragraph *l*:

“(7) a member of the personnel of the Commission;”;

(10) by striking out paragraphs *p*, *q* and *r*.

2. Section 2 of the said Code is amended by replacing “a labour commissioner” in the first line of the second paragraph by “the Commission”.

3. Section 8 of the said Code is amended by replacing “labour commissioner general” in the fourth line of the first paragraph by “Commission”.

4. Section 9 of the said Code is amended by replacing “labour commissioner general” in the fourth line of the first paragraph by “Commission”.

5. Section 11 of the said Code is amended by replacing “labour commissioner” in the third paragraph by “Commission”.

6. Section 15 of the said Code is amended by replacing “labour commissioner” in the fifth line of the first paragraph by “Commission”.

7. Section 16 of the said Code is replaced by the following section:

“16. The employees who believe that they have been the victim of a sanction or action referred to in section 15 must, if they wish to avail themselves of the provisions of that section, file a complaint at any of the offices of the Commission within thirty days of the sanction or action.”

8. Section 17 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended by replacing “labour commissioner” in the first line by “Commission”.

9. Section 19 of the said Code is amended

(1) by replacing “labour commissioner” in the first and second lines of the first paragraph by “Commission”;

(2) by striking out the third paragraph.

10. Sections 19.1 and 20 of the said Code are repealed.

11. Section 21 of the said Code is amended

(1) by replacing “certification agent, or according to the decision of the labour commissioner” in the fourth and fifth lines of the third paragraph by “labour relations officer or according to the decision of the Commission”;

(2) by striking out the sixth paragraph.

12. Sections 23 to 24 of the said Code are repealed.

13. Section 25 of the said Code is replaced by the following section:

“25. An association of employees seeking certification shall apply therefor by means of a petition accompanied with the applications for membership provided for in subparagraph *b* of the first paragraph of section 36.1 or copies of such applications together with a proof establishing that a copy of the petition has been sent to the employer.

The documents may be sent to the employer by fax, messenger service or registered or certified mail or served on the employer by a bailiff.

The petition must be authorized by a resolution of the association, signed by its authorized representatives, indicating which group the association wishes to represent, and be accompanied with any document or information required by a regulation of the Government.

The employer shall, on or before the working day immediately following the day the petition is received, post a copy of the petition in a conspicuous place. The employer shall also forthwith place at the disposal of the labour relations officer the information and documents required by the latter for drawing up the list of the employees contemplated by the petition.

The labour relations officer shall send a copy of the list to the petitioning association and to the employer who shall post it without delay at the place provided for in the fourth paragraph.”

14. Section 26 of the said Code is amended

(1) by replacing “labour commissioner general” in the first line of the first paragraph by “Commission”;

(2) by striking out the second paragraph.

15. Section 27 of the said Code is replaced by the following section :

“27. The Commission shall make a copy of the petition for certification available for consultation by the public during office hours.”

16. Section 27.1 of the said Code is amended by replacing “in the office of the labour commissioner-general on the day of its receipt there” in the second paragraph by “on the day it is received in any of the offices of the Commission”.

17. Section 28 of the said Code is amended

(1) by replacing “labour commissioner general” in the first line of paragraph *a* by “Commission”;

(2) by replacing the words “certification agent” wherever they occur in paragraphs *a*, *b*, *c* and *d* by “labour relations officer”;

(3) by replacing “labour commissioner general” in the fourth line of paragraph *c* by “Commission”;

(4) by replacing “labour commissioner” in the sixth and seventh lines of paragraph *d* by “Commission”;

(5) by replacing “labour commissioner general” in the ninth line of paragraph *d* by “Commission”;

(6) by striking out “The labour commissioner general shall then refer the matter to a labour commissioner.” in the tenth and eleventh lines of paragraph *d*;

(7) by inserting the following paragraph after paragraph *d*:

“(d.1) The labour relations officer shall immediately certify the association, even where there is no agreement with the employer as regards part of the bargaining unit, if the officer ascertains that the association is nevertheless representative and is of the opinion that it will remain representative regardless of any decision of the Commission on the description of the bargaining unit. The labour relations officer shall, at the same time, make a report on the disagreement to the Commission and send a copy of the report to the parties. Such disagreement shall not prevent the making of a collective agreement.”;

(8) by replacing paragraph *e* by the following paragraph:

“(e) Where a certified association already exists, or where there is more than one petitioning association of employees, the labour relations officer shall hold a ballot in accordance with the provisions of section 37 or, as the case may be, section 37.1 if the officer ascertains that there is agreement on the bargaining unit and on the persons contemplated by the bargaining unit between the employer and the petitioning association.”



18. Sections 29 to 31 of the said Code are replaced by the following sections :

“29. As soon as the labour relations officer has reason to believe that section 12 has not been complied with or is informed that a third party or an interested party has filed a complaint under that section, the labour relations officer may, on his or her own initiative or at the request of the Commission, make an investigation into the alleged contravention of section 12.

The labour relations officer may also suspend an examination effected under section 28.

“30. The labour relations officer shall make a report of any investigation made on the officer’s own initiative or at the request of the Commission. The labour relations officer shall also make a report on any examination suspended by the officer pursuant to section 29.

Such a report must be sent to the president of the Commission, entered in the record of the case and sent to the interested parties. Interested parties may present their observations in writing to the Commission within five days from receipt of the report. The parties’ observations, if any, shall also be entered in the record of the case.

“31. The Commission shall not certify an association of employees if it is established to the satisfaction of the Commission that section 12 has not been complied with.

Where the Commission must rule on a petition for certification, the Complaints and Proceedings Division of the Commission may, of its own motion, invoke non-compliance with section 12.”

19. Section 32 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing the first paragraph by the following paragraphs :

“32. The Commission shall, where a petition for certification is referred to it, settle any matter relating to the bargaining unit and the persons contemplated by the bargaining unit; the Commission may, for that purpose, modify the unit proposed by the petitioning association.

Only the association concerned and the employer are deemed interested parties as regards the bargaining unit and the persons contemplated by the bargaining unit.”;

(2) by replacing “He” and “he” in the first and second lines of the second paragraph by “The Commission” and “it”, respectively ;

(3) by adding the following paragraph at the end :

“Where the operation of an undertaking is transferred to another during certification proceedings, the Commission may decide that the transferring employer and the transferee are successively bound by the certification.”

20. Sections 33 and 34 of the said Code are repealed.

21. Section 35 of the said Code is amended by replacing the first sentence by the following sentence: “The record of the Commission shall include the reports produced by the labour relations officer under sections 28 and 30, the exhibits and documents filed, the recording or stenography of the testimony, where applicable, and the decision of the Commission.”

22. Section 36 of the said Code is amended by replacing “labour commissioner-general, the deputy labour commissioner-general, the labour commissioner, the certification agent,” in the third and fourth lines by “Commission, a member of its personnel”.

23. Section 36.1 of the said Code is amended

(1) by replacing “\$2” in the first line of subparagraph *c* of the first paragraph by “\$10”;

(2) by striking out “or its mailing by registered or certified mail” in the fourth line of subparagraph *c* of the first paragraph;

(3) by striking out “or its mailing by registered or certified mail” in the third and fourth lines of subparagraph *d* of the first paragraph;

(4) by replacing “The certification agent, the labour commissioner or the Court” in the first line of the second paragraph by “The Commission”;

(5) by adding the following paragraph at the end:

“For the purposes of the first paragraph, a petition is deemed to be filed on the day it is received.”

24. Section 37 of the said Code is amended by replacing “labour commissioner” in the first line of the first paragraph by “Commission”.

25. Sections 37.1, 38 and 39 of the said Code are amended by replacing the words “labour commissioner” wherever they occur in those sections by “Commission”.

26. Section 40 of the said Code is amended by replacing “a labour commissioner” in the second line by “the Commission”.

27. Section 41 of the said Code is amended

(1) by replacing “A labour commissioner” in the first line of the first paragraph by “The Commission”;

(2) by adding the following paragraph after the first paragraph:

“The Commission may also, at any time, revoke a certification which, in its opinion, has been inoperative for at least five years if the bargaining unit for which it was granted was at no time in the course of that period governed by a collective agreement in force or by an arbitration award in lieu thereof.”;

(3) by replacing “third” in the first line of the second paragraph by “fourth”;

(4) by replacing “labour commissioner” in the second and third lines of the second paragraph by “Commission”;

(5) by replacing “certification agent” in the first line of the third paragraph by “labour relations officer”;

(6) by replacing “labour commissioner-general or the labour commissioner to whom the matter has been referred, as the case may be, within ten days of receiving the report, failing which a decision may be rendered without calling the parties for a hearing” in the fourth, fifth, sixth and seventh lines of the third paragraph by “Commission within five days after receiving the report”.

**28. Section 42 of the said Code is amended**

(1) by replacing “labour commissioner seized of the matter or a labour commissioner designated to that effect by the labour commissioner general” in the third, fourth and fifth lines of the first paragraph by “Commission”;

(2) by replacing “labour commissioner seized of the matter” in the third line of the second paragraph by “Commission”.

**29. Section 45 of the said Code is amended**

(1) by striking out “otherwise than by judicial sale” in the second line of the first paragraph;

(2) by inserting “, subject to the fifth paragraph of section 32,” after “stead” in the fourth line of the second paragraph.

**30. The said Code is amended by inserting the following section after section 45:**

“45.1. Where an undertaking subject to the Canada Labour Code (Revised Statutes of Canada, 1985, chapter L-2) as regards labour relations becomes, in that regard, subject to the legislative authority of Québec, the following provisions shall apply:

(1) a certification granted, a collective agreement made and proceedings under the Canada Labour Code for the securing of certification or the making or carrying out of a collective agreement are deemed to be a certification granted, a collective agreement made and filed and proceedings commenced under this Code;

(2) the employer remains bound by the certification or collective agreement or, where section 45 would have been applicable had the undertaking been under the legislative authority of Québec, the new employer becomes bound by the certification or collective agreement as if the employer were named therein and becomes *ipso facto* a party to any related proceeding in the place and stead of the former employer;

(3) proceedings for the securing of certification or the making or carrying out of a collective agreement shall be continued and decided according to the provisions of this Code, with the necessary modifications.”

31. Section 46 of the said Code is replaced by the following section :

“46. It shall be the duty of the Commission, upon the motion of an interested party, to dispose of any matter relating to the application of sections 45 and 45.1. For that purpose, the Commission may, in particular, determine the applicability of those sections.

The Commission may also, upon the motion of an interested party, settle any difficulty arising out of the application of those sections and of their effects in the manner it considers the most appropriate to facilitate labour management and the management of the conditions of employment or to ensure the orderly exercise of the right of association. To that end, the Commission may

- (1) determine whether such a difficulty exists;
- (2) determine what constitutes a bargaining unit, modify a bargaining unit or merge bargaining units;
- (3) grant, amend or revoke a certification;
- (4) certify an association of employees from among the associations affected by the application of those sections after assessing the representative nature of the association by investigating into this matter in any manner it thinks advisable, including a vote by secret ballot;
- (5) where two or more collective agreements apply in respect of a group of employees, order a vote, subject to the conditions it indicates, to enable the employees to choose a collective agreement which would be applicable to the whole group, or determine the collective agreement or the provisions of a collective agreement that are to apply, and make the modifications it considers necessary.

Notwithstanding the second paragraph of section 45, the Commission may also decide, where the operation of part of an undertaking is transferred to another, that the transferee is not bound by the certification or the collective agreement that binds the transferring employer if the Commission is of the opinion that the collective agreement provides for the consequences of such a transfer on the employment and conditions of employment of the employees of the transferring employer.”

32. Sections 47.3 to 47.5 of the said Code are replaced by the following sections :

“47.3. If an employee believes, after being dismissed or the subject of disciplinary sanction that, in that respect, the certified association has contravened section 47.2, the employee must, if he or she wishes to rely on that section, file, within six months, a complaint with and apply in writing to the Commission for an order directing that the employee’s claim be referred to arbitration.

“47.4. When the Commission receives a complaint under section 47.3, it may undertake to reconcile the parties and settle the complaint to their satisfaction.

“47.5. If no settlement is reached 30 days after conciliation is undertaken under section 47.4, or if the association fails to implement an agreement reached during conciliation, the Commission may, if it considers that the association has contravened section 47.2, authorize the employee to submit a claim to an arbitrator appointed by the Commission to be decided on the basis of the collective agreement as though the matter were a grievance. Sections 100 to 101.10 apply, with the necessary modifications, and the association shall pay the expenses incurred by the employee.

The Commission may also make any other order it considers necessary in the circumstances.”

33. Sections 49 and 50 and Division IV of Chapter II of Title I of the said Code, including sections 50.1 to 51.1, are repealed.

34. Section 52.2 of the said Code is amended by replacing “labour commissioner” in the first line of the third paragraph by “Commission”.

35. Section 54 of the said Code is amended

(1) by replacing “Minister” in the second line of the first paragraph by “Commission”;

(2) by replacing “Minister” in the first line of the third paragraph by “Commission”.

36. Section 55 of the said Code is replaced by the following section :

“55. At any stage of the negotiations, the Commission may, on its own initiative or at the request of the Minister, designate a conciliation officer.

Where a conciliation officer is designated, the Commission must inform the parties of such appointment.”

37. Section 57 of the said Code is replaced by the following section :

“57. The conciliation officer shall submit a report to the Commission if the latter so requests.”

38. The said Code is amended by inserting the following section before section 58 :

“57.2. If, after the intervention of a conciliation officer, a strike or lock-out continues, any party that considers that the other party’s attitude or positions during the negotiation precludes the possibility of making a collective agreement within a reasonable time may file a written application requesting the Commission to intervene to facilitate the settlement of the dispute.

If the Commission believes, after giving the parties an opportunity to present observations, that the intervention of the conciliation officer has not been successful and that, due to the fact that one of the parties has not made all reasonable efforts to make a collective agreement, the parties will be unable to settle the dispute within a reasonable time, the Commission may issue an order under paragraph 1 of section 134.

It may, on the same conditions, on its own initiative or at the request of the Minister, request the conciliation officer to make a recommendation to the parties for the settlement of the dispute.

The recommendation of the conciliation officer shall be submitted to the parties for approval and be put to the vote by secret ballot of the group of employees concerned, according to the provisions of Division II of Chapter II.”

39. Section 58.1 of the said Code is amended by replacing “Minister” in the second line by “Commission”.

40. The said Code is amended by inserting the following section after section 58.1 :

“58.2. The Commission may, at the request of the employer and if it considers that it may foster the negotiation or making of a collective agreement, order a certified association to hold, on the date or within the time limit it determines, a secret ballot to give a group of employees represented by the association an opportunity to accept or refuse the last offers made by the employer on all the matters still in dispute between the parties.

The Commission may order the holding of such a ballot only once at the negotiation stage of a collective agreement.

The ballot shall be held under the supervision of the Commission, according to the rules determined by the Commission.”

41. Section 61 of the said Code is amended by replacing “labour commissioner general” in the fourth line by “Commission”.

42. Section 72 of the said Code is amended by replacing “the office of the labour commissioner general” in the first and second lines of the first paragraph by “one of the offices of the Commission”.

43. Section 74 of the said Code is amended by replacing “Minister” in the second line by “Commission”.

44. Section 75 of the said Code is replaced by the following section:

“75. Where the Commission refers the dispute to arbitration, it shall so advise the parties.”

45. Section 77 of the said Code is amended

(1) by replacing “Minister” in the third line of the first paragraph by “Commission”;

(2) by replacing “Minister” in the fourth line of the first paragraph by “Commission”;

(3) by replacing “Minister” in the second line of the second paragraph by “Commission”;

(4) by replacing “Minister” in the third line of the second paragraph by “Commission”.

46. Section 86 of the said Code is amended by adding the following paragraph at the end:

“Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties.”

47. Section 89 of the said Code is replaced by the following section:

“89. The arbitrator shall forward the original of the award to one of the offices of the Commission and send, at the same time, a copy to each party.”

48. Section 90 of the said Code is replaced by the following section:

“90. The award of the arbitrator must be rendered within 120 days after the end of the last arbitration sitting.

If the arbitrator is unable to render an award, the Commission may, at the request of the arbitrator or of a party, grant an extension to the arbitrator for a specific number of days.

If the Commission considers that the circumstances and the interest of the parties so warrant, it may also, at the request of the arbitrator, grant the latter an extension of not more than 30 days which may, on the same conditions, be extended.”

49. Section 92 of the said Code is amended by replacing “two years” in the second line by “three years, even if it is made after the applicable date of expiry”.

50. Sections 93.1 and 93.2 of the said Code are amended by replacing “Minister” wherever it occurs by “Commission”.

51. Section 93.3 of the said Code is amended by replacing “Minister” in the first line by “Commission”.

52. Section 93.4 of the said Code is amended by replacing “Minister” in the fourth line by “Commission”.

53. Section 94 of the said Code is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Commission”;

(2) by replacing “Minister” in the first line of the second paragraph by “Commission”.

54. Section 96 of the said Code is amended by replacing “Minister” in the second line of the second paragraph by “Commission”.

55. Section 97 of the said Code is amended by replacing “Minister” in the second line of the first paragraph by “Commission”.

56. Section 98 of the said Code is amended

(1) by replacing “Minister” wherever it occurs by “Commission”;

(2) by replacing “he” in the first line of the first paragraph by “it”.

57. Section 99 of the said Code is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Commission”;



(2) by replacing “Minister” in the second line of the second paragraph by “Commission”;

(3) by replacing “Minister, the latter shall enter on the list the names he” in the second line of the third paragraph by “Commission, the Commission shall enter on the list the names it”;

(4) by replacing “Minister” in the second line of the fourth paragraph by “Commission”.

58. Section 99.1.1 of the said Code is amended by replacing “Minister” wherever it occurs by “Commission”.

59. Section 99.8 of the said Code is amended by inserting “, even if it is made after the applicable date of expiry” after “three years” in the second line.

60. Sections 99.10, 99.11 and 100 of the said Code are amended by replacing “Minister” wherever it occurs by “Commission”.

61. Section 100.2 of the said Code is amended by adding the following paragraph at the end:

“For the purposes set out in section 137.8, the arbitrator may also, with the consent of the parties, hold a pre-hearing conference prior to the hearing of the grievance.”

62. Section 100.6 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended by adding the following paragraph at the end:

“Where a person is duly summoned on the initiative of an arbitrator, the taxation is payable in equal shares by the parties.”

63. Section 100.12 of the said Code is amended by inserting “, including a provisional order,” after “decision” in paragraph g.

64. Section 101 of the said Code is amended by replacing the second sentence by the following sentence: “Section 137.6 applies, with the necessary modifications, to the arbitration award; however, the authorization of the Commission provided for in that section is not required.”

65. Section 101.6 of the said Code is amended by replacing “the office of the labour commissioner general” in the second line by “one of the offices of the Commission”.

66. Section 101.7 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “Labour Court” in the third line by “Commission”;

(2) by replacing, in the French text, “qu’il” in the fourth line by “qu’elle”.

67. Section 101.8 of the said Code is amended by replacing “the office of the labour commissioner general” in the third and fourth lines by “one of the offices of the Commission”.

68. Section 101.10 of the said Code is replaced by the following section :

“101.10. The secretary or, in the absence of the secretary, a person duly authorized by the president of the Commission may certify true any arbitration award filed in accordance with section 101.6.”

69. Section 103 of the said Code is amended by striking out the second paragraph.

70. Section 109.4 of the said Code is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Commission”;

(2) by replacing “signed by the Minister” in the second line of the third paragraph by “issued by the Commission”;

(3) by replacing “Minister” in the second line of the fourth paragraph by “Commission”;

(4) by striking out the fifth paragraph.

71. Section 111.0.19 of the said Code is amended by adding the following sentence at the end of the third paragraph: “It may also order the certified association to postpone the exercise of its right to strike until it informs the council of the action it intends to take in respect of the recommendations.”

72. Section 111.0.23 of the said Code is amended by replacing “Minister” in the third line of the first paragraph by “Commission”.

73. Section 111.0.23.1 of the said Code is amended by replacing “Minister” in the second line of the first paragraph by “Commission”.

74. Section 111.11 of the said Code is amended by replacing “Minister” in the second line of the first paragraph by “Commission”.

75. Chapter VI of Title I of the said Code is replaced by the following chapter :

## **“CHAPTER VI**

### **“COMMISSION DES RELATIONS DU TRAVAIL**

## **“DIVISION I**

### **“ESTABLISHMENT, OBJECT AND JURISDICTION**

“112. A labour relations commission is hereby established under the name “Commission des relations du travail”.

“113. The head office of the Commission shall be situated at the place determined by the Government. Notice of the address of the head office and of any change of address shall be published in the *Gazette officielle du Québec*.

The Commission shall have an office in the territory of the Communauté métropolitaine de Montréal and an office in the territory of the Communauté urbaine de Québec. Notice of the address of each office and of any change of address shall be published in the *Gazette officielle du Québec*.

“114. The object of the Commission is to oversee the application of the provisions of this Code, except the provisions of sections 111.0.1 to 111.2 and 111.10 to 111.20, in particular,

- (1) to ensure the diligent and efficient application of the certification procedure;
- (2) to ensure the establishment and maintenance of sound labour relations;
- (3) to promote and support the orderly settlement of labour disputes.

Except as regards the provisions of sections 111.0.1 to 111.2 and 111.10 to 111.20, a further object of the Commission is to dispose of proceedings, petitions or complaints brought by an interested person or party under this Code or any other Act, and any applications or other matters referred to it under this Code or any other Act.

For such purposes, the Commission shall exercise the functions, powers or duties assigned to it by this Code or any other Act.

“115. The Commission is composed of a president, two vice-presidents and commissioners as well as members of its personnel who are entrusted with rendering decisions on its behalf.

“116. The Commission comprises two divisions:

- (1) the Labour Relations Support Division;
- (2) the Complaints and Proceedings Division.

Each division is under the direction of a vice-president.

“117. The president of the Commission or the vice-president of the Labour Relations Support Division may act alone on behalf of the Commission for the purposes of an administrative decision, in particular,

(1) designating, at any time, a person to facilitate the establishment or maintenance of harmonious relations between an employer and the employer’s employees or the association representing the employees;

(2) designating a person to act as a conciliation officer, mediator or mediator-arbitrator;

(3) referring a matter to arbitration;

(4) appointing a grievance or dispute arbitrator;

(5) granting an extension for making an arbitration award.

The person designated under subparagraph 1 of the first paragraph shall report to the Commission.

## **“DIVISION II**

### **“LABOUR RELATIONS SUPPORT DIVISION**

#### **“§1. — *Jurisdiction***

“118. In matters of conciliation, mediation, arbitration, research and investigation, the Commission shall act through its Labour Relations Support Division. The division shall assume the responsibilities of the Commission and exercise the functions, powers and duties of the Commission in such matters.

The same applies in matters of certification, except where such jurisdiction is assigned to the Complaints and Proceedings Division pursuant to subparagraph 1 of the first paragraph of section 129.

“119. The president may, for the same purposes, appoint to the Labour Relations Support Division

(1) labour relations officers charged with

(a) ascertaining the representative nature of an association of employees or its right to be granted certification;

(b) conducting, at the request of the president of the Commission, or on their own initiative in matters referred to them, an investigation, survey or research on any matter relating to certification and the safeguard or exercise of the freedom of association;

(2) conciliation officers charged with meeting the parties and endeavouring to bring them to reach an agreement ;

(3) mediators charged with helping the parties to settle their dispute ;

(4) investigators charged with inquiring into any matter under the jurisdiction of the Commission.

Those persons are also charged with exercising any other functions entrusted to them by the president or the vice-president of the division.

*“§2. — Duties and powers*

“120. Before rendering a decision, the Labour Relations Support Division shall allow the interested persons or parties to present observations and, if need be, file documents to complete their records. The division is not required to hold any hearing.

“121. An investigator and any other member of the personnel of the Commission assigned to the Labour Relations Support Division and designated by the president may inquire into any matter within the jurisdiction of the Commission. A labour relations officer may also make an investigation into any alleged contravention of section 12 in accordance with section 29 of this Code.

For the purposes of an investigation, those persons are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

They may also

(1) have access, at any reasonable time, to any work place or establishment of a party to obtain information necessary for the application of this Code ;

(2) require any information necessary for the application of this Code and the production of any relevant document for examination and reproduction.

Every person authorized to exercise the powers provided for in the third paragraph shall, on request, produce identification and show the certificate of capacity issued by the Commission.

*“§3. — Pre-decision conciliation*

“122. A member of the personnel of the Labour Relations Support Division may, if the parties to a case consent thereto, meet with the parties and endeavour to effect an agreement.

“123. Nothing said or written in the course of conciliation may be admitted as evidence, unless the parties consent thereto.

“124. Every agreement shall be recorded in writing and the documents, if any, to which it refers shall be attached thereto. The agreement must be signed by the conciliation officer and by the parties, and is binding on the parties.

The agreement may, at the request of one of the parties, be submitted to the Complaints and Proceedings Division for approval.

If no request for approval is submitted to the division within six months from the date of the agreement, the agreement terminates the proceeding at the expiry of that time.

“§4. — *Decision*

“125. In the Labour Relations Support Division, petitions, applications or other matters shall be decided by a member of the personnel of the Commission.

“126. A decision containing an error in writing or in calculation or any other clerical error may be corrected, on the record and without further formality, by the member of the personnel of the Commission who made the decision.

“127. The Labour Relations Support Division may, on application, review or revoke any decision or order it has made

(1) if a new fact is discovered which, had it been known in time, could have warranted a different decision;

(2) if an interested party, owing to reasons considered sufficient, could not present observations.

“128. Review or revocation proceedings are brought by a motion filed at any of the offices of the Commission within reasonable time following the decision concerned or following the discovery of a new fact that may warrant a different decision. The motion shall refer to the decision concerned and state the grounds invoked in support of the motion.

The secretary of the Commission shall send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it.

The Labour Relations Support Division shall proceed on the basis of the record after enabling the interested parties to present observations.

### **“DIVISION III**

#### **“COMPLAINTS AND PROCEEDINGS DIVISION**

##### **“§1. — *Jurisdiction***

“129. The Commission shall, to the exclusion of any court or tribunal, hear and dispose, through its Complaints and Proceedings Division,

(1) subject to paragraph *d.1* of section 28, of any petition for certification if there is disagreement as to the description of the bargaining unit or as to the inclusion or exclusion of certain persons in the bargaining unit, and of any matter relating to non-compliance with section 12 and any matter that is subject to section 39, 41, 42, 46 or 47.5; and

(2) of any other matter or proceeding introduced or brought by an interested person or party pursuant to the provisions of this Code, except a matter or proceeding introduced or brought pursuant to the provisions of sections 111.0.1 to 111.2 and 111.10 to 111.20, and of proceedings brought before the Commission and listed in Schedule I.

The Complaints and Proceedings Division shall also exercise, to the exclusion of any court or tribunal, the powers to issue orders under sections 133 and 134.

The division shall have the responsibilities of the Commission and exercise the functions, powers and duties of the Commission in such matters.

“130. Any complaint related to the application of sections 12, 13, 59 and, in the case of a refusal to employ a person, the application of section 14, shall be filed with the Commission within 30 days of knowledge of the alleged contravention.

The time limit provided for in section 47.3 applies to any complaint related to the application of section 47.2 filed with the Commission.

“131. The Complaints and Proceedings Division shall be composed of commissioners.

##### **“§2. — *Duties and powers***

“132. Before rendering a decision, except with regard to an agreement under section 124, the Complaints and Proceedings Division shall allow the parties to be heard. It may, however, proceed on the record, if it considers it appropriate and if the parties consent thereto.

“133. The Complaints and Proceedings Division may, in particular,

(1) summarily reject any motion, application, complaint or procedure it considers to be improper or dilatory;

(2) refuse to rule on the merits of a complaint where it considers that the complaint may be settled by an arbitration award disposing of a grievance, except in the case of a complaint referred to in section 16 of that Code or in sections 123 and 123.1 of the Act respecting labour standards (chapter N-1.1) or a complaint filed under another Act;

(3) issue any order, including a provisional order, it considers appropriate to safeguard the rights of the parties;

(4) determine any question of law or fact necessary for the exercise of its jurisdiction;

(5) render any decision it considers appropriate;

(6) ratify a conciliation agreement that is in compliance with the law;

(7) authorize, at the request of a party, a decision made by the Commission to be filed at the office of the clerk of a court of competent jurisdiction, in accordance with section 137.6.

“134. Except with regard to an actual or apprehended strike, slowdown or lock-out in a public service or in the public and parapublic sectors within the meaning of Chapter V.1, the division may also

(1) order a person, group of persons, association or group of associations to cease performing, not to perform or to perform an act so as to comply with this Code;

(2) require any person to remedy any act or omission that is in contravention of a provision of this Code;

(3) order a person or group of persons, in light of the conduct of the parties, to apply the measures of redress it considers the most appropriate;

(4) issue an order not to authorize or participate, or to cease authorizing or participating, in a strike or slowdown within the meaning of section 108 or a lock-out that is or would be contrary to this Code, or to take measures considered appropriate by the Commission to induce the persons represented by an association not to participate, or to cease participating, in such a strike, slowdown or lock-out;

(5) order, where applicable, that the grievance and arbitration procedure provided for in the collective agreement be accelerated or modified.

“135. The Commission and its commissioners are vested with the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

No person may, in any manner, hinder or impede the work of a commissioner of the Commission in the exercise of his or her functions.



“136. To dispose of an application filed with the Commission under sections 7.7 and 21 of the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), a commissioner of the Commission may, of his or her own initiative, if the commissioner considers it useful for the examination of any matter, visit, at any reasonable time, a construction site or any other premises related to the matter. The commissioner shall then inform the person responsible for the premises and invite the parties to accompany the commissioner.

While on the premises, the commissioner may examine any movable or immovable property related to the matter to be resolved. The commissioner may also, on that occasion, question the persons present on the premises.

Any person responsible for the premises visited is required to allow access thereto to enable the commissioner to exercise his or her powers.

“§3. — *Decision*

“137. In the Complaints and Proceedings Division, proceedings, motions, complaints, applications or other matters shall be heard and decided by a commissioner.

The vice-president of that division may, where the vice-president considers it appropriate, assign a matter to a panel composed of three commissioners that includes at least one advocate or notary.

Where a case is heard by more than one commissioner, it shall be decided by a majority of the commissioners having heard it.

“137.1. Any conciliation agreement ratified under paragraph 6 of section 133 is the decision of the Commission and terminates the matter. The decision is mandatory and binds the parties.

“137.2. If a commissioner to whom a case is referred does not render a decision within the applicable time, the vice-president of the Complaints and Proceedings Division may, by virtue of his or her office or at the request of a party, remove the commissioner from the case.

Before removing a commissioner who has not rendered a decision within the applicable time, the vice-president must take the circumstances and the interest of the parties into account.

“137.3. A decision containing an error in writing or in calculation or any other clerical error may be corrected, on the record and without further formality, by the commissioner who made the decision.

Where a commissioner is unable to act or has ceased to hold office, another commissioner designated by the vice-president of the Complaints and Proceedings Division may correct the decision.

“137.4. The Complaints and Proceedings Division may, on application, review or revoke any decision or order it has made

(1) if a new fact is discovered which, had it been known in time, could have warranted a different decision ;

(2) if an interested party, owing to reasons considered sufficient, could not present observations or be heard ; or

(3) if a substantive or procedural defect is of a nature likely to invalidate the decision.

In the case described in subparagraph 3 of the first paragraph, the decision or order may not be reviewed or revoked by the commissioner who made it. Such a decision or order may be reviewed or revoked only by a panel of three commissioners that includes at least one advocate or notary.

“137.5. Review or revocation proceedings are brought by a motion filed at any of the offices of the Commission within reasonable time following the decision concerned or following the discovery of a new fact that may warrant a different decision. The motion shall refer to the decision concerned and state the grounds invoked in support of the motion. It shall contain any other information required by the rules of evidence, procedure and practice.

The secretary of the Commission shall send a copy of the motion to the other parties, who may respond to it in writing within 30 days after receiving it.

The Complaints and Proceedings Division shall proceed on the basis of the record, unless a party requests to be heard or if, of its own initiative, the division considers it appropriate.

“137.6. The Commission may, within six months after the date of the decision, on application by an interested party, authorize the filing of the decision at the office of the clerk of the Superior Court of the district of the domicile of one of the parties to whom the decision applies.

The decision of the Commission becomes executory as if it were a final judgment of the Superior Court and has all the effects of such a judgment.

If the decision contains an order to do or not to do something, any person named or designated in the decision who transgresses the order or refuses to comply therewith, and any person not designated who knowingly contravenes the order, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 53 to 54 of the Code of Civil Procedure (chapter C-25), to a fine not exceeding \$50,000 with or without imprisonment for not over one year. These penalties may be imposed repeatedly until the offender complies with the decision.

“§4 — *Rules of evidence and procedure*

“137.7. The commissioner to whom a case has been assigned may call the parties to a pre-hearing conference if it is considered useful and the circumstances of the case allow it.

“137.8. The pre-hearing conference is held by the commissioner and for the purpose of

- (1) defining the questions to be dealt with at the hearing ;
- (2) assessing the advisability of clarifying and specifying the pretensions of the parties and the conclusions sought ;
- (3) ensuring that all documentary evidence is exchanged by the parties ;
- (4) planning the conduct of the proceedings and proof at the hearing ;
- (5) examining the possibility for the parties of admitting certain facts or of proving them by means of sworn statements ; and
- (6) examining any other question likely to simplify or accelerate the conduct of the hearing.

A pre-hearing conference may also enable the parties to reach an agreement and thus terminate a case.

“137.9. The commissioner shall cause matters on which the parties have reached an agreement, admissions and decisions made by the commissioner to be recorded in the minutes of the pre-hearing conference. The minutes shall be filed in the record and a copy shall be sent to the parties.

The agreements, admissions and decisions recorded in the minutes shall, as far as they may apply, govern the conduct of the proceeding, unless the Complaints and Proceedings Division, when hearing the matter, permits a derogation therefrom to prevent an injustice.

“137.10. If a party who has been duly notified does not appear at the time fixed for the hearing without having provided a valid excuse for absence, or chooses not to be heard, the Complaints and Proceedings Division may nonetheless proceed with the hearing and render a decision.

“137.11. In the absence of provisions applicable to a particular case, the Complaints and Proceedings Division may supply any procedure consistent with this Code and its rules of procedure.

“137.12. The Complaints and Proceedings Division shall, so far as is possible, facilitate the holding of a hearing at a date and time when the parties and their witnesses, if any, are able to attend without unduly disrupting their usual occupations.

“137.13. Notice shall be sent to the parties within reasonable time before the hearing, stating

- (1) the purpose, date, time and place of the hearing ;
- (2) that the parties have the right to be assisted or represented ; and
- (3) that the Complaints and Proceedings Division has the authority to proceed, without further delay or notice, despite the failure of a party to appear at the time and place fixed, if no valid excuse is provided.

“137.14. The Complaints and Proceedings Division may hear the parties by any means provided for in its rules of evidence, procedure and practice.

“137.15. Where an investigation is conducted by the Labour Relations Support Division, the investigation report shall be filed in the record of the case before the Complaints and Proceedings Division and a copy thereof shall be transmitted to all interested parties.

In such a case, the president of the Commission may neither hear nor decide the case.

“137.16. A party who wishes to cause witnesses to be heard and to produce documents shall proceed in the manner prescribed in the rules of evidence, procedure and practice of the Complaints and Proceedings Division.

“137.17. Every person summoned to testify before the Complaints and Proceedings Division in any case governed by this Code or any other Act is entitled to the same taxation as witnesses before the Superior Court and to the reimbursement of travelling and living expenses.

Such taxation is payable by the party who proposed the summons, but a person who receives his or her salary during such period is entitled only to the reimbursement of travelling and living expenses.

Where a person is duly summoned on the initiative of the division, the taxation is payable by the Commission.

“137.18. Where, by reason of inability to act, a commissioner is unable to continue a hearing, another commissioner designated by the vice-president of the Complaints and Proceedings Division may, with the consent of the parties, continue the hearing and rely, as regards oral evidence, on the notes and minutes of the hearing or, as the case may be, on the stenographer’s notes or on the recording of the hearing, provided, where the commissioner finds them insufficient, that a witness is recalled or other evidence is required.

The same rule applies in the case of a hearing continued after a commissioner who began to hear the matter ceases to hold office and where no decision has been made on a matter heard by a commissioner at the time the commissioner was removed from the matter.

Where a case is heard by more than one commissioner, the hearing is continued by the other commissioners. Should opinions be equally divided, the matter shall be referred to the president, or vice-president of the Complaints and Proceedings Division or to a commissioner designated by either of them for a decision according to law.

“137.19. A commissioner who has knowledge of a valid cause for recusation must declare that cause in a writing filed in the record and must advise the parties of it.

“137.20. A party may, at any time before the decision and provided the party acts with dispatch, apply for the recusation of a commissioner seized of the case if the party has good reason to believe that a cause for recusation exists.

The application for recusation shall be addressed to the vice-president of the Complaints and Proceedings Division. Unless the commissioner removes himself or herself from the case, the application shall be decided by the vice-president of that division or by a commissioner designated by the vice-president.

“§5. — *Commissioners*

“A - Appointment

“137.21. The commissioners of the Commission shall be appointed by the Government, in the number determined by the Government. Commissioners shall be assigned solely to the Complaints and Proceedings Division.

“137.22. Only a person who has knowledge of the applicable legislation and ten years’ experience pertinent to the matters under the jurisdiction of the Commission may be a commissioner of the Commission.

“137.23. The commissioners shall be appointed from among persons declared to be qualified according to the recruiting and selection procedure established by government regulation. The regulation shall, in particular,

(1) determine the publicity that must be given to the recruiting procedure and the content of such publicity ;

(2) determine the procedure by which a person may seek nomination as a candidate ;

(3) authorize the establishment of selection committees to assess the aptitude of candidates and formulate an opinion concerning them ;

(4) fix the composition of the committees and the mode of appointment of committee members ;

(5) determine the selection criteria to be taken into account by the committees; or

(6) determine the information a committee may require from a candidate and the consultations it may hold.

“137.24. The names of the persons declared to be qualified shall be recorded in a register kept at the Ministère du Conseil exécutif.

“137.25. A certificate of qualifications shall be valid for a period of 18 months or for such period as is determined by government regulation.

“137.26. The members of a selection committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

“B - Term of office

“137.27. Subject to the following exceptions, the term of office of a commissioner is five years.

“137.28. The Government may determine a shorter term of office of a fixed duration in the instrument of appointment of a commissioner where the candidate so requests for a valid reason or where required by special circumstances stated in the instrument of appointment.

“137.29. The term of office of a commissioner shall be renewed for five years,

(1) unless the commissioner is notified otherwise at least three months before the expiry of the commissioner’s term by the agent authorized therefor by the Government; or

(2) unless the commissioner requests otherwise and so notifies the Minister at least three months before the expiry of the commissioner’s term.

A variation of the term of office is valid only for a fixed period of less than five years determined in the instrument of renewal and, except where requested by the commissioner for a valid reason, only where required by special circumstances stated in the instrument of renewal.

“137.30. The renewal of the term of office of a commissioner shall be examined according to the procedure established by government regulation. The regulation may, in particular,

- (1) authorize the establishment of committees ;
- (2) fix the composition of the committees and the mode of appointment of committee members ;
- (3) determine the criteria to be taken into account by the committees ; or
- (4) determine the information a committee may require from the commissioner and the consultations it may hold.

“137.31. The members of an examination committee shall receive no remuneration except in such cases, subject to such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, subject to the conditions and to the extent determined by the Government.

“137.32. The term of office of a commissioner may terminate prematurely only on the commissioner’s retirement or resignation, or on the commissioner’s being dismissed or otherwise removed from office, in the circumstances referred to in sections 137.33 to 137.35.

“137.33. To resign, a commissioner must give the Minister reasonable notice in writing and send a copy to the president of the Commission.

“137.34. The Government may dismiss a commissioner if the Conseil de la justice administrative so recommends, after an inquiry following a complaint for breach of the code of ethics, of a duty under this Code or of the prescriptions governing conflicts of interest or incompatible functions. It may also impose a suspension or issue a reprimand.

A complaint must be in writing and must briefly state the grounds on which it is based. The complaint is sent to the seat of the council.

The council shall, when examining a complaint brought against a commissioner, act in conformity with the provisions of sections 184 to 192 of the Act respecting administrative justice (chapter J-3), with the necessary modifications.

However, where the council, for the purposes of section 186 of the said Act, forms an inquiry committee, the committee shall be composed of one member chosen by the council from a list established by the president of the Commission after consultation with the commissioners and of two other members chosen from among the members of the council, one of whom shall neither practice a legal profession nor be a member of the Administrative Tribunal of Québec. The commissioner of the Commission or, where the commissioner is unable to act, another commissioner of the Commission chosen in the same manner, shall also take part in the deliberations of the council for the purposes of section 192 of the said Act.

“137.35. The Government may remove a commissioner from office if, in the opinion of the Government, a permanent disability prevents the commissioner from performing the duties of a commissioner satisfactorily. Permanent disability is ascertained by the Conseil de la justice administrative, after an inquiry conducted at the request of the Minister or of the president of the Commission.

The council shall, when conducting an inquiry to determine whether a commissioner is suffering from a permanent disability, act in conformity with the provisions of sections 193 to 197 of the Act respecting administrative justice (chapter J-3), with the necessary modifications; however, the inquiry committee shall be formed in accordance with the rules set out in section 137.34.

“137.36. A commissioner may, with the authorization of and for the time determined by the president of the Commission, continue to exercise the functions of a commissioner after the expiry of his or her term of office in order to conclude the cases the commissioner has begun to hear but has yet to determine; the commissioner shall be considered to be a supernumerary commissioner for the time required.

The first paragraph does not apply to a commissioner who has been dismissed or otherwise removed from office.

#### “C - Remuneration and other conditions of employment

“137.37. The Government shall make regulations determining

(1) the mode of remuneration of the commissioners and the applicable standards and scales;

(2) the conditions subject to which and the extent to which a commissioner may be reimbursed the expenses incurred in the performance of his or her duties.

The Government may make regulations determining other conditions of employment applicable to all or certain commissioners, including employee benefits other than a pension plan.

The regulatory provisions may vary according to whether they apply to a full-time or part-time commissioner or the commissioner is charged with an administrative office within the Commission.

The regulations come into force on the fifteenth day following the date of their publication in the *Gazette officielle du Québec* or on any later date indicated therein.

“137.38. The Government shall fix, in accordance with the regulations, the remuneration, employment benefits and other conditions of employment of the commissioners.



“137.39. Once fixed, a commissioner’s remuneration may not be reduced.

However, additional remuneration attaching to an administrative office within the Commission shall cease upon termination of such office.

“137.40. The pension plan of commissioners shall be determined pursuant to the Act respecting the Government and Public Employees Retirement Plan (chapter R-10) or the Act respecting the Civil Service Superannuation Plan (chapter R-12), as the case may be.

“137.41. A public servant serving as a commissioner of the Commission ceases to be subject to the Public Service Act (chapter F-3.1.1) in all matters concerning that office; for the duration of each term of office, the public servant is on full leave without pay for the purpose of performing the duties of a commissioner.

#### “D - Ethics and impartiality

“137.42. Each commissioner shall, before acting as such, take an oath, solemnly affirming the following: “I (...) swear that I will exercise the powers and fulfil the duties of my office impartially and honestly and to the best of my knowledge and abilities.”

The oath shall be taken before the president of the Commission. The president of the Commission shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.

“137.43. The Government shall, after consultation with the president, establish a code of ethics applicable to the commissioners.

The code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, or on any later date indicated therein.

“137.44. The code of ethics shall set out the rules of conduct and the duties of the commissioners towards the public, the parties, their witnesses and the persons representing them; it shall, in particular, define the conduct that is derogatory to the honour, dignity or integrity of a commissioner. In addition, the code of ethics may determine the activities or situations that are incompatible with their office, their obligations concerning the disclosure of interests, and the functions they may exercise gratuitously.

“137.45. A commissioner may not, on pain of forfeiture of office, have a direct or indirect interest in any enterprise that could cause a conflict between the commissioner’s personal interest and the commissioner’s duties of office, unless the interest devolves to the commissioner by succession or gift and the commissioner renounces it or disposes of it with dispatch.

“137.46. In addition to observing conflict of interest requirements and the rules of conduct and duties imposed by the code of ethics established under this Code, a commissioner must refrain from pursuing an activity or placing himself or herself in a situation incompatible, within the meaning of the code of ethics, with the exercise of the commissioner’s functions.

“137.47. Full-time commissioners shall devote themselves exclusively to their office.

They may, however, carry out any mandate entrusted to them by order of the Government after consultation with the president of the Commission.

#### **“DIVISION IV**

#### **“PROVISIONS APPLICABLE TO BOTH DIVISIONS**

“137.48. Applications or complaints made to the Commission as well as motions or proceedings are introduced by filing them at one of the offices of the Commission.

“137.49. Cases in which the questions in dispute are substantially the same or whose subject-matters could suitably be combined, whether or not the same parties are involved and whether or not the cases are brought in the same division, may be joined by order of the president or of a person designated by the president, on the conditions fixed by the president.

If two or more cases not brought in the same division are joined, the case shall be heard by the Complaints and Proceedings Division.

An order made under the first paragraph may be revoked by the commissioner or commissioners hearing the matters so joined if they believe that the interests of justice will be better served.

“137.50. Every decision of the Commission must be recorded in writing, signed and notified to the interested persons or parties and must give the reasons on which it is based.

“137.51. In the case of a petition for certification, the decision of the Commission must be rendered within 60 days of the filing of the petition. However, in the case of a petition under section 111.3, the decision of the Commission must be rendered within the period comprised between the end of the period for filing a petition for certification and the date of expiry of the collective agreement or anything in lieu thereof. The president of the Commission may grant an extension.

In any other case, of any nature whatsoever, the Commission must render its decision within 90 days after the case is taken under advisement, unless the president of the Commission has granted an extension.

Before granting an extension, the president must take the circumstances and the interest of interested persons or parties into account.

“137.52. A decision of the Commission is without appeal and must be complied with without delay by every person to whom it applies.

## “DIVISION V

### “CONDUCT OF THE COMMISSION’S AFFAIRS

#### “§1. — *Internal management*

“137.53. The administrative affairs of the Commission shall be conducted in accordance with rules of internal management established by the president of the Commission, after consultation with the vice-presidents. The rules shall be submitted to the Government for approval.

“137.54. The Commission may, in accordance with its rules of internal management, enter into an agreement with any person, association, partnership or body, and with the Government or a department or body of the Government.

The Commission may also, subject to the applicable legislative provisions, enter into an agreement with a government in Canada or abroad, a department or agency of such a government, an international organization or an agency of such an organization.

#### “§2. — *Administrative mandate*

“137.55. The Government shall designate, from among the commissioners of the Commission, a president and a vice-president responsible for the Complaints and Proceedings Division.

In addition, the Government shall appoint a vice-president responsible for the Labour Relations Support Division.

“137.56. The term of office of the vice-president responsible for the Labour Relations Support Division shall not exceed five years.

At the expiry of his or her term, the vice-president shall remain in office until replaced or reappointed.

“137.57. The Government shall fix the remuneration, employment benefits and other conditions of employment of the vice-president responsible for the Labour Relations Support Division.

“137.58. The president and the vice-presidents shall exercise their functions on a full-time basis.

“137.59. The vice-president of the Complaints and Proceedings Division shall replace the president when required.

The president shall designate a member of the personnel of the Commission or, as the case may be, a commissioner to replace the vice-president when required.

“137.60. The administrative office of president or vice-president is of a fixed duration determined in the instrument of designation, appointment or renewal.

“137.61. The administrative office of president or of vice-president responsible for the Complaints and Proceedings Division may terminate prematurely only if the president or vice-president relinquishes his or her administrative office, on the premature termination or non-renewal of their terms of office as commissioners, or on their dismissal or removal from administrative office in circumstances referred to in section 137.62.

“137.62. The Government may remove the president or the vice-president responsible for the Complaints and Proceedings Division from administrative office if the Conseil de la justice administrative so recommends, after an inquiry conducted at the Minister’s request concerning a lapse pertaining only to administrative duties. The Conseil shall act in accordance with the provisions of sections 193 to 197 of the Act respecting administrative justice, with the necessary modifications ; however, the formation of an inquiry committee is subject to the rules set out in section 137.34.

“§3. — *Management and administration*

“137.63. In addition to the powers and duties that may otherwise be assigned to the president, the president is charged with the administration and general management of the Commission.

The functions of the president include

- (1) directing the personnel of the Commission and seeing to it that the personnel’s functions are carried out ;
- (2) assigning to each division of the Commission the support personnel necessary for the carrying out of its mandate ;
- (3) promoting the professional development of the personnel of the Commission and the commissioners as regards the exercise of their functions ;
- (4) fostering the participation of commissioners in the formulation of guiding principles for the Commission so as to maintain a high level of quality and coherence of decisions of the Complaints and Proceedings Division ;
- (5) seeing to the observance of the standards of ethics.

“137.64. The president may delegate all or part of the president’s powers and duties to the vice-presidents.

“137.65. In addition to the powers and duties that may otherwise be assigned to them or delegated to them by the president, the vice-presidents shall assist and advise the president in the exercise of his or her functions and perform their administrative functions under the president’s authority.

The functions of the vice-president of the Complaints and Proceedings Division shall also include, in particular, the coordination and assignment of the commissioners’ work and they must, in that respect, comply with the vice-president’s orders and directives.

In assigning work to commissioners, the vice-president of that division may take the commissioners’ specific knowledge and experience into account.

“§4. — *Immunity*

“137.66. The Commission, its commissioners and the members of its personnel may not be prosecuted for an act done in good faith in the exercise of their functions.

“137.67. No commissioner, labour relations officer, conciliation officer or person designated by the Commission to endeavour to bring the parties to an agreement may be compelled to disclose anything revealed to them or brought to their knowledge in the exercise of their functions, or to produce personal notes or a document made or obtained in the exercise of their functions before a court or tribunal or an arbitrator or before a body or person exercising judicial or quasi-judicial functions.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used as the basis for an agreement and for the decision confirming an agreement following conciliation.

“§5. — *Personnel and material and financial resources*

“137.68. The secretary and the other members of the personnel of the Commission shall be appointed in accordance with the Public Service Act (chapter F-3.1.1).

“137.69. The secretary shall have custody of the records of the Commission.

“137.70. The documents emanating from the Commission are authentic if they are signed, as are copies if they are certified true, by the president, a vice-president or the secretary or, as the case may be, by any person designated by the president for that purpose.

“137.71. Once proceedings have been completed, the parties shall reclaim the exhibits they produced and the documents they filed.

The exhibits or documents not reclaimed by the parties may be destroyed after the expiry of one year from the date of the decision of the Commission or of the proceeding terminating the proceedings, unless the president decides otherwise.

“137.72. The fiscal year of the Commission shall end on 31 March.

“137.73. Each year, the president shall submit the budgetary estimates of the Commission for the following fiscal year to the Minister according to the form, tenor and schedule determined by the Minister.

The estimates shall be submitted to the Government for approval.

“137.74. The books and accounts of the Commission shall be audited by the Auditor General each year and whenever ordered by the Government.

“137.75. Not later than 15 days before the expiry of the time limit provided for in the second paragraph, the Commission shall submit a report of activities for the preceding fiscal year to the Minister.

The Minister shall table the report in the National Assembly within four months of the end of such fiscal year or, if the Assembly is not in session, within 15 days of resumption.

The Commission shall, at all times, provide to the Minister any additional information the Minister requires concerning the activities of the Labour Relations Support Division.

“137.76. The sums required for the purposes of this chapter shall be taken out of the fund of the Commission des relations du travail.

The fund shall be made up of

(1) the sums paid by the Minister out of the appropriations allocated for that purpose by the Parliament;

(2) the sums paid by the Commission des normes du travail under section 28.1 of the Act respecting labour standards (chapter N-1.1), the amount and terms and conditions of payment of which shall be determined by the Government;

(3) the sums paid by the Commission de la construction du Québec, the Régie du bâtiment du Québec, the minister responsible for the administration of the Act respecting manpower vocational training and qualification (chapter F-5) and a mandatory Corporation referred to in section 129.3 of the Building Act (chapter B-1.1), the amount and terms and conditions of payment of which shall be determined, in each case, by the Government; and

(4) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission.

“137.77. The Government may, on the conditions it determines, authorize the Minister of Finance to advance to the fund of the Commission sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the Commission.”

76. The heading of Chapter VII of Title I of the said Code is replaced by the following heading :

“REGULATIONS AND POLICIES”.

77. Section 138 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing the part before subparagraph *a* of the first paragraph by the following :

“138. The Government may make any regulation it deems proper to give effect to the provisions of this Code, in particular,”;

(2) by replacing subparagraph *e* of the first paragraph by the following subparagraphs :

“(e) to require any document or information that must be submitted with a petition or motion from an association ;

“(f) to determine a tariff of administrative or professional fees and other charges attached to applications, complaints, proceedings or documents filed with or services provided by the Commission. The regulation may also

i. provide that administrative or professional fees and charges may vary according to the applications, complaints, proceedings, documents or services or according to the persons or categories or subcategories of persons ;

ii. determine the persons and categories or subcategories of persons who are exempt from the payment of administrative or professional fees and charges and the applications, complaints, proceedings, documents or services to which the exemption applies ;

iii. prescribe, for the applications, complaints, proceedings, documents or services it designates, the terms and conditions of payment of the administrative fees, professional fees and charges.”;

(3) by replacing the second paragraph by the following paragraph :

“The Commission may, in a regulation passed by a majority of the commissioners of its Complaints and Proceedings Division, make rules of evidence, procedure and practice specifying the manner in which the rules established under this Code are to be implemented in matters under the jurisdiction of that division, and rules concerning the mode of transmission of documents and the place where a document may be filed with the Commission.”;

(4) by replacing the third paragraph by the following paragraph:

“A regulation made under the second paragraph must be submitted to the Government for approval.”

78. The said Code is amended by inserting the following section after section 138:

“138.1. The Labour Relations Support Division of the Commission may develop and publicize general policies relating to the application and interpretation of the provisions pertaining to matters coming under the jurisdiction of that division pursuant to this Code.

When making a decision, the Commission is not bound by the general policies.”

79. The heading of Chapter VIII of Title I of the said Code is replaced by the following heading:

“RECOURSES”.

80. Section 139 of the said Code is replaced by the following section:

“139. Except on a question of jurisdiction, none of the extraordinary recourses provided in articles 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised and no injunction may be granted against an arbitrator, the Conseil des services essentiels, the Commission, any of its commissioners or a labour relations officer of the Commission acting in their official capacity.”

81. Section 144 of the said Code is amended by replacing “certification agent, labour commissioner, the Court or one of its judges” in the third and fourth lines by “the Commission”.

82. Section 151 of the said Code, amended by section 59 of chapter 40 of the statutes of 1999, is again amended by striking out the second paragraph.

83. The said Code is amended by adding the following schedule at the end:



## “SCHEDULE I

### COMPLAINTS AND PROCEEDINGS DIVISION

In addition to the proceedings brought under this Code, the Commission shall hear and decide, through its Complaints and Proceedings Division, proceedings under

- (1) sections 11.1 and 164.1 of the Building Act (chapter B-1.1);
- (2) the first paragraph of section 47 of the Charter of the French language (chapter C-11);
- (3) the first paragraph of section 30.1 of the Act respecting collective agreement decrees (chapter D-2);
- (4) the second paragraph of section 88.1 and the first paragraph of section 356 of the Act respecting elections and referendums in municipalities (chapter E-2.2);
- (5) section 205 of the Act respecting school elections (chapter E-2.3);
- (6) the first paragraph of section 255 of the Election Act (chapter E-3.3);
- (7) the second paragraph of section 65, the fourth paragraph of section 66 and the third paragraph of section 67 of the Public Service Act (chapter F-3.1.1);
- (8) section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);
- (9) the third paragraph of section 34 and section 35.2 of the Act respecting electrical installations (chapter I-13.01);
- (10) section 47 of the Jurors Act (chapter J-2);
- (11) section 9.3 of the Stationary Enginemen Act (chapter M-6);
- (12) sections 123, 123.1 and 126 of the Act respecting labour standards (chapter N-1.1);
- (13) sections 176.1, 176.6, 176.7 and 176.11 of the Act respecting municipal territorial organization (chapter O-9);
- (14) section 49 of the Act respecting the protection of persons and property in the event of disaster (chapter P-38.1);
- (15) sections 7.7, 21, 80.1, 80.2 and 80.3, the first paragraph of section 65, the second paragraph of section 74, the second paragraph of section 75, the third paragraph of section 93 and the fourth paragraph of section 105 of the

Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);

(16) section 5.2 of the Courts of Justice Act (chapter T-16);

(17) the second paragraph of section 154 of the Fire Safety Act (2000, chapter 20).”

#### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

84. Section 473 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001) is amended by striking out the first paragraph.

#### HEALTH INSURANCE ACT

85. Section 54 of the Health Insurance Act (R.S.Q., chapter A-29) is amended by replacing “Minister of Labour” in the third and fourth lines of the second paragraph by “Commission des relations du travail, established by the Labour Code (chapter C-27)”.

#### ACT RESPECTING THE BARREAU DU QUÉBEC

86. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 36 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing subparagraph 2 of paragraph *a* of subsection 2 by the following subparagraph:

“(2) the Commission des relations du travail established by the Labour Code;”;

(2) by replacing “, the construction industry commissioner, a construction industry deputy-commissioner, an investigator or the Labour Court” in the first, second and third lines of subparagraph 6 of paragraph *a* of subsection 2 by “or an investigator”.

#### BUILDING ACT

87. Section 11.1 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing “Subject to section 164.1, the Labour Court” in the first line by “The Commission des relations du travail established by the Labour Code (chapter C-27)”.

88. Sections 11.2 and 11.3 of the said Act are repealed.

89. Section 70.2 of the said Act is amended by replacing “construction industry commissioner or a construction industry deputy-commissioner” in the fourth and fifth lines of the second paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

90. Section 160 of the said Act is amended by replacing “construction industry commissioner or the Labour Court” in the fourth and fifth lines by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

91. The heading of subdivision 1 of Division II of Chapter VII of the said Act is struck out.

92. Section 164.1 of the said Act is replaced by the following section:

“164.1. Any interested person may contest before the Commission des relations du travail established by the Labour Code (chapter C-27)

(1) a ruling of the Board or of a mandatory Corporation referred to in section 129.3 where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1 ; and

(2) a ruling of the Board or a municipality referred to in section 132 made under section 123, 124, 127, 128, 128.3 or 128.4.

During such a proceeding, the Commission des relations du travail may decide any matter relating to the application of this Act.”

93. Section 164.2 of the said Act, amended by section 37 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “or the Corporation” in the first paragraph by “, the Corporation or the municipality”;

(2) by replacing “construction industry commissioner” in the first line of the second paragraph by “Commission des relations du travail”;

(3) by replacing “of the ruling under review of the Board or the Corporation” in the third line of the second paragraph by “of the decision on review of the Board, the Corporation or the municipality”.

94. Section 164.3 of the said Act is replaced by the following section:

“164.3. Upon service of the motion, the Board, the Corporation or the municipality shall send the file relating to the contested ruling to the Commission des relations du travail.”

95. Section 164.4 of the said Act is replaced by the following section:

“164.4. The Commission des relations du travail shall deliver a ruling on the file sent by the Board, the Corporation or the municipality after giving the parties the opportunity to be heard.”

96. Section 164.5 of the said Act, amended by section 37 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “or the Corporation” in the first paragraph by “, the Corporation or the municipality”;

(2) by replacing “construction industry commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

97. Subdivision 2 of Division II of Chapter VII of the said Act, comprising sections 165 to 172, is repealed.

#### CHARTER OF THE FRENCH LANGUAGE

98. Section 47 of the Charter of the French language (R.S.Q., chapter C-11) is amended

(1) by replacing “a labour commissioner appointed under the Labour Code” in the third and fourth lines of the first paragraph by “the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the first paragraph.

#### CODE OF CIVIL PROCEDURE

99. Article 60 of the Code of Civil Procedure (R.S.Q., chapter C-25) is amended by replacing “labour commissioner general” in the third line of the second paragraph by “Commission des relations du travail”.

#### CODE OF PENAL PROCEDURE

100. Article 370 of the Code of Penal Procedure (R.S.Q., chapter C-25.1) is amended by replacing “85 of the statutes of 1987” in the fourth line by “*(insert here the chapter number and the year of assent to the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions)*”.

#### ACT RESPECTING THE CONSEIL CONSULTATIF DU TRAVAIL ET DE LA MAIN-D’OEUVRE

101. Section 2.1 of the Act respecting the Conseil consultatif du travail et de la main-d’oeuvre (R.S.Q., chapter C-55) is amended

(1) by replacing “Minister of Labour” in the second line of the first paragraph and “him” in the fourth line of that paragraph by “Commission des relations du travail”;

(2) by replacing “Minister” in the fifth line of the second paragraph by “Commission”;

(3) by replacing “Minister of Labour” in the fourth line of the third paragraph by “Commission”.

#### ACT RESPECTING COLLECTIVE AGREEMENT DECREES

102. Section 1 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing “certification agent, the labour commissioner or the Labour Court” in the second and third lines of paragraph *b* by “Commission des relations du travail”.

103. Section 11.4 of the said Act is amended by replacing “Minister” wherever it occurs by “Commission des relations du travail”.

104. Section 30.1 of the said Act is amended

(1) by replacing “labour commissioner appointed under the Labour Code (chapter C-27)” in the third and fourth lines of the first paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

“Notwithstanding section 16 of the Labour Code, the time allowed for presenting a complaint with the Commission des relations du travail shall be 45 days. If the complaint is presented to the committee within that time, failure to present the complaint to the Commission des relations du travail cannot be invoked against the complainant. The Commission des relations du travail shall send a copy of the complaint to the committee concerned.”

#### ACT RESPECTING ELECTIONS AND REFERENDUMS IN MUNICIPALITIES

105. Section 88.1 of the Act respecting elections and referendums in municipalities (R.S.Q., chapter E-2.2), enacted by section 9 of chapter 25 of the statutes of 1999, is amended

(1) by replacing “a labour commissioner appointed under the Labour Code (chapter C-27)” in the second and third lines of the second paragraph by “the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the second paragraph.

106. Section 356 of the said Act is amended

(1) by replacing the first paragraph by the following paragraph :

“356. An employee believing himself or herself the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter as if it were a case of dismissal, suspension or transfer of an employee, of the practice of discrimination, the taking of reprisals or the imposition of any other sanction by reason of the exercise by the employee of a right arising under the Labour Code.”;

(2) by replacing the words “labour commissioner general” wherever they occur in the second and third paragraphs by “Commission des relations du travail”.

#### ACT RESPECTING SCHOOL ELECTIONS

107. Section 205 of the Act respecting school elections (R.S.Q., chapter E-2.3) is replaced by the following section :

“205. An employee believing himself or herself the victim of a contravention of this chapter may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter as if it were a case of dismissal, suspension or transfer of an employee, of the practice of discrimination, the taking of reprisals or the imposition of any other sanction by reason of the exercise by the employee of a right arising under the Labour Code.”

108. Section 206 of the said Act is amended by replacing the words “labour commissioner general” wherever they occur by “Commission des relations du travail”.

#### ELECTION ACT

109. Section 255 of the Election Act (R.S.Q., chapter E-3.3) is amended

(1) by replacing the first paragraph by the following paragraph :

“255. An employee believing himself or herself the victim of a contravention of this division may file a complaint with the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter as if it were a case of dismissal, suspension or transfer of an employee, of the practice of discrimination, the

taking of reprisals or the imposition of any other sanction by reason of the exercise by the employee of a right arising under the Labour Code.”;

(2) by replacing the words “labour commissioner general” wherever they occur in the second and third paragraphs by “Commission des relations du travail”.

#### PAY EQUITY ACT

110. Section 104 of the Pay Equity Act (R.S.Q., chapter E-12.001) is amended by replacing “Labour Court” in the second line by “Court of Québec”.

111. Sections 105 and 106 of the said Act are amended by replacing “Labour Court” wherever they occur by “Court of Québec”.

112. Section 107 of the said Act is amended

(1) by replacing “Labour Court” in the second line of the first paragraph by “Court of Québec”;

(2) by replacing “Labour Court to order that the injured employee be reinstated, on such date as the Labour Court” in the first and second lines of the third paragraph by “Court of Québec to order that the injured employee be reinstated, on such date as the Court of Québec”;

(3) by replacing “Labour Court” in the first line of the fourth paragraph by “Court of Québec”.

113. Section 108 of the said Act is amended by replacing “Labour Court” in the first line of the first paragraph by “Court of Québec”.

114. Section 109 of the said Act is amended

(1) by replacing “Labour Court” in the first line of the first paragraph by “Court of Québec”;

(2) by replacing “Labour Court” in the second line of the second paragraph by “Court of Québec”.

115. Section 110 of the said Act is amended by replacing “Labour Court” in the second line by “Court of Québec”.

116. Section 111 of the said Act is amended by replacing “Labour Court” in the fifth line of the third paragraph by “Court of Québec”.

117. The heading of Division II of Chapter VI of the said Act is amended by replacing “LABOUR COURT” by “COURT OF QUÉBEC”.

118. Section 112 of the said Act is amended by replacing “Labour Court created by the Labour Code (chapter C-27)” in the first line by “Court of Québec”.

119. Section 113 of the said Act is replaced by the following section :

“113. The decisions of the Court of Québec relating to the application of the provisions of Chapter VI and sections 121 and 123 are not subject to appeal.”

120. Section 121 of the said Act is amended by replacing “Labour Court” in the fifth line by “Court of Québec”.

121. Section 123 of the said Act is amended by replacing “Labour Court” in the third line of the second paragraph by “Court of Québec”.

#### PUBLIC SERVICE ACT

122. Section 65 of the Public Service Act (R.S.Q., chapter F-3.1.1) is amended

(1) by replacing “a labour commissioner” in the first and second lines of the first paragraph by “the Commission des relations du travail”;

(2) by replacing “Labour Court established by the Labour Code” in the first line of the second paragraph by “Commission des relations du travail”;

(3) by replacing, in the French text, “il” in the third line of the second paragraph by “elle”.

123. Section 66 of the said Act is amended

(1) by replacing “labour commissioner” in the second line of the third paragraph by “Commission des relations du travail”;

(2) by replacing “Labour Court” in the first line of the fourth paragraph by “Commission des relations du travail”;

(3) by replacing, in the French text, “il” in the fourth line of the fourth paragraph by “elle”.

124. Section 67 of the said Act is amended by replacing “Labour Court within 15 days of the decision of the Court rendered” in the third and fourth lines of the third paragraph by “Commission des relations du travail within 15 days of the decision rendered by the Commission”.

125. Section 69 of the said Act is amended by replacing “Labour Court” in the third line of the second paragraph by “Conseil des services essentiels established by the Labour Code (chapter C-27)”.



## FOREST ACT

126. Section 256 of the Forest Act (R.S.Q., chapter F-4.1) is amended by replacing “A labour commissioner” in the first line of the second paragraph by “The Commission des relations du travail established by the Labour Code (chapter C-27)”.

## ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

127. Section 41.1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by replacing “construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)” in the third, fourth, fifth and sixth lines of the first paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”;

(2) by replacing “construction industry commissioner” in the first and fourth lines of the second paragraph by “Commission des relations du travail”.

## ACT RESPECTING HOURS AND DAYS OF ADMISSION TO COMMERCIAL ESTABLISHMENTS

128. Section 28.1 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1) is repealed.

## ACT RESPECTING ELECTRICAL INSTALLATIONS

129. Section 34 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by replacing “Labour Court” in the second line of the third paragraph by “Commission des relations du travail”.

130. Section 35.1 of the said Act is amended by replacing “commissioner contemplated in section 35.2” in the third and fourth lines of the first paragraph by “Commission des relations du travail”.

131. Section 35.2 of the said Act is amended by replacing “construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)” in the second, third and fourth lines of the first paragraph by “Commission des relations du travail”.

132. Section 35.3 of the said Act is amended

(1) by replacing “construction industry commissioner” in the first line of the first paragraph by “Commission des relations du travail” and “commissioner” in the second line of that paragraph by “Commission”;

(2) by striking out the second paragraph.

#### JURORS ACT

133. Section 47 of the Jurors Act (R.S.Q., chapter J-2) is amended

(1) by replacing “a labour commissioner appointed under the Labour Code (chapter C-27)” in the second and third lines of the second paragraph by “the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the second paragraph.

#### STATIONARY ENGINEMEN ACT

134. Section 9.2 of the Stationary Enginemen Act (R.S.Q., chapter M-6) is amended by replacing “Tribunal referred to in section 9.3” in the third and fourth lines of the first paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

135. Section 9.3 of the said Act is amended by replacing “Labour Court established by the Labour Code (chapter C-27)” in the second and third lines of the first paragraph by “Commission des relations du travail”.

136. Section 9.4 of the said Act is amended

(1) by replacing “Labour Court” in the first line of the first paragraph by “Commission”;

(2) by striking out the second paragraph.

#### ACT RESPECTING THE MINISTÈRE DU REVENU

137. Section 69 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31) is amended by replacing “labour commissioner general, the Labour Court” in the fourth and fifth lines of the fourth paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”.

#### ACT RESPECTING THE MINISTÈRE DU TRAVAIL

138. Section 15 of the Act respecting the Ministère du Travail (R.S.Q., chapter M-32.2) is amended by replacing the first paragraph by the following paragraph:

“15. No person designated by the Minister to facilitate the establishment or maintenance of harmonious relations between employers and employees may be compelled to disclose or produce, before a court or an arbitrator or before a body or a person exercising judicial or quasi-judicial functions,

anything made known to or learned by the person, or any document prepared or obtained, in the performance of the person's functions."

## ACT RESPECTING LABOUR STANDARDS

139. Section 6.2 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is repealed.

140. The said Act is amended by inserting the following section after section 28:

"28.1. The Commission des normes du travail shall contribute to the fund of the Commission des relations du travail referred to in section 137.76 of the Labour Code to provide for expenses incurred by the Commission des relations du travail in relation to proceedings brought before the Commission under Divisions II and III of Chapter V of this Act.

The amount and terms and conditions of payment of the contribution of the Commission des normes du travail shall be determined by the Government."

141. Section 123 of the said Act, amended by section 196 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing "a labour commissioner appointed under the Labour Code (chapter C-27)" in the third and fourth lines of the first paragraph by "the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter";

(2) by striking out the second sentence of the first paragraph;

(3) by replacing the second paragraph by the following paragraph:

"Notwithstanding section 16 of the Labour Code, the time allowed for filing a complaint with the Commission des relations du travail shall be 45 days. If the complaint is filed with the Commission des normes du travail within that time, failure to file the complaint with the Commission des relations du travail cannot be invoked against the complainant. The Commission des relations du travail shall send a copy of the complaint to the Commission des normes du travail.";

(4) by replacing "A labour commissioner" in the first line of the third paragraph by "The Commission des relations du travail";

(5) by replacing "he" in the first line of the third paragraph by "it";

(6) by inserting "des normes du travail" after "Commission" in the first line of the fourth paragraph.

142. Section 123.1 of the said Act is amended by replacing “labour commissioner general” in the first and second lines of the second paragraph by “Commission des relations du travail”.

143. Section 124 of the said Act is amended by replacing “labour commissioner general or with the Minister” in the first and second lines of the second paragraph by “Commission des relations du travail”.

144. Section 126 of the said Act is replaced by the following section :

“126. If no settlement is reached within 30 days following receipt of the complaint by the Commission des normes du travail, the employee may, within the ensuing 30 days, apply in writing to the Commission des normes du travail for the referral of the complaint to the Commission des relations du travail so that the latter may conduct an inquiry and decide the complaint.”

145. Section 127 of the said Act is amended

(1) by replacing “labour commissioner general, the labour commissioners” in the second line by “Commission des relations du travail, its commissioners”;

(2) by striking out “and 118 to 137” in the fourth line.

146. Section 128 of the said Act is amended

(1) by replacing the part preceding subparagraph 1 of the first paragraph by the following :

“128. Where the Commission des relations du travail considers that the employee has been dismissed without good and sufficient cause, the Commission may”;

(2) by replacing “he” in the first line of subparagraph 3 by “it” and “labour commissioner” in the first line of the second paragraph by “Commission des relations du travail”.

147. Section 129 of the said Act is repealed.

148. Section 130 of the said Act is amended by replacing “a labour commissioner” in the first line by “the Commission des relations du travail”.

149. Section 131 of the said Act is replaced by the following section :

“131. The Commission des relations du travail shall send forthwith a true copy of the decision to the parties and to the Commission des normes du travail.”

## ACT RESPECTING MUNICIPAL TERRITORIAL ORGANIZATION

150. The Act respecting municipal territorial organization (R.S.Q., chapter O-9), amended by chapters 25, 40 and 43 of the statutes of 1999 and by chapter 27 of the statutes of 2000, is again amended

(1) by replacing “Minister of Labour” in the third line of section 125.15 by “Commission des relations du travail established by the Labour Code (chapter C-27)”;

(2) by replacing “Minister of Labour” in the first line of section 125.16 by “Commission des relations du travail”;

(3) by replacing “Minister” in the fifth line of the second paragraph of section 125.17 by “Commission des relations du travail”;

(4) by replacing “Minister of Labour” in the second line of the first paragraph of section 125.22 by “Commission des relations du travail”;

(5) by replacing “Minister” in the first line of the second paragraph of section 125.22 by “Commission des relations du travail” and in the second and third lines of the second paragraph of that section by “Commission”;

(6) by replacing “A labour commissioner to whom a petition addressed to the labour commissioner general” in the first and second lines of the third paragraph of section 176.1 by “The Commission, on being referred an application for certification,”;

(7) by replacing “labour commissioner general” in the third line of section 176.4 by “Commission”;

(8) by replacing “labour commissioner to whom an agreement made under section 176.3 is referred” in the first and second lines of the first paragraph of section 176.5 by “Commission, on being referred an agreement made under section 176.3,”;

(9) by replacing “commissioner” in the third line of the second paragraph of section 176.5 by “Commission”;

(10) by replacing “labour commissioner” in the first line of the third paragraph of section 176.5 by “Commission”;

(11) by replacing “labour commissioner general requesting that a labour commissioner” in the third and fourth lines of section 176.6 by “Commission requesting it to”;

(12) by replacing “labour commissioner general” in the third line of the first paragraph of section 176.7 by “Commission”;

(13) by replacing “labour commissioner general” in the first line of section 176.8 by “Commission”;

(14) by replacing “the labour commissioner general” in the second line of section 176.8 by “it”;

(15) by replacing “labour commissioner to whom an application made to the labour commissioner general is referred” in the first and second lines of the first paragraph of section 176.9 by “Commission, after being referred an application”;

(16) by replacing “labour commissioner” in the first line of the third paragraph of section 176.9 by “Commission”;

(17) by replacing “the labour commissioner” in the second and third lines of the third paragraph of section 176.9 by “it”;

(18) by replacing “labour commissioner” in the third line of the third paragraph of section 176.9 by “Commission”;

(19) by replacing “labour commissioner” in the first line of the fifth paragraph of section 176.9 by “Commission”;

(20) by replacing “labour commissioner” in the second and third lines of the fifth paragraph of section 176.9 by “Commission”;

(21) by replacing “labour commissioner general” in the first line of the sixth paragraph of section 176.9 by “Commission”;

(22) by replacing “labour commissioner general” in the first and second lines of the first paragraph of section 176.11 by “Commission”;

(23) by replacing “labour commissioner general” in the sixth line of the first paragraph of section 176.11 by “Commission”;

(24) by replacing “labour commissioner to whom the matter is referred” in the first line of the second paragraph of section 176.11 by “Commission”;

(25) by replacing “the labour commissioner” in the second and in the third lines of the second paragraph of section 176.11 by “it” and “the Commission”, respectively;

(26) by replacing the words “Minister of Labour” wherever they occur in the second paragraph of section 176.14 and in the first paragraph of section 176.15 by “Commission des relations du travail”;

(27) by replacing the word “Minister” wherever it occurs in the second paragraph of section 176.15 and in section 176.16 by “Commission des relations du travail”;

(28) by replacing “Minister” in the sixth line of the first paragraph of section 176.17 by “Commission des relations du travail”;

(29) by replacing the word “Minister” wherever it occurs in the third paragraph of section 176.17 by “Commission des relations du travail”;

(30) by replacing “Minister” in the first line of section 176.18 by “Commission des relations du travail”;

(31) by replacing “Minister” in the third and fourth lines of section 176.18 by “Commission”.

#### ACT RESPECTING THE PROTECTION OF PERSONS AND PROPERTY IN THE EVENT OF DISASTER

151. Section 49 of the Act respecting the protection of persons and property in the event of disaster (R.S.Q., chapter P-38.1) is amended

(1) by replacing “a labour commissioner appointed under the Labour Code (chapter C-27),” in the second and third lines of the second paragraph by “the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the second paragraph.

#### ACT RESPECTING THE PROCESS OF NEGOTIATION OF THE COLLECTIVE AGREEMENTS IN THE PUBLIC AND PARAPUBLIC SECTORS

152. Section 46 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., chapter R-8.2) is amended

(1) by replacing “Minister of Labour” in the first line of the first paragraph by “Commission des relations du travail established by the Labour Code”;

(2) by replacing “Minister” in the first line of the second paragraph by “Commission des relations du travail”.

153. Section 50 of the said Act is amended

(1) by replacing “Minister of Labour” in the third line of the first paragraph by “Commission des relations du travail”;

(2) by replacing the second paragraph by the following paragraph:

“The Commission des relations du travail shall forthwith inform the parties of the date on which it received the notice.”

154. Section 61 of the said Act is amended by replacing “in the office of the labour commissioner general” in the first and second lines of the first paragraph by “at one of the offices of the Commission des relations du travail”.

155. Section 62 of the said Act is amended by replacing “Minister of Labour” in the third line by “Commission des relations du travail”.

156. Section 69 of the said Act is amended by replacing “Minister” in the fifth line by “Commission des relations du travail”.

157. Section 74 of the said Act is amended by replacing “the office of the labour commissioner general” in the first and second lines by “one of the offices of the Commission des relations du travail”.

#### ACT RESPECTING THE GOVERNMENT AND PUBLIC EMPLOYEES RETIREMENT PLAN

158. Section 183 of the Act respecting the Government and Public Employees Retirement Plan (R.S.Q., chapter R-10) is amended by replacing “chief judge of the Labour Court” in the second line of the third paragraph by “president of the Commission des relations du travail”.

159. Schedule 1 to the said Act, amended by section 54 of chapter 2, section 54 of chapter 34 and section 14 of chapter 73 of the statutes of 1999, is again amended

(1) by inserting “the Commission des relations du travail” in paragraph 1 after “the Commission de la capitale nationale du Québec”;

(2) by inserting “the Commission des relations du travail” in paragraph 3 after “the Commission de protection du territoire agricole du Québec if they are employed full-time”.

160. The words “chief judge of the Labour Court” in a pension plan established under section 9, 10 or 10.0.1 of the said Act are replaced by “president of the Commission des relations du travail established by the Labour Code”.

#### ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

161. Section 7.7 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended

(1) by replacing “construction industry commissioner” in the third and fourth lines of the first paragraph by “Commission des relations du travail established by the Labour Code (chapter C-27)”;



(2) by striking out the third paragraph.

162. Section 7.8 of the said Act is amended by replacing “construction industry commissioner or construction industry deputy-commissioner” in the third and fourth lines of the first paragraph by “Commission des relations du travail”.

163. The heading of Chapter III of the said Act is replaced by the following heading :

“SCOPE, PROCEEDINGS AND MISCELLANEOUS PROVISIONS”.

164. The heading of Division II of Chapter III of the said Act is replaced by the following heading :

“PROCEEDINGS”.

165. The heading of subdivision 1 of Division III of Chapter III of the said Act is repealed.

166. Section 21 of the said Act, amended by section 9 of chapter 13 of the statutes of 1999, is again amended

(1) by replacing “construction industry commissioner” in the second and third lines of the first paragraph by “Commission des relations du travail”;

(2) by replacing “construction industry commissioner” in the first line of the second paragraph by “Commission des relations du travail”;

(3) by striking out the third paragraph.

167. Sections 21.0.1 to 23.4 and the headings of subdivisions 2 and 3 of Division II of Chapter III of the said Act are repealed.

168. Section 24 of the said Act is replaced by the following section :

“24. The Commission des relations du travail may, after a matter has been referred to it, at any time before hearing the parties, require the advice of the advisory committee. The Commission shall then inform the parties and allow them to be heard regarding the advice of the committee.”

169. Subdivision 4 of Division II of Chapter III of the said Act, including sections 25.1 to 25.10, is repealed.

170. Section 43 of the said Act is amended

(1) by replacing “Minister” in the first line of the first paragraph by “Commission des relations du travail”;

(2) by replacing “Minister” in the first line of the third paragraph by “Commission des relations du travail”.

171. Section 43.1 of the said Act is amended by replacing “Minister, during negotiations, may *ex officio* designate a conciliation officer; he” in the first and second lines by “Commission des relations du travail, during negotiations, may *ex officio* designate a conciliation officer; it”.

172. Section 43.3 of the said Act is amended by replacing “Minister” in the first line by “Commission des relations du travail”.

173. Section 43.4 of the said Act is amended by replacing “Minister” in the first line of the first paragraph by “Commission des relations du travail”.

174. Section 43.5 of the said Act is amended by replacing “Minister” in the second line by “Commission des relations du travail”.

175. Section 43.7 of the said Act is amended

(1) by replacing “Minister” in the fifth line of the first paragraph by “Commission des relations du travail”;

(2) by replacing “Minister” in the sixth line of the second paragraph by “Commission des relations du travail”.

176. Section 45 of the said Act is amended

(1) by replacing “Minister” in the fifth line of the third paragraph by “Commission des relations du travail”;

(2) by replacing “Minister” in the first line of the fourth paragraph by “Commission des relations du travail”;

(3) by replacing “The Minister’s decision” in the third line of the fourth paragraph by “The decision of the Commission”.

177. Section 45.0.3 of the said Act is amended by replacing “the clerk of the office of the labour commissioner general” in the second line of the second paragraph by “one of the offices of the Commission des relations du travail”.

178. Section 48 of the said Act is amended

(1) by replacing “the office of the labour commissioner general” in the third and fourth lines of the first paragraph by “one of the offices of the Commission des relations du travail”;

(2) by replacing “The labour commissioner general shall, without delay, transmit to the Commission” in the first and second lines of the second paragraph by “The Commission des relations du travail shall, without delay, transmit to the Commission de la construction du Québec”.

179. Section 61 of the said Act is amended by replacing “construction industry commissioner” in the seventh and eighth lines of the third paragraph by “Commission des relations du travail”.

180. Section 61.4 of the said Act is amended by replacing “Labour Court” in the second line of the first paragraph by “Court of Québec”.

181. Section 65 of the said Act, amended by section 257 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “Labour Court at Montréal or at Québec” in the first line of the first paragraph by “Commission des relations du travail”;

(2) by replacing the second sentence of the first paragraph by the following :  
“At the expiry of such period, the Commission shall dispose of the motion unless the person whose recusation is requested has consented to the request in a written declaration filed at one of the offices of the Commission.”;

(3) by replacing “Court” in the second line of the fourth paragraph by “Commission des relations du travail”.

182. Section 74 of the said Act, amended by section 257 of chapter 40 of the statutes of 1999, is again amended by replacing “Labour Court” in the first line of the second paragraph by “Commission des relations du travail”.

183. Section 75 of the said Act is amended by replacing “Labour Court” in the second line of the second paragraph by “Commission des relations du travail”.

184. Section 80.1 of the said Act is amended

(1) by replacing the part before subparagraph 1 of the first paragraph by the following :

“80.1. The Commission des relations du travail shall dispose of any proceeding brought against a decision of the Commission de la construction du Québec”;

(2) by replacing “construction industry commissioner” in the second line of the second paragraph by “Commission des relations du travail”.

185. Section 80.2 of the said Act is amended

(1) by replacing “construction industry commissioner to have the latter order the Commission” in the fifth line of the first paragraph by “Commission des relations du travail to have the latter order the Commission de la construction du Québec”;

(2) by inserting “de la construction du Québec” after “Commission” in the first line of the third paragraph.

186. Section 80.3 of the said Act is amended by replacing “construction industry commissioner” in the fourth line by “Commission des relations du travail”.

187. Section 93 of the said Act, amended by section 257 of chapter 40 of the statutes of 1999, is again amended by replacing the third paragraph by the following paragraph:

“The chairman’s decision may be contested before the Commission des relations du travail within 60 days after being received; the Commission’s decision is not subject to appeal.”

188. Section 105 of the said Act, amended by section 257 of chapter 40 of the statutes of 1999, is again amended

(1) by replacing “Minister” in the first and third lines of the first paragraph by “Commission des relations du travail”;

(2) by replacing “Minister” in the first and fourth lines of the second paragraph by “Commission des relations du travail” and by replacing “him” in the second line of the second paragraph by “the Commission des relations du travail”;

(3) by replacing “Labour Court” in the first line of the fourth paragraph by “Commission des relations du travail”.

189. Section 121 of the said Act is amended by replacing “Minister” in the first line by “Commission des relations du travail” and by replacing “his” in the second line by “its”.

190. Section 123 of the said Act is amended

(1) by striking out subparagraph 8.4 of the first paragraph;

(2) by striking out the last paragraph.

## ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

191. Section 1 of the Act respecting occupational health and safety (R.S.Q., chapter S-2.1), amended by section 261 of chapter 40 of the statutes of 1999, is again amended by striking out the definitions of “labour commissioner”, “labour commissioner general” and “Court”.

192. Section 244 of the said Act is repealed.

## COURTS OF JUSTICE ACT

193. Section 5.2 of the Courts of Justice Act (R.S.Q., chapter T-16) is amended

(1) by replacing “a labour commissioner appointed under the Labour Code (chapter C-27),” in the second and third lines of the second paragraph by “the Commission des relations du travail established by the Labour Code (chapter C-27). The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the second paragraph.

194. Section 106 of the said Act is amended by adding the following paragraph at the end :

“Notwithstanding the first paragraph, the jurisdiction conferred on the Court for the application of the provisions of the following Acts shall be exercised only by the judges of the Court designated by the chief judge :

(1) the Act respecting industrial accidents and occupational diseases (chapter A-3.001);

(2) the Building Act (chapter B-1.1);

(3) the Labour Code (chapter C-27);

(4) the Act respecting collective agreement decrees (chapter D-2);

(5) the Pay Equity Act (chapter E-12.001);

(6) the National Holiday Act (chapter F-1.1);

(7) the Act respecting manpower vocational training and qualification (chapter F-5);

(8) the Act respecting piping installations (chapter I-12.1);

(9) the Act respecting electrical installations (chapter I-13.01);

(10) the Stationary Enginemen Act (chapter M-6);

(11) the Act respecting labour standards (chapter N-1.1);

(12) the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20);

(13) the Act respecting occupational health and safety (chapter S-2.1).”

195. Section 248 of the said Act is amended by striking out “chief judge of the Labour Court,” in the first and second lines of paragraph *d.1*.

#### ACT TO ESTABLISH THE COMMISSION DES RELATIONS DU TRAVAIL AND TO AMEND VARIOUS LEGISLATION

196. The Act to establish the Commission des relations du travail and to amend various legislation (1987, chapter 85) is repealed.

#### FIRE SAFETY ACT

197. Section 154 of the Fire Safety Act (2000, chapter 20) is amended

(1) by replacing “a labour commissioner” in the second line of the second paragraph by “the Commission des relations du travail. The Commission shall dispose of the matter”;

(2) by striking out the second sentence of the second paragraph.

#### TRANSITIONAL AND FINAL PROVISIONS

198. The associations which were recognized by the Commission hydroélectrique du Québec (Hydro-Québec) or Ville de Montréal on 2 August 1969 to represent groups of persons comprising, in whole or in part, managers, superintendents, foremen or employer representatives in its relations with its employees and which, on that date or in the year preceding that date, were, in their respect, signatories of a collective labour arrangement, shall, from 17 July 1970, be certified associations in their respect as if certification had been granted by a labour commissioner or by the Commission des relations du travail.

199. The provisions of a regulation made under section 138 of the Labour Code (R.S.Q., chapter C-27) remain in force to the extent that they are not inconsistent with this Act.

200. In any statute or statutory instrument, the expressions “labour commissioner general”, “assistant labour commissioner general”, “deputy labour commissioner-general” and “labour commissioner” shall be replaced, with the necessary modifications, by the word “Commission” or the expression “Commission des relations du travail”, unless the context indicates otherwise.

201. In any statute or statutory instrument, the expressions “the clerk of the office of the labour commissioner general”, “the office of the labour commissioner-general” and “the office of the labour commissioner general” shall be replaced, with the necessary modifications, by the expression “one of the offices of the Commission des relations du travail” or “one of the offices of the Commission”, unless the context indicates otherwise.

202. Notwithstanding section 137.21 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act, the construction industry commissioner and the deputy commissioners whose term has not expired on (*insert here the date preceding the date of coming into force of this section*) shall become, for the unexpired portion of their terms, commissioners of the Commission des relations du travail.

Once their terms have expired, those persons shall be subject to the renewal procedure set out in sections 137.29 and 137.30 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act.

203. Notwithstanding section 137.21 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act, the construction industry commissioner and the deputy commissioners who, on (*insert here the date preceding the date of coming into force of this section*), remained in office as such, despite the expiry of their terms, become commissioners of the Commission des relations du travail and are, from that date, subject to the term renewal procedure set out in sections 137.29 and 137.30 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act; however, in that case, the three-month period provided for in section 137.29 is computed from the date occurring six months after the coming into force of this section.

204. The labour commissioner general, deputy labour commissioner general and labour commissioners appointed under section 23 of the Labour Code (R.S.Q., chapter C-27) who are in office on (*insert here the date preceding the date of coming into force of this section*) are hereby declared qualified for appointment as commissioner of the Commission des relations du travail and their names shall be recorded in the register kept under section 137.24 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act; the candidacy of such persons shall be examined by the committee appointed to examine the renewal of a term and it may recommend to the Government that they be appointed.

Every person to whom the first paragraph applies shall remain an employee of the Ministère du Travail until the person is appointed commissioner of the Commission des relations du travail. The chairman 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.

If a person to whom the first paragraph applies is not appointed commissioner of the Commission des relations du travail within the period during which the certificate of qualifications provided for in section 137.25 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act, is valid, the person shall be placed on reserve in the public service and shall remain an employee of the Ministère du Travail until the chairman of the Conseil du trésor can place the person.

205. The qualifications required by law, in particular, the ten years of experience pertinent to the exercise of the functions of the Commission des relations du travail, are not required of persons who become commissioners of the Commission pursuant to sections 202 and 203, even upon a subsequent renewal, for as long as they remain commissioners.

The same applies to persons declared qualified pursuant to section 204.

206. Sections 137.23 to 137.25, 137.29, 137.30 and 137.55 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act, are not applicable to the appointment by the Government of the first president of the Commission des relations du travail or, as the case may be, at the time of renewal of the appointment.

The person appointed president of the Commission des relations du travail under the first paragraph shall become a commissioner of the Commission upon the person's appointment or, where such is the case, upon renewal of the appointment.

The Government shall fix the remuneration, benefits and other conditions of employment of the person appointed president of the Commission des relations du travail under the first paragraph.

207. The persons who become commissioners of the Commission des relations du travail pursuant to sections 202 and 203 shall, within the next 60 days, take the oath provided for in section 137.42 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act.

208. Until a code of ethics applicable to commissioners of the Commission des relations du travail is adopted in accordance with section 137.43 of the Labour Code (R.S.Q., chapter C-27), enacted by section 75 of this Act, and comes into force, the commissioners of the Commission des relations du travail are bound to comply with the duties that follow and any breach may be invoked to lodge a complaint against them.

Commissioners must exercise their functions with honesty and avoid all situations having an adverse effect on the exercise of their functions; the commissioners' conduct must at all times be compatible with the requirements of honour, dignity and integrity attaching to the exercise of their functions.

209. Persons who become members of the Commission des relations du travail pursuant to sections 202 and 203 shall continue to receive the remuneration they were receiving before the coming into force of this Act; notwithstanding the coming into force of the regulation respecting remuneration and other conditions of employment, if the remuneration they are receiving is more advantageous, they are to continue to receive such remuneration until it is equal to the remuneration prescribed in the regulation.



If the commissioner was performing administrative duties before this Act came into force, cessation of the performance of administrative duties pursuant to this Act shall entail the cancellation of additional remuneration attaching to such duties; additional remuneration is the difference between the annual salary of the commissioner performing administrative duties and the maximum of the salary scale applicable to a commissioner of the Commission des relations du travail.

210. Employee benefits other than a pension plan and other conditions of employment of persons who become commissioners of the Commission des relations du travail pursuant to sections 202 and 203, as they existed before the coming into force of this Act, remain applicable until a regulation respecting remuneration and other conditions of employment comes into force.

211. The members of the personnel of the Ministère du Travail to whom a government order applies and the members of the personnel of the construction industry commissioner shall become, without further formality, members of the personnel of the Commission des relations du travail.

212. The chief judge of the Labour Court shall retain the rights acquired in that capacity with respect to salary, additional remuneration, employment benefits, allowances and pension plan until the date fixed for the end of the chief judge's term.

The associate chief judge and the coordinating judge of the Labour Court are entitled to receive, until their salary as judge of the Court of Québec is equal to the salary and additional remuneration they were receiving when they ceased to hold the former office, the difference between the latter amount and their salary.

213. Matters pending before the Labour Court on (*insert here the date of coming into force of this section*) shall be continued before that court in accordance with the provisions of the Labour Code as they read before being amended by this Act.

214. Matters pending before the labour commissioner general, the deputy labour commissioner general or a labour commissioner on (*insert here the date of coming into force of this section*) shall be continued before the Commission, without continuance of suit.

215. Matters in which a decision was rendered before (*insert here the date of coming into force of this section*) and for which an appeal to the Labour Court was provided by law shall remain subject to an appeal to the extent that the time within which an appeal may be filed under the former law has not expired. The time for appeal runs from the date on which the decision is rendered. Such matters shall be decided by the Labour Court in accordance with the provisions of the Labour Code as they read before they were amended by this Act.

216. The records, documents and archives of the Labour Court become the records, documents and archives of the Court of Québec when they are no longer necessary for the purposes of sections 213 and 215.

217. The records, documents and archives of the office of the labour commissioner general relating to the application of the Acts under the jurisdiction of the Commission des relations du travail become the records, documents and archives of the Commission when they are no longer necessary for the purposes of sections 213 and 215.

218. The certificates and other documents issued by or originating from the labour commissioner general or the office of the labour commissioner general remain valid and are deemed to have been issued by or to originate from the Commission des relations du travail.

219. Matters pending before the construction industry commissioner on *(insert here the date of coming into force of this section)* shall be continued before the Commission des relations du travail, without continuance of suit.

220. The records, documents and archives of the construction industry commissioner become the records, documents and archives of the Commission des relations du travail.

221. The sums put at the disposal of the office of the labour commissioner general, the general direction of the Labour Relations Division of the Ministère du Travail and the sums constituting the construction industry commissioner's fund shall, to the extent determined by the Government, be paid into the fund of the Commission des relations du travail.

222. The provisions of the third paragraph of section 46 of the Labour Code (R.S.Q., chapter C-27), enacted by section 31 of this Act, have effect only in respect of the collective agreements amended or effected after the date of coming into force of those provisions.

223. The provisions of this Act come into force on the date or dates to be fixed by the Government.