

NATIONAL ASSEMBLY

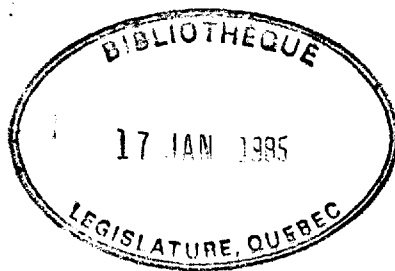
FIFTH SESSION

THIRTY-SECOND LEGISLATURE

Draft Bill

An Act respecting the negotiation of the collective agreements in the public and parapublic sectors

Introduction



Introduced by
Mr Michel Clair
Minister responsible for Administration and chairman of the Conseil
du Trésor

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EXPLANATORY NOTES

The object of this draft bill is

1) to define a framework for collective bargaining in the sectors of education, social affairs and government agencies;

2) to create a body under the name of Institut de recherche sur la rémunération and propose a new method for fixing the remuneration of all the employees of the public and parapublic sectors;

3) to exclude certain disputes from the exercise of the right to strike or to declare a lock-out in the sectors mentioned;

4) to confer on the Conseil des services essentiels certain remedial powers in cases of certain labour disputes involving public services and agencies of the public and parapublic sectors.

With regard to the framework of negotiations in the sectors of education, social affairs and government agencies, the draft bill repeats, for the most part, the provisions that are now in force with regard to the management and labour representation. In the sector of social affairs, the functions of defining the matters and conducting the negotiations are entrusted to five negotiating subcommittees created for the following classes of establishments: public hospital centres, local community service centres, public reception centres, social service centres and private establishments.

The draft bill also stipulates that henceforth certain clauses of the collective agreement dealing with matters determined in a schedule will be negotiated at the regional or local level unless the parties agree otherwise. It also provides for a new mode for the settlement of disagreements arising during the negotiation of those clauses.

The draft bill provides, in addition, that the remuneration of the employees of the public service, of the school boards, of the colleges and of the establishments will henceforth be negotiated and determined separately from the other clauses of the collective agreement.

The Institut de recherche sur la rémunération will be responsible for making, not later than 30 November each year, a public report on the progress of the negotiations and on the comparative evolution

of the total remuneration of the employees of the public and parapublic sectors and of the private sector. After publication of the report, the parties will negotiate an agreement in respect of the remuneration for the ensuing year. Following that negotiation, the chairman of the Conseil du trésor will prepare a draft regulation to fix the remuneration and table the report in the National Assembly during the second or third week in March or, if the National Assembly is not sitting, the report will be published in the Gazette officielle. The draft regulation will subsequently be submitted to the Government for adoption, with or without amendment, during the second or third week in April.

Once fixed by regulation, the remuneration will form part of the collective agreement for the current year.

With regard to the right to strike or to declare a lock-out, the draft bill excludes from the exercise of these rights, the clauses of a collective agreement pertaining to remuneration and, in the case of a collective agreement binding on a school board, a college or an establishment, it also excludes the clauses that are negotiated and approved at the local level. In addition, the exercise of these rights, in the areas where they subsist, will be preceded by mandatory mediation.

Finally, the draft bill amends the Labour Code to confer on the Conseil des services essentiels a new power to make orders in cases of labour conflicts in a public service and in the public and parapublic sectors.

Where a strike, a lock-out or a slowdown contrary to law affects or is likely to affect the provision of a service to which the public is entitled, or where the essential services that are determined in an agreement or in a list are not provided during a strike, the Conseil will henceforth be empowered to order the parties to take the necessary remedial measures that are required by the circumstances.

From the filing of a true copie at the office of the prothonotary of the Superior Court, an order of the Conseil des services essentiels will have the same effect as a judgment rendered by that Court.

The draft bill also contains certain concordance amendments to the Labour Code.

Draft Bill

An Act respecting the negotiation of the collective agreements in the public and parapublic sectors

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

PART I

NEGOTIATION OF THE COLLECTIVE AGREEMENTS

CHAPTER I

THE EDUCATION AND SOCIAL AFFAIRS SECTORS

DIVISION I

INTERPRETATION AND APPLICATION

1. In this chapter,

(a) “**association of employees**” means an association of employees within the meaning of the Labour Code (R.S.Q., chapter C-27);

(b) “**college**” means a college established under the General and Vocational Colleges Act (R.S.Q., chapter C-29);

(c) “**school board**” means a regional school board, a Protestant central school board, the Bureau métropolitain des écoles protestantes de Montréal, the Bureau des écoles protestantes de Québec métropolitain, the Commission des écoles catholiques de Québec, the Commission des écoles catholiques de Montréal, any school board governed by the Education Act (R.S.Q., chapter I-14), and any other similar body designated by the Government for the application of this Act;

(d) “**collective agreement**” means a collective agreement within the meaning of the Labour Code, or any document in lieu thereof or a labour contract within the meaning of the Act respecting the Syndical Plan of the Sûreté du Québec (R.S.Q., chapter R-14);

(e) “**teacher**” means a teacher within the meaning of the Education Act or a member of the teaching staff of a college;

(f) “**establishment**” means a public establishment within the meaning of the Act respecting health services and social services (R.S.Q., chapter S-5), a private establishment under agreement within the meaning of the said Act and any body which furnishes services to an establishment in accordance with the said Act and declared by the Government to be classified, for the purposes of this Act, with establishments within the meaning of the Act respecting health services and social services;

(g) “**group of associations of employees**” means any union, federation, confederation, corporation, labour body or other organization which an association of employees representing persons employed by a school board, a college or an establishment joins, or to which it belongs or is affiliated;

(h) “**group of school boards**” or “**group of colleges**” means any association, federation or other organization to which the majority of the school boards for Catholics, of the school boards for Protestants or of the colleges belong, deemed to be representative of these school boards or colleges by the Minister of Education, if it is not already so recognized by law;

(i) “**group of establishments**” means any association, union, federation or other organization to which a majority of the establishments of a category belong, deemed by the Minister of Social Affairs to be representative of that category, if it is not already so recognized by law.

2. This chapter applies to every collective agreement binding between an association of employees and a school board, college or establishment.

All the clauses of such a collective agreement other than the clauses pertaining to the remuneration shall be negotiated and approved at the national level or at the local or regional level in accordance with this chapter.

DIVISION II

ORGANIZATION OF THE PARTIES

§ 1.—*The unions*

3. An association of employees that belongs to a group of associations of employees shall negotiate and approve the clauses contemplated in section 20 through a bargaining agent appointed by that group.

4. An association of employees that does not belong to a group of associations of employees shall negotiate and approve all the clauses contained in the collective agreement through a bargaining agent appointed by that association.

5. The clauses negotiated and approved by a group of associations of employees are binding on every new association of employees that affiliates to that group during the term of the collective agreement.

6. For the purposes of the negotiation of a collective agreement binding between an association of employees and a school board or a college, the following classes of personnel form separate groups:

- (a) teachers;
- (b) non-teaching professional personnel; and
- (c) support personnel.

§ 2.—*Management*

1. The education sector

7. In the education sector, the following committees are established:

- (1) a management negotiating committee for the school boards for Catholics;
- (2) a management negotiating committee for the school boards for Protestants;
- (3) a management negotiating committee for colleges.

8. The committees established under section 7 shall be composed of persons appointed by the Minister of Education and persons appointed, as the case may be, by the group of school boards for

Catholics, the group of school boards for Protestants or the group of colleges.

9. The members shall designate, in each committee, a chairman and a vice-chairman, one of whom shall be chosen from among the members appointed by the group and the other from among the members appointed by the Minister.

The members shall agree in writing on the modalities of operation of the committee and on the determination of the matters in respect of which the representatives of the group or the representatives of the Minister have a casting vote at deliberations of the committee.

Similarly, they shall agree on the mode of financing of the committee, the term of office of the members and, where necessary, their remuneration and that of the agents of the committee.

The signature of the chairman of the Conseil du trésor shall confirm the undertaking of the Government with respect to such an agreement.

10. The committees are responsible, under the authority delegated by the Government to the Minister of Education, for the negotiation and approval of the clauses contemplated in section 20.

For that purpose, they shall prepare draft bargaining proposals, require negotiation mandates from the Conseil du trésor and, within the scope of the mandates determined by the latter, organize, direct and co-ordinate the negotiations carried on by the management party with the groups of associations of employees or, as the case may be, with the associations of employees.

11. The clauses negotiated and approved by a committee shall be signed by the Minister of Education and the chairman and vice-chairman of the committee.

The clauses are binding on all the school boards for Catholics, all the school boards for Protestants, or all the colleges, as the case may be.

2. The social affairs sector

12. In the social affairs sector, a management negotiating committee and management negotiating subcommittees are established.

13. The management negotiating committee for the social affairs sector shall consist of persons appointed by the Minister of Social Affairs and persons appointed by the groups of establishments.

The subcommittees shall consist of persons designated from among the members of the management negotiating committee by the Minister and by the groups representing the following classes of establishments:

- (1) public hospital centres;
- (2) local community service centres;
- (3) public reception centres;
- (4) social service centres;
- (5) private establishments within the meaning of paragraph *f* of section 1.

14. The members of the committee and of each subcommittee shall designate a chairman and a vice-chairman, one of whom is chosen from among the persons designated by the groups of establishments and the other from among the persons designated by the Minister.

The members shall agree in writing on the modalities of operation of the committee or subcommittee and on the determination of the matters in respect of which the representatives of the group or the representatives of the Minister have a casting vote at deliberations of the committee or subcommittee.

Similarly, they shall agree on the mode of financing of the committee or subcommittee, the term of office of the members and, as the case may be, their remuneration and that of the agents of the committee or subcommittee.

The signature of the chairman of the Conseil du trésor shall confirm the undertaking of the Government with respect to an agreement under this section.

15. The management negotiating committee for the social affairs sector is responsible, under the authority delegated by the Government to the Minister of Social Affairs, for the negotiation and approval of those of the clauses contemplated in section 20 defined by the subcommittees as clauses to be negotiated and approved for all the establishments or for more than one class of establishments.

A management negotiating subcommittee shall be responsible, under the authority delegated by the Government to the Minister, for the negotiation and approval, for the class of establishments that it represents, of the clauses contemplated in section 20; furthermore, it shall define, in accordance with section 21, the matters that are likely to form the subject of clauses negotiated and approved at the local or regional level in respect of those establishments.

16. For the negotiation of the clauses under their jurisdiction, the management committee and subcommittees shall prepare draft bargaining proposals, require negotiation mandates from the Conseil du trésor and, within the scope of the mandates determined by the latter, organize, direct and co-ordinate the negotiations carried on by the management party with the groups of associations of employees or, as the case may be, with the associations of employees.

17. The clauses negotiated and approved by the management negotiating committee shall be signed by the Minister of Social Affairs and the chairman and vice-chairman of the committee. They are binding on all the establishments.

The clauses negotiated and approved by a subcommittee shall be signed by the Minister of Social Affairs and by the chairman and the vice-chairman of the subcommittee. They are binding on establishments belonging to the class for which the committee is established.

3. The Conseil du trésor

18. In accordance with the guidelines established by the Government, the Conseil du trésor shall

(1) ensure the orderly progress of the negotiation of the clauses contemplated in section 20, and, for that purpose, may delegate an observer to the negotiating sessions;

(2) authorize the negotiation mandates of the management committees and subcommittees in those matters that it considers to be of governmental interest;

(3) exercise, for the purposes of the negotiations contemplated in paragraph 1, the other powers conferred on it by law.

19. The Conseil du trésor shall invite the Minister of Education or, as the case may be, the Minister of Social Affairs, to participate in its deliberations where they deal with the negotiations contemplated in section 20.

DIVISION III

MODE OF NEGOTIATION

§ 1.—*Clauses negotiated and approved at the national level*

20. The clauses negotiated and approved at the national level are those which pertain to all the matters contained in the collective agreement, except remuneration and matters defined as pertaining to

clauses that are to be negotiated and approved at the local or regional level pursuant to section 21.

They may provide, however, that certain matters may be the subject of arrangements within the meaning of section 22.

They may also provide for modes of discussion between the parties for the duration of the collective agreement for the purpose of resolving difficulties.

21. The matters pertaining to the clauses negotiated and approved at the local or regional level are those matters that are defined by the parties in negotiating the clauses that are negotiated and approved at the national level.

Notwithstanding the foregoing, the matters contemplated in schedule A and concerning work organization, staff turnover and union rights shall come under clauses negotiated and approved at the local level unless otherwise defined by the parties.

Any matter not defined in this section as coming under clauses negotiated and approved at the local level shall come under a clause negotiated and approved at the national level.

22. The parties to a collective agreement may negotiate and approve, at a local or regional level, arrangements relating to the implementation of the clauses negotiated and approved at the national level, to the extent that they provide therefor.

23. A party may request the Minister of Labour to appoint a mediator to endeavour to settle a dispute on a matter coming under a clause negotiated and approved at the national level.

24. If no agreement is reached 30 days after the date of his appointment, the mediator shall transmit to the parties a report containing his recommendations on the settlement of the dispute.

The report shall be made public at the request of one of the parties.

The period provided for in the first paragraph may be extended with the consent of the parties.

25. The parties may agree on a procedure of mediation other than that provided in sections 23 and 24. They may, in particular, appeal to a board of mediation or a public interest group.

A third party designated under the first paragraph shall make to the parties a report of its recommendations on the settlement of the dispute.

The report shall be made public at the request of one of the parties.

26. In case of a dispute on a matter coming under a clause negotiated and approved at the national level, the parties may also agree to make a joint report on the subject of their dispute and make it public.

27. Every person or group by whom or which a report is made public pursuant to section 24, 25 or 26 shall, on the same day, give a written notice thereof to the Minister of Labour.

The Minister shall, without delay, inform the parties of the date he received the notice.

*§ 2.—Clauses negotiated and approved
at the local or regional level*

28. The clauses negotiated and approved at the local or regional level shall deal with the matters defined under section 20.

29. In matters defined as coming under the clauses negotiated and approved at the local or regional level, an association of employees and an employer may, at any time, negotiate and approve the replacement, amendment, addition or repeal of any clause of the collective agreement.

30. An agreement under section 29 shall come into force from its filing at the office of the labour commissioner general in accordance with section 72 of the Labour Code. In no case may the agreement be the subject of negotiations before the expiry of two years, unless the parties decide to amend it before the lapse of that term.

31. If after not fewer than three negotiating sessions no agreement is reached on a matter coming under clauses negotiated and approved at the local level, one party may request the Minister of Labour to appoint an arbitrating-mediator in view of the settlement of the disagreement.

32. The arbitrating-mediator shall endeavour to bring the parties to settle their disagreement. For that purpose, he shall meet the parties and, in case of refusal, give them an opportunity to present their views.

33. If a disagreement still subsists 30 days after the appointment of the arbitrating-mediator, the parties may request the arbitrating-mediator to rule on the question that is the subject of the disagreement.

34. If the arbitrating-mediator is of opinion that a settlement is not likely to be reached by the parties, he shall then decide the question and inform the parties of his decision.

The decision of the arbitrating-mediator is deemed to be an agreement within the meaning of section 29.

35. If the arbitrating-mediator makes no decision under section 34, he shall make a report of his recommendations on the subject of the disagreement to the parties.

The arbitrating-mediator shall make the report public ten days after having transmitted it to the parties.

36 The parties may agree upon any other mode of settlement of a disagreement.

37. Any clause negotiated and approved at the local or regional level has no effect where it modifies the scope of a clause negotiated and approved at the national level or a clause contemplated in Part II.

The same rule applies to every decision made by a person appointed to rule on a disagreement pursuant to section 33 or 35.

38. Failing an agreement on the replacement, amendment, addition or repeal of a clause pertaining to a matter defined as coming under local or regional clauses, the clauses in force continue to have effect.

39. Except in matters of jurisdiction, no action pursuant to article 33 of the Code of Civil Procedure may be taken nor any extraordinary recourse within the meaning of the said Code be exercised, and no provisional remedy may be ordered against the arbitrating-mediator appointed by the Minister under section 31.

CHAPTER II

THE GOVERNMENT AGENCIES SECTOR

40. This chapter applies to the government agencies listed in Schedule B.

41. The Government may strike off from the schedule any agency appearing in it, add to it any agency it has struck off or any other agency. It may also add or strike off a subsidiary of any agency designated by it.

42. An association of employees shall negotiate and approve all the clauses of a collective agreement binding between it and a government agency through a bargaining agent appointed by the association.

43. Before undertaking the negotiation of a collective agreement with an association of employees, a government agency shall submit

to the minister responsible a draft document setting out the general components of a policy on remuneration and conditions of employment.

The minister shall submit the draft to the approval of the Conseil du trésor which shall determine, in cooperation with the minister and the agency, the terms and conditions according to which the orderly progress of the negotiations is ensured.

44. The policy on remuneration and conditions of employment approved with or without amendment by the Conseil du trésor, and the terms and conditions determined for ensuring the orderly progress of the negotiations are binding on the agency, and it must comply therewith.

45. A government agency shall negotiate, approve and sign a collective agreement within the scope defined by the application of sections 43 and 44.

CHAPTER III

THE PUBLIC SERVICE

46. Sections 23 to 27, adapted as required, apply to any dispute arising during negotiations for the renewal of a collective agreement binding between the Government and an association of employees recognized or certified under sections 64 to 67 of the Public Service Act (1983, chapter 55).

The sections referred to in the first paragraph do not apply, however, to a clause pertaining to the remuneration.

PART II

REMUNERATION

CHAPTER I

INSTITUT DE RECHERCHE SUR LA RÉMUNÉRATION

DIVISION I

ESTABLISHMENT AND COMPOSITION

47. An agency is hereby established under the name of “Institut de recherche sur la rémunération”.

48. The Institut is a corporation within the meaning of the Civil Code and has all the powers of such a corporation in addition to those conferred on it by this Act.

49. The affairs of the Institut are administered by a board of directors consisting of not more than thirteen members, including a chairman.

50. The members of the board of directors are appointed by the Government.

Six of the members, except the chairman, are chosen from among the persons whose names appear on lists drawn up by the groups of associations of employees and the associations of employees contemplated in Part I and by the associations of employees recognized or certified under sections 64 to 67 of the Public Service Act.

Six other members, except the chairman, are appointed after consultation with the groups of school boards, colleges and establishments contemplated in Part I.

51. The chairman is appointed after consultation with the groups of associations of employees, the associations of employees and the groups of employers contemplated in section 48.

The remuneration and the conditions of employment of the chairman are determined by the Government.

52. The members of the Institut are appointed for not more than three years except the chairman who is appointed for not more than five years. Their terms of office are renewable.

Each member of the Institut shall remain in office at the expiry of his term until he is replaced or reappointed.

53. Every vacancy on the board of directors shall be filled in accordance with the mode of appointment prescribed for the appointment of the member to be replaced.

54. The members of the Institut other than the chairman are not remunerated. They are, however, entitled, to the extent and on the conditions determined by the Government, to an attendance allowance and to the reimbursement of reasonable expenses they incur in the performance of their duties.

55. The chairman shall preside over the meetings of the board of directors, direct its operations and assume all the other functions

conferred on him by regulation of the Institut. He shall also perform the duties of a director general.

The director general shall be responsible for the management and direction of the Institut.

56. If the chairman is absent or temporarily unable to act, the Government shall appoint a person to replace him during his absence or temporary incapacity.

57. The head office of the Institut shall be at the place determined by the Government; notice of the address or any transfer of the head office is published in the *Gazette officielle du Québec*.

The Institut may hold its sittings anywhere in Québec.

58. Seven members, including the chairman or, in the case contemplated in section 56, the person replacing him, are a quorum at sittings of the Institut.

In case of a tie-vote, the chairman has a casting vote.

59. The chairman, or in the case provided for in section 55, the person replacing him, shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking causing his personal interest to conflict with that of the Institut.

However, forfeiture is not incurred if such an interest devolves to him by succession or gift, provided he renounces or disposes of it with all possible dispatch.

60. Every member shall disclose any conflict of interest in writing to the chairman and abstain from voting on any decision of the board of directors concerning a contract or a benefit that may be granted to him or to an undertaking in which he has an interest.

61. The minutes of the sittings of the board of directors of the Institut, if approved by the board and certified by the chairman or by any person authorized in writing for that purpose, are authentic. The same applies to documents or copies emanating from the Institut or forming part of its records, if so certified.

62. The Institut shall determine by regulation the remuneration and other conditions of employment applicable to the members of its personnel.

The regulation comes into force from the date of its approval by the Government.

DIVISION II

FUNCTIONS

63. The Institut is responsible for informing the public on the comparative state and evolution of the total remuneration of the employees of the Government and of the school boards, colleges and establishments contemplated in Part I, and the total remuneration of the other employees of any category in Québec that it determines.

The Institut shall perform its duty under the first paragraph by publishing, not later than 30 November each year, a report of its findings.

64. The Institut may, within the scope of its duties, carry out studies and research or cause studies and research to be carried out.

The Institut shall also carry out any study or research mandate defined by the board of directors in concert with all the members appointed under section 48 who are present at a meeting specially called for that purpose.

65. In no case may the Institut, unless authorized by the Government,

(1) make with any person any contract engaging it for over two years;

(2) contract a loan that would increase the total of its unrepaid borrowings to over \$1 000 000.

In no case may the Institut acquire or hold shares of another corporation or operate an enterprise, alone or jointly with another person.

66. The Institut shall, not later than 90 days after the end of its fiscal year, transmit to the President of the National Assembly a report of its activities for the previous fiscal year. The report shall be tabled before the National Assembly if it is in session, or if it is not sitting, within 30 days of the opening of the next session or resumption.

67. The books and accounts of the Institut shall be audited by the Auditor General every year and whenever so ordered by the Government; the Government may appoint another auditor.

The report of the Auditor General or of the auditor appointed by the Government shall accompany the report of activities.

CHAPTER II

DETERMINATION OF REMUNERATION

68. This chapter applies to every collective agreement contemplated in Chapter I of Part I and to every collective agreement binding between the Government and an association of employees recognized or certified under sections 64 to 67 of the Public Service Act.

69. The clauses of a collective agreement which pertain to remuneration continue to have effect notwithstanding the expiration of the collective agreement unless they are amended for a subsequent year in accordance with sections 70 and 72.

70. After publication by the Institut of the report contemplated in section 63, the Conseil du trésor, in collaboration with the management negotiating committees established under Part I, shall negotiate with the groups of associations of employees and the associations of employees in view of reaching an agreement on the clauses pertaining to remuneration.

71. The chairman of the Conseil du trésor shall, each year, during the second or third week in March, table in the National Assembly a draft regulation establishing the clauses pertaining to the remuneration for the current year. The draft shall be accompanied with a notice that it will be submitted to the Government, for adoption with or without amendment, during the second or third week in April.

If the National Assembly is not sitting during the second or third week in March, the chairman of the Conseil du trésor shall cause the draft to be published during those weeks in the *Gazette officielle du Québec* with a notice to the same effect.

72. The clauses pertaining to the remuneration for the current year are those provided for in the regulation adopted by the Government during the second or third week in April. The regulation shall come into force on the date of its adoption. It shall be published in the *Gazette officielle du Québec*.

73. Once fixed by regulation, the clauses pertaining to remuneration shall form part of the collective agreement and have the same effect as those clauses of a collective agreement in force that pertain to remuneration, even if the other clauses have not been approved.

PART III

TRANSITIONAL AND FINAL PROVISIONS

74. Paragraph 3 of the definition of the word “employee” provided for in section 1 of the Labour Code is amended by inserting after the words “Office des ressources humaines,” in the fourteenth and fifteenth lines the words “Institut de recherche sur la rémunération”.

75. Section 111.0.20 of the said Code is amended by adding the following paragraph:

“The council may also make an order pursuant to section 111.17 if the essential services determined in an agreement or in a list are not rendered during a strike.”

76. The said Code is amended by replacing section 111.6 by the following section:

“111.6 Every collective agreement binding on a college, a school board or an establishment contemplated in the Act respecting the negotiation of the collective agreements in the public and parapublic sectors (*insert here the year and the number of this draft bill*) shall be negotiated and approved in accordance with the said Act.

Every collective agreement contemplated in the first paragraph shall expire, for the application of this Code, on the date of expiration of the clauses negotiated and approved at the national level.

The clauses pertaining to remuneration and the clauses negotiated at the local or regional level have effect notwithstanding the expiration of the collective agreement.”

77. Subsections 4 and 5 of section 111.8 of the said Code are repealed.

78. The said Code is amended by inserting, after section 111.10.6, the following section:

“111.10.7 In no case may a party declare a strike or a lock-out before the expiry of a period of 20 days from the date on which the Minister has received the notice provided for in section 27 of the Act respecting the negotiation of the collective agreements in the public and parapublic sectors.”

79. The said Code is amended by inserting, after section 111.15, the following section:

“111.15.1 Strikes and lock-outs are prohibited with respect to any matter defined as coming under a clause negotiated and approved at the local or regional level according to the Act respecting the negotiation of the collective agreements in the public and parapublic sectors; the same rule applies with respect to the remuneration determined in accordance with that Act.”

80. The said Code is amended by adding, after Division III of Chapter V, the following:

“DIVISION IV

“REMEDIAL POWERS

“111.16 Where, contrary to a provision of law, a lock-out, strike or slowdown occurs in a public service, a government department or in an agency of the public and parapublic sectors, the Conseil des services essentiels, of its own initiative or at the request of an interested person, may inquire into the consequences of the lock-out, strike or slowdown on the provision of the services to which the public is entitled.

“111.17 The council, if it considers that the lock-out, strike or slowdown has or is likely to have an adverse effect on a service to which the public is entitled, may, after giving the parties the opportunity to submit their views, make an order

(1) to enjoin any person involved in the conflict or any category of these persons determined by the council to take the necessary measures to comply with the law and the collective agreement or with an agreement on essential services, or to abstain from doing anything in contravention thereof;

(2) to require from any person involved in the conflict to remedy any act or omission done or made in contravention of the law;

(3) to establish the pecuniary value of the damage that a person may have suffered owing to the interruption or reduction of services caused by the lock-out, strike or slowdown, and to order the employer or the association of employees, or employees, as the case may be, to pay to the person the amount established;

(4) to order every person involved in the conflict to do or abstain from doing anything that it considers reasonable in the circumstances in view of maintaining essential services for the public.

“111.18 In the cases contemplated in the third paragraph of section 111.0.20 and in section 111.16, the council may entrust any person it designates to make an inquiry and make a report to it on the situation.

“111.19 The council may file a certified copy of an order made pursuant to section 111.0.20 or 111.17 in the office of the prothonotary of the Superior Court of the district in which the public service or agency involved is situated.

Every order filed under the first paragraph has the same force and effect as if it were a judgment of the Superior Court.”

81. This Act replaces the Act respecting management and union parties organization in collective bargaining in the sectors of education, social affairs and government agencies (R.S.Q., chapter O-7.1).

In any Act, regulation, order, decree, contract, collective agreement, or other document, any reference to the said Act is a reference to this Act or to the equivalent provision of this Act, unless otherwise indicated by the context.

82. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom).

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

SCHEDULE A

LIST OF MATTERS COMING UNDER THE CLAUSES NEGOTIATED AND APPROVED AT A NATIONAL OR LOCAL LEVEL

1. EDUCATION

- 1.— The school boards for Catholics
- 2.— The school boards for Protestants
- 3.— Colleges

2. SOCIAL AFFAIRS

- 1.— The public hospital centres
- 2.— The local community service centres
- 3.— The public reception centres
- 4.— The social service centres
- 5.— The private establishments within the meaning of paragraph *f* of section 1

SCHEDULE B

LIST OF GOVERNMENT AGENCIES

- The Commission des droits de la personne;
- The Commissions de formation professionnelle de la main d'oeuvre;
- The Commission des services juridiques;
- The Conseil de la santé et des services sociaux de la région de Montréal métropolitain;
- The Conseil de la santé et des services sociaux de la région de Québec;
- The Conseil de la santé et des services sociaux de la région de Trois-Rivières;
- The Conseil de la santé et des services sociaux de la région d'Abitibi-Témiscamingue;
- The Corporations d'aide juridique;
- Hydro-Québec;
- The Office de la construction du Québec;
- The Régie des installations olympiques;
- The Société des alcools du Québec;
- The Société des loteries et courses du Québec;
- The Société de radio-télévision du Québec;
- The Société des traversiers du Québec;
- The Sûreté du Québec.

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