

THIRD SESSION

THIRTY-SECOND LEGISLATURE

NATIONAL ASSEMBLY OF QUÉBEC

Bill 47

**An Act respecting the transit service
of the Commission de transport de la
Communauté urbaine de Montréal**

First reading

Second reading

Third reading



M. CLAUDE CHARRON

Government House Leader

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EXPLANATORY NOTES

The object of this bill is to ensure the resumption of normal service at the Commission de transport de la Communauté urbaine de Montréal and, through conciliation, to allow negotiations to proceed with a view to renewing the collective agreements that expired on 11 January 1982.

It provides further that should any dispute subsist on 11 March 1982, a board of inquiry will be created to look into the conditions prevailing at the Commission in matters of labour relations.

Bill 47

An Act respecting the transit service
of the Commission de transport de la
Communauté urbaine de Montréal

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

DIVISION I

INTERPRETATION

1. In this Act, unless the context indicates otherwise,

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

“Commission” means the Commission de transport de la Communauté urbaine de Montréal;

“collective agreement”, “strike” and “lock-out” have the meaning assigned by the Labour Code;

“employee” means an employee within the meaning of the Labour Code included in a bargaining unit for which an association of employees is certified.

DIVISION II

RESUMPTION OF SERVICES AND MAINTENANCE OF CONDITIONS OF EMPLOYMENT

2. The latest collective agreement between an association of employees and the Commission shall remain in force notwithstanding the term stipulated therein until renewed or replaced by a new collective agreement or, failing a new collective agreement, until 11 May 1982.

3. Until the expiry of the period of extension provided for in section 2, every association of employees must postpone the exercise of the right to strike acquired under the Labour Code.

The Commission must, for the same period, postpone the exercise of the right to lock out.

4. Every employee employed by the Commission on 14 January 1982 shall, from 00:01 hours on 17 January 1982, taking account of his work schedule, return to work. He must, until the expiry of the period of extension of the collective agreement governing him, perform all the duties attached to his functions pursuant to the conditions of employment that are applicable to him, without slowdown or reduction in his ordinary activity.

The first paragraph does not apply to an employee who resigns if his resignation is accepted by the Commission or to an employee who is eligible for retirement.

5. The Commission shall, from 00:01 hours on 17 January 1982 and for such time as section 4 applies, take the appropriate measures to provide its usual services.

6. Every association of employees must take the appropriate measures to induce its members to comply with section 4.

DIVISION III

CONCILIATION AND INQUIRY

7. During the period of extension of the collective agreement provided for in section 2, negotiations for the making of a collective agreement must be continued with diligence and good faith with the assistance of a conciliation officer appointed pursuant to the Labour Code.

8. If no agreement is reached between an association of employees and the Commission, the conciliation officer must, not later than 11 March 1982, make a report on the state of the negotiations to the Minister of Labour, Manpower and Income Security.

9. Should a dispute subsist on 11 March 1982, the Government shall appoint a board of inquiry with the mandate provided for in the second paragraph of section 111 of the Labour Code, to inquire into the matter.

Sections 81 to 87 of the Labour Code apply to the inquiry.

The report of the board of inquiry must be remitted to the Minister of Labour, Manpower and Income Security not later than

11 May 1982 and a duplicate of it sent at the same time to each party.

The board of inquiry also has the mandate to look into the conditions prevailing at the Commission in matters of labour relations and personnel management and report on the circumstances surrounding the dispute.

DIVISION IV

PENALTIES

10. Every person who contravenes, or incites or encourages a person to contravene section 4 is guilty of an offence and is liable, in addition to costs, for each day or part of a day during which the offence continues, to a fine

(1) of \$25 to \$100 in the case of an employee or another natural person not contemplated in subparagraph 2;

(2) of \$1 000 to \$10 000 in the case of an officer, director, worker, agent or adviser of an association of employees;

(3) of \$5 000 to \$50 000 in the case of an association of employees or of a union, federation or confederation to which an association of employees is affiliated or belongs.

The association of employees, the union, the federation or the confederation of which an officer, director, worker, agent or adviser is guilty of an offence provided for in the first paragraph is a party to the offence and is liable, in addition to costs, to the fine provided in subparagraph 3 of the said paragraph for each day or part of a day during which the offence continues.

11. Any director, worker, agent or adviser of the Commission who participates or acquiesces in any act done by that body in contravention of the second paragraph of section 3 or of section 5 is guilty of an offence and is liable, in addition to costs, to a fine of \$1 000 to \$10 000 for each day or part of a day during which the offence continues.

12. Where it contravenes the first paragraph of section 3 or section 6, an association of employees is guilty of an offence and is then liable, in addition to costs, to a fine of \$5 000 to \$50 000 for each day or part of a day during which the offence continues.

Every union, federation or confederation to which an association of employees is affiliated or belongs and which incites or encourages the association of employees to contravene the first paragraph of section 3 or section 6 is also guilty of an offence and is liable to the same penalties.

13. Where an association of employees or a union, federation or confederation is guilty of an offence provided for in section 10 or in section 12, each of its officers, directors, workers, agents or advisers who participated or acquiesced in the offence is deemed to be a party to the offence and is liable, for each day or part of a day during which the offence continues, in addition to costs, to the fine provided in subparagraph 2 of the first paragraph of section 10, whether or not the association, the union, the federation or the confederation has been prosecuted or found guilty.

14. Proceedings are brought in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by a person generally or specially authorized by him for that purpose.

15. Notwithstanding section 12 of the Summary Convictions Act, where under this Act an offence is continuous, every separate offence contemplated in subsection 4 of the said section may be charged in a separate count.

DIVISION V

FINAL PROVISIONS

16. This Act does not have the effect of exempting any employee, any association of employees or the Commission from the application of the Labour Code.

17. This Act comes into force on the day of its sanction.