

FOURTH SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 93

**An Act to ensure the resumption of certain services  
of the city of Montréal and the  
Communauté urbaine de Montréal**

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First reading . . . . .  
Second reading . . . . .  
Third reading . . . . .

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M. PIERRE MARC JOHNSON  
Ministre du travail et de la main-d'oeuvre

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L'ÉDITEUR OFFICIEL DU QUÉBEC

1980

#### EXPLANATORY NOTES

*The object of this bill is to ensure the resumption in the city of Montréal and the Communauté urbaine de Montréal of the services that have been wholly or partly interrupted as a result of the strike of the Canadian Union of Public Employees, local 301, which has been in progress since 12 February 1980.*

*Further, it provides that the disputes between the parties will be referred to an arbitrator, and that his award, in both cases, will have the effect of a collective agreement binding between the employer and the association of employees.*

## **Bill 93**

**An Act to ensure the resumption of certain services  
of the city of Montréal and the  
Communauté urbaine de Montréal**

**HER MAJESTY, with the advice and consent of the Assemblée  
nationale du Québec, enacts as follows:**

### **DIVISION I**

#### **INTERPRETATION**

**1.** In this act, unless the context indicates otherwise,  
“association of employees” means the Canadian Union of  
Public Employees, local 301;

“employee” means an employee within the meaning of the  
Labour Code, who was an employee of the city of Montréal or of  
the Communauté urbaine de Montréal on 11 February 1980, and  
who is included in the bargaining unit for which the association  
of employees is certified.

### **DIVISION II**

#### **RESUMPTION OF SERVICES**

**2.** Every employee shall, from 00:01 hours on 25 March 1980,  
taking account of his work schedule, return to work and perform  
all the duties attached to his functions pursuant to the conditions  
of employment that are applicable to him.

**3.** From 00:01 hours on 25 March 1980, the city of Montréal  
and the Communauté urbaine de Montréal must arrange for the  
resumption of the services that have been wholly or partly inter-  
rupted by reason of the strike by the association of employees.

**4.** The association of employees must take the appropriate measures to induce its members to comply with section 2.

**5.** The current strike does not constitute an interruption of service in respect of the computation of the seniority of an employee who complies with section 2.

The employee may contribute to the pension plan that is applicable to him on the base of the salary that he would have received if he had performed his duties during the strike. In such case, the employer is bound to pay the share of the contribution that is incumbent on him.

### DIVISION III

#### SETTLEMENT OF THE DISPUTE

**6.** The dispute between the association of employees and the city of Montréal or, as the case may be, the Communauté urbaine de Montréal, shall be referred to an arbitrator.

Within ten days of the coming into force of this act, the parties shall agree on the choice of the arbitrator. Should the parties fail to agree at the expiry of that period, the arbitrator shall be appointed *ex officio* by the Ministre du travail et de la main-d'oeuvre.

**7.** The arbitrator shall take into account, *inter alia*, the recommendations made by the mediator, appointed by the Minister on 4 March 1980, in the report he transmitted to the parties on 13 March 1980.

**8.** An award of the arbitrator must be rendered within 90 days of his appointment unless the Minister grants an additional delay, which must not exceed 30 days.

**9.** The award of the arbitrator binds the parties until the date fixed in the award; that date cannot be later than 31 December 1981.

The parties may agree, however, to amend, wholly or in part, the content of an arbitration award.

**10.** Section 76, the second paragraph of section 77, section 79, the first paragraph of section 80, sections 81 to 87, the first paragraph of section 88, sections 89, 91, 93, section 81g not included in the revised statutes, enacted by chapter 41 of the statutes of 1977, and sections 139 and 140 of the Labour Code apply to the arbitrator and to an award, *mutatis mutandis*.

## DIVISION IV

## SANCTIONS

**11.** If the association of employees contravenes section 4, it is guilty of an offence and is 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 contravention continues.

If the association of employees or a union, federation or confederation to which it is affiliated or belongs authorizes, encourages or incites a person to contravene section 2 or to participate in a strike or a slowdown during the period included between the date of the coming into force of this act and the date of expiration of a collective agreement or of an arbitration award contemplated in Division III, it is guilty of an offence and is 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 contravention continues.

**12.** Where the association of employees, or a union, federation or confederation is guilty of an offence contemplated in section 11, each of its officers, directors, employees, agents or advisers who participated in the commission of the offence or who acquiesced in it, is deemed a party to the offence and is liable, in addition to costs, to the fine provided for in the first paragraph of section 13, whether the association, union, federation or confederation has or has not been prosecuted or convicted.

**13.** Every officer, director, employee, agent or adviser of the association of employees, or of a union, federation or confederation contemplated in section 11, who authorizes, encourages or incites a person to contravene section 2 or to participate in a strike or a slowdown during the period included between the coming into force of this act and the date of expiration of a collective agreement or of an arbitration award contemplated in Division III, 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 contravention continues.

The association of employees, or a union, federation or confederation contemplated in section 11, of which an officer, director, employee, agent or adviser is guilty of an offence contemplated in the preceding paragraph is a party to the offence and is liable, in addition to costs, to the penalty provided for in the first paragraph of section 11.

**14.** Every employee who contravenes section 2 or participates in a strike or slowdown during the period included between the coming into force of this act and the expiration of a collective

agreement or of an arbitration award contemplated in Division III, is guilty of an offence and is liable, in addition to costs, to a fine of \$25 to \$100 for each day or part of a day during which the contravention continues.

**15.** Every member of the council and every director, employee or agent of the city of Montréal or of the Communauté urbaine de Montréal who participated or acquiesced in an act done by the city or the urban community contrary to section 3, or in a lockout, during the period included between the coming into force of this act and the expiration of a collective agreement or of an arbitration award contemplated in Division III, 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 contravention continues.

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

## DIVISION V

### FINAL PROVISIONS

**17.** This act does not have the effect of exempting the persons contemplated by it from the application of the Labour Code.

**18.** This act comes into force on the day of its sanction.