



CHAPTER 56

An Act respecting the extension of collective labour agreements

[Assented to, the 20th of April, 1934]

HIS MAJESTY, with the advice and consent of the Legislative Council and of the Legislative Assembly of Quebec, enacts as follows:

1. This act may be cited as the *Collective Labour Agreements Extension Act*. Short title.

2. The Lieutenant-Governor in Council may order that a collective labour agreement, made between, on the one part, one or more associations of employees and, on the other part, employers or one or more associations of employers, shall also bind all the employees and employers in the same trade or industry; provided that such employees and employers carry on their activities within the territorial jurisdiction determined in the said agreement. Lt.-Gov. in C. and extension of collective labour agreement. Proviso.

Whenever an order is made under the preceding paragraph, the only provisions of the collective labour agreement which thus become obligatory, upon the classes of employees and employers concerned, are those respecting rates of wages and hours of labour. Obligatory provisions.

Such order shall remain in force during the same period of time as the collective agreement. Duration of order.

3. Any association of employees or employers, a party to a collective labour agreement, may request the Lieutenant-Governor in Council to pass an order-in-council under the preceding section. Who may request order.

Such request shall be made by a petition addressed to the Minister of Labour. The petition must be accompanied by a duly certified copy of such agreement. How request made.

- Notice of petition.** **4.** Upon receipt of a petition, the Minister of Labour shall cause notice thereof to be given in the *Quebec Official Gazette* and, during the thirty days from the publishing of such notice, he shall receive the objections to the request contained in the petition.
- Objections.**
- Approval of petition.** At the expiration of such delay, the Minister, if he deems that the provisions of the collective labour agreement which is the object of such petition have acquired a preponderant significance and importance for the establishing of conditions of labour in a trade or industry in the region for which the agreement was entered into, may recommend the approval of the petition to the Lieutenant-Governor in Council.
- Coming into force of order.** The order-in-council establishing such approval shall come into force from and after its publication in the *Quebec Official Gazette*.
- Repealing, etc., of order.** **5.** Subject to the formalities, delays and rules mentioned in section 4 of this act, the Lieutenant-Governor in Council may, at the request of the parties to the collective agreement, repeal or amend the order-in-council passed under section 2.
- Coming into force thereof.** Such repeal or amendment shall come into force from and after its publication in the *Quebec Official Gazette*.
- Individual labour contracts.** **6.** The provisions of a collective labour agreement made obligatory under this act shall, in the region fixed, govern all the individual labour contracts in connection with the trade or industry contemplated by the agreement.
- Effective, in certain case.** However, when they are to the advantage of the employed, the provisions of an individual labour contract shall have effect unless they be expressly prohibited by those of a collective labour agreement which has been the object of an order-in-council under section 2.
- Joint-committee.** **7. 1.** The parties to a collective labour agreement made obligatory under this act must form a joint-committee charged with supervising and assuring the carrying out of such agreement. The Minister of Labour may add to such committee such delegates, not more than two in number, as shall be designated to him by the employers or employees who are not parties to the agreement.
- Powers of same.** Such joint-committee shall, through its delegate or delegates, be entitled: (a) to verify the rates of wages and hours of labour among the employers contemplated by the collective agreement made obligatory; (b) to exercise, for the benefit of each of the employees, all rights of action arising

in their favour, from a collective agreement made obligatory, without having to prove an assignment of claim from the person concerned.

2. The joint-committee contemplated by the preceding subsection 1 may create a board of examiners charged with determining the qualifications of workmen and apprentices who benefit from the collective labour agreement made obligatory. Board of examiners.

3. Subject to the approval of the Lieutenant-Governor in Council, the joint-committee and the board of examiners may adopt by-laws for their internal government, for the administration of the funds and for exercising the powers conferred upon them by this section. By-laws.

8. If such board of examiners be established in accordance with subsection 2 of section 7, only the workmen and apprentices to whom such board of examiners shall have awarded a certificate of competency shall be entitled to exercise the civil claims which may appertain to them under a collective labour agreement made obligatory under this act, but they shall be allowed any other recourse. Certificate of competency and civil claims.

The provisions of this section shall not apply to day labourers nor to workmen who do not specialize, and no certificate of competency shall be required in their case. Application restricted.

9. The board of examiners provided for by subsection 2 of section 7 shall be entitled to charge, as a fee, not more than five dollars for the examination of a workman nor more than one dollar for that of an apprentice. Examination fee.

The fees so collected shall be employed in defraying the expenses of the said board. Use of same.

10. The members of an association of employees and the day labourers or the workmen who do not specialize shall be exempted from the examination contemplated by subsection 2 of section 7 and shall benefit from the provisions of section 8, if such association has its members undergo such an examination. Exemptions from examination.

In the event of a dispute between an employer and an employee respecting such an examination, the board of examiners, contemplated in subsection 2 of section 7, shall settle the dispute, without appeal. In event of dispute.

11. The Lieutenant-Governor in Council may refuse to apply the provisions of this act to any industry liable, in his opinion, to suffer, through their enforcement, serious injury from the competition of foreign countries or of other provinces. Application of act.

Economic
zones.

12. Every collective agreement, liable to be made obligatory, must take into account the economic zones of the Province in establishing labour conditions.

Optional
member-
ship.

13. Nothing in this act shall be deemed as compelling an employer or an employee to become or not to become a member of an association of his industry or trade.

Application
restricted.

14. This act shall not apply to railway companies which are subject to the jurisdiction of the Parliament of Canada.

Coming into
force.

15. This act shall come into force on the day of its sanction.