

chapter C-27

LABOUR CODE

TABLE OF CONTENTS

TITLE I

LABOUR RELATIONS

CHAPTER I

DEFINITIONS.....	1
------------------	---

CHAPTER II

ASSOCIATIONS

DIVISION I

RIGHT OF ASSOCIATION.....	3
---------------------------	---

DIVISION II

CERTAIN OBLIGATIONS OF CERTIFIED ASSOCIATIONS.....	20.1
--	------

DIVISION III

CERTIFICATION OF ASSOCIATIONS OF EMPLOYEES.....	21
---	----

DIVISION IV *Repealed, 2001, c. 26, s. 37.*

CHAPTER III

COLLECTIVE AGREEMENTS.....	52
----------------------------	----

CHAPTER IV

SETTLEMENT OF DISPUTES AND GRIEVANCES

DIVISION I

DISPUTES ARBITRATORS.....	74
---------------------------	----

DIVISION I.1

FIRST COLLECTIVE AGREEMENT.....	93.1
---------------------------------	------

DIVISION II *(Repealed)*

DIVISION III

GRIEVANCES ARBITRATOR.....	100
----------------------------	-----

DIVISION IV

REGULATIONS.....	103
------------------	-----

CHAPTER V

STRIKES AND LOCK-OUTS.....	105
----------------------------	-----

CHAPTER V.1

SPECIAL PROVISIONS APPLICABLE TO THE PUBLIC SERVICES AND TO THE PUBLIC AND PARAPUBLIC SECTORS

DIVISION I *Repealed, 2011, c. 16, s. 131.*

DIVISION II

PUBLIC SERVICES.....	111.0.15
----------------------	----------

DIVISION III	
PUBLIC AND PARAPUBLIC SECTORS.....	111.1
DIVISION IV	
REMEDIAL POWERS.....	111.16
DIVISION V	
MISCELLANEOUS PROVISIONS.....	111.21
CHAPTER V.2	
SPECIAL PROVISIONS APPLICABLE TO LOGGING OPERATIONS.....	111.23
CHAPTER V.3	
SPECIAL PROVISIONS APPLICABLE TO FARMING BUSINESSES.....	111.27
CHAPTER V.4	
GENERAL POWERS OF THE TRIBUNAL.....	111.33
CHAPTER VI <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION I <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION II <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION III <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION IV <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION V <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION VI <i>Repealed, 2015, c. 15, s. 138.</i>	
DIVISION VII <i>Repealed, 2015, c. 15, s. 138.</i>	
CHAPTER VII	
REGULATIONS.....	138
CHAPTER VIII	
RECOURSES.....	139
CHAPTER IX	
PENAL PROVISIONS.....	141
CHAPTER X	
PROCEDURE.....	150
CHAPTER X.1	
RESPONSIBILITY.....	152.1
CHAPTER XI	
SCHEDULE I	
REPEAL SCHEDULE	

TITLE I

LABOUR RELATIONS

CHAPTER I

DEFINITIONS

1. In this Code, unless the context requires otherwise, the following expressions mean:

(a) “association of employees” : a group of employees constituted as a professional syndicate, union, brotherhood or otherwise, having as its objects the study, safeguarding and development of the economic, social and educational interests of its members and particularly the negotiation and application of collective agreements;

(b) “certified association” : the association recognized by decision of the Tribunal as the representative of all or some of the employees of an employer;

(c) “employers’ association” : a group organization of employers having as its objects the study and safeguarding of the economic interests of its members, and particularly assistance in the negotiation and application of collective agreements;

(d) “collective agreement” : an agreement in writing respecting conditions of employment made between one or more certified associations and one or more employers or employers’ associations;

(e) “dispute” : a disagreement respecting the negotiation or renewal of a collective agreement or its revision by the parties under a clause expressly permitting the same;

(f) “grievance” : any disagreement respecting the interpretation or application of a collective agreement;

(g) “strike” : the concerted cessation of work by a group of employees;

(h) “lock-out” : the refusal by an employer to give work to a group of his employees in order to compel them, or the employees of another employer, to accept certain conditions of employment;

(i) *(paragraph repealed)*;

(j) “Minister” : The Minister of Labour;

(k) “employer” : anyone, including the State, who has work done by an employee;

(l) “employee” : a person who works for an employer and for remuneration, but the word does not include:

(1) a person who, in the opinion of the Tribunal, is employed as manager, superintendent, foreman or representative of the employer in his relations with his employees;

(2) a director or officer of a legal person, unless a person acts as such with regard to his employer after having been designated by the employees or a certified association;

(3) a public servant of the Government whose position is of a confidential nature in the opinion of the Tribunal or under the terms of an agreement binding the Government and the associations certified in accordance with Chapter IV of the Public Service Act (chapter F-3.1.1) which are parties to a collective agreement that otherwise would apply to such public servant; such is the position of a conciliation officer, a mediator or a mediator-arbitrator of the Ministère du Travail, a member of the staff of the executive council, of the Auditor General, of the Commission de la Fonction publique or of the executive staff of a minister or of

a deputy minister, or a public servant who, in a department or agency of the Government, is a member of the personnel service or of a personnel management division;

(3.1) a public servant of the Ministère du Conseil exécutif, except in the cases that the Government may determine by order;

(3.2) a public servant of the Conseil du trésor, except in the cases that the Government may determine by order;

(3.3) a public servant of the Institut de la statistique du Québec assigned to functions referred to in section 4 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011);

(4) a criminal and penal prosecuting attorney;

(5) a member of the Sûreté du Québec;

(5.1) a member of a specialized police force referred to in section 89.2 of the Police Act (chapter P-13.1);

(6) a member of the personnel of the chief electoral officer;

(7) a public servant of the Tribunal assigned to functions set out in section 86 or 87 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1);

(m) *(paragraph repealed)*;

(n) “logging operations” : all activities in the forest related to the felling and harvest of timber, including cutting, cross-cutting, barking, hauling, piling and loading, but excluding highway transportation of timber;

(o) “logging operator” : the holder of a timber supply guarantee granted under the Sustainable Forest Development Act (chapter A-18.1) or a forest producer supplying a wood processing plant from a private forest;

(p) *(paragraph repealed)*;

(q) *(paragraph repealed)*;

(r) *(paragraph repealed)*;

(s) “Tribunal” : the Administrative Labour Tribunal established by the Act to establish the Administrative Labour Tribunal (chapter T-15.1).

R. S. 1964, c. 141, s. 1; 1965 (1st sess.), c. 14, s. 76; 1968, c. 17, s. 97; 1969, c. 20, s. 10; 1969, c. 47, s. 2; 1969, c. 48, s. 1; 1969, c. 14, s. 18; 1971, c. 20, s. 66; 1971, c. 48, s. 161; 1972, c. 55, s. 173; 1972, c. 60, s. 29; 1977, c. 5, s. 14; 1977, c. 41, s. 1, s. 2; 1978, c. 15, s. 124; 1981, c. 9, s. 34; 1982, c. 37, s. 1; 1982, c. 54, s. 52; 1982, c. 53, s. 56; 1983, c. 22, s. 1; 1983, c. 55, s. 138; 1984, c. 47, s. 26; 1984, c. 51, s. 561; 1985, c. 12, s. 82; 1986, c. 89, s. 50; 1986, c. 108, s. 242; 1988, c. 73, s. 72; 1990, c. 69, s. 1; 1993, c. 6, s. 1; 1994, c. 12, s. 66; 1994, c. 18, s. 33; 1996, c. 29, s. 43; 1996, c. 35, s. 18; 1998, c. 46, s. 58; 1998, c. 44, s. 46; 1999, c. 40, s. 59; 2001, c. 26, s. 1; 2004, c. 22, s. 14; 2005, c. 34, s. 51; 2007, c. 3, s. 72; 2006, c. 58, s. 1; 2011, c. 16, s. 129; 2010, c. 3, s. 268; 2013, c. 2, s. 66; 2015, c. 15, s. 126; I.N. 2016-01-01; 2020, c. 31, s. 25.

2. *(Repealed)*.

R. S. 1964, c. 141, s. 2; 1969, c. 47, s. 3; 1969, c. 48, s. 2; 1977, c. 41, s. 1; 1986, c. 108, s. 243; 2001, c. 26, s. 2; 2013, c. 2, s. 67.

CHAPTER II

ASSOCIATIONS

DIVISION I

RIGHT OF ASSOCIATION

3. Every employee has the right to belong to the association of employees of his choice, and to participate in the formation, activities and management of such association.

R. S. 1964, c. 141, s. 3; 1977, c. 41, s. 3.

4. Municipal constables shall not be members of an association of employees which does not consist solely of municipal constables or which is affiliated with another organization.

R. S. 1964, c. 141, s. 4.

5. No person, in the name or on behalf of an association of employees, shall, during working hours, solicit an employee to join an association.

R. S. 1964, c. 141, s. 5.

6. No association of employees shall hold any meeting of its members at the place of employment unless it is certified and has obtained the consent of the employer.

R. S. 1964, c. 141, s. 6.

7. *(Repealed).*

R. S. 1964, c. 141, s. 7; 2013, c. 2, s. 67.

8. *(Repealed).*

R. S. 1964, c. 141, s. 8; 1969, c. 47, s. 4; 1969, c. 48, s. 3; 1977, c. 41, s. 4; 1979, c. 45, s. 149; 1986, c. 108, s. 244; 2001, c. 26, s. 3; 2010, c. 3, s. 269; 2013, c. 2, s. 67.

9. Subject to the Act respecting the lands in the domain of the State (chapter T-8.1), the owner of a mining operation where employees are living on lands under his control must allow any representative of an association of employees holding a permit issued by the Tribunal in accordance with the regulations made for such purpose under section 138 to have access to such lands.

The operator of such an operation must supply such representative with food and shelter at the current price for employees.

R. S. 1964, c. 141, s. 9; 1969, c. 47, s. 5; 1969, c. 48, s. 4; 1977, c. 41, s. 1; 1987, c. 23, s. 97; 2001, c. 26, s. 4; 2015, c. 15, s. 237.

10. Every employer has the right to belong to the employers' association of his choice, and to participate in the formation, activities and management of such association.

R. S. 1964, c. 141, s. 10; 1977, c. 41, s. 5.

11. A school service centre or a school board may give an association of school service centres or of school boards an exclusive mandate for the purposes of sections 52 to 93.

Such mandate shall not be revocable except at the time fixed by section 22 for making an application for certification.

The Tribunal may decide as to the validity of such mandate.

While it is in force, the obligations contemplated by sections 53 and 56 shall rest upon the mandatory only.

1965 (1st sess.), c. 50, s. 1; 1969, c. 47, s. 6; 1977, c. 41, s. 1; 1988, c. 84, s. 700; 1997, c. 47, s. 64; 2001, c. 26, s. 5; 2015, c. 15, s. 237; 2020, c. 1, s. 310.

12. No employer, or person acting for an employer or an association of employers, shall in any manner seek to dominate, hinder or finance the formation or the activities of any association of employees, or to participate therein.

No association of employees, or person acting on behalf of any such organization, shall belong to an association of employers or seek to dominate, hinder or finance the formation or activities of any such association, or to participate therein.

R. S. 1964, c. 141, s. 11.

13. No person shall use intimidation or threats to induce anyone to become, refrain from becoming or cease to be a member of an association of employees or an employers' association.

R. S. 1964, c. 141, s. 12; 1977, c. 41, s. 6.

14. No employer nor any person acting for an employer or an employers' association may refuse to employ any person because that person exercises a right arising from this Code, or endeavour by intimidation, discrimination or reprisals, threat of dismissal or other threat, or by the imposition of a sanction or by any other means, to compel an employee to refrain from or to cease exercising a right arising from this Code.

This section shall not have the effect of preventing an employer from suspending, dismissing or transferring an employee for a good and sufficient reason, proof whereof shall devolve upon the said employer.

R. S. 1964, c. 141, s. 13; 1983, c. 22, s. 2.

14.0.1. Any complaint to the Tribunal relating to the application of section 12, section 13 or, in the case of a refusal to employ a person, section 14, must be filed with the Tribunal within 30 days of the alleged contravention coming to light.

In addition to the powers otherwise conferred on it, the Tribunal may dissolve an association of employees if it is proved to the Tribunal that the association participated in a contravention of section 12. If the association is a professional syndicate, the Tribunal shall send an authentic copy of its decision to the enterprise registrar, who shall give notice of the decision in the *Gazette officielle du Québec*.

2015, c. 15, s. 127.

14.1. (*Repealed*).

1987, c. 85, s. 2; 2001, c. 26, s. 173.

15. Where an employer or a person acting for an employer or an employers' association dismisses, suspends or transfers an employee, practises discrimination or takes reprisals against him or imposes any other sanction upon him because the employee exercises a right arising from this Code, the Tribunal may

(a) order the employer or a person acting for an employer or an employers' association to reinstate such employee in his employment, within eight days of the service of the decision, with all his rights and privileges, and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to dismissal, suspension or transfer.

That indemnity is due in respect of the whole period comprised between the time of dismissal, suspension or transfer and that of the carrying out of the order, or the default of the employee to resume his employment after having been duly recalled by his employer.

If the employee has worked elsewhere during the above mentioned period, the salary which he so earned shall be deducted from such indemnity;

(b) order the employer or the person acting for an employer or an employers' association to cancel the sanction or to cease practising discrimination or taking reprisals against the employee and to pay him as an indemnity the equivalent of the salary and other benefits of which he was deprived due to the sanction, discrimination or reprisals.

R. S. 1964, c. 141, s. 14; 1969, c. 47, s. 7; 1977, c. 41, s. 1, s. 7; 1983, c. 22, s. 3; 2001, c. 26, s. 6; 2015, c. 15, s. 237.

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 with the Tribunal within thirty days of the sanction or action.

R. S. 1964, c. 141, s. 15; 1969, c. 47, s. 7; 1969, c. 48, s. 5; 1977, c. 41, s. 1; 1983, c. 22, s. 4; 2001, c. 26, s. 7; 2015, c. 15, s. 128.

17. If it is shown to the satisfaction of the Tribunal that the employee exercised a right arising from this Code, there is a simple presumption in his favour that the sanction was imposed on him or the action was taken against him because he exercised such right, and the burden of proof is upon the employer that he resorted to the sanction or action against the employee for good and sufficient reason.

R. S. 1964, c. 141, s. 16; 1969, c. 47, s. 7; 1969, c. 48, s. 6; 1977, c. 41, s. 1; 1983, c. 22, s. 5; 1999, c. 40, s. 59; 2001, c. 26, s. 8; 2006, c. 58, s. 2; 2015, c. 15, s. 237.

18. *(Repealed).*

R. S. 1964, c. 141, s. 17; 1983, c. 22, s. 6.

19. On the application of the employer or of the employee, the Tribunal may fix the quantum of an indemnity and order payment of interest at the legal rate from the date of filing of the complaint on the amount due pursuant to the order.

There must be added, to the amount fixed, an indemnity computed by applying to the amount, from such date, a percentage equal to the excess of the interest rate fixed according to section 28 of the Tax Administration Act (chapter A-6.002) over the legal interest rate.

R. S. 1964, c. 141, s. 18; 1969, c. 47, s. 8; 1969, c. 48, s. 7; 1977, c. 41, s. 1, s. 8; 1983, c. 22, s. 7; 2001, c. 26, s. 9; 2010, c. 31, s. 175; 2015, c. 15, s. 237.

19.1. *(Repealed).*

1977, c. 41, s. 8; 1992, c. 61, s. 173; 2001, c. 26, s. 10.

20. *(Repealed).*

R. S. 1964, c. 141, s. 19; 1969, c. 48, s. 8; 1977, c. 41, s. 1; 1983, c. 22, s. 8; 2001, c. 26, s. 10.

20.0.1. Every employer who intends to make changes to the mode of operation of his undertaking entailing the conversion of the status of an employee to whom a certification or a petition for certification applies to that of contractor without employee status, must so inform the association of employees concerned by means of a written notice containing a description of the changes.

Where the association does not share the opinion of the employer on the consequences of the changes on the status of the employee, the association may, within 30 days after receipt of the notice, apply to the

Tribunal for a determination as to the consequences of such changes on the status of the employee. The association must, without delay, transmit a copy of the application to the employer.

The employer may not implement the changes referred to in the first paragraph before the expiry of the time fixed in the second paragraph or, if the association of employees has, at that time, requested the intervention of the Tribunal, before an agreement is reached with the association as to the consequences of the changes on the status of the employee, or before the decision of the Tribunal is rendered, whichever occurs first.

The Tribunal must render its decision within 60 days after receipt of the association's application.

2001, c. 26, s. 11; 2015, c. 15, s. 237.

DIVISION II

CERTAIN OBLIGATIONS OF CERTIFIED ASSOCIATIONS

1977, c. 41, s. 9.

20.1. Every election to an office within a certified association must be held by secret ballot in accordance with the constitution and by-laws of the association.

In the absence in the constitution and by-laws of the association of a provision that the election must be held by secret ballot, such election must be held by secret ballot at the intervals provided for in the constitution and by-laws or, failing such a provision, every year.

1977, c. 41, s. 9.

20.2. No strike may be declared unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

The association shall take the measures necessary, having regard to the circumstances, to inform its members, at least 48 hours in advance, that the ballot is to be held.

1977, c. 41, s. 9; 1994, c. 6, s. 1.

20.3. The signing of a collective agreement shall not take place unless it has been authorized by secret ballot decided by the majority vote of the members of the certified association who are comprised in the bargaining unit and who exercise their right to vote.

1977, c. 41, s. 9.

20.4. Failure to comply with section 20.2 or 20.3 shall give rise to the application of Chapter IX only.

1977, c. 41, s. 9; 1992, c. 61, s. 174.

20.5. The constitution and by-laws of a certified association may include requirements superior to those provided for in sections 20.1 to 20.3.

1977, c. 41, s. 9.

DIVISION III

CERTIFICATION OF ASSOCIATIONS OF EMPLOYEES

1977, c. 41, s. 10.

21. Any association of employees comprising the absolute majority of the employees of an employer or, in the case provided for in paragraph *b* of section 28 or in section 32 or 37, the association that obtains, following the ballot provided for in the said sections, the absolute majority of the votes of the employees of the employer having the right to vote, is entitled to be certified.

An association of employees which, in the case provided for in section 37.1, obtains the greatest number of votes in a ballot is also entitled to be certified.

The right to be certified shall avail all the employees of the employer or each group of the said employees which constitutes a separate group for the purposes of this Code, according to the agreement between the employer and the association of employees, ascertained by the labour relations officer or according to the decision of the Tribunal.

A single employee may form a group for the purposes of this section.

R. S. 1964, c. 141, s. 20; 1965 (1st sess.), c. 50, s. 2; 1969, c. 47, s. 9; 1969, c. 48, s. 9; 1970, c. 33, s. 1; 1971, c. 44, s. 1; 1973, c. 43, s. 242; 1977, c. 5, s. 14, s. 229; 1977, c. 41, s. 1, s. 11; 1983, c. 22, s. 9; 2001, c. 26, s. 12; 2014, c. 9, s. 1; 2015, c. 15, s. 237.

22. Certification may be applied for

(a) at any time, in the case of a group of employees not represented by a certified association and not already contemplated, in whole or in part, in an application for certification;

(b) *(paragraph repealed)*;

(b.1) subject to subparagraph *b.2*, 12 months after the date of a certification, in the case of a group of employees for whom a collective agreement has not been made and for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this Code;

(b.2) 12 months after the decision of the Tribunal on the description of the bargaining unit rendered under paragraph *d.1* of section 28, in the case of a group of employees for whom a collective agreement has not been made and for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this Code;

(c) nine months after the date of expiration of a collective agreement or of an arbitration award in lieu thereof, in the case of a group of employees for whom a collective agreement has not been made and for whom a dispute has not been submitted for arbitration or is not the object of a strike or lock-out permitted by this Code;

(d) from the ninetieth to the sixtieth day prior to the date of expiration of an arbitration award in lieu of a collective agreement or the date of expiration of a collective agreement or of its renewal where the term of the collective agreement is three years or less;

(e) from the one hundred and eightieth to the one hundred and fiftieth day prior to the date of expiration of a collective agreement or of its renewal where the term of the collective agreement is more than three years and, where such term so allows, during the period extending from the one hundred and eightieth to the one hundred and fiftieth day prior to the sixth anniversary of the signing of the collective agreement or of its renewal and every other anniversary thereafter, except where such a period would end within 12 months or

less of the one hundred and eightieth day prior to the date of expiration of the collective agreement or of its renewal.

R. S. 1964, c. 141, s. 21; 1977, c. 41, s. 12; 1979, c. 32, s. 3; 1983, c. 22, s. 10; 1994, c. 6, s. 2; 2001, c. 26, s. 13; 2003, c. 26, s. 1; 2015, c. 15, s. 237.

23. *(Repealed).*

1969, c. 47, s. 10; 1969, c. 48, s. 10; 1977, c. 5, s. 14; 1977, c. 41, s. 1, s. 13; 1978, c. 15, s. 140; 1979, c. 45, s. 150; 1981, c. 23, s. 6; 1981, c. 9, s. 34; 1982, c. 53, s. 56; 1983, c. 55, s. 161; 1994, c. 12, s. 66; 1996, c. 29, s. 43; 2000, c. 8, s. 242; 2001, c. 26, s. 14.

23.1. *(Repealed).*

1983, c. 22, s. 11; 2001, c. 26, s. 14.

24. *(Repealed).*

1969, c. 48, s. 11; 1977, c. 41, s. 1; 1999, c. 40, s. 59; 2001, c. 26, s. 14.

25. Certification shall be applied for by an association of employees by means of a petition filed with the Tribunal which shall, upon receipt of the petition, send a copy to the employer together with any information it considers appropriate.

The petition must be authorized by a resolution of the association and signed by its authorized representatives, indicate which group of employees the association wishes to represent, and be accompanied with the applications for membership provided for in subparagraph *b* of the first paragraph of section 36.1 or with copies of those applications and of any document or information required by a regulation.

The employer must post a copy of the petition and of the notice of the Tribunal hearing in a conspicuous place on or before the first working day following the day the petition is received, and keep it posted for at least five consecutive days. The employer must also, within five days after copy of the petition is received, post, in a conspicuous place, the complete list of the employees of the undertaking concerned by the petition indicating the function of each. The employer must send forthwith a copy of the list to the petitioning association and place a copy thereof at the disposal of the labour relations officer seized of the petition.

R. S. 1964, c. 141, s. 22; 1969, c. 47, s. 11; 1969, c. 48, s. 12; 1977, c. 41, s. 14; 1983, c. 22, s. 12; 1986, c. 36, s. 1; 2001, c. 26, s. 15; 2006, c. 58, s. 3; 2015, c. 15, s. 237.

25.1. *(Repealed).*

1987, c. 85, s. 10; 2001, c. 26, s. 173.

26. The Tribunal may require the petitioning or certified association to file its constitution and by-laws.

R. S. 1964, c. 141, s. 23; 1977, c. 41, s. 15; 2001, c. 26, s. 16; 2015, c. 15, s. 237.

27. The Tribunal shall, by any means it considers appropriate, make a copy of the petition for certification available to the public for consultation.

R. S. 1964, c. 141, s. 24; 1969, c. 47, s. 12; 1969, c. 48, s. 13; 1977, c. 5, s. 14; 1977, c. 41, s. 1; 1981, c. 9, s. 34; 1982, c. 53, s. 56; 1994, c. 12, s. 66; 1996, c. 29, s. 43; 2001, c. 26, s. 17; 2015, c. 15, s. 237.

27.1. The filing of a petition regarding a group of employees not represented by a certified association renders any petition filed from the day following the first filing, regarding all or some of the employees contemplated by the first petition inadmissible.

For the purposes of the first paragraph, a petition is deemed to have been filed on the day it is received in one of the offices of the Tribunal.

1983, c. 22, s. 13; 2001, c. 26, s. 18; 2015, c. 15, s. 237.

28. In addition, upon receipt of the petition, the following procedure must be followed:

(a) the Tribunal shall forthwith send a labour relations officer who shall assure himself of the representative character of the association and its right to be certified. For such purpose, the labour relations officer shall examine the books and records of the association and the list of the employer's employees; he may, at any time, examine any association, employer or employee to ascertain whether he or it is complying with Chapter II and examine any fact it is his duty to investigate. If he comes to the conclusion that the association has the representative character required, and if he ascertains that there is agreement between the employer and the association on the bargaining unit and the persons contemplated by it, he must certify it in writing immediately, and indicate which group of employees constitutes the bargaining unit. If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Tribunal and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification;

(b) if the labour relations officer ascertains that there is agreement between the employer and the association on the bargaining unit and on the persons contemplated by it, and that 35% to 50% of the employees comprised in that unit are members of the association of employees, he shall hold a ballot to assure himself of the representative character of the association. He shall certify the association if it obtains the absolute majority vote of the employees comprised in the bargaining unit. If he does not come to the conclusion that the association has the representative character required, the labour relations officer must present a summary report on his examination to the Tribunal and transmit a copy to the parties. The report must specify the reasons why the labour relations commissioner did not grant certification;

(c) if the employer refuses his agreement on the bargaining unit applied for, he must, in writing, set forth his reasons therefor and propose the unit he thinks suitable to the labour relations officer. The labour relations officer must present a summary report concerning the disagreement to the Tribunal and transmit a copy to the parties. The report must contain the reasons set forth by the employer, a description of the unit that the employer thinks suitable and, if applicable, the indication that 35% to 50% of the employees comprised in the bargaining unit are members of the association of employees. If the employer neglects or refuses to communicate the reasons for his disagreement and to propose the unit he thinks suitable within fifteen days of receipt of the petition, he is presumed to have given his agreement on the bargaining unit. The labour relations officer shall then follow the procedure provided under paragraph *a* or paragraph *b*, as the case may be;

(d) if the labour relations officer ascertains that there is agreement between the employer and the association on the bargaining unit but not on certain persons contemplated in the petition, he shall nevertheless certify the association immediately if it has the required representative character for the bargaining unit applied for regardless of the fact that the persons in respect of whom there is no agreement are eventually, according to the decision of the Tribunal, included in the bargaining unit or, as the case may be, excluded. At the same time, the labour relations officer shall make a report on the disagreement referred to hereinabove to the Tribunal and send a copy of it to the parties. Such disagreement shall not have the effect of preventing the making of a collective agreement;

(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 considers that the association is nevertheless representative and that it will remain representative regardless of any decision of the Tribunal on the description of the bargaining unit. The labour relations officer shall, at the same time, make a report on the disagreement to the Tribunal and send a copy of the report to the parties. No notice of negotiation may be given by the certified association before the decision of the Tribunal on the description of the bargaining unit;

(e) where a certified association already exists, or where there is more than one petitioning association of employees, the labour relations officer shall, 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 any association

concerned, certify the association grouping the absolute majority of the employees or, if not, hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1. If there is disagreement on the bargaining unit or on the persons to whom it applies, the officer shall make a report on the disagreement to the Tribunal and send a copy thereof to the parties.

1969, c. 47, s. 12; 1969, c. 48, s. 14; 1977, c. 41, s. 1, s. 16; 1983, c. 22, s. 14; 1999, c. 40, s. 59; 2001, c. 26, s. 19; 2015, c. 15, s. 237.

29. A labour relations officer may not certify an association whenever he 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. However, the labour relations officer may, on his own initiative or at the request of the Tribunal, make an investigation into the alleged contravention of section 12.

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

For the purposes of the inquiry referred to in the first paragraph, the labour relations officer may

(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.

The labour relations officer shall, on request, produce identification and show the certificate of capacity issued by the Tribunal.

1969, c. 47, s. 12; 1969, c. 48, s. 14; 1977, c. 41, s. 1; 1983, c. 22, s. 15; 2001, c. 26, s. 20; 2015, c. 15, s. 237.

30. The labour relations officer shall make a report on any investigation made on his own initiative or at the request of the Tribunal. 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 Tribunal, entered in the record of the case and sent to the interested parties. Interested parties may present their observations in writing to the Tribunal within five days from receipt of the report. The parties' observations, if any, shall also be entered in the record of the case.

1969, c. 47, s. 12; 1969, c. 48, s. 14; 1977, c. 41, s. 1, s. 17; 2001, c. 26, s. 20; 2015, c. 15, s. 237.

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

Where the Tribunal must rule on a petition for certification, the Tribunal may, of its own motion, invoke non-compliance with section 12.

1969, c. 48, s. 14; 1977, c. 41, s. 18; 1983, c. 22, s. 16; 2001, c. 26, s. 20; 2015, c. 15, s. 237.

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

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

The Tribunal shall also decide as to the representative nature of the petitioning association after investigating this question in any manner it thinks advisable, more particularly by calculating the membership of the petitioning association or holding a vote by secret ballot.

Only the employees included in the bargaining unit and the interested association of employees are considered interested parties in determining the representative nature of an association of employees.

1969, c. 48, s. 14; 1977, c. 41, s. 1; 1983, c. 22, s. 17; 1999, c. 40, s. 59; 2001, c. 26, s. 21; 2015, c. 15, s. 237.

33. *(Repealed).*

1969, c. 48, s. 14; 1977, c. 41, s. 1, s. 19; 1992, c. 61, s. 175; 2001, c. 26, s. 22.

34. *(Repealed).*

1969, c. 48, s. 14; 1977, c. 41, s. 20; 2001, c. 26, s. 22.

35. The record of the Tribunal shall include the reports produced by the labour relations officer under sections 28 and 30, the exhibits and documents filed, the recording or stenographic notes of the testimony, where applicable, and the decision of the Tribunal. It shall not include the list of members of the associations concerned nor the exhibits or documents which identify the association of employees to which the employee belongs.

1969, c. 48, s. 14; 1977, c. 41, s. 21; 2001, c. 26, s. 23; 2015, c. 15, s. 237.

36. The fact that a person belongs to an association of employees shall not be revealed by anyone during the certification or decertification proceedings, except to the Tribunal, a member of its personnel, or the judge of a court to which an application for judicial review under the Code of Civil Procedure (chapter C-25.01) relating to a certification is referred. Such persons and every other person who becomes aware of the fact that the person belongs to the association is bound to secrecy.

1969, c. 48, s. 14; 1977, c. 41, s. 1; 1983, c. 22, s. 18; 2001, c. 26, s. 24; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP).

36.1. For the purposes of establishing the representative character of an association of employees or assessing the representative character of a certified association, a person shall be recognized as a member of such association when he meets the following conditions:

- (a) he is an employee included in the bargaining unit contemplated in the petition;
- (b) he has signed an application for membership, duly dated and not revoked before the filing of the petition for certification or the demand for assessment of the representative character of the association;
- (c) he has personally paid as union dues an amount of not less than \$2 within the twelve months preceding the demand for assessment of the representative character of the association or the filing of the petition for certification or its mailing by registered mail;
- (d) he has met the conditions provided for in subparagraphs *a* to *c* on or before the day the demand for assessment of the representative character of the association or of the filing of the petition.

The Tribunal shall not take account of any other condition exigible under the constitution and by-laws of such association of employees.

1977, c. 41, s. 22; 2001, c. 26, s. 25; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP).

37. The Tribunal must order a vote by secret ballot whenever a petitioning association comprises between 35% and 50% of the employees in the appropriate bargaining unit. Only the petitioning association or associations comprising each not fewer than 35% of the employees contemplated and the certified association, if any, may compete for election.

This section does not apply if one of the associations comprises an absolute majority of the employees.

R. S. 1964, c. 141, s. 25; 1969, c. 47, s. 13; 1977, c. 41, s. 1, s. 23; 1983, c. 22, s. 19; 2001, c. 26, s. 26; 2015, c. 15, s. 237.

37.1. Where a vote by secret ballot ordered under this division involves more than two associations of employees which, together, obtain an absolute majority of the votes of the employees who are entitled to vote without any association obtaining an absolute majority, the Tribunal shall order a new vote by secret ballot, excluding the association having received the smallest number of votes.

Where a vote by secret ballot ordered under this division involves two associations of employees, the Tribunal shall certify the association which has obtained the greater number of votes if the two associations, together, obtain an absolute majority of the votes of the employees entitled to vote.

1983, c. 22, s. 20; 2001, c. 26, s. 27; 2015, c. 15, s. 237.

37.2. Where the Tribunal holds a secret ballot or orders a vote by secret ballot under this Code or another Act, it shall determine the ballot rules and may take any measures and give any instructions it considers necessary for the smooth and proper conduct of the ballot.

2006, c. 58, s. 4; 2015, c. 15, s. 237.

38. Every employer shall be obliged to facilitate the holding of the vote and every employee in a group specified by the Tribunal must vote, unless he has a legitimate excuse.

R. S. 1964, c. 141, s. 26; 1969, c. 47, s. 13; 1977, c. 41, s. 1; 2001, c. 26, s. 27; 2015, c. 15, s. 237.

39. Of its own motion during its investigation and at any time upon request by an interested party, the Tribunal may decide if a person is an employee or a member of an association, if he is included in the bargaining unit, and any other matters relating to certification.

R. S. 1964, c. 141, s. 30; 1969, c. 47, s. 17; 1977, c. 41, s. 1, s. 24; 1983, c. 22, s. 21; 2001, c. 26, s. 27; 2015, c. 15, s. 237.

39.1. A decision concerning a petition for certification must be rendered within 60 days after the petition is filed.

Section 35 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) does not apply if such a decision is rendered by a labour relations officer. The labour relations officer must, however, allow the interested parties to make representations and, if appropriate, to produce documents to complete the record.

2015, c. 15, s. 129.

40. A petition for certification shall not be renewed within three months of its refusal by the Tribunal or withdrawal by a petitioning association unless the petition is not admissible under section 27.1, the withdrawal occurs following a union or amalgamation of the territories of local municipalities school service centres, or school boards, an integration of personnel with a metropolitan community or the establishment of a transit authority.

R. S. 1964, c. 141, s. 31; 1969, c. 47, s. 18; 1977, c. 41, s. 1, s. 25; 1983, c. 22, s. 22; 1988, c. 84, s. 701; 1993, c. 67, s. 110; 1996, c. 2, s. 219; 2000, c. 56, s. 218; 2001, c. 26, s. 28; 2015, c. 15, s. 237; 2020, c. 1, s. 310.

41. The Tribunal may, at the time fixed in paragraph *b.1*, *b.2*, *c*, *d* or *e* of section 22 or, if such is the case, in section 111.3, cancel the certification of an association that

(a) has ceased to exist, or

(b) no longer comprises the absolute majority of the employees of the bargaining unit for which it was certified.

Notwithstanding the fourth paragraph of section 32, an employer may, within the delay provided for in the preceding paragraph, request the Tribunal to examine whether the association still exists or whether it still represents the absolute majority of the employees belonging to the bargaining unit for which it was certified.

A labour relations officer responsible for examining the representative nature of the association shall send a copy of his report to the petitioner, the association and the employer. The latter persons and association may contest the report by stating their reasons in writing to the Tribunal within 10 days after receiving the report.

R. S. 1964, c. 141, s. 32; 1969, c. 47, s. 19; 1969, c. 48, s. 17; 1977, c. 41, s. 1, s. 26; 1978, c. 52, s. 1; 1983, c. 22, s. 23; 1994, c. 6, s. 3; 2001, c. 26, s. 29; 2015, c. 15, s. 237.

42. Following a petition for certification or for reconsideration or cancellation of certification or a petition concerning a matter relating to the application of section 45, the Tribunal may order the suspension of negotiations and of the period for exercising the right to strike or to a lock-out and prevent the renewal of a collective agreement.

In such case, the conditions of employment specified in the collective agreement remain in force and section 60 applies until the decision of the Tribunal is rendered.

R. S. 1964, c. 141, s. 33; 1969, c. 47, s. 20; 1969, c. 48, s. 18; 1977, c. 41, s. 27; 1994, c. 6, s. 4; 1999, c. 40, s. 59; 2001, c. 26, s. 30; 2006, c. 58, s. 5; 2015, c. 15, s. 237.

43. The certification of an association of employees shall annul *ipso facto* the certification of any other association for the group contemplated by the new certification.

R. S. 1964, c. 141, s. 34; 1969, c. 47, s. 21.

44. The cancellation of certification shall prevent the renewal of any collective agreement made by the association whose certification is cancelled and shall also *ipso facto* deprive it of its rights and advantages under such collective agreement.

R. S. 1964, c. 141, s. 35; 1969, c. 47, s. 22.

45. The alienation or operation by another in whole or in part of an undertaking shall not invalidate any certification granted under this Code, any collective agreement or any proceeding for the securing of certification or for the making or carrying out of a collective agreement.

The new employer, notwithstanding the division, amalgamation or changed legal structure of the undertaking, shall be bound by the certification or collective agreement as if he were named therein and shall become *ipso facto* a party to any proceeding relating thereto, in the place and stead of the former employer.

The second paragraph does not apply in the case of the transfer of part of the operation of an undertaking where such transfer does not entail the transfer to the transferee, in addition to functions or the right to operate, of most of the elements that characterize the part of the undertaking involved.

R. S. 1964, c. 141, s. 36; 1969, c. 47, s. 23; 1969, c. 48, s. 19; 2001, c. 26, s. 31; 2003, c. 26, s. 2.

45.1. (*Repealed*).

2001, c. 26, s. 32; 2003, c. 26, s. 3.

45.2. Where the operation of part of an undertaking is transferred, the following rules apply:

(1) for the purposes of labour relations between the new employer and the association of employees involved, a collective agreement referred to in the second paragraph of section 45 that has not expired on the effective date of the transfer is deemed to expire on the day the transfer becomes effective;

(2) the new employer is not bound by the certification or the collective agreement where a special agreement on the transfer includes a clause to the effect that the parties waive the application of the second paragraph of section 45. Such a clause binds the Tribunal but does not affect the effect, within the transferring employer's enterprise, of the certification of the association of employees having signed the agreement.

Subparagraph 1 of the first paragraph does not apply in the case of the transfer of the operation of part of an undertaking between employers of the public and parapublic sectors within the meaning of paragraph 1 of section 111.2.

2001, c. 26, s. 32; 2003, c. 26, s. 4; 2015, c. 15, s. 237.

45.3. 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 by a certified union and proceedings commenced 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 the second paragraph of 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 in progress 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;

(4) the provisions of the third paragraph of section 45 or those of section 45.2, as the case may be, apply where the undertaking becomes subject to the legislative authority of Québec as a result of the transfer of part of the operation of the undertaking.

2001, c. 26, s. 32; 2003, c. 26, s. 5.

46. It shall be the duty of the Tribunal, upon the motion of an interested party, to dispose of any matter relating to the application of sections 45 to 45.3. For that purpose, the Tribunal may, in particular, determine the applicability of those sections.

The Tribunal 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 that end, the Tribunal may, in particular, render any decision necessary for the implementation of an agreement reached by the interested parties on the description of the bargaining units and on the designation of an association to represent the group of employees to whom the bargaining unit described in the agreement applies or on any other question of common interest.

Where two or more associations of employees are concerned by the application of sections 45 and 45.3, the Tribunal may also, to the same end,

(1) grant or amend a certification;

(2) certify the association of employees that includes the absolute majority of the employees or hold a secret ballot in accordance with the provisions of section 37 and, consequently, certify the association that has obtained the greatest number of votes in accordance with the provisions of section 37.1;

(3) describe or modify a bargaining unit;

(4) merge bargaining units and, where two or more collective agreements apply to the employees of the new employer included in a bargaining unit resulting from the merger, determine the collective agreement that remains in force and make any modification or adaptation to the provisions of the collective agreement it considers necessary.

The merger of bargaining units entails the merger, if any, of the employees' seniority lists to which they applied, according to the rules determined by the Tribunal governing the employees' integration.

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

The Tribunal may also, on the motion of an interested party filed not later than the thirtieth day following the effective date of the transfer of the operation of part of an enterprise and where it considers that the transfer was carried out for the main purpose of hindering the formation of an association of employees or undermining the continued integrity of a certified association of employees:

(1) set aside the application of the third paragraph of section 45 and render any appropriate decision to facilitate the application of the second paragraph of the said section;

(2) set aside the application of subparagraph 1 of the first paragraph of section 45.2 and determine that the new employer remains bound by the collective agreement referred to in the second paragraph of section 45 until the date fixed for its expiration.

R. S. 1964, c. 141, s. 37; 1969, c. 47, s. 24; 1969, c. 48, s. 20; 1977, c. 41, s. 1; 1990, c. 69, s. 2; 2001, c. 26, s. 33; 2003, c. 26, s. 6; 2015, c. 15, s. 237.

46.1. The Tribunal's decision upon a motion referred to in the first paragraph of section 46 with regard to the applicability of sections 45 to 45.3 must be rendered within 90 days after the motion is filed.

2015, c. 15, s. 130.

47. An employer must withhold from the salary of every employee who is a member of a certified association the amount stated as an assessment by such association.

The employer must also withhold from the salary of every other employee who is a member of the bargaining unit in respect of which such association was certified, an amount equal to the amount provided for in the first paragraph.

The employer must remit monthly to the certified association the amounts so withheld with a statement indicating the amount taken from each employee and the employee's name.

R. S. 1964, c. 141, s. 38; 1977, c. 41, s. 28.

47.1. A certified association must disclose its financial statement to its members every year. It must also remit a copy of such financial statement free of charge to any member who requests it.

1977, c. 41, s. 28.

47.2. A certified association shall not act in bad faith or in an arbitrary or discriminatory manner or show serious negligence in respect of employees comprised in a bargaining unit represented by it, whether or not they are members.

1977, c. 41, s. 28.

47.2.1. *(Repealed).*

1987, c. 85, s. 21; 2001, c. 26, s. 173.

47.3. If an employee who has been dismissed or the subject of a disciplinary sanction or who believes he has been the victim of psychological harassment under sections 81.18 to 81.20 of the Act respecting labour standards (chapter N-1.1), believes that, in that respect, the certified association has contravened section 47.2,

the employee must, if he wishes to rely on that section, file a complaint with and apply in writing to the Tribunal for an order directing that the employee's claim be referred to arbitration.

1977, c. 41, s. 28; 1994, c. 6, s. 5; 2001, c. 26, s. 34; 2002, c. 80, s. 77; 2015, c. 15, s. 131; 2015, c. 15, s. 237.

47.4. *(Repealed).*

1977, c. 41, s. 28; 1983, c. 22, s. 24; 1994, c. 6, s. 6; 2001, c. 26, s. 35.

47.5. Any complaint based on section 47.2 must be made within six months of the employee becoming aware of the actions giving rise to the complaint.

If the Tribunal considers that the association has contravened section 47.2, it may authorize the employee to submit his claim to an arbitrator appointed by the Minister for decision in the manner provided for in the collective agreement, as in the case of a grievance. Sections 100 to 101.10 apply with the necessary modifications. The association shall pay the employee's costs.

The Tribunal may, in addition, make any other order it considers necessary in the circumstances.

1977, c. 41, s. 28; 2001, c. 26, s. 36; 2015, c. 15, ss. 132 and 237.

47.6. If a claim is referred to an arbitrator pursuant to section 47.5, the employer shall not allege the association's non-observance of the procedure and periods provided for in the collective agreement for the settlement of grievances.

1977, c. 41, s. 28; 1999, c. 40, s. 59.

48. *(Repealed).*

R. S. 1964, c. 141, s. 39; 1969, c. 47, s. 25; 1969, c. 48, s. 21; 1977, c. 41, s. 29.

49. *(Repealed).*

1969, c. 47, s. 26; 1969, c. 48, s. 22; 1977, c. 41, s. 30; 1983, c. 22, s. 25; 1986, c. 95, s. 79; 2001, c. 26, s. 37.

50. *(Repealed).*

1969, c. 47, s. 26; 1969, c. 48, s. 23; 1977, c. 41, s. 1, s. 31; 2001, c. 26, s. 37.

DIVISION IV

Repealed, 2001, c. 26, s. 37.

1994, c. 6, s. 7; 2001, c. 26, s. 37.

50.1. *(Repealed).*

1994, c. 6, s. 7; 2001, c. 26, s. 37.

50.2. *(Repealed).*

1994, c. 6, s. 7; 2001, c. 26, s. 37.

51. *(Repealed).*

1969, c. 47, s. 26; 1969, c. 48, s. 24; 1977, c. 41, s. 1, s. 32; 2001, c. 26, s. 37.

51.1. *(Repealed).*

1977, c. 41, s. 33; 2001, c. 26, s. 37.

CHAPTER III

COLLECTIVE AGREEMENTS

52. The certified association shall give to the employer, or the latter shall give to the certified association, at least eight days' written notice of the day and hour when and the place where its or his representatives will be ready to meet the other party or his or its representatives for the purpose of making a collective agreement.

The certified association or the employer may give such a notice within the 90 days preceding the expiration of the agreement, unless another period is provided for therein.

The certified association or the employer may give such notice within the 90 days preceding the expiration of an arbitration award made in lieu of a collective agreement.

In the case of a collective agreement referred to in subparagraph 1 of the first paragraph of section 45.2, the certified association or the employer may give such notice within 30 days following the deemed expiration of the agreement.

R. S. 1964, c. 141, s. 40; 1969, c. 47, s. 27; 1969, c. 48, s. 25; 1977, c. 41, s. 34; 1999, c. 40, s. 59; 2003, c. 26, s. 7.

52.1. The party giving notice under section 52 shall transmit the notice to the addressee by fax, messenger service or registered mail or cause it to be served on him by a bailiff.

1977, c. 41, s. 35; 1994, c. 6, s. 8; I.N. 2016-01-01 (NCCP).

52.2. If no notice is given in accordance with section 52, the notice provided for in the said section is deemed to have been received on the day of the expiration of the collective agreement or of the arbitration award made in lieu of it, except in the situation referred to in the fourth paragraph of the said section, where it is deemed to have been received on the thirtieth day following the deemed expiration of the agreement.

If the newly certified association has not given such a notice, the notice is deemed to have been received 90 days after the date the association obtained certification.

At all times, the Tribunal may, on a mere request by any interested person, determine the date of expiration of a collective agreement when such date is not clearly indicated.

1977, c. 41, s. 35; 1994, c. 6, s. 9; 2001, c. 26, s. 38; 2003, c. 26, s. 8; 2015, c. 15, s. 237.

53. The negotiating stage begins once the notice referred to in section 52 has been received by the addressee or is deemed to have been received in accordance with section 52.2.

Negotiations must be begun and carried on diligently and in good faith.

R. S. 1964, c. 141, s. 41; 1977, c. 41, s. 36; 1994, c. 6, s. 10.

53.1. Neither the employer nor the certified association may refuse to negotiate or delay the negotiation on the sole ground that the parties disagree on who are contemplated by the certification.

1983, c. 22, s. 26.

54. At any stage of the negotiations, either of the parties may request the Minister to designate a conciliation officer to assist them in reaching an agreement.

Notice of such request must be given to the other party on the same day.

Upon receiving such request, the Minister must designate a conciliation officer.

R. S. 1964, c. 141, s. 42; 1977, c. 41, s. 36.

55. At any stage of the negotiations, the Minister may, *ex officio*, designate a conciliation officer; he must then inform the parties of such appointment.

R. S. 1964, c. 141, s. 43; 1977, c. 41, s. 36.

56. The parties are bound to attend any meeting to which the conciliation officer calls them.

R. S. 1964, c. 141, s. 44; 1977, c. 41, s. 36.

57. The conciliation officer shall make a report to the Minister if he so requests.

R. S. 1964, c. 141, s. 45; 1977, c. 41, s. 36.

57.1. (*Repealed*).

1983, c. 22, s. 27; 1987, c. 68, s. 39; 1993, c. 6, s. 2.

58. The right to strike or to a lock-out shall be acquired 90 days after reception, by the person to whom it is addressed, of the notice served on him or transmitted to him in accordance with section 52.1 or that he is deemed to have received in accordance with section 52.2, unless a collective agreement has been reached between the parties or unless, by mutual consent, they decide to submit their dispute to an arbitrator.

R. S. 1964, c. 141, s. 46; 1977, c. 41, s. 36; 1983, c. 22, s. 28; 1994, c. 6, s. 11.

58.1. The party which declares a strike or a lock-out must notify the Minister in writing within forty-eight hours following the declaration of the strike or lock-out, as the case may be, and indicate the number of employees comprised in the bargaining unit concerned.

1977, c. 41, s. 36.

58.2. The Tribunal 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 those of its members that are included in the bargaining unit an opportunity to accept or refuse the last offers made by the employer concerning all the matters still in dispute between the parties.

The Tribunal may order the holding of such a ballot only once during the negotiation of a collective agreement.

The ballot shall be held under the supervision of the Tribunal.

2001, c. 26, s. 39; 2006, c. 58, s. 6; 2015, c. 15, s. 237.

59. From the filing of a petition for certification and until the right to lock out or to strike is exercised or an arbitration award is handed down, no employer may change the conditions of employment of his employees without the written consent of each petitioning association and, where such is the case, certified association.

The same rule applies on the expiration of the collective agreement until the right to lock out or to strike is exercised or an arbitration award is handed down.

The parties may stipulate in a collective agreement that the conditions of employment contained therein shall continue to apply until a new agreement is signed.

R. S. 1964, c. 141, s. 47; 1969, c. 47, s. 28; 1977, c. 41, s. 37; 1994, c. 6, s. 12.

60. During the period referred to in section 59, it is forbidden to advise or enjoin employees not to continue furnishing their services to their employer under the same conditions of employment.

R. S. 1964, c. 141, s. 48.

61. A certified association shall be subrogated by operation of law in all the rights and obligations resulting from a collective agreement in force and made by another association; but it may terminate the same or declare it null by written notice sent to the employer and the Tribunal.

R. S. 1964, c. 141, s. 49; 1969, c. 47, s. 29; 1977, c. 41, s. 1; 2001, c. 26, s. 40; 2015, c. 15, s. 237.

61.1. In the case of a logging operation, a certified association is subrogated of right in all the rights and obligations arising from a collective agreement in force made by another association, including the deductions of union contributions. However, it shall not terminate such collective agreement or declare it void where its term is three years or less.

1977, c. 41, s. 38; 1994, c. 6, s. 13.

62. The collective agreement may contain any provision respecting conditions of employment which is not contrary to public order or prohibited by law.

R. S. 1964, c. 141, s. 50 (*part*).

63. No employer shall be bound, under any provision of a collective agreement, to dismiss an employee for the sole reason that the certified association has refused or deferred his admission as a member, has suspended his membership or excluded him from the association except in the following cases:

(a) the employee has been employed contrary to a provision of the collective agreement;

(b) the employee has participated, at the instigation or with the direct or indirect assistance of his employer or a person acting on behalf of his employer, in an activity against the certified association.

R. S. 1964, c. 141, s. 50 (*part*); 1977, c. 41, s. 39.

64. A collective agreement is not invalidated by the nullity of one or more of its clauses.

R. S. 1964, c. 141, s. 52.

65. A collective agreement shall have a specified term of not less than one year.

In the case of a first collective agreement for a group of employees contemplated by the certification, the term shall not be more than three years.

R. S. 1964, c. 141, s. 53; 1965 (1st sess.), c. 50, s. 3; 1994, c. 6, s. 14.

66. An agreement having no fixed and definite term is presumed to be in force for one year.

R. S. 1964, c. 141, s. 54.

67. A collective agreement shall be binding upon all the present or future employees contemplated by the certification.

The certified association and the employer shall make only one collective agreement with respect to the group of employees contemplated by the certification.

R. S. 1964, c. 141, s. 55; 1969, c. 47, s. 30; 1969, c. 48, s. 26.

68. A collective agreement made by an employers' association shall be binding upon all employers who are members of such association and to whom it can apply, including those who subsequently become members thereof.

A collective agreement made by an association of school service centres or school boards shall bind those only which have given it an exclusive mandate as provided in section 11.

R. S. 1964, c. 141, s. 56; 1965 (1st sess.), c. 50, s. 4; 1988, c. 84, s. 700; 2020, c. 1, s. 310.

69. A certified association may exercise all the recourses which the collective agreement grants to each employee whom it represents without being required to prove that the interested party has assigned his claim.

R. S. 1964, c. 141, s. 57; 1969, c. 47, s. 31.

70. The recourse of several employees against the same employer may be cumulated in a single demand and the total claimed shall determine the competency of the court of original jurisdiction as well as of appeal.

R. S. 1964, c. 141, s. 58.

71. The rights and recourses arising out of a collective agreement or an award made *in lieu* thereof shall be prescribed by six months from the day when the cause of action arose. Recourse to the procedure respecting grievances shall interrupt prescription.

R. S. 1964, c. 141, s. 59.

72. A collective agreement takes effect only on the filing of two duplicate originals or two true copies of the collective agreement and its schedules with the Minister. The same rule applies to any amendment subsequently made to such collective agreement.

Such filing has retroactive effect to the date provided in the collective agreement for its coming into force or, failing such date, to the date of the signing of the collective agreement.

Failing such filing within 60 days of the signing of the collective agreement or of any amendment thereto, the right to certification shall thereupon be acquired by any other association, with respect to the group of employees for whom such collective agreement or such amendments have been made, provided that such other association applies therefor after the expiry of such 60 days but before such filing has been effected, and provided that certification is subsequently granted to it.

The party so filing must indicate the number of employees governed by the collective agreement and comply with the other regulatory provisions established to that effect under section 138.

R. S. 1964, c. 141, s. 60; 1969, c. 47, s. 32; 1969, c. 48, s. 27; 1977, c. 41, s. 40; 1994, c. 6, s. 15; 2001, c. 26, s. 41; 2006, c. 58, s. 7.

73. No certified association that has entered into a collective agreement, and no group of employees subject to such agreement or to an arbitration award having the effect thereof, shall take steps to become a member of another association or to affiliate therewith, except, as the case may be,

(1) in the 90 days preceding the date of expiration of the arbitration award or the date of expiration or renewal of the collective agreement where its term is three years or less;

(2) in the 180 days counting from the beginning of any period in which certification may be applied for where the term of the agreement is more than three years.

R. S. 1964, c. 141, s. 61; 1969, c. 47, s. 33; 1977, c. 41, s. 41; 1994, c. 6, s. 16.

CHAPTER IV

SETTLEMENT OF DISPUTES AND GRIEVANCES

1977, c. 41, s. 42.

DIVISION I

DISPUTES ARBITRATORS

1983, c. 22, s. 29.

74. Any dispute shall be submitted to an arbitrator upon written application to the Minister by the parties.

R. S. 1964, c. 141, s. 62; 1983, c. 22, s. 30.

75. The Minister shall notify the parties that he is referring the dispute to arbitration.

R. S. 1964, c. 141, s. 63; 1983, c. 22, s. 31.

76. In no case may an arbitrator have any pecuniary interest in the dispute submitted to him or have acted in such dispute as business agent, attorney, adviser or representative of a party thereto.

R. S. 1964, c. 141, s. 64; 1983, c. 22, s. 32.

77. Within 10 days of receiving the notice provided for in section 75, the parties must consult together as to the choice of an arbitrator; if they agree, the Minister shall appoint to such office the person they have chosen. Failing agreement, the Minister shall appoint him *ex officio*.

Every arbitrator appointed *ex officio* shall be selected from a list drawn up annually by the Minister after consultation with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2). The Minister may, in the same manner, amend the list in the course of the year.

R. S. 1964, c. 141, s. 65; 1977, c. 41, s. 43; 1983, c. 22, s. 33; 1991, c. 76, s. 3; 1994, c. 6, s. 17; 2011, c. 16, s. 86.

78. The arbitrator shall proceed to the arbitration with assessors unless, within fifteen days of his appointment, the parties reach an agreement to the contrary.

Each party shall designate, within fifteen days of the appointment of the arbitrator, an assessor to assist the arbitrator and represent it during the hearing of the dispute and the deliberation. If a party fails to designate an assessor within the prescribed time, the arbitrator may proceed in the absence of that party's assessor.

He may proceed in the absence of an assessor who does not attend after having been duly convened.

R. S. 1964, c. 141, s. 66; 1969, c. 47, s. 34; 1977, c. 5, s. 14; 1983, c. 22, s. 34.

79. Every arbitrator shall decide according to equity and good conscience.

In rendering his award, the arbitrator may take into account, in particular, the conditions of employment that prevail in similar undertakings or similar circumstances and the conditions of employment that are applicable to the other employees of the undertaking.

R. S. 1964, c. 141, s. 67; 1983, c. 22, s. 35; 1994, c. 6, s. 18.

80. An arbitrator who resigns, refuses to act or is unable to act is replaced according to the procedure prescribed for the original appointment.

If an assessor resigns, refuses to act or is unable to act, the party which appointed him shall appoint a person to replace him. The arbitrator may continue the arbitration if the party fails to appoint a person to replace the assessor within the time he indicates.

R. S. 1964, c. 141, s. 68; 1983, c. 22, s. 36; 1999, c. 40, s. 59.

81. The arbitrator shall proceed with all dispatch with the inquiry into the dispute in accordance with such procedure and mode of proof as it deems appropriate.

R. S. 1964, c. 141, s. 69; 1983, c. 22, s. 37.

82. Arbitration sittings shall be public, but the arbitrator of his own motion or upon application of either party may order private sittings.

R. S. 1964, c. 141, s. 70; 1983, c. 22, s. 38.

83. The arbitrator has all the powers of a judge of the Superior Court for the conduct of arbitration sittings; but he cannot order imprisonment.

R. S. 1964, c. 141, s. 71; 1983, c. 22, s. 39.

84. Upon application by the parties or on the initiative of the arbitrator, witnesses shall be summoned by means of a written order signed by the arbitrator. The arbitrator may administer the oath.

R. S. 1964, c. 141, s. 72; 1983, c. 22, s. 40; 1994, c. 6, s. 19.

85. Any person duly summoned to appear before an arbitrator who refuses to attend or to testify, may be compelled to do so as if he had been summoned according to the Code of Civil Procedure (chapter C-25.01).

R. S. 1964, c. 141, s. 73; 1983, c. 22, s. 41; 1990, c. 4, s. 227; I.N. 2016-01-01 (NCCP).

86. Every person summoned to testify before an arbitrator is entitled to the same indemnity as witnesses before the Superior Court and to the reimbursement of his travelling and living expenses.

Such amount is payable by the party who proposed the summons, but the person who receives his 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 an arbitrator, the amount is payable in equal shares by the parties.

R. S. 1964, c. 141, s. 74; 1994, c. 6, s. 20; 2001, c. 26, s. 42; I.N. 2016-01-01 (NCCP).

87. The arbitrator may communicate or otherwise notify any order, document or proceeding issued by him or the parties involved.

R. S. 1964, c. 141, s. 75; 1983, c. 22, s. 42; 1994, c. 6, s. 21; I.N. 2016-01-01 (NCCP).

88. The arbitration award must give reasons for the decision and be in writing. It must be signed by the arbitrator.

R. S. 1964, c. 141, s. 76; 1983, c. 22, s. 43.

89. The arbitrator shall forward the original of the award to the Minister and send, at the same time, a copy to each party.

R. S. 1964, c. 141, s. 77; 1977, c. 41, s. 44; 1983, c. 22, s. 44; 2001, c. 26, s. 43; 2006, c. 58, s. 8.

90. The award of the arbitrator must be rendered within 60 days after the end of the last arbitration sitting.

If the arbitrator is unable to act, the Minister may, at the request of the arbitrator or of a party, grant an extension of a specific number of days to the arbitrator.

If the Minister considers that the circumstances and the interest of the parties so warrant, the Minister 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.

R. S. 1964, c. 141, s. 78; 1983, c. 22, s. 45; 1999, c. 40, s. 59; 2001, c. 26, s. 44.

91. At any time before the final award, an arbitrator may render any temporary award that he deems fair and useful.

R. S. 1964, c. 141, s. 79; 1983, c. 22, s. 46.

91.1. The arbitrator may at any time correct an award containing a mistake in writing or calculation or any other clerical error.

1993, c. 6, s. 3.

92. The award of the arbitrator shall bind the parties for a period of not less than one year nor more than three years. The parties may, however, agree to amend the content, wholly or in part.

Even if the award expires on a date prior to the date on which it is rendered, it may nevertheless cover all matters on which no agreement has been reached by the parties.

R. S. 1964, c. 141, s. 80; 1983, c. 22, s. 47; 2001, c. 26, s. 45.

93. The award shall have the effect of a collective agreement signed by the parties.

It may be executed under the authority of a court of competent jurisdiction at the suit of a party who shall not be obliged to implead the person for whose benefit he is acting.

R. S. 1964, c. 141, s. 81.

DIVISION I.1

FIRST COLLECTIVE AGREEMENT

93.1. Where a first collective agreement is negotiated for the group of employees contemplated by the certification, a party may apply to the Minister to submit the dispute to an arbitrator after the intervention of the conciliator has not been successful.

1977, c. 41, s. 45; 1983, c. 22, s. 48.

93.2. The application to the Minister must be in writing and a copy of it must be sent to the other party at the same time.

1977, c. 41, s. 45.

93.3. Even if the conciliation officer has continued to assist the parties in trying to reach a collective agreement after the application for arbitration, the Minister may entrust an arbitrator with endeavouring to settle the dispute.

1977, c. 41, s. 45; 1983, c. 22, s. 48; 2006, c. 58, s. 9.

93.4. The arbitrator must decide to determine the content of the first collective agreement where he is of opinion that it is unlikely that the parties will be able to reach a collective agreement within a reasonable time. He shall then inform the parties and the Minister of his decision.

1977, c. 41, s. 45; 1983, c. 22, s. 49.

93.5. If a strike or lock-out is in progress at that time, it must end from the time when the arbitrator informs the parties that he has deemed it necessary to determine the content of the collective agreement to settle the dispute.

From such time, the conditions of employment applicable to the employees comprised in the bargaining unit shall be those the maintenance of which is provided for in section 59.

1977, c. 41, s. 45; 1983, c. 22, s. 50.

93.6. *(Repealed).*

1977, c. 41, s. 45; 1983, c. 22, s. 51.

93.7. At any time, the parties may agree upon one of the matters of the dispute.

The agreement shall be recorded in the arbitration award, which shall not amend it.

1977, c. 41, s. 45.

93.8. *(Repealed).*

1977, c. 41, s. 45; 1983, c. 22, s. 52.

93.9. Sections 75 to 93 apply to the arbitration provided for in this division.

1977, c. 41, s. 45; 1983, c. 22, s. 53; 2001, c. 26, s. 46; 2006, c. 58, s. 10.

DIVISION II

(Repealed)

1993, c. 6, s. 4; 2016, c. 24, s. 51.

94. *(Repealed).*

R. S. 1964, c. 141, s. 82; 1969, c. 47, s. 35; 1977, c. 41, s. 46; 1983, c. 22, s. 54; 1993, c. 6, s. 4; 1996, c. 2, s. 221; 1996, c. 30, s. 1; 2016, c. 24, s. 51.

95. *(Repealed).*

R. S. 1964, c. 141, s. 83; 1983, c. 22, s. 55; 1993, c. 6, s. 4; 1996, c. 30, s. 2.

96. *(Repealed).*

R. S. 1964, c. 141, s. 84; 1983, c. 22, s. 56; 1993, c. 6, s. 4; 1996, c. 30, s. 3; 2016, c. 24, s. 51.

97. *(Repealed).*

R. S. 1964, c. 141, s. 85; 1983, c. 22, s. 57; 1993, c. 6, s. 4; 1996, c. 30, s. 3; 2016, c. 24, s. 51.

98. *(Repealed).*

R. S. 1964, c. 141, s. 86; 1983, c. 22, s. 58; 1993, c. 6, s. 4; 1996, c. 30, s. 3; 2016, c. 24, s. 51.

99. *(Repealed).*

R. S. 1964, c. 141, s. 87; 1983, c. 22, s. 59; 1993, c. 6, s. 4; 1996, c. 2, s. 221; 2016, c. 24, s. 51.

99.1. *(Repealed).*

1993, c. 6, s. 4; 2016, c. 24, s. 51.

99.1.1. *(Repealed).*

1996, c. 30, s. 4; 2016, c. 24, s. 51.

99.2. *(Repealed).*

1993, c. 6, s. 4; 2016, c. 24, s. 51.

99.3. *(Repealed).*

1993, c. 6, s. 4; 1994, c. 6, s. 22; 2016, c. 24, s. 51.

99.4. *(Repealed).*

1993, c. 6, s. 4; 1996, c. 30, s. 5; 2016, c. 24, s. 51.

99.5. *(Repealed).*

1993, c. 6, s. 4; 1996, c. 2, s. 221; 1996, c. 30, s. 6; 2016, c. 24, s. 51.

99.6. *(Repealed).*

1993, c. 6, s. 4; 2016, c. 24, s. 51.

99.7. *(Repealed).*

1993, c. 6, s. 4; 1996, c. 30, s. 7; 2016, c. 24, s. 51.

99.8. *(Repealed).*

1993, c. 6, s. 4; 2001, c. 26, s. 47; 2016, c. 24, s. 51.

99.9. *(Repealed).*

1993, c. 6, s. 4; 1994, c. 6, s. 23; 1996, c. 2, s. 221; 2001, c. 26, s. 48; 2006, c. 58, s. 11; 2016, c. 24, s. 51.

99.10. *(Repealed).*

1993, c. 6, s. 4; 1996, c. 2, s. 221; 2016, c. 24, s. 51.

99.11. *(Repealed).*

1993, c. 6, s. 4; 2016, c. 24, s. 51.

DIVISION III

GRIEVANCES ARBITRATOR

1977, c. 41, s. 47; 1983, c. 22, s. 60.

100. Every grievance shall be submitted to arbitration in the manner provided in the collective agreement if it so provides and the certified association and the employer abide by it; otherwise it shall be referred to an arbitrator chosen by the parties or, failing agreement, appointed by the Minister.

The arbitrator appointed by the Minister is selected from the list contemplated in section 77.

Except where provided to the contrary, the provisions of this division prevail over the provisions of any collective agreement in case of incompatibility.

R. S. 1964, c. 141, s. 88; 1969, c. 47, s. 36; 1969, c. 48, s. 28; 1977, c. 41, s. 48; 1983, c. 22, s. 61.

100.0.0.1. An arbitrator who proceeds with the arbitration of a grievance concerning psychological harassment within the meaning of the Act respecting labour standards (chapter N-1.1) must have received training on sexual violence.

The Minister determines, after consultation with the Comité consultatif du travail et de la main-d'œuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the conditions of that training, such as the content, the duration and the persons or bodies authorized to offer it.

2024, c. 4, s. 1.

100.0.1. No grievance submitted to the other party within fifteen days of the date that the cause of action arose may be dismissed by the arbitrator on the sole ground that the time limit prescribed in the collective agreement was not observed.

1983, c. 22, s. 62.

100.0.2. Where the parties have settled a grievance before it has been referred to arbitration and one of the parties refuses to give effect to the settlement reached, the other party may refer the grievance to arbitration notwithstanding any agreement to the contrary and notwithstanding the expiry of the periods provided for in sections 71 and 100.0.1 or in the collective agreement.

1983, c. 22, s. 62.

100.1. No arbitrator may be prosecuted for acts done in good faith in the performance of his duties.

1977, c. 41, s. 48; 1983, c. 22, s. 63.

100.1.1. The arbitrator shall proceed with the arbitration with assessors if, within fifteen days of his appointment, there is agreement to that effect between the parties.

Where there is agreement, each party shall designate, within the time prescribed in the first paragraph, an assessor to assist the arbitrator and represent it during the hearing of the grievance and the deliberation. If a party refuses to give effect to the agreement within the prescribed time, the arbitrator may proceed in the absence of that party's assessor.

He may proceed in the absence of an assessor who does not attend, after having been duly convened.

1983, c. 22, s. 64.

100.1.2. An arbitrator who resigns, refuses to act or is unable to act is replaced according to the procedure prescribed for the original appointment.

An assessor who resigns, refuses to act or is unable to act is replaced by an appointment made by the party who designated him. The arbitrator may continue the arbitration if the party fails to appoint a person to replace the assessor within the time he indicates.

1983, c. 22, s. 64; 1999, c. 40, s. 59.

100.2. The arbitrator shall proceed with all dispatch with the inquiry into the grievance and, unless otherwise provided in the collective agreement, in accordance with such procedure and mode of proof as he deems appropriate.

For such purpose, he may, *ex officio*, call the parties to proceed with the hearing of the grievance.

For the purposes set out in section 27 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the arbitrator may also, *ex officio* or upon application by one of the parties, hold a pre-hearing conference prior to the hearing of the grievance.

1977, c. 41, s. 48; 1983, c. 22, s. 65; 2001, c. 26, s. 49; 2015, c. 15, s. 133; 2024, c. 4, s. 2.

100.2.1. No grievance may be rejected because of a defect of form or irregularity in the procedure.

1983, c. 22, s. 66; 1999, c. 40, s. 59.

100.3. If the arbitrator is notified in writing of the total or partial settlement or of the discontinuance of a grievance of which he has been seized, he shall commit it to writing and file his award in accordance with section 101.6.

1977, c. 41, s. 48; 1983, c. 22, s. 67.

100.4. Arbitration sittings shall be public, but the arbitrator may, of his own initiative or at the request of one of the parties, order them held *in camera*.

1977, c. 41, s. 48; 1983, c. 22, s. 68.

100.5. The arbitrator must give the interested certified association, the employer and employee an opportunity to be heard.

If an interested party hereinabove duly notified by a written notice of at least five clear days of the date, time and place at which it or he can be heard does not appear or refuses to be heard, the arbitrator may proceed with the hearing of the matter and no judicial recourse shall be based on the fact that he has so proceeded in the absence of such party.

1977, c. 41, s. 48; 1983, c. 22, s. 69.

100.6. Upon application of any of the parties or of his own initiative, the arbitrator may summon a witness to testify to what he knows, to file a document or to do both unless he is of opinion that the application for summons is frivolous on the face of it. The summons must be served at least five clear days before appearance.

A person so summoned who refuses to appear, to testify or to file the required documents may be compelled to do so as if he had been summoned according to the Code of Civil Procedure (chapter C-25.01).

The arbitrator may require and administer the oath of a witness.

A summoned witness is entitled to the same indemnity as witnesses before the Superior Court and to the reimbursement of his travelling and living expenses.

Such amount is payable by the party who proposed the summons, but the person who receives his 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 an arbitrator, the amount is payable in equal shares by the parties.

1977, c. 41, s. 48; 1983, c. 22, s. 70; 1990, c. 4, s. 228; 1999, c. 40, s. 59; 2001, c. 26, s. 50; I.N. 2016-01-01 (NCCP).

100.7. The arbitrator may ask a witness any question he deems useful.

1977, c. 41, s. 48; 1983, c. 22, s. 71.

100.8. A witness shall not refuse to answer for the reason that his reply might tend to incriminate him or to expose him to a legal proceeding of any kind; but if he objects on that ground, his reply shall not be used against him in any penal proceedings instituted under a law of Québec.

1977, c. 41, s. 48.

100.9. Upon application of one of the parties or of his own initiative, the arbitrator may visit the place relating to the grievance referred to him. He shall then invite the parties to accompany him.

When visiting the place of work, the arbitrator may examine any property related to the grievance. He may also, on such visit, interrogate the persons who are there.

1977, c. 41, s. 48; 1983, c. 22, s. 72; 1999, c. 40, s. 59.

100.10. Any disagreement relating to the maintenance of the conditions of employment provided for in section 59 or 93.5, must be referred to arbitration by the interested association of employees as if it were a grievance.

1977, c. 41, s. 48.

100.11. The arbitrator must render an award based on the evidence collected at the inquiry.

1977, c. 41, s. 48; 1983, c. 22, s. 73.

100.12. In the exercise of his duties the arbitrator may

(a) interpret and apply any Act or regulation to the extent necessary to settle a grievance;

(b) fix the terms and conditions of reimbursement of an overpayment by an employer to an employee;

(c) order the payment of interest at the legal rate, from the filing of the grievance, on any amount due under an award he has made.

There must be added to that amount an indemnity computed by applying to that amount, from the same date, a percentage equal to the amount by which the rate of interest fixed according to section 28 of the Tax Administration Act (chapter A-6.002) exceeds the legal rate of interest;

(d) upon request of a party, fix the amount due under an award he has made;

(e) correct at any time a decision in which there is an error in writing or calculation or any other clerical error;

(f) in disciplinary matters, confirm, amend or set aside the decision of the employer and, if such is the case, substitute therefor the decision he deems fair and reasonable, taking into account the circumstances concerning the matter. However, where the collective agreement provides for a specific sanction for the fault alleged against the employee in the case submitted to arbitration, the arbitrator shall only confirm or set aside the decision of the employer, or, if such is the case, amend it to bring it into conformity with the sanction provided for in the collective agreement;

(g) render any other decision, including a provisional order, intended to protect the rights of the parties.

1977, c. 41, s. 48; 1983, c. 22, s. 74; 2001, c. 26, s. 51; 2010, c. 31, s. 175.

100.13. *(Repealed).*

1977, c. 41, s. 48; 1983, c. 22, s. 75.

100.14. *(Repealed).*

1977, c. 41, s. 48; 1983, c. 22, s. 75.

100.15. *(Repealed).*

1977, c. 41, s. 48; 1983, c. 22, s. 75.

100.16. The arbitrator may order, of his own motion, that the inquiry be re-opened.

1977, c. 41, s. 48; 1983, c. 22, s. 76.

101. The arbitration award is without appeal, binds the parties and, where such is the case, any employee concerned. Section 51 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) applies to the arbitration award, with the necessary modifications.

R. S. 1964, c. 141, s. 89; 1977, c. 41, s. 49; 1983, c. 22, s. 77; 2001, c. 26, s. 52; 2015, c. 15, s. 134.

101.1. *(Repealed).*

1977, c. 41, s. 50; 1983, c. 22, s. 78.

101.2. The arbitration award must state the grounds on which it is based and be rendered in writing. It must be signed by the arbitrator.

1977, c. 41, s. 50; 1983, c. 22, s. 79.

101.3. The arbitrator and assessors must keep the secret of the advisement until the date of the award.

1977, c. 41, s. 50; 1983, c. 22, s. 80.

101.4. *(Repealed).*

1977, c. 41, s. 50; 1983, c. 22, s. 81.

101.5. If no period is fixed in the collective agreement, the arbitrator must render his award within 90 days after either the end of the last arbitration sitting or, if there are no arbitration sittings, the beginning of the advisement, unless the parties consent in writing before the expiry of the period to grant an additional period of a precise number of days.

1977, c. 41, s. 50; 1983, c. 22, s. 82; 1994, c. 6, s. 24; 1999, c. 40, s. 59.

101.6. The arbitrator shall file two duplicate originals or two true copies of the award with the Minister and, at the same time, send a copy of the award to each party.

1977, c. 41, s. 50; 1983, c. 22, s. 83; 2001, c. 26, s. 53; 2006, c. 58, s. 12.

101.7. If the arbitrator fails to render his award within the period provided for in section 101.5 or to file and to send it to the parties in accordance with section 101.6, the Tribunal may, upon petition by a party, make the order it deems necessary in order that such award may be rendered, filed and sent with the least possible period.

1977, c. 41, s. 50; 1983, c. 22, s. 84; 1994, c. 6, s. 25; 1999, c. 40, s. 59; 2001, c. 26, s. 54; 2015, c. 15, s. 237.

101.8. The arbitrator shall not be entitled to any fees or expenses unless he renders his award within a period in accordance with section 101.5 and he produces to the parties proof that the award has been sent to the Minister.

1977, c. 41, s. 50; 1983, c. 22, s. 85; 1999, c. 40, s. 59; 2001, c. 26, s. 55; 2006, c. 58, s. 13.

101.9. The arbitrator must keep the record of arbitration for two years from the filing of the award.

1977, c. 41, s. 50; 1983, c. 22, s. 85.

101.10. (*Repealed*).

1977, c. 41, s. 50; 2001, c. 26, s. 56; 2006, c. 58, s. 14.

102. During the period of a collective agreement, any disagreement other than a grievance within the meaning of section 1 or other than a dispute that may result from the application of section 107, shall not be settled except in the manner provided in the agreement and to the extent that the agreement so provides. If such a disagreement is submitted to arbitration, sections 100 to 101.10 apply.

R. S. 1964, c. 141, s. 90; 1977, c. 41, s. 51.

DIVISION IV

REGULATIONS

103. The Government may determine, by regulation, after consultation with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the remuneration and expenses to which the arbitrators of disputes and grievances appointed by the Minister are entitled, one or more methods for determining the remuneration and expenses to which the arbitrators chosen by the parties are entitled, and the situations in which the regulation does not apply.

The regulation may also determine who shall assume the payment of such remuneration and expenses and, where applicable, in what proportion.

The Government may also make any regulation deemed necessary to give effect to the provisions of chapter IV.

R. S. 1964, c. 141, s. 91; 1977, c. 41, s. 52; 1983, c. 22, s. 86; 1991, c. 76, s. 4; 1994, c. 6, s. 26; 2001, c. 26, s. 57; 2011, c. 16, s. 86.

104. Such regulations shall come into force only after publication in the *Gazette officielle du Québec*.

R. S. 1964, c. 141, s. 92.

CHAPTER V

STRIKES AND LOCK-OUTS

105. Strikes are prohibited in all circumstances to the police officers and firemen in the employ of a municipality or an intermunicipal management board.

Firemen in the employ of an undertaking that is under contract with a municipality or an intermunicipal management board to provide fire protection services in the territory of a municipality are deemed, for the purposes of this section, to be in the employ of the municipality or the intermunicipal management board, as the case may be.

R. S. 1964, c. 141, s. 93; 1983, c. 22, s. 87; 1985, c. 27, s. 36; 1996, c. 2, s. 220.

106. It is forbidden to strike so long as an association of the employees concerned has not been certified and has not obtained the right to strike under section 58.

R. S. 1964, c. 141, s. 94; 1969, c. 47, s. 37.

107. It is forbidden to strike during the period of a collective agreement, unless the agreement contains a clause permitting the revision thereof by the parties and the conditions prescribed in section 106 have been observed.

R. S. 1964, c. 141, s. 95.

108. No association of employees or person acting in the interests of such an association or of a group of employees shall order, encourage or support a slackening of work designed to limit production.

R. S. 1964, c. 141, s. 96.

109. Any lock-out is prohibited except in the case where an association of employees has acquired the right to strike.

R. S. 1964, c. 141, s. 97.

109.1. For the duration of a strike declared in accordance with this Code or a lock-out, every employer is prohibited from

(a) utilizing the services of a person to discharge the duties of an employee who is a member of the bargaining unit then on strike or locked out when such person was hired between the day the negotiation stage begins and the end of the strike or lock-out;

(b) utilizing, in the establishment where the strike or lock-out has been declared, the services of a person employed by another employer or the services of another contractor to discharge the duties of an employee who is a member of the bargaining unit on strike or locked out;

(c) utilizing, in an establishment where a strike or lock-out has been declared, the services of an employee who is a member of the bargaining unit then on strike or locked out unless

i. an agreement has been reached for that purpose between the parties, to the extent that the agreement so provides, and, in the case of an institution contemplated in section 111.2, unless the agreement has been approved by the Tribunal;

ii. in a public service, a list has been transmitted or, in the case of an institution contemplated in section 111.2, approved pursuant to Chapter V.1, to the extent that the list so provides;

iii. in a public service, a decision has been rendered pursuant to section 111.0.24;

(d) utilizing, in another of his establishments, the services of an employee who is a member of the bargaining unit then on strike or locked out;

(e) utilizing, in an establishment where a strike or lock-out has been declared, the services of an employee he employs in another establishment;

(f) utilizing, in an establishment where a strike or a lock-out has been declared, the services of a person other than an employee he employs in another establishment, except where the employees of the latter establishment are members of the bargaining unit on strike or locked out;

(g) utilizing, in an establishment where a strike or lock-out has been declared, the services of an employee he employs in the establishment to discharge the duties of an employee who is a member of the bargaining unit on strike or locked out.

1977, c. 41, s. 53; 1978, c. 52, s. 2; 1982, c. 37, s. 2; 1983, c. 22, s. 88; 1985, c. 12, s. 83; 1992, c. 21, s. 375; 2011, c. 16, s. 130; 2015, c. 15, s. 237; 2019, c. 20, s. 1.

109.2. Where the certified association violates or the employees it represents violate an agreement, a list or an order contemplated in subparagraph i, ii or iii of paragraph c of section 109.1, the employer is exempt from the application of section 109.1 to the extent that that is necessary to ensure compliance with the violated agreement, list or order.

1977, c. 41, s. 53; 1978, c. 52, s. 3; 1982, c. 37, s. 3; 1983, c. 22, s. 89.

109.3. The application of section 109.1 does not have the effect of preventing an employer from taking, where such is the case, the necessary measures to avoid the destruction or serious deterioration of his property.

Such measures shall exclusively be conservation measures and not measures designed to enable the continuation of the production of goods and services which section 109.1 would not permit otherwise.

1977, c. 41, s. 53; 1999, c. 40, s. 59.

109.4. Upon application, the Minister may dispatch an investigator to ascertain whether or not section 109.1, 109.2 or 109.3 is being complied with.

The investigator may visit the place of work at any reasonable time and be accompanied by a person designated by the certified association, by a person designated by the employer and by any other person whose presence he considers necessary for the purposes of his investigation.

The investigator shall, on request, identify himself and produce a certificate of his capacity signed by the Minister.

Upon the completion of his investigation, the investigator shall make a report to the Minister and send a copy of such report to the parties.

The investigator is vested, for the purposes of his investigation, with the powers, immunity and privileges of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1977, c. 41, s. 53; 1986, c. 95, s. 80; 1992, c. 61, s. 176.

109.5. *(Repealed).*

1987, c. 85, s. 32; 2001, c. 26, s. 173.

110. No person shall cease to be an employee for the sole reason that he has ceased to work in consequence of a strike or lock-out.

Nothing in this Code shall prevent an interruption of work that is not a strike or a lock-out.

R. S. 1964, c. 141, s. 98.

110.1. At the end of a strike or a lock-out, any employee who has been on strike or has been locked out is entitled to recover his employment by priority over any other person unless the employer has a good and sufficient reason, proof whereof devolves upon him, for not recalling such employee.

Any disagreement between the employer and the certified association relating to the non-recall to work of an employee who has been on strike or locked out must be referred to the arbitrator as if it were a grievance, within six months of the date when the employee should have recovered his employment.

Sections 47.2 to 47.6 and 100 to 101.10 apply.

1977, c. 41, s. 54; 1983, c. 22, s. 90.

111. *(Repealed).*

R. S. 1964, c. 141, s. 99; 1965 (1st sess.), c. 50, s. 5; 1982, c. 37, s. 4.

CHAPTER V.1

SPECIAL PROVISIONS APPLICABLE TO THE PUBLIC SERVICES AND TO THE PUBLIC AND PARAPUBLIC SECTORS

1982, c. 37, s. 5.

DIVISION I

Repealed, 2011, c. 16, s. 131.

1982, c. 37, s. 6; 2011, c. 16, s. 131.

111.0.1. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 131.

111.0.2. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 1; 2011, c. 16, s. 131.

111.0.3. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 2; 1989, c. 53, s. 12; 1995, c. 27, s. 18; 2011, c. 16, s. 131.

111.0.4. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 3; 2011, c. 16, s. 131.

111.0.5. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 4; 2011, c. 16, s. 131.

111.0.6. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 131.

111.0.7. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 5; 2011, c. 16, s. 131.

111.0.8. *(Repealed).*

1982, c. 37, s. 6; 1984, c. 45, s. 6; 1985, c. 12, s. 84; 1998, c. 23, s. 1; 2011, c. 16, s. 131.

111.0.9. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 131.

111.0.10. *(Repealed).*

1982, c. 37, s. 6; 1985, c. 12, s. 85; 2011, c. 16, s. 131.

111.0.10.1. *(Repealed).*

1993, c. 6, s. 5; 2011, c. 16, s. 131.

111.0.11. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 131.

111.0.12. *(Repealed).*

1982, c. 37, s. 6; 1985, c. 12, s. 86; 1985, c. 40, s. 2; 2011, c. 16, s. 131.

111.0.13. *(Repealed).*

1982, c. 37, s. 6; 2000, c. 8, s. 110; 2011, c. 16, s. 131.

111.0.14. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 131.

DIVISION II

PUBLIC SERVICES

1982, c. 37, s. 6.

111.0.15. The provisions of this Code apply to labour relations in a public service, except where they are inconsistent with this division.

1982, c. 37, s. 6.

111.0.16. In this division, “public service” means

(1) a municipality or intermunicipal agency;

(1.1) an institution governed by the Act respecting health services and social services (chapter S-4.2) that is not contemplated in paragraph 2 of section 111.2;

(1.2) *(paragraph repealed)*;

(2) an institution or regional council within the meaning of paragraphs *a* and *f* of section 1 of the Act respecting health services and social services for Cree Native persons (chapter S-5) that is not contemplated in paragraph 2 of section 111.2;

(3) *(paragraph repealed)*;

(4) a fixed schedule land transport service such as a railway or a subway, or a transport service carried on by bus or by boat;

(5) an undertaking engaged in the production, transmission, distribution or sale of gas or electricity and a gas storage enterprise;

(5.1) a service operating or maintaining a waterworks system or sewer system or a water purification or treatment system;

(5.2) an organization for the protection of the forest against fire certified under section 181 of the Sustainable Forest Development Act (chapter A-18.1);

(6) an undertaking engaging in the incineration of waste or the removal, transportation, storage, treatment, processing or elimination of household garbage, bio-medical waste, dead animals unfit for human consumption or animal residues intended for salvaging;

(7) an ambulance service enterprise, Corporation d'urgences-santé and a health communication centre governed by the Act respecting pre-hospital emergency services (chapter S-6.2) or an enterprise involved in the collection, transportation or distribution of blood or blood products or human organs for transplantation; or

(8) an agency that is a mandatary of the State, except the Société des alcools du Québec and an agency or body whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1).

1982, c. 37, s. 6; 1983, c. 55, s. 161; 1988, c. 47, s. 3; 1990, c. 69, s. 3; 1992, c. 21, s. 128, s. 375; 1994, c. 6, s. 27; 1994, c. 23, s. 23; 1996, c. 2, s. 221; 1998, c. 23, s. 2; 1999, c. 40, s. 59; 2000, c. 8, s. 242; 2002, c. 69, s. 125; 2005, c. 32, s. 308; 2006, c. 58, s. 15; 2010, c. 3, s. 270; 2019, c. 20, s. 2.

111.0.17. If of the opinion that a strike may endanger public health or safety, the Tribunal, on its own initiative or at the request of an employer or of a certified association in a public service, may order both parties to maintain essential services in the event of a strike.

For the same reason, the Tribunal, on its own initiative or at the request of a service, undertaking or enterprise not referred to in section 111.0.16 or of a certified association in that service, undertaking or enterprise, may order both parties to maintain essential services in the event of a strike, if the service, undertaking or enterprise, because of the nature of its operations, is comparable to a public service. In such a case, the service, undertaking or enterprise is considered a public service for the purposes of this Code.

The Tribunal may, in addition, render a decision under the first or second paragraph at the request of a person other than a party, if it considers that the person has a sufficient interest.

From the date the Tribunal's decision is notified to the parties, the exercise of the right to strike is suspended until the certified association concerned meets the requirements of sections 111.0.18 and 111.0.23.

1982, c. 37, s. 6; 1984, c. 45, s. 7; 1990, c. 69, s. 4; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 3.

111.0.17.1. The Tribunal's decision to require a public service to maintain essential services in the event of a strike applies to each stage of the negotiations.

However, the Tribunal, on its own initiative or at a party's request, may revoke the decision to order that essential services be maintained.

2019, c. 20, s. 3.

111.0.17.2. Before rendering a decision under the first or second paragraph of section 111.0.17 or the second paragraph of section 111.0.17.1, the Tribunal shall give the parties and, if applicable, the person having a sufficient interest, the opportunity to submit their views.

2019, c. 20, s. 3.

111.0.18. In a public service contemplated by a decision rendered pursuant to section 111.0.17, the parties must negotiate what essential services must be maintained in the event of a strike. The parties shall forward their agreement to the Tribunal.

The Tribunal, of its own initiative or at the request of either party, may designate a person to help the parties to reach an agreement.

If no agreement is reached, the certified association must forward to the employer and to the Tribunal a list determining the essential services that must be maintained in the service concerned in the event of a strike.

In no case may the list be amended thereafter except at the request of the Tribunal. If an agreement is entered into between the parties after the list is filed, the agreement prevails.

1982, c. 37, s. 6; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 4.

111.0.19. On receiving an agreement or a list, the Tribunal shall assess whether or not the essential services provided for therein are sufficient.

The parties shall attend every meeting to which they are convened by the Tribunal.

If the Tribunal considers the services to be insufficient, it may make the appropriate recommendations to the parties to amend the agreement or the list. The Tribunal may also order the certified association to postpone the exercise of its right to strike until the association informs the Tribunal of the action it intends to take in respect of the recommendations.

1982, c. 37, s. 6; 1984, c. 45, s. 8; 2001, c. 26, s. 58; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 5.

111.0.20. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 6.

111.0.21. *(Repealed).*

1982, c. 37, s. 6; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 6.

111.0.22. No person may derogate from the provisions of an agreement or a list.

Any list providing for a number of employees greater than the number ordinarily required in the service concerned is absolutely null.

1982, c. 37, s. 6; 1999, c. 40, s. 59.

111.0.23. Subject to section 111.0.24, a certified association in a public service may declare a strike provided it has acquired the right to strike in accordance with section 58 and has given to the Minister and the employer, and to the Tribunal in the case of a public service contemplated by a decision rendered under section 111.0.17, a prior notice in writing of not less than seven clear working days of the time when it intends to go on strike.

In no case may the strike notice be renewed until after the day indicated in the original notice as the time when the certified association intended to go on strike.

In the case of a public service contemplated by a decision rendered under section 111.0.17, no strike may be declared by a certified association unless an agreement has been forwarded to the Tribunal not less than seven clear working days previously, or unless a list has been forwarded to the Tribunal and to the employer not less than seven clear working days previously.

The time contemplated in the third paragraph is computed without reference to the application of the fourth paragraph of section 111.0.18.

Unless an agreement has been reached by the parties, no employer shall change the conditions of employment of the employees providing essential services.

1982, c. 37, s. 6; 1984, c. 45, s. 9; 2011, c. 16, s. 132; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP); 2019, c. 20, s. 7.

111.0.23.1. A certified association in a public service must give the Minister and the employer, and the Tribunal in the case of a public service contemplated by a decision rendered under section 111.0.17, a written notice indicating its intention not to resort to a strike at the time indicated in the notice given under section 111.0.23 or, as the case may be, the time at which a return to work is intended.

The notice must be given during the working hours of the public service.

An employer is not required to allow the work to be performed after the time indicated in the strike notice or, as the case may be, in the return-to-work notice, before the expiration of a four-hour period after receipt of the notice given in accordance with the second paragraph. However, the parties may agree upon a shorter period. In the case of a public service contemplated by a decision rendered under section 111.0.17, essential services shall be maintained until the date of return to work.

1994, c. 6, s. 28; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 8.

111.0.24. In a public service contemplated by a decision rendered under section 111.0.17, the Tribunal may suspend the exercise of the right to strike if of the opinion that the essential services provided for or actually rendered where a strike is apprehended or in progress are insufficient and that this endangers public health or safety.

The suspension has effect from the date the decision is notified to the parties and until it is shown to the satisfaction of the Tribunal that, should the right to strike be exercised, sufficient essential services will be maintained in that public service.

1982, c. 37, s. 6; 2019, c. 20, s. 9.

111.0.25. *(Repealed).*

1982, c. 37, s. 6; 2019, c. 20, s. 10.

111.0.26. Lock-out is prohibited in a service contemplated by a decision rendered under section 111.0.17.

1982, c. 37, s. 6; 2019, c. 20, s. 11.

DIVISION III

PUBLIC AND PARAPUBLIC SECTORS

1982, c. 37, s. 6.

111.1. Excluding Division I.1 of Chapter IV and the possibility of agreeing on a term of more than three years for a collective agreement, the provisions of this Code apply to labour relations in the public and parapublic sectors except where they are inconsistent with this division.

1978, c. 52, s. 4; 1982, c. 37, s. 7; 1994, c. 6, s. 29.

111.2. In this division,

(1) “public and parapublic sectors” means the Government and the government departments and those government agencies and bodies whose personnel is appointed in accordance with the Public Service Act (chapter F-3.1.1), as well as the colleges, school service centres, school boards and institutions contemplated in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2);

(2) “institution” means an institution contemplated in section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2).

1978, c. 52, s. 4; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 1982, c. 37, s. 7; 1985, c. 12, s. 99; 1992, c. 21, s. 375; 2000, c. 8, s. 242; 2020, c. 1, s. 309.

111.3. Notwithstanding paragraph *d* of section 22, certification may be applied for in respect of a group of employees of the public and parapublic sectors between two hundred and seventy days and two hundred and forty days before the date of expiration of a collective agreement or the document in lieu thereof.

This collective agreement or the document in lieu thereof is binding on the parties for its duration, notwithstanding the certification of a new association of employees. The new association is bound by that agreement as if it were named therein and it becomes *ipsos facto* a party to every proceeding relating to it in the place and stead of the former association.

A decision in respect of an application under the first paragraph must be rendered within the period comprised between the end of the period for filing an application for certification and the date of expiration of the collective agreement or document in lieu thereof. The second paragraph of section 39.1 applies to such a decision.

1978, c. 52, s. 4; 2001, c. 26, s. 59; 2015, c. 15, s. 135.

111.4. No certified association that is a party to a collective agreement, and no group of employees governed by such an agreement, or the document in lieu thereof, may take measures in view of becoming a member of another association or of affiliating with it, except between two hundred and seventy days and one hundred and eighty days before the date of expiration of a collective agreement or the document in lieu thereof.

1978, c. 52, s. 4.

111.5. (*Repealed*).

1978, c. 52, s. 4; 1982, c. 37, s. 8.

111.6. Every collective agreement binding on a college, a school service centre, a school board or an institution contemplated in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) shall be negotiated and agreed in accordance with the said Act.

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

The clauses of such a collective agreement that are negotiated and agreed at the local or regional level shall continue to have effect notwithstanding the expiration of the clauses negotiated and agreed at the national level, until they are amended, repealed or replaced by agreement between the parties.

1978, c. 52, s. 4; 1985, c. 12, s. 87; 1992, c. 21, s. 375; 2020, c. 1, s. 309.

111.7. The negotiation stage begins one hundred and eighty days before the date of expiration of a collective agreement or the document in lieu thereof.

1978, c. 52, s. 4.

111.8. (1) Every certified association of the public and parapublic sectors forming part of an employee-associations group contemplated in section 1 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) must, through its bargaining agent, present in writing to the other party, not later than 150 days before the date of expiration of a collective agreement or the document in lieu thereof, its proposals on all the matters that are to be negotiated at the national level except salaries and salary scales.

(2) Every certified association of the public and parapublic sectors not forming part of an employee-associations group mentioned in subsection 1 must, through its bargaining agent, present in writing to the other party, not later than 150 days before the date of expiration of a collective agreement or the document in lieu thereof, its proposals on all the matters that are to be negotiated at the national level except salaries and salary scales.

(3) The management negotiating committees established by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors must, within 60 days following the receipt of these proposals, present, in writing, to the other party, their proposals on all the matters that are to be negotiated at the national level except salaries and salary scales.

(4) Every association of employees contemplated in subsection 1 or subsection 2 and every management negotiating committee contemplated in subsection 3 shall transmit, in writing, to the other party their proposals on salaries and salary scales within 30 days of the date of publication of the report of the Institut de la statistique du Québec provided for in section 4 of the Act respecting the Institut de la statistique du Québec (chapter I-13.011).

(5) *(Subsection replaced).*

1978, c. 52, s. 4; 1982, c. 37, s. 9; 1985, c. 12, s. 88, s. 99; 1998, c. 44, s. 47; 2005, c. 32, s. 242.

111.9. *(Repealed).*

1978, c. 52, s. 4; 1982, c. 37, s. 10.

111.10. In the event of a strike by an institution's employees, the parties are required to maintain essential services. Such services are those whose interruption may endanger public health or safety.

1978, c. 52, s. 4; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 129, s. 375; 2005, c. 32, s. 243; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 12.

111.10.1. The essential services that must be maintained shall be negotiated between the certified association and the institution. The negotiation may be conducted according to the parameters agreed upon by that association or a group of associations it forms part of and the institution or its representative.

Any agreement on essential services must comply with the following criteria:

- (1) the essential services must be broken down per unit of care and class of care or services;
- (2) the normal operation of intensive care units and emergency units, if any, must be ensured; and
- (3) a person's freedom of access to the institution's services must be ensured.

Any agreement must be sent to the Tribunal for approval.

The Tribunal, on its own initiative or at the request of any of the parties, may designate a person to help the parties to reach an agreement.

1982, c. 37, s. 12; 1984, c. 45, s. 33; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 130, s. 375; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 12.

111.10.2. Every institution shall, at the request of the Tribunal or of a certified association, communicate to both of them any relevant information on the essential services that must be maintained, within 10 working days after receipt of the request. The request must specify the required information.

1982, c. 37, s. 12; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 375; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 13.

111.10.3. If no agreement is reached, the certified association shall send to the Tribunal for approval a list providing for the essential services that must be maintained in the event of a strike. Such a list shall comply with the criteria set out in the second paragraph of section 111.10.1.

Any list providing for a number of employees greater than the usual number of employees required in the service concerned is absolutely null.

1982, c. 37, s. 12; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 131, s. 375; 1999, c. 40, s. 59; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, a. 14.

111.10.4. On receiving an agreement or a list, the Tribunal shall assess, with reference to the applicable criteria set forth in sections 111.10 and 111.10.1, whether or not the essential services provided for therein are sufficient.

The parties are bound to attend any sitting of the Tribunal to which they are convened.

1982, c. 37, s. 12; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 375; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 15.

111.10.5. If the Tribunal considers that an agreement or a list does not comply with the criteria set forth in sections 111.10 and 111.10.1, it may make the recommendations it considers appropriate to the parties for amending the agreement or the list, or it may approve the agreement or the list with amendments.

1982, c. 37, s. 12; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 1992, c. 21, s. 375; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 16.

111.10.6. No list approved by the Tribunal may be amended thereafter except at the latter's request. If an agreement is reached between the parties after the list is filed with the Tribunal, the agreement approved by the Tribunal shall prevail.

1982, c. 37, s. 12; 1985, c. 12, s. 89; 1985, c. 40, s. 2; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.10.7. Every list or agreement is deemed to be approved as filed if, within 90 days of its receipt by the Tribunal, the latter has not ruled on the sufficiency of the services provided for in it.

However, the Tribunal may subsequently amend, if necessary, such a list or agreement in order to bring it into conformity with the applicable provisions of sections 111.10 and 111.10.1.

1985, c. 12, s. 89; 1985, c. 40, s. 2; 1999, c. 40, s. 59; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 17.

111.10.8. No person may derogate from the provisions of a list or agreement approved by the Tribunal.

1985, c. 12, s. 89; 1985, c. 40, s. 2; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.11. In no case may a party declare a strike or a lock-out unless 20 days have lapsed since the date on which the Minister received the notice provided for in section 50 of the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) and the party has given a prior notice of at least seven clear working days in writing to the Minister and to the other party, and to the Tribunal in the case of an institution or a group of employees referred to in the second paragraph of section 69 of the Public Service Act (chapter F-3.1.1), indicating when it intends to resort to a strike or to a lock-out.

Where the parties have reached an agreement on all of the clauses negotiated and agreed at the national level except salaries and salary scales, the twenty-day period after which a strike or lock-out may be declared shall run from the date of the agreement.

In no case may the seven days' notice of strike or lock-out be renewed before the day indicated in the prior notice as the time when the party intended to resort to the strike or the lock-out.

Unless by agreement between the parties, no employer may change the conditions of employment of the employees who provide the essential services.

1978, c. 52, s. 4; 1982, c. 37, s. 13; 1984, c. 45, s. 34; 1985, c. 12, s. 90; 1992, c. 21, s. 375; 2001, c. 26, s. 60; 2011, c. 16, s. 132; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP).

111.12. In the case of an institution, no strike may be declared by a certified association unless an agreement or a list has been approved by the Tribunal or unless a list or agreement is deemed to be approved under section 111.10.7 and unless the list or agreement has been transmitted to the employer not less than 90 days previously.

1978, c. 52, s. 4; 1985, c. 12, s. 91; 1985, c. 40, s. 2; 1992, c. 21, s. 375; 1999, c. 40, s. 59; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.13. Lock-outs may not be declared by an institution.

Notwithstanding an apprehended strike, every institution shall provide its usual services without changes in the norms applicable to the access to or provision of the services.

The Tribunal may, in case of contravention of this section, exercise the powers conferred upon it by Division IV.

1982, c. 37, s. 15; 1985, c. 12, s. 91; 1985, c. 40, s. 2; 1992, c. 21, s. 132, s. 375; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.14. Strikes and lock-outs are prohibited in respect of a matter defined as pertaining to clauses negotiated and agreed at the local or regional level or subject to local arrangements pursuant to the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) as well as in respect of the determination of the salaries and salary scales provided for in the second paragraph of section 52 and in sections 53 to 55 of the said Act.

1982, c. 37, s. 15; 1985, c. 12, s. 91; 1985, c. 40, s. 2.

111.15. *(Replaced).*

1982, c. 37, s. 15; 1985, c. 12, s. 91.

111.15.1. If no agreement is reached under section 69 of the Public Service Act (chapter F-3.1.1), a party may request the Tribunal to designate a person to help the parties to reach an agreement, or to itself determine

what essential services must be maintained and in what manner. The party making the request shall notify the other party without delay.

After the request is sent, the parties must forward without delay any relevant information respecting the essential services that must be maintained to the Tribunal and attend any sitting of the Tribunal to which they are convened.

2001, c. 26, s. 61; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.15.2. On receiving a request under section 111.15.1, the Tribunal, on its own initiative or at the request of either party, may designate a person to help the parties to reach an agreement.

The Tribunal may also, at any time after receiving the request, determine the essential services that must be maintained in the event of a strike and the manner of maintaining them. In addition, the Tribunal may at any time, at the request of either party, modify the decision so made.

2001, c. 26, s. 61; 2001, c. 49, s. 1; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.15.3. No person shall derogate from any of the provisions of an agreement under section 69 of the Public Service Act (chapter F-3.1.1) or from a decision made by the Tribunal under section 111.15.2 of this Code.

2001, c. 26, s. 61; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

DIVISION IV

REMEDIAL POWERS

1985, c. 12, s. 92.

111.16. In public services and in the public and parapublic sectors, the Tribunal, of its own initiative or at the request of an interested person, may inquire into a lock-out, a strike or a slowdown that is contrary to law or during which the essential services provided for in a list or agreement are not sufficient or are not rendered.

The Tribunal may also endeavour to bring the parties to an agreement or entrust a person it designates with attempting to bring them to an agreement and reporting on the situation.

1985, c. 12, s. 92; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 18.

111.17. The Tribunal, if it considers that the conflict is or is likely to be prejudicial to a service to which the public is entitled or that the essential services provided for in a list or agreement are not sufficient or are not rendered during a strike, may, after giving the parties the opportunity to submit their views, make an order to ensure that a service to which the public is entitled is available, or require compliance with the law, a collective agreement or an agreement or list on essential services.

The Tribunal may

(1) enjoin any person involved in the conflict or any category of these persons it determines to do what is required to comply with the first paragraph of this section, or abstain from doing anything in contravention thereof;

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

(3) order in respect of a person or group of persons involved in a conflict, taking into consideration the conduct of the parties, the application of the measures of redress it considers best appropriate, including the establishment of a fund for the benefit of the users of the service that has been adversely affected, and the

terms and conditions governing the administration and use of that fund, which fund shall include any interest accrued since its establishment;

(4) 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 services for the public;

(5) order, where that is the case, that the grievance or arbitration procedure under a collective agreement be accelerated;

(6) order a party to make known publicly its intention to comply with the order of the Tribunal.

1985, c. 12, s. 92; 1998, c. 23, s. 3; 2011, c. 16, s. 132; 2015, c. 15, s. 237; 2019, c. 20, s. 19.

111.18. The Tribunal may, in the same manner, exercise the powers conferred on it by sections 111.16 and 111.17, if, in the course of a conflict, it considers that a concerted action other than a strike or a slowdown is or is likely to be prejudicial to a service to which the public is entitled.

1985, c. 12, s. 92; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.19. The Tribunal may, instead of making an order, record a person's undertaking to ensure to the public the service or services to which it is entitled or to comply with the law, the collective agreement or an agreement or list on essential services.

Non-observance of an undertaking under this section shall constitute a violation of an order of the Tribunal.

1985, c. 12, s. 92; 2011, c. 16, s. 132; 2015, c. 15, s. 237.

111.20. The Tribunal may file or, at the request of an interested party, authorize the filing of true copy of an order made under section 111.0.17, 111.0.19, 111.0.24, 111.17 or 111.18 or, where applicable, of an undertaking made under section 111.19 at the office of the clerk of the Superior Court of the district of Montréal, where the public service or the body involved is situated in the districts of Beauharnois, Bedford, Drummond, Gatineau, Iberville, Joliette, Labelle, Laval, Longueuil, Mégantic, Montréal, Pontiac, Richelieu, Saint-François, Saint-Hyacinthe or Terrebonne and, where it is situated in another district, at the office of the clerk of the Superior Court of the district of Québec.

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

Any person who transgresses or refuses to comply with an order or undertaking in which the person is named or designated, or who knowingly contravenes an order or undertaking in which the person is not designated, is guilty of contempt of court and may be condemned by the court having jurisdiction, in accordance with the procedure provided for in articles 59 to 61 of the Code of Civil Procedure (chapter C-25.01), to a fine not exceeding \$50,000 with or without a term of imprisonment not exceeding one year. These penalties may be re-imposed until the offender complies with the order or undertaking.

1985, c. 12, s. 92; 1998, c. 23, s. 4; 2001, c. 26, s. 62; 2011, c. 16, s. 132, s. 133; 2013, c. 29, s. 6; 2015, c. 15, s. 237; I.N. 2016-01-01 (NCCP); 2019, c. 20, s. 20.

DIVISION V

MISCELLANEOUS PROVISIONS

2011, c. 16, s. 134.

111.21. The Tribunal must brief the parties about the essential services to be maintained during a strike.

The Tribunal may also provide information to the public about any matter involving the maintenance of essential services.

2011, c. 16, s. 134; 2015, c. 15, s. 237.

111.21.1. Any negotiation of essential services that are governed by this chapter must be begun and carried on diligently and in good faith.

2019, c. 20, s. 21.

111.22. When the Tribunal acts under a provision of this chapter, sections 21 to 23, 35 and 45, the second and third paragraphs of section 46 and the third and fourth paragraphs of section 51 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) do not apply.

2011, c. 16, s. 134; 2015, c. 15, s. 136.

CHAPTER V.2

SPECIAL PROVISIONS APPLICABLE TO LOGGING OPERATIONS

2013, c. 2, s. 68.

111.23. For the purposes of Chapters II and III, a logging operator is deemed to be the employer of all the employees assigned to logging operations involving the volumes of standing timber that the logging operator purchased under the timber supply guarantee or, in the case of a forest producer that supplies a wood processing plant from a private woodlot, all employees assigned to logging operations on that woodlot.

Despite the first paragraph, where two or more holders of a timber supply guarantee must conclude an integration agreement under section 103.7 of the Sustainable Forest Development Act (chapter A-18.1), they must identify, by an accord and within the time period fixed by the Minister of Natural Resources and Wildlife to prove the existence of the integration agreement, the deemed employer or employers, for the purposes of Chapters II and III, of the employees assigned to logging operations involving the volumes of standing timber which the guarantee holders purchased under their respective supply guarantees for the forest operations zones covered by the integration agreement. To that end, they may allocate responsibilities by specific forest operations zones or by the logging operations for which they assume responsibility, as long as each employee is able to identify his deemed employer. In all cases, the deemed employer may be one of the guarantee holders designated to carry out the harvest, a group comprising some or all of the guarantee holders concerned, or an employers' association.

The accord referred to in the second paragraph must be sent, within the same time period, to the Minister of Natural Resources and Wildlife, the Minister of Labour, and the Tribunal. If the guarantee holders fail to reach such an accord or fail to send it to the proper authorities on time, the Minister of Natural Resources and Wildlife informs the Minister of Labour of the fact, who in turn submits the matter to the Tribunal so that it may designate a deemed employer after allowing the guarantee holders to make observations, in accordance with the procedure required by the Tribunal.

This section does not apply where it is not the logging operator who harvests the standing timber purchased, in accordance with section 103.5 or subparagraph 2 of the third paragraph of section 103.7 of the Sustainable Forest Development Act. Neither does it apply to employees who are members of a cooperative that carries out logging operations.

2013, c. 2, s. 68; 2015, c. 15, s. 237.

111.24. A change in the deemed employer that is due to an accord or to a decision of the Tribunal under section 111.23 constitutes a transfer of part of the operation of the undertaking and entails the application of the first and second paragraphs of section 45.

Section 45.2 does not apply to such a transfer. However, a collective agreement that has not expired on the effective date of the transfer under the first paragraph expires on its prescribed expiry date or 24 months after the date of transfer, whichever occurs first.

Section 46 applies, with the necessary modifications, in cases of difficulties arising out of the application of this section.

2013, c. 2, s. 68; 2015, c. 15, s. 237.

111.25. In logging operations, the premises set aside for employees' meals are not considered places of employment and no meeting may be held in the premises set aside as employees' living quarters.

2013, c. 2, s. 68.

111.26. Subject to the Sustainable Forest Development Act (chapter A-18.1), the logging operator or the owner of any land where logging operations are carried on must allow any representative of an association of employees holding a permit issued by the Tribunal in accordance with the regulations made for such purpose under section 138 to enter on the land and to have access to the logging camp.

The operator must supply the representative with food and shelter at the price fixed for the employees by regulation under the Act respecting labour standards (chapter N-1.1).

On the written application of an employee, the logging operator shall advance to the employee the sum required as first dues to an association of employees, provided that the employee has that amount to his credit.

The written authorization given by an employee to withhold from his salary the above amount constitutes a payment within the meaning of subparagraph *c* of the first paragraph of section 36.1; the employer must remit to the association indicated, within the following month, the amounts so withheld accompanied with a memorandum of the list of names.

This section does not apply to logging operations carried on by a farm producer on his own property.

2013, c. 2, s. 68; 2015, c. 15, s. 237.

CHAPTER V.3

SPECIAL PROVISIONS APPLICABLE TO FARMING BUSINESSES

2014, c. 9, s. 2.

111.27. This chapter applies to the employees of an employer who are assigned to a farming business, unless at least three such employees are ordinarily and continuously employed.

Divisions II and III of Chapter II and Chapters III to V do not apply to employees referred to in the first paragraph.

2014, c. 9, s. 2.

111.28. The employer must give an association of employees of the farming business a reasonable opportunity to make representations about the conditions of employment of its members.

2014, c. 9, s. 2.

111.29. Considerations relevant in determining whether a reasonable opportunity has been given include the following:

(1) the timing of the representations relative to concerns that may arise in running a farming business, such as planting and harvesting days, weather conditions, animal health and safety and plant health;

- (2) the frequency and repetitiveness of the representations.

2014, c. 9, s. 2.

111.30. An association of employees may make its representations verbally or in writing. The employer must examine the representations and discuss them with the association's representatives.

If representations are made in writing, the employer gives the association of employees a written acknowledgement of having read them.

Diligence and good faith must govern the parties' conduct at all times.

2014, c. 9, s. 2.

111.31. The employer or the owner of an agricultural operation is required to allow any representative of an association of employees holding a permit issued by the Tribunal in accordance with the regulation made for that purpose under section 138 to enter and have access to the place under the employer's or owner's control where employees are living.

2014, c. 9, s. 2; 2015, c. 15, s. 237.

111.32. An association of employees, an employer or an employers' association that believes that a right conferred by this chapter has not been respected may file a complaint with the Tribunal.

2014, c. 9, s. 2; 2015, c. 15, s. 237.

CHAPTER V.4

GENERAL POWERS OF THE TRIBUNAL

2015, c. 15, s. 137.

111.33. In addition to the powers assigned to it by this Code and the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Tribunal may, for the purposes of this Code,

(1) order a person, a group of persons, an association or a group of associations to do, not do or cease doing something in order to comply with this Code;

(2) require any person to remedy any act done or any omission made in contravention of this Code;

(3) order a person or a group of persons, taking into consideration the conduct of the parties, to apply the measures of redress it considers best;

(4) issue an order not to authorize or participate in, 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 the measures it considers appropriate to induce the persons represented by an association not to participate in, or to cease participating in, such a strike, slowdown or lock-out; and

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

However, these powers do not apply in the case of a strike, a slowdown, any concerted action other than a strike or slowdown or a lock-out, whether real or apprehended, in a public service or in the public and parapublic sectors within the meaning of Chapter V.1.

2015, c. 15, s. 137.

CHAPTER VI

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

DIVISION I

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

112. *(Repealed).*

R. S. 1964, c. 141, s. 100; 1969, c. 47, s. 38; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

113. *(Repealed).*

R. S. 1964, c. 141, s. 101; 1969, c. 47, s. 38; 1969, c. 48, s. 29; 1977, c. 5, s. 14, s. 229; 1980, c. 11, s. 48; 1988, c. 21, s. 66; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

114. *(Repealed).*

R. S. 1964, c. 141, s. 102; 1969, c. 47, s. 38; 1969, c. 48, s. 29; 1978, c. 15, s. 140; 1983, c. 55, s. 161; 2000, c. 8, s. 242; 2001, c. 26, s. 63; 2011, c. 16, s. 135; 2015, c. 15, s. 138.

115. *(Repealed).*

1969, c. 48, s. 29; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

115.1. *(Repealed).*

2006, c. 58, s. 16; 2011, c. 16, s. 136; 2015, c. 15, s. 138.

115.2. *(Repealed).*

2006, c. 58, s. 16; 2007, c. 3, s. 72; 2015, c. 15, s. 138.

115.2.1. *(Repealed).*

2011, c. 16, s. 137; 2011, c. 31, s. 15; 2015, c. 15, s. 138.

115.3. *(Repealed).*

2006, c. 58, s. 16; 2011, c. 16, s. 138; 2015, c. 15, s. 138.

115.4. *(Repealed).*

2011, c. 16, s. 139; 2015, c. 15, s. 138.

116. *(Repealed).*

1969, c. 48, s. 29; 1999, c. 40, s. 59; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

DIVISION II

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

117. (Repealed).

1969, c. 48, s. 29; 1970, c. 9, s. 3; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

118. (Repealed).

R. S. 1964, c. 141, s. 103; 1969, c. 47, s. 38; 1969, c. 48, s. 30; 1977, c. 41, s. 1; 1985, c. 6, s. 493; 1990, c. 4, s. 229; 2001, c. 26, s. 63; 2006, c. 58, s. 17; 2015, c. 15, s. 138.

119. (Repealed).

R. S. 1964, c. 141, s. 104; 1969, c. 47, s. 38; 1969, c. 48, s. 30; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

120. (Repealed).

1969, c. 48, s. 30; 1982, c. 16, s. 4; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

DIVISION III

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2006, c. 58, s. 18; 2015, c. 15, s. 138.

121. (Repealed).

1969, c. 48, s. 30; 2001, c. 26, s. 63; 2006, c. 58, s. 19; 2015, c. 15, s. 138.

122. (Repealed).

1969, c. 48, s. 30; 1977, c. 41, s. 1; 1992, c. 61, s. 177; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

123. (Repealed).

1969, c. 48, s. 30; 1990, c. 4, s. 230; 2001, c. 26, s. 63; 2006, c. 58, s. 20; 2015, c. 15, s. 138.

DIVISION IV

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

124. (Repealed).

1969, c. 48, s. 30; 1994, c. 6, s. 30; 2001, c. 26, s. 63; 2011, c. 16, s. 140; 2015, c. 15, s. 138.

125. (Repealed).

1969, c. 48, s. 30; 1992, c. 61, s. 178; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

126. (Repealed).

1969, c. 48, s. 30; 1992, c. 61, s. 179; 1999, c. 40, s. 59; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

127. *(Repealed).*

1969, c. 48, s. 30; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

128. *(Repealed).*

R. S. 1964, c. 141, s. 105; 1969, c. 47, s. 38; 1969, c. 48, s. 31; 1990, c. 4, s. 231; 1992, c. 61, s. 180; 2001, c. 26, s. 63; 2006, c. 58, s. 21; 2011, c. 16, s. 141; 2015, c. 15, s. 138.

129. *(Repealed).*

R. S. 1964, c. 141, s. 106; 1969, c. 47, s. 38; 1969, c. 48, s. 32; 1977, c. 41, s. 1; 2001, c. 26, s. 63; 2006, c. 58, s. 22; 2015, c. 15, s. 138.

DIVISION V

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 1. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

130. *(Repealed).*

R. S. 1964, c. 141, s. 107; 1969, c. 47, s. 38; 1969, c. 48, s. 33; 1977, c. 41, s. 55; 1983, c. 22, s. 91; 1994, c. 6, s. 31; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

130.1. *(Replaced).*

1994, c. 6, s. 32; 2001, c. 26, s. 63.

131. *(Repealed).*

R. S. 1964, c. 141, s. 108; 1969, c. 47, s. 38; 1977, c. 41, s. 1; 1994, c. 6, s. 33; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

132. *(Repealed).*

R. S. 1964, c. 141, s. 109; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 2001, c. 26, s. 63; 2006, c. 58, s. 23; 2015, c. 15, s. 138.

133. *(Repealed).*

R. S. 1964, c. 141, s. 110; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 2001, c. 26, s. 63; 2003, c. 26, s. 9; 2015, c. 15, s. 138.

134. *(Repealed).*

R. S. 1964, c. 141, s. 111; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 1994, c. 6, s. 34; 2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 2. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

135. *(Repealed).*

R. S. 1964, c. 141, s. 112; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 2001, c. 26, s. 63; 2006, c. 58, s. 24; 2015, c. 15, s. 138.

135.1. *(Replaced).*

1994, c. 6, s. 35; 2001, c. 26, s. 63.

135.2. *(Replaced).*

1994, c. 6, s. 35; 2001, c. 26, s. 63.

136. *(Repealed).*

R. S. 1964, c. 141, s. 113; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 2001, c. 26, s. 63; 2006, c. 58, s. 25; 2015, c. 15, s. 138.

137. *(Repealed).*

R. S. 1964, c. 141, s. 114; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 2001, c. 26, s. 63; 2006, c. 58, s. 26; 2015, c. 15, s. 138.

137.1. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.2. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.3. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.4. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.5. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.6. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.7. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.8. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.9. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.10. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

DIVISION VI

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 1. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.11. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.11.1. *(Repealed).*

2006, c. 58, s. 27; 2011, c. 16, s. 142.

137.12. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.13. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.14. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.15. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.16. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 2. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.17. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.18. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.19. *(Repealed).*

2001, c. 26, s. 63; 2002, c. 22, s. 32; 2015, c. 15, s. 138.

137.20. *(Repealed).*

2001, c. 26, s. 63; 2002, c. 22, s. 32; 2015, c. 15, s. 138.

137.21. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.22. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.23. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.24. *(Repealed).*

2001, c. 26, s. 63; 2002, c. 22, s. 33; 2015, c. 15, s. 138.

137.25. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.26. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 3. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.27. *(Repealed).*

2001, c. 26, s. 63; 2002, c. 22, s. 34; 2015, c. 15, s. 138.

137.28. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.29. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.30. *(Repealed).*

2001, c. 26, s. 63; 2001, c. 49, s. 2; 2015, c. 15, s. 138.

137.31. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 4. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.32. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.33. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.34. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.35. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.36. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.37. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

DIVISION VII

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 1. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.38. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.39. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 2. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.40. *(Repealed).*

2001, c. 26, s. 63; 2006, c. 58, s. 28; 2011, c. 16, s. 143; 2015, c. 15, s. 138.

137.41. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.42. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.43. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.44. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.45. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.46. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 3. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.47. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.48. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.48.1. *(Repealed).*

2011, c. 16, s. 144; 2015, c. 15, s. 138.

137.49. *(Repealed).*

2001, c. 26, s. 63; 2006, c. 58, s. 29; 2011, c. 16, s. 145; 2015, c. 15, s. 138.

137.50. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.51. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 4. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.52. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.53. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

§ 5. —

Repealed, 2015, c. 15, s. 138.

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.54. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.55. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.56. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.57. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.58. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.59. *(Repealed).*

2001, c. 26, s. 63; 2011, c. 18, s. 117; 2015, c. 15, s. 138.

137.60. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.61. *(Repealed).*

2001, c. 26, s. 63; 2015, c. 15, s. 138.

137.62. *(Repealed).*

2001, c. 26, s. 63; 2005, c. 42, s. 19; 2007, c. 3, s. 72; 2006, c. 58, s. 30; 2011, c. 18, s. 118; 2015, c. 15, s. 138.

137.63. *(Repealed).*

2001, c. 26, s. 63; 2011, c. 18, s. 119; 2015, c. 15, s. 138.

CHAPTER VII

REGULATIONS

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

(a) for the issue of the permits provided for in sections 9, 111.26 and 111.31;

(b) to provide for a certification system suitable to the temporary and seasonal nature of logging operations and the fishing and fish preparation industries and in particular decide that a 30-day period referred to in paragraph *d* or *e* of section 22 is at another time;

(c) to change the number of duplicate originals or true copies to be filed in accordance with section 72 and to establish the procedure to be followed for such filing and the information which the parties must furnish him on such occasion;

(d) to determine the special terms and conditions of filing of a collective agreement applicable to several employers or to several certified associations;

(e) to establish the procedure to be followed for the filing of an arbitration award and to determine the information that the grievances arbitrator must provide on the duration of the different stages of the arbitration procedure;

(f) *(paragraph repealed);*

i. *(subparagraph repealed);*

ii. *(subparagraph repealed);*

iii. *(subparagraph repealed);*

(g) *(paragraph repealed);*

(h) *(paragraph repealed).*

R. S. 1964, c. 141, s. 115; 1969, c. 47, s. 38; 1969, c. 48, s. 34; 1977, c. 5, s. 14; 1977, c. 41, s. 56; 1983, c. 22, s. 92; 1994, c. 6, s. 36; 1999, c. 40, s. 59; 2001, c. 26, s. 64; 2006, c. 58, s. 31; 2011, c. 16, s. 146; 2014, c. 9, s. 3; 2015, c. 15, s. 139.

CHAPTER VIII

RECOURSES

2001, c. 26, s. 65.

139. Except on a question of jurisdiction, no application for judicial review under the Code of Civil Procedure (chapter C-25.01) may be exercised and no injunction may be granted against arbitrators acting in their official capacity.

R. S. 1964, c. 141, s. 121; 1969, c. 47, s. 39; 1977, c. 41, s. 1, s. 57; 1982, c. 16, s. 5; 1983, c. 22, s. 93; 1985, c. 12, s. 93; 1990, c. 4, s. 232; 1998, c. 46, s. 59; 2001, c. 26, s. 66; 2011, c. 16, s. 147; 2015, c. 15, s. 140; I.N. 2016-01-01 (NCCP).

139.1. *(Inoperative).*

1982, c. 16, s. 6; 2015, c. 15, s. 141; I.N. 2016-01-01 (NCCP).

140. A judge of the Court of Appeal may annul summarily, on an application, any decision, order or injunction made or granted contrary to sections 139 and 139.1.

R. S. 1964, c. 141, s. 122; 1974, c. 11, s. 2; 1979, c. 37, s. 43; 1982, c. 16, s. 7; I.N. 2016-01-01 (NCCP).

140.1. *(Repealed).*

1982, c. 37, s. 16; 1985, c. 12, s. 94; 2011, c. 16, s. 148; 2015, c. 15, s. 142.

CHAPTER IX

PENAL PROVISIONS

1990, c. 4, s. 234.

141. An employer who or which, having received the prescribed notice, fails to acknowledge as representing employees in his or its employ the representatives of a certified association of employees or to negotiate in good faith a collective labour agreement with them, is guilty of an offence and liable to a fine of \$100 to \$1,000 for each day or portion of a day during which such offence continues.

An employer who or which fails to acknowledge as representing employees in his or its employ the representatives of an association referred to in Chapter V.3 or to have discussions with them in good faith according to the process provided for in that chapter is guilty of an offence under the first paragraph and liable to the fine prescribed in that paragraph.

R. S. 1964, c. 141, s. 123; 2014, c. 9, s. 4.

142. Any person declaring or instigating a strike or lock-out contrary to the provisions of this Code, or participating therein, is liable, for each day or part of a day during which the strike or lock-out continues, to a fine

(1) of \$25 to \$100, in the case of an employee;

(2) of \$1,000 to \$10,000, in the case of a senior officer or employee of an association of employees or of an administrator, agent or adviser of an association of employees or of an employer;

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

R. S. 1964, c. 141, s. 124; 1982, c. 37, s. 17.

142.1. Any person who contravenes section 109.1 is guilty of an offence and is liable to a fine of not more than \$1,000 for every day or part of a day during which the offence continues.

1977, c. 41, s. 58.

143. Any person who infringes any provision of section 12, 13 or 14, is guilty of an offence and liable to a fine of \$100 to \$1,000 for each day or portion of a day during which such offence continues.

R. S. 1964, c. 141, s. 125.

143.1. Any person who impedes or hinders the action of the Tribunal or of a person appointed by it pursuant to Chapter V.1 or any person who misleads them by concealment or misrepresentation is guilty of an offence and liable, 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;

(2) of \$100 to \$500, in the case of a senior officer or employee of an association of employees or of an administrator, agent or adviser of an association of employees or of an employer;

(3) of \$500 to \$1,000, in the case of an employer, an association of employees or a union, federation or confederation to which an association of employees is affiliated or belongs.

1982, c. 37, s. 18; 2011, c. 16, s. 149; 2015, c. 15, s. 237.

144. Any person who fails to comply with any obligation or prohibition imposed by this Code, by a regulation of the Government or by a regulation or decision of the Tribunal under this Code, is guilty of an offence and liable, unless another penalty is applicable, to a fine of \$100 to \$500 and of \$1,000 to \$5,000 for any subsequent conviction.

R. S. 1964, c. 141, s. 126; 1969, c. 47, s. 40; 1977, c. 41, s. 1, s. 59; 1990, c. 4, s. 233; 2001, c. 26, s. 67; 2015, c. 15, s. 143.

145. The following shall be party to an offence and liable to the penalty provided in the same manner as the person committing the offence: any person who aids or abets the commission thereof and, when the offence is committed by a legal person or an association, every director, officer or manager shall be guilty of the offence who in any manner approves of the act which constitutes the offence or acquiesces therein.

R. S. 1964, c. 141, s. 128; 1999, c. 40, s. 59.

146. If several persons conspire to commit an offence, each of them shall be guilty of each offence committed by any of them in the carrying out of their common intention.

R. S. 1964, c. 141, s. 129.

146.1. An employer who does not comply with the order of reinstatement and, where such is the case, of payment of an indemnity, made under section 15 or by the application of section 110.1 is guilty of an offence and is liable to a fine of \$500 for each day of failure to comply.

1977, c. 41, s. 60.

146.2. Every association of employees and every employer that contravenes an agreement or a list contemplated in section 111.0.18, 111.10.1, 111.10.3, 111.10.5 or 111.10.7 or in an agreement or a decision referred to in section 111.15.3, and every association of employees that fails to take the appropriate means to induce the employees it represents to comply with the agreement or the list or with the agreement or the decision is guilty of an offence and liable to a fine of \$1,000 to \$10,000 for each day or part of a day during which the offence continues.

1982, c. 37, s. 19; 1985, c. 12, s. 95; 2001, c. 26, s. 68; 2019, c. 20, s. 22.

147. *(Repealed).*

R. S. 1964, c. 141, s. 130; 1990, c. 4, s. 235.

148. Penal proceedings for an offence under a provision of section 20.2 or 20.3, instituted in accordance with article 10 of the Code of Penal Procedure (chapter C-25.1), may be instituted only by a member of the certified association included in the bargaining unit.

R. S. 1964, c. 141, s. 131; 1969, c. 47, s. 42; 1969, c. 48, s. 35; 1977, c. 41, s. 61; 1990, c. 4, s. 236; 1992, c. 61, s. 181.

149. *(Repealed).*

R. S. 1964, c. 141, s. 132; 1969, c. 47, s. 43; 1969, c. 26, s. 20; 1975, c. 76, s. 11; 1981, c. 9, s. 24; 1982, c. 52, s. 115; 2002, c. 45, s. 269; 2006, c. 58, s. 32.

CHAPTER X

PROCEDURE

150. *(Repealed).*

R. S. 1964, c. 141, s. 133; 2015, c. 15, s. 144.

151. *(Repealed).*

R. S. 1964, c. 141, s. 134; 1969, c. 48, s. 36; 1977, c. 5, s. 14; 1977, c. 41, s. 1, s. 62; 1981, c. 9, s. 34; 1982, c. 53, s. 56; 1994, c. 12, s. 66; 1996, c. 29, s. 43; 1999, c. 40, s. 59; 2001, c. 26, s. 69; 2015, c. 15, s. 144.

151.1. For the purposes of this Code, the following are holidays:

- (a) Sundays;
- (b) 1 and 2 January;
- (c) Good Friday;
- (d) Easter Monday;
- (e) 24 June, the National Holiday;
- (f) 1 July, the anniversary of Confederation, or 2 July if 1 July is a Sunday;
- (g) the first Monday of September, Labour Day;
- (g.1) the second Monday of October;
- (h) 25 and 26 December;
- (i) the day fixed by the Governor-General for the celebration of the birthday of the Sovereign;
- (j) any other day fixed by proclamation or order of the Government as a public holiday or as a day of thanksgiving.

1977, c. 41, s. 63; 1978, c. 5, s. 14; 1979, c. 37, s. 41; 1984, c. 46, s. 17; I.N. 2016-01-01 (NCCP).

151.2. If the date fixed for doing anything falls on a holiday, such thing may validly be done on the next following working day.

1977, c. 41, s. 63; I.N. 2016-01-01 (NCCP).

151.3. In computing any period fixed by this Code or any of its provisions,

- (1) the day which marks the start of the period is not counted, but the terminal day is counted;
- (2) holidays are counted; but when the last day is a holiday, the period is extended to the next following working day;
- (3) Saturday is considered a holiday, as are 2 January and 26 December.

1977, c. 41, s. 63; 1999, c. 40, s. 59; 2006, c. 58, s. 33; I.N. 2016-01-01 (NCCP).

151.4. Holidays are not counted in computing any period fixed by this Code to do any thing, when such period does not exceed ten days.

1977, c. 41, s. 63; 1999, c. 40, s. 59; I.N. 2016-01-01 (NCCP).

152. No evidence shall be admitted to establish that an investigation or prosecution contemplated by this Code has been taken on information received from an informer, or to discover the identity of the latter.

R. S. 1964, c. 141, s. 135; 1990, c. 4, s. 237.

CHAPTER X.1

RESPONSIBILITY

2009, c. 32, s. 25.

152.1. The Minister of Labour is responsible for the administration of this Code.

2009, c. 32, s. 25; 2015, c. 15, s. 145.

CHAPTER XI



This Chapter ceased to have effect on 17 April 1987.

153. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

SCHEDULE I

(Repealed).

2001, c. 26, s. 70; 2002, c. 28, s. 36; 2002, c. 68, s. 9; 2002, c. 69, s. 126; 2002, c. 80, s. 78; 2004, c. 22, s. 15; 2005, c. 42, s. 20; 2006, c. 58, s. 34; 2005, c. 34, s. 52; 2007, c. 3, s. 72; 2006, c. 58, s. 34; 2009, c. 24, s. 89; 2009, c. 32, s. 26; 2009, c. 36, s. 71; 2011, c. 17, s. 42; 2011, c. 16, s. 150; 2011, c. 30, s. 72; 2011, c. 31, s. 16; 2010, c. 3, s. 271; 2013, c. 2, s. 69; I.N. 2014-05-01; 2015, c. 15, s. 146.

REPEAL SCHEDULE

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 141 of the Revised Statutes, 1964, in force on 31 December 1977, is repealed, except sections 136*a* to 140*c*, effective from the coming into force of chapter C-27 of the Revised Statutes.