

Collective Agreement Act

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COLLECTIVE AGREEMENT ACT⁽¹⁾

The principle of juridical extension of collective agreements was first introduced in 19'4 by the Collective Labor Agreements Extension Act; this law was completely revised in 1940 and since then has been amended annually except in 1942 and 1945.

I.—Scope of the Collective Agreement Act:

The Collective Agreement Act permits interested employers and employees, to arrange for sound industrial relations under the supervision of the State, guardian of the common good of collectivity, by establishing certain uniform working conditions which 1) standardize competition between all employers of the same category and thereby eliminate unfair competition for the signatories of private collective agreements; 2) respect the dignity of labour and provide for the needs of the worker and his family in accordance with the dictates of justice.

II.—Nature of Collective Agreement:

The collective labour agreement is a contract relative to working conditions entered into between the representatives of one or more associations of employees, on the one part, and one or more employers or representatives of one or more associations of employers, on the other part. (article 1)

III.—Nature of the juridical extension of the collective labour agreement:

The juridical extension of the collective labour agreement is a system whereby the Lieutenant Governor in Council decrees that a collective labour agreement shall also bind, whether they are parties or not to the collective agreement, all the employees and employers of the same category within the territorial jurisdiction determined by the collective agreement. (article 2)

IV.—Extent of the juridical extension of collective labour agreements:

1) Extent of professional jurisdiction:

A collective labour agreement may be extended to all employers and employees of the same trade, industry, commerce or occupation whether they are signatories or not of the said agreement, with the exception, however, of farmers, blind persons or

any railway company subject to the jurisdiction of the Parliament of Canada. (article 38)

2) Extent of territorial jurisdiction:

A collective labour agreement may be extended a) to the entire province, b) to a specific region or c) to a particular municipality.

V.—Procedure to obtain the juridical extension of a collective labour agreement:

Any party to a collective labour agreement whether representing the employers or the employees may by petition addressed to the Minister of Labour and accompanied by a duly certified copy of the collective agreement apply to the Lieutenant Governor in Council for the passing of a decree extending the effects of the said collective agreement. (articles 3 and 4). Notice of this request and the text of the collective agreement to which it relates must be published in the Quebec Official Gazette, in a French newspaper and in an English newspaper.

Within the 30 days which follow this publication, interested parties may present objections to this agreement. The Minister of Labour if he deems it advisable may hold an inquiry to determine whether or not the petition or any objection made thereto is well founded. (article 5)

At the expiration of the delay mentioned above, or after having held the inquiry, as the case may be, the Minister may recommend the approval of the petition by the Lieutenant Governor in Council with such changes as are deemed expedient. He does so, however, only after first satisfying himself that:

1) the provisions of the agreement have acquired a preponderant significance and importance, that is to say that the provisions of the agreement are to the advantage of both interested employers and employees, taken as a whole;

2) the provisions of the agreement take into account the economic conditions peculiar to the various regions of the province and the competition of outside countries or other provinces.

The decree has the immediate effect of extending the collective agreement to all employers and all employees who fall under its professional and territorial jurisdiction, whether or not they were parties to the said agreement. (to be continued).

Marcel FORGET

(1) *Authors' note.*—We are presenting here in succinct form the Collective Agreement Act (R.S.Q. 1941, Chapter I63) as amended. In this way, we believe that a clear understanding of the law may be obtained. The present article is the first of a series of four articles on the subject.

LOI DE LA CONVENTION COLLECTIVE

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de ladite convention, à l'exception toutefois des agriculteurs, des aveugles et de toute compagnie de chemin de fer soumise à la juridiction du Parlement du Canada. (article 38)

2) champ d'application territorial:

Une convention collective de travail peut être étendue a) à toute la province, b) à une région déterminée ou c) à une ville en particulier.

V.—Procédure pour obtenir l'extension juridique d'une convention collective de travail:

Toute partie à une convention collective de travail, qu'elle soit de l'élément patronal ou de l'élément ouvrier, peut, par requête adressée au ministre du Travail et accompagnée d'une copie dûment certifiée de la convention collective, demander au lieutenant-gouverneur en conseil l'adoption d'un décret étendant les effets de la dite convention collective. (articles 3 et 4) Avis de cette requête et texte de ladite convention sont publiés dans la Gazette officielle de Québec, dans un journal français et un journal anglais. Les parties intéressées peuvent dans les trente

jours présenter leurs objections. Le ministre du Travail, s'il le juge à propos, fait enquête sur le bien-fondé de la requête et de toute objection formulée à l'encontre. (article 5)

A l'expiration du délai ci-dessus ou après avoir complété l'enquête précitée, le ministre peut demander au lieutenant-gouverneur en conseil d'approuver la requête, modifiée ou non selon qu'il le juge opportun, à deux conditions:

1) que les dispositions de la convention aient acquis une signification et une importance prépondérantes, c'est-à-dire que les dispositions de la convention soient à l'avantage à la fois des employeurs et des employés intéressés pris dans leur ensemble;

2) que les dispositions de la convention tiennent compte des conditions économiques particulières aux diverses régions de la province et de la concurrence extra-provinciale ou étrangère.

Le décret déclenche l'extension juridique de la convention collective laquelle désormais s'applique à tous les employeurs et à tous les employés qui tombent sous sa juridiction professionnelle et territoriale, qu'ils aient été partie ou non partie à ladite convention. — (à suivre)

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