

Gouvernement du Québec

O.C. 1451-2024, 25 September 2024

Act respecting collective agreement decrees
(chapter D-2)

Internal regulation of the Comité paritaire des agents de sécurité

Internal regulation of the Comité paritaire des agents de sécurité

WHEREAS, under the first paragraph of section 18 of the Act respecting collective agreement decrees (chapter D-2), the Comité paritaire des agents de sécurité is to adopt regulations for its formation, the number of its members, their admission, their replacing, the appointing of substitutes and the administration of funds; fix its head office; determine the name under which it is to be designated and, generally, draw up regulations for its internal management and the exercise of the rights conferred upon it by law;

WHEREAS, under the first paragraph of section 19 of the Act, the regulations contemplated in section 18 of the Act are to be transmitted to the Minister of Labour and are approved, with or without amendment by the Government; and notice of such approval is to be published in the *Gazette officielle du Québec*;

WHEREAS, under subparagraph 1 of the second paragraph of section 22 of the Act, from the mere fact of its formation, the committee may, as of right, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the board of directors of the committee adopted the Internal regulation of the Comité paritaire des agents de sécurité at its sitting of 19 June 2024;

WHEREAS it is expedient to approve the Internal regulation of the Comité paritaire des agents de sécurité with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Internal regulation of the Comité paritaire des agents de sécurité, attached to this Order in Council, be approved.

DOMINIQUE SAVOIE
Clerk of the Conseil exécutif

Internal regulation of the Comité paritaire des agents de sécurité

Act respecting collective agreement decrees
(chapter D-2, s. 18, 1st par. and s. 22, 2nd par., subpar. 1).

DIVISION I SCOPE

1. Application — This Regulation applies to contracting parties of the Comité paritaire des agents de sécurité, to members of the board of directors of the parity committee, and to employees and, if applicable, to consultants of the parity committee.

This Regulation supplements the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17). Where this Regulation is in conflict with or its meaning is unclear in relation to the provisions of the General Regulation, the General Regulation takes precedence.

DIVISION II ESTABLISHMENT AND MISSION OF THE PARITY COMMITTEE

2. Name — The parity committee is designated under the name “Comité paritaire des agents de sécurité”.

In this Regulation, it is designated under the name “parity committee”.

3. Head office — The head office of the parity committee is located at 7450, boulevard des Galeries d’Anjou, bureau 490, Montréal.

4. Mission — The parity committee oversees the application of and ascertains compliance with the Decree respecting security guards (chapter D-2, r. 1), in accordance with the Act respecting collective agreement decrees (chapter D-2), in addition to promoting it. For that purpose, the parity committee must, in particular,

(1) advise and inform the employees and professional employers of the conditions of employment determined in the Decree;

(2) exercise all recourses arising out of the Decree or the Act respecting collective agreement decrees in favour of employees; and

(3) hear and consider written complaints relating to the Decree from professional employers and employees.

DIVISION III BOARD OF DIRECTORS OF THE PARITY COMMITTEE

§1. *Composition and appointment of the members of the board of directors*

5. Composition and appointment — The parity committee is administered by a board of directors consisting of 12 members appointed by the contracting parties in the following manner:

(1) for the employer contracting party,

(a) 6 members from the Association provinciale des agences de sécurité (A.P.A.S.);

(2) for the union contracting party,

(a) 6 members from the Syndicat des Métallos, section locale 8922 (FTQ).

6. Appointment of a substitute — Each contracting party may appoint one or more substitutes to sit if a member appointed by the contracting party is absent or unable to act. Substitutes have the same rights and privileges as the member they replace.

An illness, a family or professional obligation, a personal leave or a conflict of interest constitute grounds for an absence or inability to act.

7. Attestation and documents — Upon taking office, a member or substitute must send the secretary of the board of directors a document attesting to their appointment, signed by a person authorized by the contracting party that appointed the member or substitute. The secretary gives the member or substitute the documents required to acquire the basic knowledge necessary to exercise their functions.

8. Duration of the term — The members of the board of directors are appointed for a term of 1 year, which is renewable, consecutively or not, for the same duration. The total duration of the terms must not exceed 12 years.

At the end of their term, the members remain in office until they are replaced or re-appointed.

9. Replacement — A vacancy on the board of directors is filled in the manner set out for the appointment of the member to be replaced, for the remainder of the term.

Despite section 8, where a member is appointed to sit on the board of directors in consideration of the position the member occupies within a contracting party and the member is removed from office, the member is replaced by a successor for the remainder of the term.

The secretary of the board of directors informs the contracting parties in writing when a member is replaced.

10. Absence — Where a member is absent from a regular meeting, the member is replaced by a substitute appointed by the contracting party the member represents. The contracting party immediately informs the secretary in writing so that the secretary can send the notice of convocation to the substitute. Where a member is absent from 3 consecutive regular meetings or resigns, the member's office becomes vacant by operation of law and the secretary immediately notifies in writing the contracting party that appointed the member.

11. Failure to comply — Where a member of the board of directors fails to comply with one or more organizational value of the parity committee or fails to fulfil his or her commitments, duties or responsibilities, the procedure provided for in section 2 of Schedule 3 to the code of ethics and conduct of the directors of the parity committee applies.

12. Vacancy — A vacancy on the board of directors is filled by the contracting party concerned before the next regular meeting is held.

13. Election of a chair and vice-chair — The board of directors elects, from among its members, 1 chair and 1 vice-chair. Where the chair is a representative of the employer, the vice-chair is a representative of the employees, and vice versa. The chair and vice-chair are elected each year on an alternating basis by the members of the contracting party they represent.

§2. *Meetings of the board of directors*

14. Regular meeting — A regular meeting must be held at least every 2 months.

15. Special meeting — A special meeting may be convened by the board of directors in regular meeting or by the chair alone or, in the absence of the chair, by the vice-chair. The secretary must also convene such a meeting upon the written request of at least 4 members of the board of directors, including at least 2 members from each of the contracting parties.

16. Annual meeting — The board of directors holds an annual meeting in April of each year.

At that meeting, the board of directors elects the chair and vice-chair and designates an independent auditor to prepare the financial statements of the parity committee.

17. Chairing of meetings — Meetings are chaired by the chair or, in the absence of the chair, the vice-chair. If the chair and the vice-chair are unable to act, the board of directors designates, at the beginning of each meeting, a member to chair the meeting.

18. Place of meetings — Meetings of the board of directors are held at the head office of the parity committee or elsewhere in Québec if a resolution to that effect is adopted at the previous meeting.

The members of the board of directors may, however, if they all agree, participate in a meeting using technological means allowing all participants to immediately communicate with each other.

19. Notice of convocation — At least 10 working days before a meeting is held, a written notice of convocation indicating the date, time and place of the meeting and, if applicable, the technological means for participating in the meeting, as well as an agenda, are sent to each member of the board of directors. The documents relating to the subjects on the agenda are sent to the members of the board of directors as soon as possible following the sending of the notice of convocation.

The members of the board of directors may waive a notice of convocation to a meeting or derogate from the formalities and time limits for the convocation. The mere presence of the members is equivalent to a waiver of the notice of convocation unless they are attending to object that the meeting was not regularly convened.

20. Regulation — A resolution concerning the adoption, amendment or repeal of a regulation may be adopted only at a regular or special meeting convened for that purpose.

Every regulation or amendment to a regulation that the board of directors wishes to submit to the Minister for government approval is sent to the secretary and bears the signature of at least 4 members of the board of directors, including at least 2 members from each of the contracting parties.

21. Quorum — The quorum at meetings of the board of directors is 6 members, including at least 3 members from each of the contracting parties.

22. Vote — At meetings, decisions are taken by a majority vote of the members present, including the chair. In the case of a tie vote, the chair has a casting vote.

Every member present is required to vote or express their opinion for the purpose of making a decision.

A member of the board of directors who has a direct or indirect interest in an undertaking with which the parity committee has business connections or intends to have business connections must disclose that interest to the chair. The chair of the meeting must decide whether the member is in a situation of conflict of interest and, where applicable, direct the member to abstain from voting on the issue declared and withdraw from the meeting for the duration of the discussion or vote on the issue.

23. Subcommittee — The board of directors may, by resolution, establish a subcommittee or subcommittees to contribute to the carrying out of its administrative responsibilities.

The provisions of sections 18 and 19 apply to the meetings of a subcommittee.

24. Conduct — The meetings of the committee and subcommittees are held in camera.

Only members of the board of directors are admitted to the meetings, unless a written invitation is issued by the chair, vice-chair or secretary. Such invitations must be approved beforehand by the members.

25. Procedure for meetings — Unless otherwise provided by a regulation of the parity committee, the Code de procédure des assemblées délibérantes de Victor Morin applies during regular meetings, special meetings and annual meetings of the board of directors.

DIVISION IV

APPOINTMENT AND FUNCTIONS OF CERTAIN EMPLOYEES OF THE PARITY COMMITTEE

26. Appointment of a secretary and a general manager — The general manager is an employee of the parity committee. The board of directors appoints a general manager and a secretary whose functions are provided for in sections 27 and 28. A person may exercise both functions. The board of directors may also appoint an assistant general manager or assistant general managers whose duties are set out by a resolution of the board of directors.

The conditions of employment and the undertaking of the general manager, the assistant general managers and the secretary are determined by a written contract and ratified at a meeting of the board of directors.

The general manager or every other person having the administration of the parity committee's funds must give security in the form of an insurance policy approved beforehand by the Minister. The insurance premium is paid by the parity committee.

27. Functions of the general manager — The general manager manages and administers the day-to-day affairs of the parity committee in compliance with the applicable rules of law, the orientations of the board of directors and sound and prudent management practices.

Subject to section 26, the general manager must exercise his or her functions on a full-time basis.

In addition to the functions provided for in sections 27 to 30 of the General Regulation to govern the regulations of a parity committee (chapter D-2, r. 17), the functions of a general manager consist in

(1) supervising personnel members of the parity committee, including hiring, suspending or dismissing any personnel member in accordance with the directives of the board of directors;

(2) being the custodian of the books, archives and other documents of the parity committee and keeping them at the head office of the parity committee in accordance with the directives of the board of directors or until a court, the Minister or an officer authorized by the Minister orders the parity committee to divest itself of them or destroy them;

(3) attending the meetings of the board of directors and the subcommittees and carrying out the decisions made at the meetings;

(4) seeing to the preparation of the reports, statistics and financial statements requested by the members of the board of directors or the Minister in accordance with the Act respecting collective agreement decrees (chapter D-2) and the Decree;

(5) collecting money from the parity committee, depositing it in a banking institution, a financial services cooperative within the meaning of the Act respecting financial services cooperatives (chapter C-67.3) or an authorized financial institution under the Trust Companies and Savings Companies Act (chapter S-29.02) designated by the board of directors, and disposing of those sums in accordance with the directives of the board of directors;

(6) maintaining the accounting records of the parity committee, in particular

(a) any sum of money received and disbursed by the parity committee, itemized and with vouchers;

(b) the assets and liabilities of the parity committee;

(c) any other transaction affecting the financial situation of the parity committee;

(7) developing, upon the request of the board of directors, the strategic orientations and governance rules of the parity committee, in particular a strategic plan, a statement of services, a code of ethics and conduct applicable to members of the board of directors and another applicable to the employees of the board of directors, a policy for processing complaints and a policy for the review of decisions, as well as any other policy considered useful for the proper functioning of the parity committee;

(8) preparing applications to amend the regulations of the parity committee and the Decree, with the related documents, including draft decrees and draft regulations, and sending them to the Minister;

(9) proposing solutions to the board of directors to improve the functioning of the parity committee and implementing work methods and computer systems to increase the administrative efficiency of the parity committee;

(10) handling the parity committee's relations with the Government and, more particularly, with the Minister or the person designated by the Minister;

(11) ensuring that the documents and information provided for in the General Regulation to govern the regulations of a parity committee are published on the website of the parity committee.

28. Functions of the secretary — The functions of the secretary are as follows:

(1) convening and preparing the agenda for meetings of the board of directors and the subcommittees, in accordance with the directives of the chair and the general manager;

(2) attending the meetings of the board of directors and the subcommittees and drawing up the minutes of the discussions and decisions;

(3) acting as custodian of the seal of the parity committee and certifying any extract or true copy of the minute book of the board of directors.

DIVISION V DELEGATION OF AUTHORITY AND SIGNATURES

29. Vacancy of the general manager position — If the general manager is absent or unable to act, the chair of the board of directors assumes the functions of the general manager and informs the Minister of the situation without delay. The same applies if the general manager is replaced. The board of directors then appoints a new general manager as soon as possible.

30. Bank bills — The payment orders of the parity committee are signed by the chair and the general manager. If the chair or the general manager is unable to act, the vice-chair or another member designated by the board of directors is authorized to sign the orders in their place.

The receipts and bank bills relating to every payment made by the parity committee are kept at the head office of the parity committee and must be produced for auditing and inspection purposes.

31. Approval of accounts — Unless otherwise provided by another regulation, every payment made outside the normal course of operation of the parity committee must have the prior approval of the board of directors.

32. Signing of contracts — Contracts concerning current expenses already approved during the presentation of budgetary estimates are approved and signed by the general manager. Other contracts are approved by the board of directors and signed by the chair and the general manager. If the chair or the general manager is unable to act, the vice-chair is authorized to sign in their place.

DIVISION VI

ATTENDANCE ALLOWANCE AND TRAVELLING EXPENSES

33. Attendance allowance — The parity committee pays an attendance allowance of \$200 per day to its members after they participate in a meeting of the board of directors or one of its subcommittees.

The total amount of allowances paid to a member may not exceed \$5,000 per year.

34. Travelling expenses — The parity committee reimburses the actual travelling expenses incurred by its members to participate in person in a meeting of the board of directors or one of its subcommittees.

The actual travelling expenses are composed of the costs for transportation, meals and accommodation and are reimbursed on presentation of vouchers and in accordance with the Directive sur les frais remboursables lors d'un déplacement et autres frais inhérents (C.T. 194603, 2000-03-30).

No expenses are reimbursed for the virtual participation of a member in a meeting of the board of directors or one of its subcommittees.

DIVISION VII

MISCELLANEOUS AND FINAL

35. Fiscal year — The fiscal year of the parity committee ends on 31 December each year.

36. Insurance — The parity committee must hold one or more insurance policies to cover its civil liability and that of the directors and officers of the parity committee.

If the committee does not hold insurance coverage in force for directors and officers, except where there has been a gross fault, the committee must take up the defence of and indemnify every director or officer who is liable for an error or omission in the exercise of their functions and, consequently, renounce any claim against the director or officer in that regard.

37. Replacement — This Regulation replaces the Regulation respecting the constitution of the Comité paritaire des agents de sécurité in the Montréal region, approved by Order in Council 2102-81 dated 22 July 1981, the notice of adoption of which was published in the *Gazette officielle du Québec* of 19 August 1981, and the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire des agents de sécurité, approved by Order in Council 798-2003 dated 16 July 2003, and subsequent amendments.

38. Coming into force — This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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