|  |  |
| --- | --- |
| SECTION 1: IDENTIFICATION OF THE PARTIES | |
| COMPLAINANT | ASSOCIATION OF EMPLOYEES |
| Mr.  Ms. Name: | Name: |
| Address: | Address: |
| City or town: | City or town: |
| Postal code: | Postal code: |
| Telephone: | Telephone: |
| Fax: | Fax: |
| Email: | Email: |
| EMPLOYER | ADDITIONAL INFORMATION |
| Name: |  |
| Address: |  |
| City or town: |
| Postal code: |
| Telephone: |
| Fax: |
| Email: |

**COMPLAINT AGAINST AN ASSOCIATION OF EMPLOYEES**

**Section 27 of the *Act respecting labour relations, vocational training   
and workforce management in the construction industry*, CQLR, c. R-20**

**Sections 47.2 *et seq.* of the *Labour Code*, CQLR, c. C-27**

|  |
| --- |
| **SECTION 2: BREACH OF DUTY** |
| 1. When did the certified association act in bad faith, in an arbitrary or discriminatory manner, or show serious negligence in your respect?   **(year/month/day)**   1. When did you become aware of the situation?   **(year/month/day)**   1. Was a grievance filed in relation to the facts presented in this complaint?  **YES**  **NO** **If so, when?**   Please attach a copy of the grievance and the arbitration decision (as applicable).  **(year/month/day)** |

|  |
| --- |
| **SECTION 3: DESCRIPTION OF THE FACTS** |
| Describe in detail the facts supporting your complaint. |
|  |

If necessary, continue the description on a blank sheet and attach it to this form.

|  |
| --- |
| **SECTION 4: SOLUTION SOUGHT** |
| Provide a brief description of the remedial measure that you are seeking. |
|  |

|  |
| --- |
| **SECTION 5: SIGNATURE AND DATE** |
| **Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date : \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** |

**🡺 You must send copies of your complaint and all the related documents to the certified association and the employer. Please use a means that provides proof of transmission.**

|  |  |  |
| --- | --- | --- |
| **SUBMIT TO AN OFFICE OF THE TRIBUNAL** | | |
| Tribunal administratifdu travail  900, boul. René-Lévesque Est, 5e étage  **Québec** (Québec) G1R 6C9  Telephone: 418 643-3208  Toll-free: 1 800 361-9593  Fax: 418 643-8946  Email: [tat.quebec.vprt@tat.gouv.qc.ca](mailto:tat.quebec.vprt@tat.gouv.qc.ca)  Website: [www.tat.gouv.qc.ca](http://www.tat.gouv.qc.ca) | **Proof of receipt**  (Please leave this space blank.) | Tribunal administratifdu travail  500, boul. René-Lévesque Ouest,  Bureau 18.200  **Montréal** (Québec) H2Z 1W7  Téléphone : 514 873-7188  Toll-free : 1 800 361-9593  Fax: 514 873-3112  Email: [tat.montreal.vprt@tat.gouv.qc.ca](mailto:tat.montreal.vprt@tat.gouv.qc.ca)  Website: [www.tat.gouv.qc.ca](http://www.tat.gouv.qc.ca) |

**LEGISLATION**

**Act respecting labour relations, vocational training and workforce management in the construction industry**

**27.**  The conditions of employment of the employees in the construction industry shall be governed by collective agreement.

No association of employees in the construction industry shall be certified under sections 21 to 47.6 of the Labour Code ([chapter C-27](http://legisquebec.gouv.qc.ca/en/showDoc/cs/C-27?&digest=)) or make a collective agreement under the said Code.

However, section 47.2 of the Code applies to such an association, with the necessary modifications. An employee who believes that the association that represents the employee has contravened that section may, within six months, file a complaint with the Administrative Labour Tribunal and request that it exercise the powers granted under section 47.5 of that Code. In addition to the powers entrusted to it by that Code and the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Tribunal may allow an employee to elect a new representative association within 30 days of the Commission’s decision, in accordance with the procedure established by regulation under section 35.2 of this Act.

**Labour Code**

* 1. 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.

**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.

**INSTRUCTIONS**

**When to file a complaint**

From the time you become aware that the certified association failed in its duty to represent you, **you have six months** to file a complaint under section 47.2 of the *Labour Code*.

**How to fill out the form**

You must fill out **all the sections** of the form. You must also sign and date it (Section 5), and enclose all relevant documents (disciplinary notices, letter of dismissal, copy of the grievance, arbitration decision, etc.).

**How to submit the form**

Submit your complaint to the Tribunal through our “Dépôt d’un acte introductif” online service (in French only), available at [www.tat.gouv.qc.ca](http://www.tat.gouv.qc.ca), or by fax, mail, in person or by email, at the address that corresponds to your region:

* [tat.quebec.vprt@tat.gouv.qc.ca](mailto:tat.quebec.vprt@tat.gouv.qc.ca): Capitale-Nationale, Chaudière-Appalaches, Bas-Saint-Laurent, Gaspésie–Îles-de-la-Madeleine, Côte-Nord, Saguenay–Lac-Saint-Jean, Mauricie, Centre-du-Québec, Estrie, Lanaudière;
* [tat.montreal.vprt@tat.gouv.qc.ca](mailto:tat.montreal.vprt@tat.gouv.qc.ca): Montréal, Laval, Laurentides, Abitibi-Témiscamingue, Outaouais, Montérégie, Nord-du-Québec.

You must then send copies of your complaint and all the related documents to the certified association and the employer.Be sure to use a means that provides proof of transmission (notification). **Once your contestation record is open**, you can submit additional documents to the Tribunal by email or through the “Dépôt de documents en ligne” online service (in French only) available on our website.