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Laws and Regulations

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Summary

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Regulations and other acts

M.O., 2005

Order number 2005-004 of the Minister of Health and Social Services dated 1 March 2005

An Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25)

Date of effect of sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors

WHEREAS the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (2003, c. 25) was assented to on 18 December 2003;

WHEREAS the Act introduces a union representation system applicable to associations of employees and institutions in the social affairs sector whose negotiation process is governed by the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (R.S.Q., c. R-8.2);

WHEREAS, under section 71 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors, the Minister determines by order the date on which sections 72 to 92 take effect for each institution indicated by the Minister;

WHEREAS by Orders of the Minister of Health and Social Services 2004-004 dated 25 February 2004, 2004-009 dated 20 July 2004, 2004-011 dated 20 August 2004, 2004-014 dated 19 October 2004, 2004-017 dated 30 November 2004 and 2004-018 dated 7 December 2004, sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors have taken effect for the institutions listed in the Orders;

WHEREAS it is expedient to determine the date of effect of sections 72 to 92 of the Act for certain other institutions;

THEREFORE, the Minister of Health and Social Services determines 14 March 2005 to be the date on which sections 72 to 92 of the Act respecting bargaining units in the social affairs sector and amending the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors take effect for the institutions listed below and 11 April 2005 for the following institutions: Centre de santé et de services sociaux de Verdun / Côte Saint-Paul, Saint-Henri et Pointe Saint-Charles and Centre de santé et de services sociaux de la Petite Patrie et Villeray :

Region 02 – Saguenay–Lac-Saint-Jean

Agence de développement de réseaux locaux de services de santé et de services sociaux du Saguenay–Lac-Saint-Jean

Region 03 – Capitale-Nationale

L'Hôpital Jeffery Hale

Agence de développement de réseaux locaux de services de santé et de services sociaux de la Capitale nationale

Region 04 – Mauricie et Centre-du-Québec

Agence de développement de réseaux locaux de services de santé et de services sociaux de la Mauricie et du Centre-du-Québec

Region 05 – Estrie

Institut universitaire de gériatrie de Sherbrooke

Region 06 – Montréal

Agence de développement de réseaux locaux de services de santé et de services sociaux de Montréal

Region 07 – Outaouais

Agence de développement de réseaux locaux de services de santé et de services sociaux de l'Outaouais

Region 10 – Nord-du-Québec

Centre régional de santé et de services sociaux de la Baie-James

Region 13 – Laval

Agence de développement de réseaux locaux de services de santé et de services sociaux de Laval

Region 14 – Lanaudière

Agence de développement de réseaux locaux de services de santé et de services sociaux de Lanaudière

Region 15 – Laurentides

Agence de développement de réseaux locaux de services de santé et de services sociaux des Laurentides

Region 16 – Montérégie

Centre de santé et de services sociaux Richelieu-Yamaska

Agence de développement de réseaux locaux de services de santé et de services sociaux de la Montérégie

PHILIPPE COUILLARD,
Minister of Health and Social Services

Draft Regulations

Draft Regulation

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry — Drummond and Mauricie — Amendments

Notice is hereby given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from certain contracting parties to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions, the text of which appears below, may be made by the Government on the expiry of the 45 days following this publication.

The purpose of this draft regulation is to render certain provisions of this Decree compatible with the major new provisions of the Act respecting Labour Standards and with those provisions amended by the Act to amend the Act respecting Labour Standards and other legislative provisions (2002, c. 80).

To that end, the draft regulation proposes to amend or introduce provisions concerning, notably, the definition of spouse, the weekly rest period, work attendance, holiday indemnities, the annual leave, family leaves and wage deductions. Also, the parties signatory to the application propose approximately a 9% increase in wage rates for the first year and approximately a 5% increase for each of the second and third years.

The consultation period shall serve to clarify the impact of the amendments proposed. According to the 2004 annual report of the Comité paritaire de l'industrie de l'automobile de la Mauricie, this Decree covers 543 employers, 229 artisans and 2 886 employees.

Further information may be obtained from Ms. Annie Harvey, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1, telephone: (418) 646-2446, Fax: (418) 528-0559, e-mail: annie.harvey@travail.gouv.qc.ca.

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of that period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JEAN-PAUL BEAULIEU,
Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions *

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. Section 1.01 of the Decree respecting the automotive services industry in the Drummond and Mauricie regions is amended by replacing paragraph 7 by the following:

“7. “spouses”: persons who:

- (a) are married or in a civil union and cohabiting;
- (b) being of opposite sex or the same sex, are living together in a de facto union and are the father and mother of the same child;
- (c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;”.

2. Section 3.04 is replaced by the following:

“**3.04.** An employee is deemed to be at work in the following situations:

1. subject to 3.03, during the time allocated for breaks granted by the employer;
2. when travel is required by the employer;

* The last amendments to the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) were made by the regulation made under Order in Council No. 892-2004 dated 22 September 2004 (2004, G.O. 2, 4289). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

3. during any trial period or training required by the employer.”.

3. Section 3.05 is amended by substituting the number “32” for the number “24”.

4. Section 6.02 is amended by substituting, in the first paragraph, the words “must not” for the words “must be credited with 60 days of service in the undertaking and not”.

5. Section 6.03 is replaced by the following:

“**6.03.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday.”.

6. Section 6.07 is revoked.

7. Section 7.06 is amended by replacing the second paragraph with the following:

“Notwithstanding the first paragraph, the employer may, at the request of the employee, permit the annual leave to be taken, in whole or in part, during the reference year.

Also, if at the end of the 12 months that follow the end of a reference year, the employee is absent owing to sickness or accident, or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not deferred, the employer must then pay the employee the annual leave indemnity to which he is entitled.

A period of employment insurance, sickness, or disability, interrupted by a leave taken in accordance with this section, continues, if such is the case, after the leave, as if it had not been interrupted.”.

8. Section 8.01 is amended:

1. by adding, in paragraph 2 after the word “wages”, the words “and one day of leave without pay”;

2. by substituting, in paragraph 3, the words “two days” for the words “one day”;

3. by substituting, in paragraph 4, the words “and three” for the words “and two”;

4. by substituting, in the first paragraph of paragraph 7, the words “the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy” for the words “the adoption of a child”;

5. by adding, at the end of the second paragraph of paragraph 7, the words “or, if such is the case, the termination of pregnancy;”;

6. by inserting, in paragraph 8, after the words “wedding day”, the words “or day of his civil union”;

7. by inserting, in paragraph 9, after the words “wedding day”, the words “or day of the civil union”.

9. Section 9.01 is replaced by the following:

“**9.01.** The minimum hourly wage rates are the following:

Trades	As of <i>(insert here the date of the coming into force of this Decree)</i>	As of 1 January 2006	As of 1 January 2007
1. Clerk’s helper:			
Grade 1	\$8.85	\$9.29	\$9.75
Grade 2	\$9.51	\$9.98	\$10.47
Grade 3	\$10.23	\$10.74	\$11.27
Grade 4	\$10.89	\$11.43	\$12.00;
2. Apprentice:			
1st year	\$9.07	\$9.52	\$9.99
2nd year	\$9.68	\$10.16	\$10.66
3rd year	\$10.23	\$10.74	\$11.27
4th year	\$10.78	\$11.31	\$11.87;
3. Journeyman:			
A	\$16.99	\$17.83	\$18.72
B	\$14.74	\$15.47	\$16.24
C	\$13.64	\$14.32	\$15.03;
4. Parts clerk:			
Grade 1	\$8.85	\$9.29	\$9.75
Grade 2	\$9.51	\$9.98	\$10.47
Grade 3	\$10.23	\$10.74	\$11.27
Grade 4	\$10.89	\$11.43	\$12.00
Grade 5	\$11.60	\$12.18	\$12.78
Grade 6	\$12.26	\$12.87	\$13.51
Grade 7	\$12.92	\$13.56	\$14.23;

Trades	As of (insert here the date of the coming into force of this Decree)	As of 1 January 2006	As of 1 January 2007
5. Messenger:	\$8.30	\$8.71	\$9.14;
6. Dismantler:			
Grade 1	\$9.07	\$9.52	\$9.99
Grade 2	\$9.68	\$10.16	\$10.66
Grade 3	\$10.50	\$11.02	\$11.57;
7. Washer:	\$8.19	\$8.59	\$9.01;
8. Semiskilled worker:			
Grade 1	\$9.68	\$10.16	\$10.66
Grade 2	\$10.50	\$11.02	\$11.57
Grade 3	\$11.33	\$11.89	\$12.48;
9. Pump attendant:	\$8.19	\$8.59	\$9.01;
10. Service attendant:			
Grade 1	\$8.80	\$9.24	\$9.70
Grade 2	\$9.35	\$9.81	\$10.30
Grade 3	\$9.95	\$10.44	\$10.96
Grade 4	\$10.50	\$11.02	\$11.57
Grade 5	\$11.05	\$11.60	\$12.18.”.

10. Section 9.07 is replaced by the following :

“**9.07.** An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may also make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.”.

11. Section 11.01 is replaced by the following :

“**11.01.** Where an employer requires the employee to wear special clothing, the employer cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, he cannot oblige an employee to pay for special clothing that identifies him as being an employee of the establishment.”.

12. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Decisions

Decision

An Act respecting school elections
(R.S.Q., c. E-2.3)

Chief electoral officer — Holding of a by-election in the Marguerite-Bourgeoys School Board

Decision of the chief electoral officer pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, concerning the holding of a by-election in the Marguerite-Bourgeoys School Board

WHEREAS a by-election is to be held on March 20, 2005, in electoral division number 11 of the Marguerite-Bourgeoys School Board in accordance with sections 191 and 200 of the Act respecting school elections (R.S.Q., c. E-2.3);

WHEREAS the second paragraph of section 200 of the Act respecting school elections provides that the provisions of Chapters IV to XII of the said Act shall apply to by-elections;

WHEREAS some of the said provisions have been adapted by means of special decisions of the chief electoral officer made on October 3, 2003, pursuant to section 30.8 of the Act respecting school elections, concerning the power to swear in election staff, acceptance of nominations by an assistant to the returning officer, the ballot, the poll book and the statement of votes;

WHEREAS it is necessary for these special decisions to apply to the by-election in the Marguerite-Bourgeoys School Board;

WHEREAS section 30.8 of the Act respecting school elections allows the chief electoral officer to adapt a provision of the Act where it comes to his attention that, subsequent to an error or an exceptional circumstance, the provision does not meet the demands of the resultant situation;

WHEREAS the chief electoral officer has first informed the Minister of Education of the decision he intends to make;

The chief electoral officer, pursuant to the powers conferred upon him by section 30.8 of the Act respecting school elections, has decided to adapt the provisions of the Act respecting school elections as follows:

— The following decisions made by the chief electoral officer during the election period ending on November 16, 2003, shall apply, adapted as required, to the by-election in the Marguerite-Bourgeoys School Board:

– Decision of October 3, 2003 concerning the power of election officers to administer oaths;

– Decision of October 3, 2003 concerning the ballot paper, the poll book and the statement of votes.

This decision has been in force from the time the returning officer of the Marguerite-Bourgeoys School Board first took action in respect of the by-election to which it applies.

February 22, 2005

MARCEL BLANCHET,
*Chief Electoral Officer and Chairman
of the Commission de la représentation électorale*

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Abbreviations : **A** : Abrogated, **N** : New, **M** : Modified

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