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**Part**

**2**

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**Laws and Regulations**

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**Summary**

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### Contents

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- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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## Regulations and other Acts

### M.O., 2011

**Order number 2011-01 of the Minister of Transport dated 27 January 2011 to amend the Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales\***

Highway Safety Code  
(R.S.Q., c. C-24.2)

THE MINISTER OF TRANSPORT,

CONSIDERING section 467 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that the axle load and the total loaded mass of a road vehicle or combination of road vehicles are determined by means of devices designed for that purpose, approved by the Minister of Transport and used in the manner the Minister determines.

ORDERS AS FOLLOWS:

1. Schedule I.1 to the Order of the Minister of Transport dated 22 May 1990 respecting the approval of weigh scales is amended by inserting “Ville-Marie: 85025-101-Nord” after “Saguenay: 94050-175-Nord”.

2. Schedule II is amended by striking out “Ville-Marie: 85025-101-Nord”.

3. Schedule III is amended by inserting “Laterrière: 94068-175-Sud” after “Deauville: 43035-112-Est”, “Lochaber: 80060-050-Est” after “Lochaber: 80055-148-Ouest”, and “Stoneham: 22035-175-Nord” after “Saint-Nicolas: 25213-020-Ouest”.

4. This Order takes effect on the date of its signature.

SAM HAMAD,  
*Minister of Transport*

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\* The Order of the Minister of Transport dated 22 May 1990 respecting weigh scales, made by M.O. 90-05-22 dated 22 May 1990 (1990, *G.O.* 2, 1423), was last amended by M.O. 2010-09 dated 7 July 2010 (2010, *G.O.* 2, 2259). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.

### M.O., 2011

**Order number AM 2011-001 of the Minister of Labour dated 26 January 2011**

Pay Equity Act  
(R.S.Q., c. E-12.001)

CONCERNING the Regulation respecting the report on pay equity

THE MINISTER OF LABOUR,

CONSIDERING section 4 of the Pay Equity Act (R.S.Q., c. E-12.001) which provides that the Minister of Labour makes a regulation to determine the cases in which and the conditions subject to which an employer must submit a report on the implementation of the Pay Equity Act in the employer’s enterprise;

CONSIDERING that, in accordance with what is provided in that section, the Commission de l’équité salariale and the partners advisory committee were consulted before such a regulation was made;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the report on pay equity was published in Part 2 of the *Gazette officielle du Québec* of 27 October 2010 with a notice that it could be made by Minister’s Order on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired;

CONSIDERING that it is expedient to make the Regulation without amendment;

ORDERS AS FOLLOWS:

The Regulation respecting the report on pay equity, attached to this Order, is hereby made.

Québec, 26 January 2011

LISE THÉRIAULT,  
*Minister of Labour*

## Regulation respecting the report on pay equity

Pay Equity Act  
(R.S.Q., c. E-12.001, s. 4)

**1.** The following employers are subject to the obligation to submit a report on pay equity:

(1) an employer registered under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) which, under that Act, is subject to the obligation to file an annual declaration for the current year and declared 6 employees or more in its previous annual declaration or in any other document standing in lieu of the last annual updating under that Act;

(2) the Conseil du trésor, as an employer deemed to be the employer in the public service enterprise and the parapublic sector enterprise under section 3 of the Pay Equity Act (R.S.Q., c. E-12.001);

(3) an employer registered in the central database of public bodies and corporations provided for by Order in Council 1870-93 dated 15 December 1993, except if the employer is in the public service enterprise or the parapublic sector enterprise;

(4) a group of employers recognized as the employer of a single enterprise by the Commission de l'équité salariale pursuant to section 12.1 of the Pay Equity Act;

(5) any employer registered under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons which, not having 6 employees or more or being exempt from the obligation to file an annual declaration, has already submitted a report on pay equity in which the employer declared that it was subject to the Pay Equity Act.

In this Regulation,

(1) "report on pay equity" means an employer's report on the implementation of the Pay Equity Act in the employer's enterprise, provided for in the second paragraph of section 4 of the Pay Equity Act;

(2) "annual declaration" means the declaration provided for in section 26 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons.

**2.** An employer referred to in subparagraph 1 or 5 of the first paragraph of section 1 is to submit a report on pay equity during the period applicable to the employer

for filing an annual declaration, provided for in section 24 of the Regulation respecting the application of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.R.Q., c. P-45, r. 1).

**3.** An employer referred to in paragraph 2, 3 or 4 of the first paragraph of section 1 is to submit its report on pay equity within 6 months of 1 March of each year.

**4.** The report on pay equity is submitted using the form prescribed by the Minister of Labour and includes an attestation to the accuracy of the information provided.

In addition to useful identification information, the report on pay equity contains the information required to determine whether the employer is subject to the Pay Equity Act and, where applicable, within what time limit the employer must complete any pay equity plan, determine compensation adjustments or conduct a pay equity audit. The report on pay equity of an employer required to submit it also contains

(1) the enterprise's sector of activity;

(2) an indication of whether all the pay equity plans or compensation adjustments required in the enterprise have actually been completed or determined and, if such is the case, the date of the last posting attesting to it; and

(3) an indication of whether all the pay equity audits required in the enterprise have actually been conducted and, if such is the case, the date of the last posting attesting to it.

**5.** This Regulation comes into force on 1 March 2011.

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## Draft Regulations

### Notice

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

#### Automotive services industry – Québec — Amendment

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 by the contracting parties to amend the Decree respecting the automotive services industry in the Québec region (R.R.Q., c. D-2, r. 11) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Decree to amend the Decree respecting the automotive services industry in the Québec region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly increases the minimum hourly rates of the various employment categories and amends various conditions of employment provided for in the Decree to bring them into conformity with the conditions of employment established under the Act respecting labour standards (R.S.Q., c. N-1.1).

The consultation period will specify the extent of the impacts of the amendments applied for. According to the 2009 annual report of the Comité paritaire de l'industrie des services automobiles de la région de Québec, 772 employers, 5,292 employees and 181 artisans are subject to the Decree.

Further information may be obtained by contacting:

Louis-Philippe Roussel  
Direction des politiques du travail  
Ministère du Travail  
200, chemin Sainte-Foy, 5<sup>e</sup> étage  
Québec (Québec) G1R 5S1  
Telephone: 418 644-2206  
Fax: 418 643-9454  
E-mail: louis-philippe.roussel@travail.gouv.qc.ca

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

### Decree to amend the Decree respecting automotive services industry in the Québec region

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

**1.** The Decree respecting automotive services industry in the Québec region (R.R.Q., c. D-2, r. 11) is amended in section 1.02

(1) by replacing “Association des ateliers de réparation d’automobiles du Québec (AARAQ) inc.” in subsection 1 by “La Corporation des ateliers de réparation d’automobiles du Québec”;

(2) by replacing “National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), local 1044” in subsection 2 by “La section locale 4511 du Syndicat national de l’automobile, de l’aérospatiale, du transport et des autres travailleurs et travailleuses”.

**2.** Section 3.01 is amended

(1) by inserting “, within the qualifying period established by the employer for payroll,” after “days” in paragraph 2;

(2) by inserting”, within the qualifying period established by the employer for payroll,” after “days” in paragraph 3.

**3.** Section 3.05 is revoked.

**4.** Section 3.06 is amended by replacing “24” by “32”.

**5.** The following is added after section 3.06:

**3.07.** An employee who is required to appear as a witness before a court or a quasi-judicial body in a case concerning his or her employer, other than a grievance or penal proceedings instituted by the parity committee, where the employee is not one of the interested parties has no reduction in wages for the period during which the employee's presence is required in court."

**6.** Section 5.02 is replaced by the following:

**5.02.** An employee is deemed to be at work

- (1) while available to the employer at the place of employment and required to wait for work to be assigned;
- (2) during the break periods granted by the employer;
- (3) when travel is required by the employer;
- (4) during any trial or training period required by the employer."

**7.** The following is added after section 5.02:

**5.03.** An employee may refuse to work more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest or, more than 12 working hours per 24-hour period if the employee's daily working hours are flexible or non-consecutive.

**5.04.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training."

**8.** Section 6.02 is replaced by the following:

**6.02.** To benefit from a statutory general holiday referred to in section 6.01, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday."

**9.** The following is inserted after section 6.03:

**6.03.1.** When a holiday falls on a day that is not a regular working day for the employee, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the 4 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 12 complete weeks of pay preceding the week of the holiday."

**10.** Section 6.07 is revoked.

**11.** Section 7.03 is amended by adding the following after the third paragraph:

"Such additional leave need not follow immediately a leave under the first paragraph and it may not be divided, or be replaced by a compensatory indemnity."

**12.** Section 7.06 is replaced by the following:

**7.06.** The annual leave must be taken within 12 months following the end of the reference year, except where a collective agreement allows it to be deferred until the following year.

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

In addition, if at the end of the 12 months following the end of a reference year, the employee is absent owing to sickness, accident or a criminal offence 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 so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled."

**13.** Section 8.04 is amended

(1) by replacing "on his wedding day" in the first paragraph by "on the day of his or her wedding or civil union";

(2) by replacing "on the wedding day of one of his children, of his father, mother, brother or sister or a child of his spouse" in the second paragraph by "on the day of the wedding or civil union of his or her child, father, mother, brother or sister or of a child of his or her spouse."

**14.** Section 8.05 is replaced by the following:

**8.05.** An employee may be absent from work for 5 days at the birth of the employee's child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first 2 days of absence must be remunerated if the employee is credited with 60 days of uninterrupted service.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.



The employee must advise the employer of his or her absence as soon as possible.”.

**15.** Section 8.06 is replaced by the following:

“**8.06.** An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the custody, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise the employer of his or her absence as soon as possible and take the reasonable steps within his or her power to limit the leave and the duration of the leave.”.

**16.** Section 8.07 is replaced by the following:

“**8.07.** In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), a pregnant employee is entitled to a maternity leave, an employee is entitled to a paternity leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.”.

**17.** The following sections are added after section 8.07:

“**8.08.** An employee may be absent from work without pay for a medical examination related to her pregnancy or for an examination related to her pregnancy carried out by a midwife.

The employee must advise her employer as soon as possible of the time at which she will be absent.

**8.09.** An employee credited with 3 months of uninterrupted service may be absent from work without pay for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

The employee must advise the employer of his or her absence as soon as possible, giving the reasons for it.

**8.10.** An employee’s participation in the group insurance and pension plans recognized in the employee’s place of employment must not be affected by the absence from work, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

**8.11.** At the end of the period of absence referred to in section 8.09, the employer must reinstate the employee in the employee’s former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer must recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph prevents an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause.

**8.12.** If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

**8.13.** Sections 8.09 to 8.12 do not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

**8.14.** An employee credited with 3 months of uninterrupted service may be absent from work for a period of not more than 12 weeks over a period of 12 months where the employee must stay with the employee’s child, spouse, the child of the employee’s spouse, the employee’s father, mother, the spouse of the employee’s father or mother, the employee’s brother, sister or one of the employee’s grandparents because of a serious illness or a serious accident.

The employee must advise the employer of his or her absence as soon as possible and provide the employer with a document justifying the employee’s absence, if the employer so requests.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which must end at the latest 104 weeks after the beginning of the absence. Section 8.10, the first paragraph of section 8.11 and sections 8.12 and 8.13 apply to the employee’s absence, adapted as required.

**8.15.** An employee is entitled to an extension of the period of absence under the first paragraph of section 8.14, which must end not later than 104 weeks after the beginning of that period, if the employee must stay with the employee's minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities.

**8.16.** In accordance with the provisions of the Act respecting labour standards, an employee may be absent from work

(1) if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position;

(2) if the employee's minor child has disappeared;

(3) if the employee's spouse or child commits suicide;

(4) if the death of the employee's spouse or child occurs during or results directly from a criminal offence;  
or

(5) if the employee is also a reservist of the Canadian Forces.”.

**18.** Section 9.01 is replaced by the following:

“**9.01.** The minimum hourly wage rates are as follows:

<b>Trades</b>	<b>As of</b> <i>(insert the date of coming into force of this Decree)</i>	<b>As of</b> <i>(insert the date that corresponds to 12 months following the date of coming into force of this Decree)</i>	<b>As of</b> <i>(insert the date that corresponds to 24 months following the date of coming into force of this Decree)</i>
<b>1. Journeyman*</b>			
Class A	\$21.10	\$21.63	\$22.17
Class A/B	\$19.25	\$19.73	\$20.22
Class B	\$18.60	\$19.07	\$19.54
Class C	\$16.55	\$16.96	\$17.39
<b>Apprentice</b>			
1st year	\$12.30	\$12.61	\$12.92
2nd year	\$13.08	\$13.41	\$13.74
3rd year	\$13.77	\$14.11	\$14.47
4th year	\$14.50	\$14.86	\$15.23
<b>2. Parts Clerk</b>			
Class A	\$15.39	\$15.77	\$16.17
Class A/B	\$14.92	\$15.29	\$15.68
Class B	\$14.47	\$14.83	\$15.20
Class C	\$14.03	\$14.38	\$14.74
<b>Apprentice</b>			
1st year	\$10.84	\$11.11	\$11.39
2nd year	\$11.52	\$11.81	\$12.10
3rd year	\$12.29	\$12.60	\$12.91
4th year	\$12.97	\$13.29	\$13.63
<b>3. Messenger</b>			
	\$10.00	\$10.25	\$10.51
<b>4. Dismantler</b>			
1st year	\$11.80	\$12.10	\$12.40
2nd year	\$12.40	\$12.71	\$13.03
After 2 years	\$13.00	\$13.33	\$13.66
<b>5. Washer</b>			
	\$10.00	\$10.25	\$10.51
<b>6. Pump Attendant</b>			
	Minimum wage		
<b>7. Service Attendant</b>			
1st year	\$11.00	\$11.28	\$11.56
2nd year	\$12.00	\$12.30	\$12.61
After 2 years	\$13.00	\$13.33	\$13.66
<b>8. Service Salesperson</b>			
1st year	\$11.95	\$12.25	\$12.55
2nd year	\$13.09	\$13.42	\$13.75
3rd year	\$14.29	\$14.65	\$15.01
4th year	\$15.40	\$15.79	\$16.18
5th year	\$15.71	\$16.10	\$16.50
After 5 years	\$16.03	\$16.43	\$16.84

\* The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, machinist, bodyworker, wheel aligner, automatic transmission specialist, painter, upholsterer and bodyman.”.

**19.** Section 9.07 is replaced by the following:

“**9.07.** No employer may make deductions from wages unless the employer 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 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 a supplemental pension plan. The employer must remit the sums so withheld to their intended receiver.”.

**20.** Section 13.01 is amended by replacing “2001”, wherever it appears, by “2013”.**21.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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**Notice**

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

**Installation of petroleum equipment  
— Amendment**

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 by the contracting parties to amend the Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft Decree to amend the Decree respecting the installation of petroleum equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the rate of contribution and deduction to the fringe benefits fund established under the Decree respecting the installation of petroleum equipment.

The consultation period will specify the extent of the impacts of the amendments applied for. According to the 2009 annual report of the Comité paritaire sur l’installation d’équipement pétrolier, 53 employers, 358 employees and 16 artisans are subject to the Decree.

Further information may be obtained by contacting

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Québec (Québec) G1R 5S1  
Telephone: 418 528-9738  
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Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

**Decree to amend the Decree respecting  
the installation of petroleum equipment**

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

**1.** The Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12) is amended by replacing “\$23.60” in section 11.02 by “\$33.60”.

**2.** Section 11.03 is amended by replacing “\$23.60” by “\$33.60”.

**3.** Section 11.04 is amended by replacing “\$0.59 as of 1 April 2004” in the second paragraph by “\$0.84”.

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

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

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Approval of weigh scales . . . . . (Highway Safety Code, R.S.Q., c. C-24.2)	561	N
Automotive services industry – Québec . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	563	Draft
Collective agreement decrees, An Act respecting... — Automotive services industry – Québec . . . . . (R.S.Q., c. D-2)	563	Draft
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Highway Safety Code — Approval of weigh scales . . . . . (R.S.Q., c. C-24.2)	561	N
Installation of petroleum equipment . . . . . (An Act respecting collective agreement decrees, R.S.Q., c. D-2)	568	Draft
Pay Equity Act — Report on pay equity . . . . . (R.S.Q., c. E-12.001)	561	N
Report on pay equity . . . . . (Pay Equity Act, R.S.Q., c. E-12.001)	561	N

