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Part

2

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Laws and Regulations

Volume 144

Summary

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- (2) proclamations of Acts;
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Coming into force of Acts

Gouvernement du Québec

O.C. 984-2012, 24 October 2012

**An Act to establish the Access to Justice Fund
(2012, c. 3)
— Coming into force of certain provisions
of the Act**

COMING INTO FORCE of certain provisions of the Act
to establish the Access to Justice Fund

WHEREAS the Act to establish the Access to Justice
Fund (2012, c. 3) was assented to on 5 April 2012;

WHEREAS section 7 of the Act provides that the Act
comes into force on 5 April 2012, except paragraph 2 of
section 32.0.3, enacted by section 1, and section 4,
which come into force at a later date determined by the
Government;

WHEREAS it is expedient to set 5 November 2012 as
the date of coming into force of paragraph 2 of sec-
tion 32.0.3, enacted by section 1, and section 4 of the
Act to establish the Access to Justice Fund;

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

THAT 5 November 2012 be set as the date of coming
into force of paragraph 2 of section 32.0.3, enacted by
section 1, and section 4 of the Act to establish the Access
to Justice Fund (2012, c. 3).

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

2285

Regulations and other Acts

Gouvernement du Québec

O.C. 988-2012, 24 October 2012

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

Building service employees – Québec

Decree to amend the Decree respecting building service employees in the Québec region

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting building service employees in the Québec region (c. D-2, r. 16);

WHEREAS, under section 6.1 of the Act, the contracting parties designated in the Decree have applied to the Minister of Labour for amendments to be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 23 May 2012 and, on the same date, in a French language newspaper and in an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS one comment has been received and it is not expedient to take it into consideration;

WHEREAS it is expedient to make the draft Decree with amendments;

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

THAT the Decree to amend the Decree respecting building service employees in the Québec region, attached hereto, be made.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting building service employees 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 building service employees in the Québec region (c. D-2, r. 16) is amended by striking out “, FTQ” and “and, Le Syndicat des travailleurs et travailleuses unis du Québec;” in the part preceding Division 1.00.

2. Section 1.01 is replaced by the following:

“**1.01.** In this Decree, unless the context requires otherwise, the following expressions mean:

(a) “crew leader”: the employee who, in addition to doing building service work, sees to the training and supervision of at least 3 employees;

(b) “spouses”: persons who

i. are married or in a civil union and cohabiting;

ii. 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; or

iii. are of opposite sex or the same sex and have been living together in a *de facto* union for 1 year or more;

(c) “public building”: a school, a vocational training centre and an adult education centre established by a school board, a college established under the General and Vocational Colleges Act (R.S.Q., c. C-29), an educational institution at the university level within the meaning of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1), a private educational establishment governed by the Act respecting private education (R.S.Q., c. E-9.1), an establishment within

the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2), an establishment housing a non-profit social and community organization, a day care centre, kindergarten, stop-over centre or a childcare centre within the meaning of the Educational Childcare Act (R.S.Q., c. S-4.1.1), a clinic, convalescent home, shelter or other establishments for the needy, a public library, cultural centre, museum, an exhibition hall, a heritage interpretation centre, a cinema, theatre, church, chapel, convent, club, bar, restaurant, cafeteria, a tavern, brasserie, hotel, motel, inn, conference hall, municipal hall, an exhibition, a fair, stands on race-courses or used for public or sporting amusements or other events, an arena, plant, industry, an office building, an office, a bank, a credit union, a store, a shopping centre, tunnel, station, airport, ship berth, railway terminal or car terminal, a house with several apartments or dwelling units, the common spaces in a condominium building, a public bath, a mall, a cabaret, a place where sporting events are held, a fun fair, a public meeting hall and any other place similar to one of the buildings mentioned in this paragraph or used as such;

(d) “probationary employee”: an employee who has not completed 320 hours of work in the service of his or her employer;

(e) “regular employee”: an employee who has completed 320 hours of work in the service of his or her employer;

(f) “maintenance work”: any work involving cleaning inside or outside of a public building;

(g) “Class A work”: heavy maintenance work such as washing walls, windows, ceilings, light fixtures, chalkboards, sweeping floors with a dust mop one metre or more in width, stripping, washing or treating floors, hose cleaning or cleaning with a pressure system or any other cleaning system, removing spots on floors with a wet mop that is more than 340.2 g (12 ounces) and a bucket that is more than 12 litres (2.6 imp. gallons), cleaning carpets and surfaces including equipment fixed to the ground, removing waste and the contents of recycling bins larger than 11.34 kg (25.15 lbs) and dusting areas not accessible from floor level;

(h) “Class B work”: any light maintenance work in areas accessible from floor level exclusively, such as dusting, cleaning offices, tables, chairs and other furniture, cleaning ashtrays and wastepaper baskets of 11.34 kg (25.15 lbs) or less, washing light fixtures and cleaning marks on walls and floors with a wet mop that is 340.2 g (12 ounces) or less and a bucket that is 12 litres (2.6 imp. gallons) or less, sweeping floors with a broom, a dust mop or a vacuum cleaner, washing glass partitions and doing light maintenance of washrooms;

(i) “Class C work: the washing of windows and interior and exterior surfaces requiring the employee to work above ground on a scaffold, bosun’s chair or to be held by safety belts inside or outside buildings;

(j) “continuous service”: an uninterrupted period during which an employee is bound to the employer by a work contract, even if the carrying out of the work has been interrupted without the contract being cancelled, and the period during which fixed-duration contracts follow one another without an interruption that would allow, given the circumstances, to conclude that the contract has been cancelled.”.

3. Section 3.01 is replaced by the following:

“**3.01.** The standard workweek is 40 hours excluding lunch time.”.

4. Section 3.02 is revoked.

5. Section 4.01 is replaced by the following:

“**4.01.** Hours worked in excess of the standard workweek constitute overtime hours and such hours are paid at time and a half.

For the purpose of computing overtime hours, the annual leave and statutory holidays are deemed to be work days.”.

6. Section 5.01 is replaced by the following:

“**5.01.** An employee receives at least the following hourly rate depending on the class of employment:

Class of employment	01/11/2012	01/11/2013	01/11/2014	01/11/2015	01/11/2016	01/11/2017	01/11/2018
A	\$15.04	\$15.53	\$16.04	\$16.56	\$17.10	\$17.61	\$18.14
B	\$14.73	\$15.21	\$15.71	\$16.22	\$16.74	\$17.25	\$17.76
C	\$15.46	\$15.96	\$16.48	\$17.02	\$17.57	\$18.10	\$18.64

7. Section 5.02 is replaced by the following:

“**5.02.** In addition to the hourly wage provided for the class of work to which he or she is assigned, the crew leader receives an hourly premium determined according to the number of employees under the crew leader’s responsibility on the same shift:

Number of employees	01/11/2012	01/11/2013	01/11/2014	01/11/2015	01/11/2016	01/11/2017	01/11/2018
3 to 5	\$0.51	\$0.52	\$0.53	\$0.54	\$0.55	\$0.56	\$0.57
From 6 to 11	\$0.77	\$0.78	\$0.80	\$0.81	\$0.83	\$0.84	\$0.86
12 or more	\$1.02	\$1.04	\$1.06	\$1.08	\$1.10	\$1.13	\$1.15

8. Section 5.04 is replaced by the following:

“**5.04.** Where the employee is paid by bank transfer, the pay slip referred to in section 5.05 is sent on the employee’s request by electronic mail. Failing that, the pay slip is mailed to the employee’s home or distributed on the work premises, provided that the pay slip is given to the employee in a sealed envelope so that the employee’s personal information is protected.”.

9. Section 6.02 is amended by replacing “completed 60 days of continuous service” by “worked 320 hours”.

10. Section 6.05 is replaced by the following:

“**6.05.** The indemnity for each general holiday with pay provided for in sections 6.02 and 6.03 is paid as follows:

(a) if the employee works more than 4 days a week: the indemnity is equal to the amount to which the employee would have been entitled had the employee worked on that day, or equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday excluding overtime hours, using the method that is the more advantageous to the employee;

(b) if the employee works 4 days a week or less: the indemnity is equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday excluding overtime hours.

An employee may renounce to take a general holiday if working on that general holiday does not entail a 50% increase in wages. Such renunciation must be in writing.”.

11. Section 6.06 is amended by replacing

(1) “60 days of continuous service” by “worked 320 hours”;

(2) paragraph *c* by the following:

“(c) the employee is absent for a valid reason.”.

12. Section 6.10 is amended by replacing “completed 60 days of continuous service” by “worked 320 hours”.

13. Section 6.12 is amended by replacing “completed 60 days of continuous service” by “worked 320 hours”.

14. Section 6.13 is amended by replacing “completed 60 days of continuous service” by “worked 320 hours”.

15. Section 6.14 is amended by replacing “completed 60 days of continuous service” by “worked 320 hours”.

16. Section 7.02 is amended by replacing “40 days of work with his employer” by “320 hours worked in the enterprise”.

17. Section 7.02.1 is amended by replacing “40 days or more of work with his employer” by “320 hours or more worked in the enterprise”.

18. Section 7.06 is replaced by the following:

“**7.06.** An employee entitled to more than 2 weeks of annual leave may, after having made a request in writing to the employer, give up that part of his or her leave which exceeds 2 weeks. In such case, the employee must receive his or her entire annual leave indemnity before leaving on vacation.”.

19. Section 7.07 is replaced by the following:

“**7.07.** Should an employee be absent owing to sickness or an accident or on maternity, paternity or parental leave during the qualifying period and should that absence result in the reduction of that employee’s annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to 2, 3 or 4 times the weekly average of the wage earned during the period worked. The employee referred to in section 7.02 whose annual leave is less than 2 weeks is entitled to that amount in proportion to the days of leave credited to the employee’s account.

Despite the first paragraph, the annual leave indemnity may not exceed the indemnity to which the employee would have been entitled if the employee had not been absent or on leave owing to a reason set out in the first paragraph.”.

20. Section 7.08 is replaced by the following:

“**7.08.** The annual leave indemnity is paid to an employee by bank transfer or by means of a separate cheque during the pay period before leaving on vacation.

An employee who divides his or her annual leave may, if he or she so wishes, receive by bank transfer or by means of a separate cheque, at the time of each elected period of leave, the remuneration to which the employee is entitled for the duration of each of those periods.”.

21. Section 8.01 is replaced by the following:

“**8.01.** The regular employee acquires a sick leave credit equal to 2.31% of the hours paid, including annual leave, holidays, sick leave and overtime hours, for each month of service with the employer. The sick leave hour credit is computed as a number of hours at the end of each month of service.”.

22. Section 8.03 is replaced by the following:

“**8.03.** On 31 October of each year, the employer determines the total sick leave hour credits of each employee.

The employer pays to the employee the amount in excess of 2% of the accumulated sick leave hour credits, not later than 10 December of each year, at the employee’s current hourly rate.

Sick leave hour credits that are not paid under the second paragraph are accumulated from year to year.”.

23. The following is inserted after section 8.03:

“**8.03.1.** The employer pays all the sick leave hour credits accumulated by an employee whose employment is terminated, except in the case of a resignation or dismissal.

Retirement may not be considered as a resignation.”.

24. Paragraph 3 of section 9.01 is replaced by the following:

“(3) The employer grants employees a paid 15-minute rest period after a period of work of 3 hours and 45 minutes and a second paid 15-minute rest period after a period of work of 6 hours and 45 minutes.

Periods of work are computed by day or by shift, using the method that is more advantageous to the employee.”.

25. Section 9.02 is replaced by the following:

“**9.02.** In the event of the death of the employee’s spouse, child or the child of the employee’s spouse, the employee may be absent from work for 5 working days with pay. The employee may also be absent for an additional period not exceeding one week on such occasion, but without pay.

If the death results from suicide or a criminal offence, the employee may benefit from the provisions of sections 79.11, 79.12 and 79.15 of the Act respecting labour standards (R.S.Q., c. N-1.1).”.

26. Section 9.03 is replaced by the following:

“**9.03.** In the event of the death of the following family members: mother, father, brother, sister; the employee may be absent from work for 3 days without reduction of wages. The employee may also be absent for 3 additional days on such occasion, but without pay.”.

27. Section 9.04 is replaced by the following:

“**9.04.** In the event of the death of the following family members: father-in-law, mother-in-law, sister-in-law, brother-in-law, grandfather, grandmother; the employee may be absent from work for 1 day without reduction of wages. The employee may also be absent for 3 additional days on such occasion, but without pay.”.

28. Section 9.05 is replaced by the following:

“**9.05.** An employee may be absent from work for 1 day without reduction of wages in the event of the death of a grandchild, a son-in-law or a daughter-in-law. The employee may also be absent for an additional day on such occasion, but without pay.”.

29. Section 9.06 is revoked:

30. Section 12.03 is replaced by the following:

“**12.03.** The employer pays the cost of safety shoes where the employer’s client requires that they be worn on the work premises, up to \$85 per year.

As of 1 November 2012, that amount is increased by \$2 on 1 November of each year until the expiry of the Decree.

Employees must store their shoes on the work premises.”.

31. Section 13.01 is replaced by the following:

“**13.01.** The Decree remains in force until 1 November 2018. It is then automatically renewed from year to year thereafter, unless the employer party or the union party opposes it by a written notice sent to the Minister of Labour and to any other contracting party during the month of July of the year 2018 or during the month of July of any subsequent year.”.

32. 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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