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**Summary**

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Regulation respecting the *Gazette officielle du Québec*, section 4

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## Regulations and other Acts

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Gouvernement du Québec

### O.C. 1102-2020, 21 October 2020

Professional Code  
(chapter C-26)

#### Lawyers

#### — Code of Professional Conduct of Lawyers — Amendment

Regulation to amend the Code of Professional Conduct of Lawyers

WHEREAS, under section 87 of the Professional Code (chapter C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, his clients and his profession, particularly the duty to discharge his professional obligations with integrity;

WHEREAS, in accordance with section 95.3 of the Professional Code, a draft of the Regulation to amend the Code of Professional Conduct of Lawyers was sent to every member of the Barreau du Québec at least 30 days before its adoption by the board of directors of the Barreau du Québec on 12 December 2019;

WHEREAS, according to section 95 of the Professional Code, subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Code of Professional Conduct of Lawyers was published in Part 2 of the *Gazette officielle du Québec* dated 4 March 2020, with a notice that it could be examined by the Office then submitted to the Government, which may approve it, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office examined the Regulation on 25 May 2020 and then submitted it to the Government with its recommendation;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Higher Education:

THAT the Regulation to amend the Code of Professional Conduct of Lawyers, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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### Regulation to amend the Code of Professional Conduct of Lawyers

Professional Code  
(chapter C-26, s. 87)

**1.** The Code of Professional Conduct of Lawyers (chapter B-1, r. 3.1) is amended in section 3 by inserting “the Professional Code (chapter C-26) or a person referred to in” after “and one other professional referred to in” in paragraph 2.

**2.** The following is inserted after section 4:

“**4.1.** When engaging in his professional activities, a lawyer refrains from any discrimination based on a ground mentioned in section 10 of the Charter of human rights and freedoms (chapter C-12) or from any form of harassment.”

**3.** The following is inserted after section 14:

“**14.1.** A lawyer must not under any circumstances participate in an act involving collusion, corruption, malfeasance, breach of trust or influence peddling.”

**4.** Section 21 is amended by adding the following paragraph at the end:

“For the purposes of the first paragraph, the knowledge and skills related to information technologies used within the scope of the lawyer’s professional activities are part of the knowledge and skills that a lawyer develops and keeps up to date.”

**5.** Section 37 is replaced by the following:

“37. A lawyer is honest and candid when communicating with clients or advising them.”

**6.** Section 88 is amended

(1) by striking out the first paragraph;

(2) by replacing the portion before subparagraph 1 of the second paragraph by the following:

“When the prohibition from acting provided for in section 87 applies, a lawyer from the same firm as the lawyer subject to that prohibition may act in a matter against the former client of that lawyer if that former client consents or if doing so is in the interests of justice, having regard to the following factors, in particular:”;

(3) by replacing “second” in the third paragraph by “first”.

**7.** Section 134 is amended by inserting “integrity,” after “his honesty,” in paragraph 6.

**8.** Section 139 is amended by replacing “under the Courts of Justice Act (chapter T-16) and the office of municipal judge” in paragraph 1 by “in the judiciary”.

**9.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104685

Gouvernement du Québec

**O.C. 1111-2020, 21 October 2020**

An Act respecting collective agreement decrees (chapter D-2)

**Automotive services industry  
– Drummond and Mauricie regions  
—Amendment**

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

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Drummond and the Mauricie regions (chapter D-2, r. 8);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, under the first paragraph of section 4 of the Act, the contracting parties sent an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions was published in Part 2 of the *Gazette officielle du Québec* of 2 July 2020 and in a French language newspaper and 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, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, 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 it is expedient to make the Decree with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

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

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

**1.** The Decree respecting the automotive services industry in the Drummond and the Mauricie regions (chapter D-2, r. 8) is amended in section 1.01

(1) by inserting the following after paragraph 12:

“(12.1) “relative”: the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children, and their children’s spouses. The following are also considered to be an employee’s relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;

(b) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;

(d) an incapable person having designated the employee or the employee’s spouse as mandatary;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person’s state of health;”;

(2) by striking out paragraph 13.

**2.** Section 3.01 is amended by striking out “and the pump attendant” in subparagraph 5.

**3.** Section 3.02.1 is amended

(1) by replacing “4” in paragraph 1 by “2”;

(2) by adding the following at the end:

“(3) if the employee was not informed at least 5 days in advance that the employee would be required to work, unless the nature of the duties requires the employee to remain available or that the employee’s services are required within the limits set out in paragraph 1.”.

**4.** Section 4.01 is amended

(1) by inserting the following after the first paragraph:

“Hours worked on a day other than a day in the standard workweek described in section 3.01 entail a premium of 50% of the hourly wage currently paid to the employee.”;

(2) by replacing “Notwithstanding the first paragraph” at the beginning of the second paragraph by “Notwithstanding the first and second paragraphs”.

**5.** Section 4.03 is amended by striking out “the pump attendant and for”.

**6.** Section 7.04 is amended by replacing “5” by “3”.

**7.** Section 8.04 is amended

(1) in the first paragraph

(a) by striking out “, without pay.”;

(b) by replacing “the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

(2) by inserting the following after the second paragraph:

“If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”;

(3) by adding the following paragraph at the end:

“The first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously.”.

**8.** Section 8.05 is amended by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position. In that case, the period of absence begins on the date on which the criminal offence was committed or, where applicable, at the expiry of the period provided for in the first paragraph, and ends not later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously. However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 8.04.”.

**9.** Section 8.06 is amended by replacing “in section 8.04” by “in sections 8.04 and 8.05”.

**10.** Section 8.07 is amended by replacing “for sickness or accident” in the first paragraph by “for a reason referred to in section 8.05”.

**11.** Section 8.10 is amended

(1) by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.

An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than the employee's minor child, or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.”;

(2) by replacing “Section 8.05, the first paragraph of section 8.06” in the last paragraph by “The fourth paragraph of section 8.05, section 8.06”.

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

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

Trades	As of 4 November 2020	As of 9 October 2021	As of 9 October 2022
<b>1 Apprentice</b>			
1st year	\$14.84	\$15.13	\$15.43
2nd year	\$15.14	\$15.44	\$15.75
3rd year	\$15.76	\$16.07	\$16.40
4th year	\$16.86	\$17.20	\$17.55
<b>2 Journeyman</b>			
A	\$23.13	\$23.59	\$24.06
B	\$21.38	\$21.81	\$22.25
C	\$19.55	\$19.94	\$20.34
<b>3 Parts clerk</b>			
Grade 1	\$13.73	\$14.10	\$14.60
Grade 2	\$14.45	\$14.74	\$15.00
Grade 3	\$15.22	\$15.52	\$15.83
Grade 4	\$16.06	\$16.38	\$16.71
Grade 5	\$16.49	\$16.82	\$17.16
Grade 6	\$17.53	\$17.88	\$18.24
Grade 7	\$18.06	\$18.42	\$18.80
<b>4 Messenger*</b>	—	—	—
<b>5 Dismantler</b>			
Grade 1	\$13.73	\$14.10	\$14.60
Grade 2	\$14.45	\$14.74	\$14.90
Grade 3	\$15.01	\$15.31	\$15.62
<b>6 Washer*</b>	—	—	—
<b>7 Semiskilled worker</b>			
Grade 1	\$14.62	\$14.91	\$15.21
Grade 2	\$15.88	\$16.20	\$16.52
Grade 3	\$17.12	\$17.46	\$17.81
<b>8 Pump attendant</b>	<i>Revoked</i>	<i>Revoked</i>	<i>Revoked</i>

Trades	As of 4 November 2020	As of 9 October 2021	As of 9 October 2022
<b>9 Service attendant</b>			
Grade 1	\$13.60	\$14.10	\$14.60
Grade 2	\$13.87	\$14.48	\$15.09
Grade 3	\$14.39	\$14.68	\$15.40
Grade 4	\$15.23	\$15.53	\$15.84
Grade 5	\$16.00	\$16.32	\$16.65

\* The wage is equal to the minimum wage provided for in section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25.”.

**13.** Section 9.02 is amended by replacing the first paragraph by the following:

“Wages must be paid in cash in a sealed envelope, by cheque, or by bank transfer, by Thursday at the latest.”.

**14.** Section 9.13 is amended by replacing “to other employees” by “to the employer’s other employees” and “for the sole reason that the employee” by “only because of the employee’s employment status, in particular because the employee”.

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



## Draft Regulations

### Notice

An Act respecting collective agreement decrees  
(chapter D-2)

#### **Solid waste removal — Montréal region — Amendment**

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application from the contracting parties to amend the Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting solid waste removal in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly amends the definition of “solid waste” to clarify the application of the Decree to products collected for the purposes of recovery or recycling and makes the Decree compliant with the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

The regulatory impact analysis shows that the amendments will not result in additional costs for the enterprises covered by the Decree.

Further information may be obtained by contacting Catherine Doucet, policy development advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 646-2555; fax: 418 643-9454; email: catherine.doucet@mtess.gouv.qc.ca.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Jean Boulet, Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,  
*Minister of Labour, Employment  
and Social Solidarity*

### **Decree to amend the Decree respecting solid waste removal in the Montréal region**

An Act respecting collective agreement decrees  
(chapter D-2, ss. 2, 4, 6 and 6.1)

**1.** The Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5) is amended in section 1.01

(1) by replacing paragraph 2 by the following:

“(2) “solid waste”: any waste product solid at 20 °C from industrial, commercial or agricultural activities, detritus, incineration and demolition residue, domestic garbage, rubbish, rubble and other trash solid at 20 °C; any product mentioned above that is collected for the purposes of recovery or recycling is also included.

Automobile bodies, soils and sands soaked with hydrocarbons, pesticides, explosive or spontaneously flammable products, pathological waste, manure, mining residues and radioactive waste, muds and solid residues from pulp and paper mills or from sawmills are excluded;”;

(2) by inserting the following after paragraph 11:

“(11.1) “relative”: the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children, and their children’s spouses. The following are also considered to be an employee’s relative for the purposes of this Decree:

(a) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;

(b) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;

(c) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;

(d) an incapable person having designated the employee or the employee’s spouse as mandatory;

(e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person's state of health;”.

**2.** The following is inserted after section 9.03:

“**9.03.1.** The employee referred to in section 9.03 is also entitled, where the employee so requests, to an additional annual leave without pay equal to the number of days required to increase his annual leave to 3 weeks.

Such additional leave need not follow immediately a leave under section 9.03 and it may not be divided, or be replaced by a compensatory indemnity.”.

**3.** Section 9.04 is amended

(1) by striking out “class A” before “employee”;

(2) by replacing “5” by “3”.

**4.** Section 10.01 is amended by replacing “of his consort, father, mother, child, brother or sister, or of the father or mother of his consort” by “of his spouse, father, mother, child or the child of his spouse, brother or sister, or the father or mother of his spouse”.

**5.** Section 10.04 is revoked.

**6.** Section 10.05 is amended by replacing “1 day” and “4” by “2 days” and “3”, respectively.

**7.** Section 10.10 is amended

(1) by striking out “if the employee has 60 days of continuous service” at the end of the first paragraph;

(2) by striking out the fourth paragraph.

**8.** The following is inserted after section 10.11:

“**10.12.** An employee may be absent from work 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 a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26).

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

If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.

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

The first 2 days taken annually are remunerated according to the calculation formula described in the first paragraph of section 8.05, with respect to class A employees, and according to the calculation formula described in the second paragraph of section 8.05, with respect to class B employees, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously.

**10.13.** The right provided for in the fifth paragraph of section 10.12 applies in the same manner to absences authorized according to section 79.1 of the Act respecting labour standards (chapter N-1.1). Despite the foregoing, the employer is not required to pay more than 2 days of absence in the same year where the employee is absent for any of the reasons provided for in section 79.1 of the Act respecting labour standards or section 10.12.”.

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

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

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