

carried on in various jurisdictions as prescribed in the Regulation respecting the Taxation Act does not comply with the manner of determining such business as prescribed in the Taxation Act (R.S.Q., c. I-3).

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

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Gouvernement du Québec

O.C. 527-96, 1 May 1996

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

Cartage

— Québec

— Amendments

Decree to amend the Decree respecting the cartage industry in the Québec region

WHEREAS the Government made the Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7);

WHEREAS in accordance with section 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government may amend a decree upon the recommendation of the Minister of Employment;

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of Labour for amendments to the Decree to be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the draft amending Decree was published in Part 2 of the *Gazette officielle du Québec* of 9 August 1995, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve that petition with amendments and for that purpose to make the Decree attached hereto;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached hereto, be made.

MICHEL CARPENTIER,

Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 8)

1. The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r. 7), amended by Orders in Council 86-82 dated 13 January 1982 (Suppl., p. 413), 1691-82 dated 7 July 1982 (Suppl., p. 416), 1000-84 dated 25 April 1984, 639-85 dated 27 March 1985, 1338-85 dated 26 June 1985, 1569-85 dated 31 July 1985, 552-89 dated 12 April 1989, 1193-89 dated 19 July 1989, 1115-91 dated 7 August 1991, 1393-91 dated 9 October 1991, 1394-91 dated 9 October 1991, 955-93 dated 30 June 1993 and 569-95 dated 26 April 1995, is further amended by substituting the following for section 1.01:

“**1.01.** In this Part, unless the context indicates otherwise, the following expressions mean:

(1) “helper”: employee who helps the driver in the supervision and handling of any loading or unloading, without driving the road vehicle, even occasionally;

(2) “labourer”: employee who performs the work covered by the professional jurisdiction of Part I of this Decree, excluding the work performed by employees governed by paragraphs 1 and 3 to 18;

(3) “assistant-mechanic”: employee who works under the constant supervision of a qualified mechanic;

(4) “driver”: employee who operates a road vehicle as defined in paragraph 20;

(5) “road-train driver”: driver of a combination of road vehicles consisting of a tractor, semi-trailers and any dollies;

(6) “truck driver”: driver of a road vehicle that has a net weight in excess of 3 000 kilograms, built exclusively to transport goods or permanently fixed equipment, or both;

(7) “tractor semi-trailer driver”: driver of a road vehicle equipped with a fifth wheel designed to pull a semi-trailer;

(8) “tank-truck driver”: driver of a tank truck;

(9) “tank-trailer driver”: driver of a tractor designed to pull a tank trailer;

(10) “float driver”: driver of a float tractor designed to pull a lowered semi-trailer with a goose-neck and used in the transportation of extra-heavy or very large parts whose height, length, width or weight exceeds the legal limits allowed on public highways or roads;

(11) “loading machinery operator”: employee who drives a vehicle known as a “lift truck” or other loading or unloading machinery;

(12) “dockman”: employee assigned to the loading or unloading of products or merchandise and who usually works in the warehouse;

(13) “mechanic”: employee whose main duty consists in maintaining the employer’s vehicles and other equipment;

(14) “packer”: employee assigned to packing for moving purposes;

(15) “snow removal vehicle driver”: driver of a road vehicle used for snow removal except for trucks used to transport snow;

(16) “welder”: employee whose main duty consists in welding metal parts in order to manufacture or repair parts or tools;

(17) “secretary or shorthand typist”: employee whose main duty consists in preparing or transmitting correspondence, documents or vouchers necessary to the operations of an enterprise in the cartage industry;

(18) “office clerk”: employee whose work consists, in particular, in taking orders, answering telephone calls and invoicing;

(19) “cartage industry”: industry in which persons, partnerships or corporations perform, for others and for payment, the transport of merchandise or of any other transportable products or objects;

(20) “road vehicle”: motorized vehicle that can travel on a road;

(21) “spouse”: a man and a woman who:

(a) are married and cohabiting;

(b) are living together as husband and wife and are the father and mother of the same child;

(c) have been living together as husband and wife for at least one year;

(22) “continuous service”: means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of the work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed.”

2. The Decree is amended by substituting the words “secretaries or shorthand typists and office clerks” for the words “shorthand typists and office employees” in section 4.01.

3. The Decree is amended by substituting the words “secretaries or shorthand typists and office clerks” for the words “shorthand typists and office employees” in section 4.02.

4. The Decree is amended by deleting section 4.06.

5. The Decree is amended by adding the words “for each of the 2 days” at the end of section 6.06.

6. The Decree is amended by substituting the following for section 7.01:

“**7.01.** The following minimum hourly rate is effective as of 30 May 1996 for each of the employment categories determined below:

Employment category	Hiring rate	After 3 months	After 6 months	After 12 months	After 18 months	After 24 months
1. helper	\$6.85	\$7.21	\$7.81	\$8.41	\$9.02	\$9.62
2. labourer	6.85	7.21	7.81	8.41	9.02	9.62
3. assistant-mechanic	7.85	8.20	8.50	9.16	9.81	10.47
4. driver	7.68	8.00	8.32	8.96	9.60	10.24
5. road-train driver	7.85	8.20	8.50	9.16	9.81	10.47
6. truck driver	7.72	8.15	8.36	9.01	9.65	10.30
7. tractor semi-trailer driver	7.81	8.14	8.46	9.12	9.77	10.42
8. tank-truck driver	7.72	8.15	8.36	9.01	9.65	10.30
9. tank-trailer driver	7.85	8.20	8.50	9.16	9.81	10.47
10. float driver	7.99	8.32	8.65	9.32	9.99	10.66
11. loading machinery operator	7.60	7.92	8.23	8.86	9.50	10.13
12. dockman	7.60	7.92	8.23	8.86	9.50	10.13
13. mechanic	8.89	9.26	9.63	10.37	11.11	11.85
14. packer	7.47	7.78	8.09	8.71	9.34	9.96
15. snow removal vehicle driver	8.71	9.08	9.45	10.20	10.94	11.68
16. welder	8.89	9.26	9.63	10.37	11.11	11.85.”.

7. The Decree is amended by adding the following after paragraph 4 of section 7.03:

“(5) The employee paid by the kilometre receives, in addition to the other amounts to which he is entitled, payment for any hours spent waiting, loading or unloading at the wage rate mentioned in section 7.01 for the employment category to which he belongs.”.

8. The Decree is amended in section 7.04

(1) by substituting the word “prénom” for the word “prénoms” in the French version of paragraph *b*;

(2) by substituting the words “le numéro matricule” for the words “le matricule” in the French version of paragraph *d*;

(3) by substituting the following for paragraph *i*:

“(i) the number of hours, per pay period, entered in a bank of hours if the employee so requests;”;

(4) by changing the designation of paragraphs *j*, *k*, *l* and *m* to *n*, *o*, *p* and *q*, respectively;

(5) by inserting the following after paragraph *i*:

“(j) the total number of hours in the employee’s bank of hours;

(k) the number of hours deducted from the employee’s bank of hours for each pay period;

(l) the number of hours in the employee’s bank of hours that are paid to him for the pay period and the wage rate applicable thereto;

(m) the hourly or weekly wage or the rate per kilometre;”.

9. The Decree is amended by deleting section 7.06.

10. The Decree is amended by substituting the following for section 7.08:

7.08. The wage of the employee shall be equal to or higher than the wage he was receiving under this Decree on 30 May 1996.”

11. The Decree is amended by inserting the following after section 9.02:

9.02.1. Where the 1 July holiday falls on a Sunday, it is carried forward to the following Monday.”

12. The Decree is amended by substituting the words “the 30 days preceding” for the words “the 30 calendar days preceding” in paragraph *a* of section 9.04.

13. The Decree is amended by substituting the number “9.04” for “9.05” in section 9.08.

14. The Decree is amended by substituting the following for sections 10.03 and 10.04:

10.03. The employee who, on 1 January, has one year of continuous service with the same employer is entitled to 2 continuous weeks of vacation. The vacation pay is equal to 4 % of the employee’s wage during the qualifying period.

10.04. The employee who, on 1 January, has 5 years of continuous service with the same employer is entitled to 3 continuous weeks of vacation. The vacation pay is equal to 6 % of the employee’s wage during the qualifying period.”

15. The Decree is amended by substituting the following for sections 10.07 and 10.08:

10.07. The employee who is entitled to 2 continuous weeks of vacation may require that those weeks be granted him between 1 May and 30 September.

10.08. The employee who is entitled to 4 or 5 weeks of vacation may require that the first 3 weeks of his vacation be granted him as a continuous period between 1 May and 30 September. He may take the remaining weeks between 1 October and 30 April.”

16. The Decree is amended by adding the following after section 10.10 of Division 10.00:

10.11. In the event that the employee is absent because of sickness or accident or is on maternity leave during the qualifying period and such absence has the effect of decreasing his annual vacation pay, he is then entitled, as the case may be, to an indemnity equal to 2, 3, 4 or 5 times the average weekly wage earned during the period worked.”

17. The Decree is amended by substituting the following for sections 11.02 to 11.06:

11.02. The employee may be absent from work, without a loss in wages:

(1) for 5 days in the event of the death or funeral of his spouse;

(2) for 4 days in the event of the death or funeral of his child;

(3) for 3 days in the event of the death or funeral of his father, mother, brother or sister. He may also be absent for an extra day on that occasion but without pay;

(4) for 3 days in the event of the death or funeral of the father or mother of his spouse;

(5) for one day in the event of the death or funeral of his spouse’s child. He may also be absent for 3 extra days on that occasion but without pay;

(6) for one day in the event of the death or funeral of a brother or sister of his spouse.

The employee may be absent for one day, without pay, in the event of the death or funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren.

The employee may also be absent from work, without pay, for a longer period if the circumstances surrounding the death so require. In such case, he must provide the employer proof of the death.

11.03. The employee may be absent from work, without a loss in wages, on his wedding day.

The employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his spouse.

The employee must notify his employer of his absence at least one week in advance.

11.04. The employee may be absent from work for 5 days at the birth of his child or the adoption of a child. The first 2 days of absence are paid if the employee is credited with 60 days of continuous service.

The leave may be taken on non-successive days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his father or mother.

However, an employee who adopts the child of his spouse may be absent from work for only 2 days, without pay.

11.05. The employee may be absent for 5 days per year, without pay, to fulfil obligations relating to the care, health or education of his minor child, in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to fulfil those obligations without taking leave and to limit the duration of the leave.

The leave may be taken on non-successive days with the consent of the employer.

11.06. In the cases covered by sections 11.02, 11.04 and 11.05, the employee must notify his employer of his absence as soon as possible.

11.07. Maternity leave: The employee is entitled to maternity leave in accordance with the Act respecting labour standards (R.S.Q., c. N-1.1).

11.08. Notice of termination of employment: The employer must give written notice to an employee before terminating his contract of employment or laying him off for 6 or more months.

The notice shall be one week if the employer has less than one year of continuous service, 2 weeks if he has one to 5 years of continuous service, 4 weeks if he has 5 to 10 years of continuous service and 8 weeks if he has 10 or more years of continuous service.

The notice of termination of employment given to an employee during the period when he is laid off is null, except in the case of employment that usually lasts for not more than 6 months each year due to the seasonal nature of the employment.

11.09. Section 11.08 does not apply to an employee:

- (1) who has less than 3 months of continuous service;
- (2) whose contract for a fixed term or for a specific undertaking expires;
- (3) who has committed a serious fault;
- (4) for whom the termination of the contract of employment or the layoff is the result of a fortuitous event.

11.10. The employer who does not give the notice prescribed by section 11.08 or who gives insufficient notice must pay the employee a compensatory indem-

nity equal to his regular wage, excluding overtime, for a period equal to the period or remaining period of the notice to which he was entitled.

The indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than 6 months, or at the end of a period of 6 months after a layoff of indeterminate length, or a layoff expected to last less than 6 months but which exceeds that period.

11.11. In the case of an employee who, under a collective agreement, is entitled to recall privileges for more than 6 months, the employer is bound to pay the compensatory indemnity only from the earlier of the following dates:

- (1) the expiry of the recall privileges of the employee;
- (2) one year after the layoff.

The employee covered by the first paragraph is not entitled to the compensatory indemnity:

- (1) if he is recalled before the date on which his employer is bound to pay the indemnity and if subsequently he works for a period equal to or longer than that of the notice prescribed in section 11.08;
- (2) if he is not recalled as a result of a fortuitous event.”.

18. The Decree is amended by substituting the following for sections 12.01 and 12.02:

“**12.01.** This Part remains in force until 31 December 1997.

12.02. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of Labour and to the other contracting parties during the month of October 1997 or during the month of October of any subsequent year.”.

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