

## Draft Regulations

### Draft Regulation

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

#### Women's clothing — Amendments

Notice is hereby given, in accordance with the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the contracting parties to the Decree respecting the women's clothing industry have petitioned the Minister of Labour to recommend to the Government that it make the Decree to amend the Decree respecting the women's clothing industry. In accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), this draft regulation, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of this draft regulation is to actualize the working conditions contained in the decree mentioned above, as the most substantial amendments date back to November 1992.

To achieve this purpose, contracting parties propose to increase the minimum hourly wage rates provided for in the decree, introduce a clause respecting the remuneration of employees reintegrating the women's clothing industry following an absence of five years, abolish one general holiday, stipulate the employee's right to holiday pay for any holiday falling within the first fifteen days following a layoff, stipulate the employee's right to the pay for a general holiday if he does not receive benefits from the Canada Employment and Immigration Commission or the Commission de la santé et de la sécurité du travail for temporary disability, and extend the period for taking the annual summer vacation to the period between June 15 and Labour Day. Contracting parties have accepted to revoke the provisions for the general increases applicable to wages now in force.

To date, a study of this matter has shown that the petition, applicable to 781 employers and 9 102 employees, establishes on 1 June 1996, an increase of \$0.12 per hour for all minimum hourly rates, which is equal to an increase of 1 % to 1.7 %, depending on the category of employment. It is proposed that on 1 June 1997, minimum hourly rates be increased by half the annual variation in the Consumer Price Index, up to a maximum of

1.5 %. Consultation will serve to clarify the impact of the amendments being sought.

Further information may be obtained by contacting Mr. Gilles Fleury, Direction des Décrets, Ministère du Travail, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1, (Telephone: (418) 643-4415; Fax: (418) 528-0559).

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec), G1R 5S1, (Telephone: (418) 643-4415; Fax: (418) 528-0559).

JEAN-MARC BOILY,  
*Deputy Minister of Labour*

### Decree to amend the Decree respecting the women's clothing industry

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

**1.** The Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r. 26), amended by Orders in Council 2881-82 dated 8 December 1982, 1097-84 dated 9 May 1984, 1590-86 dated 22 October 1986, 259-88 dated 24 February 1988, 855-89 dated 31 May 1989, 1479-92 dated 30 September 1992 and 170-93 dated 10 February 1993, is further amended in its English version, by substituting the word "manufacture" for the word "clothing" in paragraph 26 of section 1.01.

**2.** The word "design", in the English version of paragraph 15 of section 2.04, is substituted for the words "designer clothes".

**3.** The following is substituted for paragraph 4 of section 3.04.2:

"4. during the annual summer vacation provided for in section 8.04."

**4.** The following is substituted for section 4.03:

"**4.03.** For the employee paid on an hourly basis, each overtime hour is paid at time and one half his regular hourly wage."

**5.** Section 4.04 is amended by substituting in the second paragraph, “plus \$0.42 per hour.” for “plus the hourly general increases provided for in section 5.03”.

**6.** The following is substituted for section 5.01:

“**5.01.** 1. The minimum hourly wage rates for an employee paid on an hourly or on a piece-work basis are established as follows on (*insert enforcement date here*), for each category of employment mentioned hereafter and for the progression period applicable to each category.

An employee paid on a piece-rate basis must receive at least the minimum hourly rate provided for in this section for the employment category to which he belongs.

Category of Employment	Progression Period		
	Code	Hourly paid employee	Piece-rate employee
<b>General hand</b>	10		
— the first 250 hours		\$6.45	\$6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 hours		7.02	7.17
<b>Assistant presser, whole garment operator</b>	19		
— the first 250 hours	15	6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 to 1 750 hours		8.67	8.67
— from 1 751 hours		9.49	9.64
<b>Sample maker</b>	28	9.49	9.64
<b>Cutter, class 1</b>	01	12.79	
<b>Cutter, class 2</b>	02		
— the first 250 hours		6.45	
— from 251 to 625 hours		6.64	
— from 626 to 1 000 hours		6.82	
— from 1 001 to 1 375 hours		7.85	
— from 1 376 to 1 750 hours		8.67	
— from 1 751 to 2 125 hours		9.92	
— from 2 126 to 2 500 hours	11.09		
— from 2 501 hours		12.42	

Category of Employment	Progression Period		
	Code	Hourly paid employee	Piece-rate employee
<b>Piler</b>	09		
— the first 250 hours		6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 to 1 750 hours		8.67	8.67
— from 1 751 hours		8.71	8.86
<b>Spreader</b>	13		
— the first 250 hours		6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 to 1 750 hours		8.67	8.67
— from 1 751 to 2 125 hours		9.49	9.49
— from 2 126 to 2 500 hours		11.09	11.09
— from 2 501 hours		11.45	11.60
<b>Examiner, separator</b>	11		
— the first 250 hours	12	6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 hours			7.15
<b>Baster, finisher</b>	07		
— the first 250 hours	22		
— from 251 to 625 hours		6.45	6.45
— from 626 to 1 000 hours		6.64	6.64
— from 1 001 to 1 375 hours		6.82	6.82
— from 1 376 hours			7.41
— from 1 376 hours		8.00	8.15
<b>Operator assigned to leather garments, section operator</b>	20		
— the first 250 hours	16	6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 hours			9.22
<b>Special machine operator</b>	14		
— the first 250 hours		6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 hours		8.88	9.03

Category of Employment	Progression Period		
	Code	Hourly paid employee	Piece-rate employee
<b>Presser</b>	17		
— the first 250 hours		6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 to 1 750 hours		8.67	8.67
— from 1 751 to 2 125 hours		9.49	9.49
— from 2 126 hours		11.09	11.24
<b>Under presser</b>	18		
— the first 250 hours		6.45	6.45
— from 251 to 625 hours		6.64	6.64
— from 626 to 1 000 hours		6.82	6.82
— from 1 001 to 1 375 hours		7.85	7.85
— from 1 376 to 1 750 hours		8.67	8.67
— from 1 751 to 2 125 hours		9.49	9.49
— from 2 126 hours		10.17	10.32

2. The employee paid on a piece-rate basis is entitled, in addition to his weekly wage, to a minimum hourly rate of \$0.42 for each hour worked.”

**7.** The following are substituted for sections 5.03 and 5.04:

“**5.03.** Increase based on the Consumer Price Index: The minimum hourly rates, fixed in paragraphs 1 and 2 of section 5.01, for each employment category, are increased on 1 June 1997, by half the average annual rate of the Consumer Price Index, as determined by Statistics Canada on 1 May 1997, up to a maximum of 1.5 %.

The Joint Committee notifies the employer as soon as the Consumer Price Index has been published by the federal government. The employer is presumed to have received such notification 10 days after its forwarding.

**5.04.** The experience of the employee is defined as the sum of all hours worked for an employer subject to the Decree, in a category of employment provided for in paragraph 1 of section 5.01.

The employee who has worked 250 hours in the industry governed by the Decree is considered to have worked 250 hours in any of the employment categories provided for in paragraph 1 of section 5.01.

When the employee, except for the class 1 cutter and the sample maker, is hired after an absence of 5 years in the women’s clothing industry, in one of the employment categories that he occupied in the past, he may be

reintegrated at the beginning of the second last progression period for that category of employment and receive the corresponding minimum hourly rate as provided for in paragraphs 1 and 2 of section 5.01 for that progression period.”

**8.** The following is substituted for paragraph 14 of section 5.06:

“**14.** the weekly wage and the amount of the hourly wage provided for in paragraph 2 of section 5.01 for the employee paid on a piece-rate basis.”

**9.** The following is substituted for section 7.01:

“**7.01.** 1. The following are paid general holidays: 1 January, 8 March, Good Friday, the Queen’s Birthday, 1 July, Labour Day, Thanksgiving Day and 25 December.

2. 24 June is a paid general holiday, in accordance with the National Holiday Act (R.S.Q., c. F-1.1). However, the Decree applies when its provisions are more advantageous than those contained in the National Holiday Act.”

**10.** The following is substituted for section 7.03:

“**7.03.** Except for 24 June, a general holiday that falls on a Tuesday may be observed on the preceding Monday and if it falls on a Wednesday or Thursday, it may be postponed on the following Friday.

A general holiday that falls on a Saturday is observed on the preceding Friday and if it falls on a Sunday, it is postponed on the following Monday.”

**11.** Section 7.08 is amended by adding the following after the second paragraph:

“The employee is entitled to the holiday pay for any general holiday that falls within the first 15 days of his being laid off.”

**12.** The following is substituted for sections 7.09 and 7.10:

“**7.09.** The employee who is not receiving benefits from the Canada Employment and Immigration Commission or from the Commission de la santé et de la sécurité du travail for a temporary disability, at the time of the general holiday, is entitled to the pay provided for the general holiday.”

**13.** The following are substituted for sections 8.04 and 8.06:

**8.04.** The employer grants an annual summer vacation of 2 consecutive weeks to be taken between 15 June and Labour Day, to the employee who worked during the qualifying period provided for in section 8.01.

The annual summer vacation may be divided into a maximum of two periods at the request of the employee. However, the employer may refuse the request if he closes his establishment for the annual summer vacation period.

The employer grants the employee an annual winter vacation from 26 December to 31 December inclusively.

**8.05.** The Joint Committee pays the employee for the annual summer vacation, vacation pay equal to 6 % of his earnings reported monthly and remitted to the Committee by the employer during the qualifying period. Payment is made by cheque mailed to the last known address of the employee, within the first 15 days of June of the current year.

The Joint Committee pays the employee for the annual winter vacation, vacation pay equal to 2 % of his earnings reported monthly and remitted to the Committee by the employer during the qualifying period. Payment is made by cheque mailed to the last known address of the employee within the first 10 days of December of the current year.

Annual vacation pay is paid to the employee provided that the Joint Committee has received the amounts for the annual summer and winter vacations pursuant to section 8.03.

**8.06.** No one is entitled to claim the vacation pay for the compulsory annual vacations before 15 June or 10 December, as the case may be.

Notwithstanding the first paragraph, following the death of an employee, his legal heirs may claim the pay for the obligatory annual vacations of the employee.”.

**14.** The following is substituted for the heading of section 10:

“**10.00.** Notice of termination of employment or lay-off”.

**15.** Section 12.01 is amended by substituting “31 May 1998” for “31 May 1994” and “the year 1997” for “the year 1993”.

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