

the shares of such partnership or 50 % of the voting shares of such legal person, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

4. Section 47 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person may request a contractor’s licence on behalf of more than one partnership or legal person if he owns 50 % of the shares of such partnerships or 50 % of the voting shares of such legal persons, as the case may be, and he has not renounced the rights inherent in his participation or in his shares, as the case may be.”.

5. Section 48 of the Regulation is amended by substituting the following for the first paragraph:

“A natural person who is the guarantor for a legal person holding a contractor’s licence and owning 50 % of the voting shares of one or more legal persons and has not renounced the rights inherent in his shares may request a contractor’s licence on behalf of such legal person.”.

6. The Regulation is amended by inserting the following after section 48:

“**48.1** A natural person who is the guarantor for a legal person holding a contractor’s licence may request a contractor’s licence on behalf of a legal person controlled by that legal person or by a legal person affiliated with the latter.

Legal persons are affiliated if one is controlled by the other.

A legal person is controlled by another legal person where the latter owns 50 % of the voting shares and has not renounced the rights inherent in its shares.

48.2 A natural person who holds a contractor’s licence may request a contractor’s licence on behalf of a partnership or legal person constituted for the purpose of carrying out construction work related to a single construction project and for the same licence subcategories if he is one of the members of such partnership or one of the shareholders owning voting shares of such legal person, as the case may be, and if he has not renounced the rights inherent in his participation or in his shares, as the case may be.

A natural person may make such a request on behalf of several partnerships or legal persons thus constituted, provided that he meets the conditions mentioned in the first paragraph in respect of each partnership or legal person.

48.3 A natural person who is the guarantor for a partnership or a legal person that holds a contractor’s licence and that is also a member of one or several partnerships or a shareholder owning voting shares of one or several legal persons constituted for the purpose of carrying out construction work related to a single construction project may, for the same licence subcategories, request a contractor’s licence on behalf of those partnerships or legal persons. The partnership or legal person shall not have renounced the rights inherent in its participation or in its shares, as the case may be.”.

7. Section 49 of the Regulation is revoked.

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

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Gouvernement du Québec

O.C. 99-96, 24 January 1996

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

Building service employees

— Québec

— Amendments

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

WHEREAS the Government made the Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40);

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 contracting parties within the meaning of the Decree have petitioned the Minister of Employment that amendments to the Decree 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 a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 2 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 the petition with amendments and for that purpose to pass the Decree attached hereto;

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

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

MICHEL CARPENTIER,
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, s. 8)

1. The Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r. 40), amended by Orders in Council 382-84 dated 15 February 1984, 2280-84 dated 11 October 1984 and 1755-87 dated 18 November 1987, extended by Orders in Council 907-88 dated 8 June 1988, 1156-88 dated 20 July 1988 and 66-89 dated 25 January 1989 and amended by Orders in Council 592-89 dated 19 April 1989, 1629-91 dated 27 November 1991, 1808-92 dated 9 December 1992 and 887-95 dated 28 June 1995, is further amended in section 2.03 by substituting the following for paragraph *e*:

“(e) a self-employed worker, doing business alone, who contracts directly or for his own account with the owner or lessee of a public building and who carries out maintenance work in public buildings alone or with his spouse or with the children of either of them who live with him and his spouse;”.

2. The following is substituted for section 5.01:

“**5.01.** Employees receive at least the following hourly rate:

	As of 96 03 07	As of 96 05 01
1. Class A work	\$11.73	\$11.85
2. Class B work	11.33	11.45
3. Class C work	12.23	12.35

3. Section 6.06 is amended by substituting the following for paragraph *c*:

“(c) the employee was on sick leave with pay for a period of less than 5 days.”.

4. Sections 7.02 to 7.04 are amended by substituting the words “at the end of the qualifying period” for the expression “on May 1” wherever it occurs.

5. The following is substituted for section 7.06:

“**7.06.** An employee entitled to more than 2 weeks of annual vacation may, after agreement with the employer, give up that part of his vacation which exceeds 2 weeks. In such a case, he must receive from the employer his entire annual vacation pay before leaving on vacation.”.

6. Section 8.03 is amended by substituting “more than 10 days” for “more than 11 days”.

7. Section 9.01 is amended by adding the following after subsection 2:

“(3) An employee may add any rest period to his meal period.

Should the employee not take his rest period, he may have it carried over for the purpose of reducing the duration of his standard workday.

He may also reduce the duration of his standard workday by the number of minutes that he has not taken for his meal period.

An employee may combine the two possibilities described in the second and third paragraphs to reduce the duration of his standard workday.

In all the cases mentioned in this subsection, the employee must have prior authorization of his employer.”.

8. The following is substituted for sections 9.05 to 9.08:

“**9.05.** In the event of the death of the father, mother, brother or sister of his spouse, of one of his grandchildren, sons-in-law or daughters-in-law, or of one of his grandparents, an employee may be absent from work with pay the day of the funeral, on condition that he attends the funeral.

He may also be absent from work for an additional working day on such occasion, but without pay.

9.06. In the event of the death of one of the children of his son's or daughter's spouse, an employee may be absent for one working day without pay.

9.07. An employee may be absent from work for one day, with pay, on his wedding day. He may also be absent for 4 additional days, with pay, by using the annual vacation days provided for in sections 7.02 to 7.04 or any sick leave with pay that he has to his credit and that is provided for in section 8.01.

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

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

9.09. In the event of the birth of his child or the adoption of a child, an employee may be absent from work for 5 days. The first 2 days of absence are with pay.

This leave may be taken as separate days at the employee's request.

If the employee was not absent when the child was born or adopted, he may take the leave for the baptism of the child.

In order to replace one of the three days of such leave without pay, an employee who is absent on a working day may use a day of paid annual vacation provided for in sections 7.02 to 7.04, or a day of sick leave with pay that he has to his credit and that is provided for in section 8.01.

However, an employee who adopts a child of his spouse may not be absent from work for more than two days, without pay.

9.10. For each of the events provided for in sections 9.02 to 9.09, an employee is entitled to one additional day of absence if, to attend the event in question, he must travel more than 175 kilometres from his residence.

This additional day is with pay in the case provided for in sections 9.02 to 9.05, 9.07 and 9.09 and is without pay in the case provided for in sections 9.06 and 9.08.

9.11. An employee may be absent from work 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 assume these obligations otherwise and to limit the duration of the leave.

This leave may be taken as separate days. A day may also be divided if the employer so agrees.

9.12. In the circumstances mentioned in sections 9.02 to 9.07, 9.09 and 9.11, the employee must notify the employer of his absence as soon as possible.

9.13. When moving to a new address, an employee may, once every 2 years, use a day of sick leave with pay that he has to his credit and that is provided for in section 8.01."

9. Division 12.00 is amended:

(1) by substituting the following for the heading:

"12.00. Uniforms and accessories";

(2) by adding the following after section 12.02:

"12.03. The employer shall supply safety shoes free of charge to employees where the employer's client requires that they be worn on the work premises. Employees must store their shoes on the work premises.

12.04. The employer shall place a first aid kit at the disposal of the employees on the work premises."

10. The following is substituted for section 13.01:

"13.01. The Decree remains in force until 1 October 1997. It is then automatically renewed from year to year, unless the management party or the union party is opposed to it and gives written notice to that effect to the Minister of Employment and to any other contracting party during the month of July 1997 or during the month of July of any subsequent year."

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

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