

Draft Regulations

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Registration system or the keeping of a register — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting a registration system or the keeping of a register, the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to follow up on the amendments made to the Act to again amend the Taxation Act, the Act respecting the Québec sales tax and other legislative provisions (1997, c. 85) as regards the obligation for employees working in the hotel and restaurant industry to report to their employer, at the end of each pay period, the amount of the tips they have received during that period.

To that end, it proposes, in the same manner as what exists for the pay sheet referred to in section 46 of the Act respecting labour standards (R.S.Q., c. N-1.1) amended by section 364 of Chapter 85 of the Statutes of 1997, that the registration system or the register established by the employer be modified so as to indicate the amount of the tips attributed by the employer or declared by the employee. Moreover, it provides that the system or register also indicates, as also provided in the pay sheet, overtime hours compensated for a holiday.

Further information may be obtained by contacting Mr. Blaise Pouliot, Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel.: (418) 644-0817, extension 754.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Chairman of the Commission des normes du travail, 400, boulevard Jean-Lesage, Québec (Québec) G1K 8W1.

JEAN-MARC BOILY,
Chairman

Regulation to amend the Regulation respecting a registration system or the keeping of a register(*)

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, par. 3)

1. Section 1 of the Regulation respecting a registration system or the keeping of a register is amended

(1) by adding the words “paid or compensated for a holiday with the applicable premium” at the end of paragraph *c*;

(2) by adding the following paragraphs at the end:

“(p) the amount of the tips reported by the employee pursuant to section 1019.4 of the Taxation Act (R.S.Q., c. I-3) enacted by section 242 of Chapter 85 of the Statutes of 1997;

(q) the amount of the tips attributed to the employee by the employer under section 42.11 of the Taxation Act enacted by section 44 of Chapter 85 of the Statutes of 1997.”

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

2407

Draft Regulation

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

Security guards — Amendments

Notice is hereby given that the Minister of Labour has received an application to amend the Decree respecting security guards (R.R.Q., 1981, c. D-2, r. 1) from the contracting parties covered by this Decree, pursuant to section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the

* The Regulation respecting a registration system or the keeping of a register (R.R.Q., 1981, c. N-1.1, r.6) has not been amended since it was revised.

Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting security guards”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft regulation is to actualize certain working conditions unchanged since 14 September 1995.

For that purpose, the draft regulation proposes to introduce definitions for regular duty and on-call employee, to amend the definition of part-time employee, to grant the employer the possibility of changing the workweek, to permit the scheduling of working hours on a basis other than a weekly basis under certain conditions, to harmonize the duration of the standard workweek, the duration of paid annual vacations and the indemnity paid when a holiday is not replaced with the Act respecting labour standards (R.S.Q., c. N-1.1), to increase minimum wage rates for classes A and B, to grant a wage to the employee when the employer schedules a training period, to grant an additional day without pay to the employee in order to perform a function associated with a death and to permit one day of absence, at the employee’s discretion, without the obligation to produce a medical certificate in order to be paid.

This draft regulation is currently the object of an economic impact study within the framework of amendments to be brought to the Act respecting collective agreement decrees.

The consultation period will serve to clarify the impact of the proposed amendments. According to a report filed by the Parity Committee on 11 February 1998, the Decree governs 136 employers and 9 191 employees.

Further information may be obtained by contacting Ms. Judith Gagnon, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (Telephone: (418) 646-2458; Fax: (418) 528-0559).

Any interested person having comments to make concerning this matter is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

RÉAL MIREAULT,
Deputy Minister of Labour

Decree to amend the Decree respecting security guards*

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

1. Section 1.01 of the Decree respecting security guards is amended:

1. by inserting the following after paragraph 3:

“3.1 “regular duty”: assignment of a minimum of four (4) consecutive weeks comprising 3 or more shifts and a minimum of 21 working hours per week;”;

2. by substituting the expression “3 premium” for the expression “P-3A premium” in paragraph 6;

3. by deleting the second paragraph of paragraph 6;

4. by inserting the following after paragraph 12:

“12.1 “class A on-call employee”: employee who performs security work without the intermediary of a higher class and does not have a fixed work schedule;”;

5. by substituting the following for the second paragraph of paragraph 14:

“An employee who has acquired the status of a regular employee A-01 and who no longer wants to perform regular work or declares that he is no longer available to perform weekly work becomes a part-time employee A-02;”;

6. by substituting “90 calendar days” for “60 calendar days” in paragraph 16;

7. by substituting “from (*insert here the enforcement date of the Decree*)” for “from 15 September 1994” in paragraph 18;

8. by substituting the following for the last sentence in paragraph 18:

“That choice remains in force for the term provided for in section 9.01, but may be modified by the employer upon a written notice of 30 calendar days forwarded to the parity committee;”.

* The last amendment to the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was made by Order in Council 757-98 dated 3 June 1998 (1998, G.O. 2, 2216). For former amendments, see “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 March 1998.

2. The following sections are substituted for sections 3.01 and 3.02:

“3.01. For the purpose of calculating overtime hours, the standard workweek is 42 hours, 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000.

For the sole purpose of computing the standard workweek, a shift belongs to the calendar day on which it starts or ends or from midnight to midnight according to the choice of the employer. The employer must inform the parity committee in writing of his choice at least 15 calendar days before implementing the shift; only one change shall be permitted during the term of the decree provided for in section 9.01.

3.02. An employer may, with the authorization of the parity committee, schedule employee working hours on a basis other than a weekly basis, if he meets the following conditions:

1. he has obtained the consent of the employee concerned;

2. he has confirmed that the average number of working hours is equivalent to that provided for in section 3.01;

3. he has forwarded a written request to that effect to the parity committee at least 15 days before implementing the schedule.”.

3. Section 3.05 is amended by deleting the second paragraph.

4. Section 4.01 is amended by striking the word “minimum”.

5. Section 4.02 is amended in the second paragraph by substituting the following for the words “banking days following receipt”: “working days following receipt or if the amount owed to him is not deposited in his account by 11:59 p.m. on the pay day, as the case may be”.

6. The following is substituted for section 4.07:

“4.07. For each hour worked, the employee receives at least the following wages and premiums:

	As of (insert here the enforcement date of the Decree)	As of 1999 06 30	As of 2000 06 30	As of 2001 06 30	As of 2002 06 30
Class A employee	\$10.85	\$11.05	\$11.25	\$11.50	\$11.75
Premiums					
P1*-P4*	\$0.25	\$0.25	\$0.25	\$0.25	\$0.25
P2*	\$0.35	\$0.35	\$0.35	\$0.35	\$0.35
P3*	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
P5*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50
P6*	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50
P7*	\$1.50	\$1.50	\$1.50	\$1.50	\$1.50

More than one premium may apply at the same time.

Class B employee: such employee receives \$0.25 per hour more than the hourly rate granted to the best paid employee under his supervision or direction. The hourly rate does not include premiums.

Security guards working in reception centres (Direction de la protection de la jeunesse) and guards who transport beneficiaries and to whom no uniform is supplied are entitled to an additional amount of \$0.10 per hour in addition to their P-3 premium.

When the employer grants a training period at the employee’s work place, the employee is paid as if he were at work.”.

7. The following is substituted for the third paragraph of section 5.01:

“The employer must advise the parity committee in writing of his decision within the 30 calendar days following (*insert here the enforcement date of this Decree*).”.

8. Section 5.02 is amended:

1. by inserting the following after “provided for in section 5.01”: “as mentioned in the following table. As of 1 January 1999, the calculation of gross wages earned during the qualifying year as defined in section 5.01 includes the indemnity for the paid annual vacation.”;

2. by substituting in paragraph 2 of the table under the heading "Vacation" the following for "2 continuous weeks": "2 continuous weeks. The employer must grant an additional week of vacation to the employee who request an extra week, without such week being consecutive to the first two weeks, except where the employer has given his consent. The extra week is granted without pay."

9. Section 5.08 is amended by substituting the following for the second sentence: "Where this is the case, the compensating indemnity for the third week cannot be considered as overtime."

10. Section 5.09 is amended in the first paragraph by substituting the following "to 3 times" for ", as the case may be, to 2 or 3 times".

11. Section 6.03 is amended by substituting the following for subparagraphs 1 and 2:

"1. and that this day or part of this day falls on a day on which the employee usually works, he receives a compensation equal to his hourly wage, excluding premiums, multiplied by the number of hours scheduled for that day;

2. and that this day or part of this day falls on a day on which the employee does not usually work, he receives no compensation."

12. Section 6.06 is amended:

1. by striking "regular A-01 employee;";

2. by substituting the following for subparagraph 2:

"2. should the employer fail to replace the general holiday with pay in accordance with subparagraph 1, the employee receives a compensation equal to his hourly wage, excluding premiums, multiplied by the number of hours scheduled for that day."

13. Section 7.01 is amended:

1. by inserting in paragraph 1, after the word "preceding", the words "or following";

2. by adding the following sentence at the end of that paragraph: "An additional day without pay may be granted to the employee to perform any function related to the death."

14. Section 7.02 is amended in the first paragraph by deleting the following: "From the first month following 15 September 1994,".

15. Section 7.03 is amended by adding the following sentence at the end: "The employee may be absent one sick day per year, at his discretion, without being obliged to produce a medical certificate in order to be paid."

16. Section 8.01 is amended:

1. by substituting the following "60 calendar days" for "30 calendar days" and "40 kilometres" for "30 kilometres" and "\$0.30 per kilometre" for "\$0.25 per kilometre";

2. by adding the following sentence at the end: "When the employer asks the employee to use his own vehicle to make rounds, carry out patrols or perform a motorized vehicle service, the employer pays him an indemnity of \$0.30 per kilometre for all kilometres covered, except when the employee uses his vehicle as a shelter."

17. Section 8.02 is amended in the first and second paragraphs by striking the following "regular A-01".

18. The following is substituted for section 9.01:

"**9.01.** The Decree remains in force until 30 June 2002. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes renewal in a written notice sent to the Minister of Labour and to the other contracting parties during the month of March of year 2000 or the month of March of any subsequent year."

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

2409

Draft Regulation

Highway Safety Code
(R.S.Q., c. C-24.2)

Traffic control devices

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the draft Regulation to amend the Regulation respecting traffic control devices, the text of which appears below, may be made by the Minister of Transport upon the expiry of 45 days following this publication.

The purpose of the draft Regulation is to introduce sign P-200-2 to indicate to drivers of road trains that prescribed weight limitations exist on certain bridges or overpasses.