

Draft Regulations

Draft Decree

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

Furniture industry — Amendments

Notice is hereby given that the Minister of Labour has received an application to amend the Decree respecting the furniture industry, made by Order in Council 1809-83 dated 1 September 1983, from the contracting parties covered by the Decree and that, in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Decree to amend the Decree respecting the furniture industry, a copy of which is attached hereto, may be made by the Government upon the expiry of 45 days from this publication.

The purpose of the draft regulation is to actualize certain working conditions that have remained unchanged since 2 July 1992.

To that end, it proposes to change the name of one of the union contracting parties, to eliminate the definition of foreman, to introduce the definitions of workday, layoff, dismissal and student, to remove from the jurisdiction the repair, renovation by stripping or otherwise, and the manufacture of pianos, house organs and harmoniums, to increase hourly wage rates, to eliminate the average plant wage rate, to ensure a certain flexibility to enterprises by the scheduling under certain conditions of the duration of the standard workweek, to provide for a weekend shift, to amend the list, conditions and indemnities paid for holidays and, finally, to permit the division of the annual vacation.

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

The consultation period will serve to clarify the impact of the amendments being sought. According to the 1997 annual report of the furniture industry Parity Committee, the Decree in question covers 885 employers, 647 artisans and 16 229 employees.

Further information may be obtained by contacting Ms. Michèle Poitras, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-646-2631; fax: 418-528-0559).

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-days 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 the furniture industry*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 2 and 6.1)

1. The first “WHEREAS” of the Decree respecting the furniture industry is amended by substituting the name “Fraternité nationale des forestiers et travailleurs d’usines (section locale 299)” for the name “Fraternité nationale des charpentiers-menuisiers forestiers travailleurs d’usines”.

2. Section 1.01 is amended:

1. by striking subparagraph 4;

2. by adding the following after subparagraph 8:

“9. “Workday”: day on which the employee usually works;

10. “layoff”: temporary loss of employment;

11. “dismissal”: permanent loss of employment for economic or technical reasons;

12. “student”: a person who is enrolled in a full-time program of studies offered by an educational establishment and whose term of employment does not exceed 85 workdays per year.”.

* The last amendment to the Decree respecting the furniture industry made by Order in Council 1809-83 dated 1 September 1983 was made under the regulation made by Order in Council 757-98 dated 3 June 1998 (1998, G.O. 2, 3067). For other previous amendments, refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 1998, updated to 1 September 1998.

3. Section 3.01 is amended by striking, in the first paragraph, “, repair, renovation by stripping or otherwise”.

4. Section 3.02 is amended by striking, at the end of subparagraph 4, “, pianos, house organs and harmoniums”.

5. The following is substituted for section 4.01:

“**4.01.** Employees shall receive at least the following hourly rates:

Duration of continuous service	As of (insert here the date of the coming into force of the decree)	As of 2000 01 01	As of 2001 01 01
When hired or student	7,20 \$	7,40 \$	7,60 \$;
after 3 months	7,45 \$	7,60 \$	7,80 \$;
after 6 months	7,55 \$	7,70 \$	7,90 \$;
after 12 months	7,75 \$	7,90 \$	8,10 \$;
after 24 months	8,25 \$	8,40 \$	8,60 \$;
after 36 months	8,75 \$	8,90 \$	9,10 \$.

On 1 January 2002 and on 1 January of each subsequent year, the hourly wage rates of the Decree shall be adjusted by the percentage variation in the Consumer Price Index (CPI) as established by Statistics Canada for the Canadian jurisdiction (1986=100). The minimum annual percentage variation shall be 1 % and the maximum 5 %.

The base index is October 2000. The percentage variation in the CPI for October 2000 as compared to that for October 2001 is used to adjust the hourly wage rates of the Decree on 1 January 2002. The same calculation shall be made for each subsequent year with reference to the month of October.”.

6. Sections 4.03 to 4.05 are revoked.

7. The following is substituted for section 5.01:

“**5.01.** Notwithstanding any other provision of the Decree, the employer shall pay employees at least 0,20 \$ more than the minimum wage fixed by the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 3).”.

8. The following is substituted for section 6.01:

“**6.01.** The standard workweek is 42 hours scheduled over 5 days with a maximum of 8 h 30 per day from Monday to Thursday and 8 hours on Friday.

The duration of the standard workweek shall be gradually reduced to 40 hours by shortening the workweek by one hour on 1 October for each of the years 1999 and 2000 and, consequently, the duration of the standard workday is also reduced to 8 hours.

6.01.1. The working hours of the various shifts shall be scheduled as follows:

1. first shift: between 7:00 a.m. and 6:00 p.m.;
2. second and third shifts: between 2:00 pm and 9:00 a.m.

6.01.2. The employer and the employees may agree, by collective agreement or after agreement between the employer and the majority of the employees concerned, on provisions for scheduling shift working hours, the number of hours in the workday and the number of days in the standard workweek that differ from those mentioned in sections 6.01 and 6.01.1.

Such provisions must be more advantageous for employees and must not be for the purpose of avoiding the payment of overtime hours.

The employer must forward to the Parity Committee a copy of the written agreement before implementing the new provisions.

6.01.3. A weekend shift may be established where two weekly shifts have already been established with working hours scheduled from Monday through Friday. The standard workweek of the weekend shift is 36 hours scheduled from Friday through Sunday with a maximum of 12 hours per day.

6.01.4. Where regular plant production of the employer is continuous and cannot be interrupted, the employer may schedule employee working hours on a basis other than a weekly basis, if he meets the following conditions:

1. the purpose of the schedule is not to avoid the payment of overtime hours;

2. he has obtained the consent of a majority of the employees concerned or where such the case of the accredited association, where allowed by the collective agreement;

3. the schedule has the effect of granting employees a compensation for the loss in payment of overtime hours;

4. the average number of working hours is equivalent to the number of hours mentioned in 6.01;

5. working hours are scheduled over a maximum period of two weeks;

6. the duration of the workweek does not exceed 48 hours;

7. the duration of the work schedule cannot exceed one year;

8. he previously forwarded a written notice to that effect to the Parity Committee.

A scheduled period may be modified by the employer or renewed by him at its expiry on the same conditions as those mentioned in the first paragraph.”

9. Section 6.02 is amended:

1. by striking, in the part preceding subparagraph 1, “, from Monday to Friday inclusively,”;

2. by substituting “section 6.01.2” for “paragraph 2 of section 6.01” in subparagraph 1;

3. by substituting the following for subparagraph 2:

“2. in accordance with section 6.01.4; in this case, the premium for overtime hours applies to hours in excess of the number of hours in the standard workweek established under this section;”;

4. by substituting the words “payment for” for the words “premium for” in subparagraph 3.

10. Section 6.03 is amended by striking paragraph 4.

11. Sections 6.04 and 6.05 are revoked.

12. The following is substituted for section 6.06:

“**6.06.** The employer may, under a collective agreement or an agreement concluded by a majority of the employees concerned and previously forwarded to the parity committee, have work performed by his employees outside the hours of the standard workday or on Saturday and replace the payment of overtime hours by a paid holiday equivalent to the number of overtime hours worked at time and a half and taken during the Christmas vacation and New Year’s day of the current year.

6.06.1. For the purposes of sections 6.06 and 7.08, the employer may, where applicable, establish and maintain an up-to-date register in which he records the overtime hours that have been worked and replaced by a paid holiday under those sections.

The register must be accessible at any reasonable hour for verification by parity committee inspectors.”

13. Section 7.02 is amended by inserting in the first paragraph and after the words “Good Friday”, the words “Easter Monday”.

14. Section 7.03 is amended in the first paragraph:

1. by substituting the following for the part preceding subparagraph 1:

“**7.03.** To be entitled to the general holidays with pay provided in section 7.02, the employee must be present at the end of his shift on the working day preceding the holiday and at the beginning of his shift on the working day following the holiday. However, the employee who is absent from work on the day preceding or the day immediately following the holiday is entitled to the indemnity for the holiday where his absence is due to:”;

2. by substituting the following for subparagraph 2:

“2. a layoff or a dismissal occurring within the 10 working days before the holiday;”.

15. The following is substituted for sections 7.04 and 7.05:

“**7.04.** The indemnity for an employee paid the hourly wage rate is equal to the wage he would have received for a standard workday paid at his hourly wage rate.

The indemnity for a part-time employee must be equal to his average daily wage earned during the 10 workdays preceding the holiday.

The indemnity for an employee paid the hourly rate and the piece-work rate or the employee paid exclusively the piece-work rate or the employee paid a bonus must be equal to his average daily rate for the days worked during the two weeks preceding the holiday.

7.05. The employee entitled to a holiday provided in section 7.02 and who must work on a day governed by that section is paid at time and a half his hourly wage rate. He is also entitled to the indemnity provided in section 7.04 or to a compensatory holiday of one day at his hourly wage rate, where such is provided under an agreement concluded between the employer and a ma-

jority of the employees concerned and a prior written notice was forwarded to the Parity Committee.

Such compensatory holiday to replace the paid holidays mentioned in section 7.02 is taken in the week that precedes or follows the holiday.”.

16. Section 7.07 is amended:

1. by substituting “6.01.1” for “6.01”;
2. by substituting “section 7.02” for “sections 7.01 and 7.02”.

17. The following is substituted for section 7.08:

“**7.08. Holidays not mentioned:** under a collective agreement or after an agreement between the employer and the employees concerned, it is permitted, after having previously notified the Parity Committee, to celebrate any holiday not mentioned in this section and to recover the hours of work thus lost at the hourly wage rate during one or several days mutually agreed upon during the week preceding or following the holiday, except for holidays mentioned in section 7.02.”

18. Section 10.02.1 is amended in paragraph 3:

1. by substituting “5 years” for “10 years” in the first subparagraph;
2. by striking the second subparagraph.

19. Section 10.02.1 is amended by adding the following:

“**10.02.1.1. Division:** the annual vacation may be divided into two periods at the request of the employee. The employer may refuse the request if he closes his establishment for a period equal to or longer than the annual vacation of the employee.

The holiday may also be divided into more than two periods at the request of the employee with the consent of the employer.

A vacation that is one week or less may not be divided.”.

20. Section 10.02.2 is amended:

1. by striking paragraph 2;
2. by adding the following after paragraph 3:

“4. Where an employee is absent because of illness or an accident or is on maternity leave during the qualifying year and the result of that absence is a reduction in the indemnity for the annual vacation, the employee is entitled to an equivalent indemnity, and where such is the case, to two, three or four times the average weekly wage earned during the period worked.

The employee mentioned in paragraph 1 of 10.02.1 whose annual vacation is less than two weeks is entitled to that amount as a ratio of the days of vacation that he has accumulated.”.

21. Section 10.07 is amended by striking “5 %,”.

22. The following is substituted for section 11.01:

“**11.01.** The Decree remains in force until 1 June 2002. It is then automatically renewed from year to year thereafter, unless the group constituting the employer party of the group constituting the employee party opposes it by a written notice sent to the Minister of Labour and to the other group during the month of February of the year 2002 or during the month of February of any subsequent year.”.

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

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Draft Regulation

An Act respecting administrative justice
(1996, c. 54)

Administrative Tribunal of Québec — Rules of procedure

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Rules of procedure of the Administrative Tribunal of Québec, agreed on by the members of the Tribunal after consultation with the Conseil de la justice administrative, and the text of which appears below, may be approved by the Government upon the expiry of 45 days following this publication.

The proposed rules specify the conditions of application of the rules of evidence and procedure established by the Act respecting administrative justice and by the special statutes under which proceedings may be brought before the Tribunal.