

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

12.02. Section 12.01 does not apply to an employee:

- (1) who does not have three months of uninterrupted service;
- (2) whose contract for a determined period or for a specific enterprise has expired;
- (3) who has committed a serious fault;
- (4) whose contract ended or who was laid off due to a fortuitous event.

12.03. The employer who does not give the notice prescribed in section 12.01 or who gives insufficient notice, must pay the employee a compensatory indemnity equal to his regular wage excluding overtime, for a period equal to the period or remaining period of notice to which he was entitled.

This indemnity must be paid at the time the employment is terminated or laid off for more than six months or at the expiry of a six-month period after a layoff of an undetermined period or a layoff expected to last less than six months but that exceeds that period.

12.04. At the expiry of the contract of employment, an employee may require his employer to issue him a work certificate in which only the following information is included: the nature and duration of the employment, the dates on which his employment began and terminated, and the name and address of the employer. The certificate must not carry any mention of the quality of the work or the conduct of the employee.

13.00. Miscellaneous

13.01. Where the employer requires the employee to wear a uniform, he cannot deduct any amount from wages for the purchase, use or care of the uniform.

14.00 Term of the Decree

14.01. This Decree remains in force until (*insert here the date following the second anniversary of the date of the coming into force of this Decree*). It is automatically renewed from year to year thereafter, unless the group comprising the employer part or the union party opposes it by sending a written notice to the Minister of Labour and to all the contracting parties comprising the other group, during the month of (*indicate here the 6th month*

preceding the expiry date of the Decree) or during the month of (*indicate here the same month*) of any subsequent year.”.

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

3032

Draft Regulation

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

Building materials industry — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received applications to amend the Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) from one of the employer contracting parties, l'Association de la construction du Québec and the union contracting parties governed by this 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), the Decree to amend the Decree respecting the building materials industry, a copy of which is attached hereto, may be made by the Government at the expiry of the 45 days following this publication.

The purpose of this draft regulation is to actualise certain working conditions which have remained unchanged since 23 March 1995 in the case of Part I Fabrication of concrete products and since 4 June 1995 in the case of Part II Marble Industry.

To that end, it proposes mainly to raise wage rates and the night shift or special shift differential, and to amend the duration of working hours, the number of consecutive weeks of vacation and participation in fringe benefits.

This draft regulation was the object of an economic impact study within the framework of amendments to the Act respecting collective agreement decrees in the case of Part I and shall be the object of an impact study in the case of Part II.

The consultation period will serve to clarify the impact of the amendments being sought. According to the 1998 annual report submitted by the Comité conjoint des matériaux de construction, Part I of the decree governs 84 employers and 1 258 employees and Part II governs 11 employers and 75 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; E-mail: judith.gagnon@travail.gouv.qc.ca).

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

NORMAND GAUTHIER,
Deputy Minister of Labour

Decree to amend the Decree respecting the building materials industry*

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 2, 6.1, 6.2 and 10)

1. The Decree respecting the building materials industry is amended by striking the part that precedes section 0.00.

2. Section 0.01 is amended by substituting in paragraph 2 of section 0.01, the date "15 April" for "1 May".

3. This Decree is amended by adding the following after section 0.01:

"0.02. Names of the contracting parties:

Group representing the employer party:

Tubécon (Association québécoise des fabricants de tuyaux de béton) Inc.;

L'Association des manufacturiers de maçonnerie de béton inc.;

L'Association de la construction du Québec;

Group representing the union party:

Les Métallurgistes unis d'Amérique;

La Centrale des syndicats démocratiques (CSD);

La Fédération de la Métallurgie (CSN);

L'Union des carreleurs et métiers connexes, local 1 (FTQ-CTC).".

4. The following is substituted for section 2.01:

"2.01. The employee shall receive at least the following wage:

Trades	As of (insert here the date of the coming into force of this decree)	As of 2000 05 01
Truck driver	12,27 \$ per hour	12,45 \$ per hour;
All other trades or jobs	12,15 \$	12,33 \$;
Student		
1st year	9,11 \$	9,25 \$;
2nd year	9,71 \$	9,85 \$;
Watchman	490,00 \$ per week	497,00 \$ per week."

5. Section 2.02 is amended by substituting "0,50 \$" for "0,40 \$".

6. The following is substituted for section 3.01:

"3.01. Standard working hours:

1. For the purposes of calculating overtime hours, the standard workweek is 42 hours; it is 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000. The standard workweek is scheduled from Monday to Saturday. The standard workday is 9 hours, except where an agreement has been concluded allowing an employer to schedule the working hours of his employees over a maximum of four consecutive days of 10 hours per day.

The standard workweek of the watchman is 60 hours scheduled over a maximum of six days.

2. An employer may schedule the working hours of his employees on a basis other than a weekly basis, if he meets the following conditions:

(a) the purpose of the schedule is not to avoid the payment of overtime hours;

(b) he has obtained the consent of the employee concerned;

(c) the schedule has the effect of granting the employee another type of benefit to compensate for the loss of payment of overtime hours;

* The last amendment to the Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) was made by the regulation made under Order in Council n° 757-98 dated 3 June 1998 (1998, G.O. 2, 2216). For previous amendments, refer to the *Tableau des modifications et Index sommaire*. Éditeur officiel du Québec, 1999, updated to 1 March 1999.

(d) the average of the working hours is equivalent to that of the standard workweek;

(e) working hours are scheduled for a maximum period of four weeks;

(f) the duration of the schedule must not exceed one year;

(g) he forwarded, at least 15 days before the implementation of the schedule, a written notice to that effect to the parity committee.

A scheduled period may be modified by the employer under the same conditions or renewed by him on its expiry.”.

7. Section 3.02 is amended by substituting the following for subparagraph *b* of paragraph (1):

“(b) in excess of the standard workweek provided for in section 3.01.”.

8. Section 4.01 is amended by substituting the following for the part that precedes paragraph *a*:

“4.01. The employer must remit to the employee, together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. That pay sheet must include, in particular, the following information:”.

9. This Decree is amended by adding the following after section 4.01:

“4.02. **Payment in cash:** Wages must be paid in cash in a sealed envelope or by cheque. The payment may be made by bank transfer. An employee is deemed not to have received payment of the wages due to him if the cheque delivered to him is not cashable within the two working days following its issue.

4.03. **Direct payment:** The wages of an employee must be paid directly to him, at his place of employment each Thursday during standard working hours, except where the payment is made by bank transfer or is sent by mail.

The wages of an employee may also, at his written request, be remitted to a third person.

4.04. **Payment on a statutory holiday:** If the usual day of payment falls on a statutory holiday, the wages are paid to the employee on the working day preceding that day.

4.05. **Acceptance of a pay sheet:** Acceptance of a pay sheet by an employee does not entail his renunciation of the payment of all or part of the wages that are due to him.

4.06. **Deduction from wages:** An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, the decree, or a supplemental pension plan requiring mandatory membership, or if authorised in writing by the employee.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.

4.07. **Advantage having a pecuniary value:** An advantage having a pecuniary value must not be included in the calculation of the minimum wage.

4.08. **Presumption:** An employee who is at his place of employment and is required to wait for work to be assigned to him is deemed to be working.

4.09. **Indemnity:** An employee who reports for work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than three consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to three hours' wages at his regular hourly rate, except where the application of section 3.02 entitles him to a greater amount.

4.10. **Coffee break:** An employee is deemed to be at work during the coffee break.”.

10. This Decree is amended by inserting the following after section 6.02:

“6.02.1. **Division of annual leave:** The annual leave may be divided into two periods, where so requested by the employee. However, the employer may refuse the request if he closes his establishment for a period equal to or greater than the annual leave of the employee.

The annual leave may also be divided into more than two periods where so requested by the employee, provided the employer consents thereto.

Exception: A leave that is one week or less shall not be divided.

6.02.2. **Date of leave known:** An employee is entitled to know the date of his annual leave at least four weeks in advance.”.

11. Section 6.04 is amended by adding the following at the end:

“The employee is also entitled, if he so requests, to an additional annual leave without pay for a period equal to the number of days required to extend his annual leave to three continuous weeks.”.

12. Section 7.02 is amended:

1. by inserting in the first paragraph, after the word “funeral,” the words “of his spouse”;

2. by adding the following after the second paragraph:

“In the cases mentioned in the first and second paragraphs, the employee must advise his employer of his absence as soon as possible.”.

13. The following are substituted for sections 10.01 and 10.02:

“**10.01.** Employers shall pay to the fringe benefits plan administered by the Building Materials Joint Committee an amount of 0,30 \$ for each hour performed by an employee governed by the Decree and, as of 1 May 2000, an amount of 0,30 \$ for each hour performed by an employee governed by the Decree, up to 42 hours weekly, 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000.

10.02. Employers shall deduct from the wages of employees governed by the Decree, an amount equal to 0,20 \$ for each hour performed and, as of 1 May 2000, an amount of 0,35 \$ for each hour performed, up to 42 hours weekly, 41 hours as of 1 October 1999 and 40 hours as of 1 October 2000.”.

14. Section 10.04 is amended by substituting the words “by the parity committee” for the words “with respect to benefits granted by these private plans”.

15. The following is substituted for section 11.01:

“**11.01.** Part I remains in force until 1 May 2001. It is automatically renewed from year to year thereafter unless all the employer and employee contracting parties oppose it by a written notice sent to the Minister of Labour and the other contracting parties during the month of November of the year 2000 or during the month of November of any subsequent year.”.

16. The following is substituted for the first paragraph of section 16.01:

“**16.01.** Employees receive at least the following hourly rates for each job classification indicated below and for the wage scale applicable thereto:

Job classification	<i>As of (insert here the date of the coming into force of this Decree)</i>
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1. cutter, all categories (sawyer)	19,42 \$;
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wage scale:

0 to 12 months	11,67 \$;
12 to 24 months	13,59 \$;
24 to 36 months	16,52 \$;
36 to 48 months	17,97 \$;

2. polisher, all categories	19,42 \$;
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wage scale:

0 to 12 months	11,67 \$;
12 to 24 months	13,59 \$;
24 to 36 months	16,52 \$;
36 to 48 months	17,97 \$;

3. terrazzo caster (granito)	19,42 \$;
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wage scale:

0 to 12 months	11,67 \$;
12 to 24 months	13,59 \$;
24 to 36 months	16,52 \$;
36 to 48 months	17,97 \$;

4. shop labourer	12,54 \$.”.
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17. Section 16.02 is revoked.

18. This Decree is amended by adding the following after section 16.03:

“**16.04. Payment in cash:** Wages must be paid in cash in a sealed envelope or by cheque. The payment may be made by bank transfer. An employee is deemed not to have received payment of the wages due to him if the cheque delivered to him is not cashable within the two working days following its issue.

16.05. Payment at regular intervals: Wages must be paid at regular intervals of not over 16 days.

Notwithstanding the first paragraph, the employer may pay an employee within one month following the commencement of his employment.

16.06. Direct payment: The wages of an employee must be paid directly to him, at his place of employment during standard working hours, except where the payment is made by bank transfer or is sent by mail.

The wages of an employee may also, at his written request, be remitted to a third person.

16.07. Payment on a statutory holiday: If the usual day of payment falls on a statutory holiday, the wages are paid to the employee on the working day preceding that day.

16.08. Pay sheet: The employer must remit to the employee together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. The pay sheet must include, in particular, the following information, where applicable:

- (1) the name of the employer;
- (2) the surname and given name of the employee;
- (3) the identification of the employee's occupation;
- (4) the date of the payment and the work period corresponding to the payment;
- (5) the number of hours paid at the prevailing rate;
- (6) the number of overtime hours paid or replaced by a leave with the applicable premium;
- (7) the nature and amount of the bonuses, indemnities, allowances or commissions paid;
- (8) the wage rate;
- (9) the amount of wages before deductions;
- (10) the nature and the amount of the deductions effected;
- (11) the amount of net wages paid to the employee.

16.09. Signature: No signing formality other than that establishing that the sum remitted to the employee corresponds to the amount of net wages indicated on the pay sheet may be required upon payment of the wages.

16.10 Acceptance of a pay sheet: Acceptance of a pay sheet by an employer does not entail his renunciation of the payment of all or part of the wages that are due to him.

16.11. Deduction from wages: An employer may make a deduction from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, the decree, or a supplementary pension plan requiring mandatory participation or if he is so authorized in writing by the employee.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.”.

19. The following is substituted for section 17.01:

“17.01. Standard working hours:

1. The standard workweek is 40 hours scheduled from Monday to Friday. The standard workday is 8 hours, except where an agreement has been concluded allowing an employer to schedule the working hours of his employees over a maximum of 4 consecutive days of 10 hours per day.

2. An employer may schedule the working hours of his employees on a basis other than a weekly basis, if he meets the following conditions:

(a) the purpose of the schedule is not to avoid the payment of overtime hours;

(b) he has obtained the consent of the employee concerned;

(c) the schedule has the effect of granting the employee another type of benefit to compensate for the loss of payment of overtime hours;

(d) the average of the working hours is equivalent to that of the standard workweek;

(e) working hours are scheduled over a maximum period of four weeks;

(f) the duration of the schedule must not exceed one year;

(g) he forwarded, at least 15 days before the implementation of the schedule, a written notice to that effect to the parity committee.

A scheduled period may be modified by the employer under the same conditions or renewed by him on its expiry.”.

20. The following is substituted for section 17.06:

“**17.06. Rest period:** The employee is entitled to a 15-minute rest period with pay for each day of work.”.

21. The following is substituted for section 19.01:

“**19.01. Night shift:** The standard workday of the employee working the night shift is 8 hours scheduled between 7:30 p.m. and 7:30 a.m. An hourly premium of 0,50 \$ is paid to the employee working the night shift.”.

22. This Decree is amended by adding the following after section 20.04:

“**20.04.1. Indemnity:** When a holiday coincides with a workday for the employee, the employer shall pay him an indemnity equal to the average of his daily wages for the days worked during the complete pay period preceding such holiday, excluding overtime.”.

23. The following is substituted for section 29.01:

“**29.01.** Part II remains in force until 30 April 2000. It is automatically renewed from year to year thereafter unless all the employer and employee contracting parties oppose it by a written notice sent to the Minister of Labour and the other contracting parties during the month of October of the year 1999 or the month of October of any subsequent year.”.

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

3028

Draft Regulation

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Scale of fees and duties related to the development of wildlife

— Amendments

Notice is hereby given, in accordance with sections 10 and 13 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife, the text of which appears below, may be made by the Government upon the expiry of 15 days following this publication.

Under section 12 of the Regulations Act, the draft Regulation may be made at the expiry of a period shorter than the 45-day period applicable under section 11 of

that Act by reason of the urgency due to the following circumstances:

— it is important to fix the fees payable for the new trapping licences for fur-bearing animal management units as soon as possible, since the licences must be available for the fall trapping season.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 15-day period, to the Minister responsible for Wildlife and Parks, 700, boulevard René-Lévesque Est, 29^e étage, Québec (Québec) G1R 5H1.

GUY CHEVRETTE,
Minister responsible for Wildlife and Parks

Regulation to amend the Regulation respecting the scale of fees and duties related to the development of wildlife*

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1, s. 162, par. 10; 1998, c. 29, s. 22)

1. The following paragraphs are added after paragraph 4 of section 4 of the Regulation respecting the scale of fees and duties related to the development of wildlife:

“(5) resident trapping licence for a FAMU: \$13.65;
(6) non-resident trapping licence for a FAMU: \$249.65.”.

2. The following is substituted for section 7:

“**7.** The fees payable for the issue of a licence for the activities governed by section 53 of the Act are as follows:

(1) trader’s or intermediary’s licence to sell or trade undressed pelts:

(a) resident:	\$361.50;
(b) non-resident	\$734.50;

* The Regulation respecting the scale of fees and duties related to the development of wildlife, made by Order in Council 1291-91 dated 18 September 1991 (1991, *G.O.* 2, 3908), was last amended by the Regulations made by Orders in Council 190-99 dated 10 March 1999 (1999, *G.O.* 2, 275) 255-99 dated 24 March 1999 (1999, *G.O.* 2, 425) and 860-99 dated 28 July 1999. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 March 1999.