

Regulations and other acts

Gouvernement du Québec

O.C. 1152-99, 6 October 1999

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

Installation of petroleum equipment — Amendments

CONCERNING the Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS the Government has made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33);

WHEREAS the contracting parties within the meaning of the Decree petitioned the Minister of State for Labour and Employment and Minister of Labour to have certain amendments made to the Decree;

WHEREAS sections 2, 6.1 and 6.2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to extend a collective agreement and to amend a decree at the request of the contracting parties by bringing, if such is the case, the amendments that it deems appropriate;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and sections 5 and 6.1 of the Act respecting collective agreement decrees, the text of the Decree to amend the Decree attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 17 February 1999 and, on that same date, in two French-language newspapers and one English-language newspaper, with a notice that it could be made by the Government in the 45 days following this publication;

WHEREAS it is expedient to make that Draft Decree with amendments;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and Minister of Labour:

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the installation of petroleum equipment*

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

1. Section 1.01 is amended by striking, in subparagraph *iii* of paragraph 9, “and who has at least 2 years’ experience”.

2. Section 2.03 is revoked.

3. The following is substituted for section 3.04:

“**3.04.** Outside of the hours of the standard working day, time spent by the employee travelling from the employer’s establishment to the job site and back again or between job sites, is considered to be time worked.

The first hour of travelling time is paid at the employee’s base rate and additional hours are paid at time and a half that rate.”

4. Section 3.08 is amended by substituting, in paragraph 2, the words “base rate” for the words “wage rate applicable”.

5. The following is substituted for sections 3.11 and 3.12:

“**3.11.** The employee who arrives on the job site without having been informed to the contrary before the end of the preceding standard working day is entitled to an indemnity equal to four hours at his base rate.

3.12. Section 3.11 does not apply when an event outside of the employer’s control prevents him from having work performed covered by the Decree.”

6. Section 4.05 is amended by substituting the words “base rate” for the words “regular rate”.

7. Section 6.06 is amended:

* The last amendment to the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r.33) was made by the Regulation made by Order in Council no. 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

1. by substituting the words “base rate” for the words “usual wage”;

2. by adding, after the first paragraph, the following:

“To determine the indemnity for that holiday, the employer shall:

1. calculate the average weekly wage earned by the employee during the period worked;

2. count the number of weeks that he would have normally worked;

3. multiply the average weekly wage earned by the number of weeks of paid annual vacation to which the employee is entitled;

4. multiply the amount established in subparagraph 3 by the number of weeks counted in subparagraph 2 and divide that amount by 52.

Despite the foregoing, the indemnity for the annual vacation shall not exceed the indemnity to which the employee would have been entitled if he had not been absent.”.

8. Section 8.04 is amended by substituting in subparagraph 3 the words “base rate” for the words “usual wage”.

9. Section 9.01 is amended by substituting the following for subparagraph 1:

“1. Employees receive at least the following hourly rates for each job classification provided below:

Job Classification	As of 20 October 1999
(a) service mechanic, installation mechanic (site), shop mechanic, tank truck mechanic:	
A	22,33 \$
B	18,47 \$
C	15,49 \$
(b) labourer	12,87 \$
(c) student	9,09 \$.”.

10. Section 9.02 is amended:

1. by substituting the following for subparagraph 5:

“5. the number of hours paid at the employee’s base rate;”;

2. by substituting the following for subparagraph 8:

“8. the employee’s base rate;”.

11. Section 11.02 is amended by substituting the number “14” for the number “12,80”.

12. The following is substituted for section 11.04:

“11.04. In order for the amount of 14 \$ per week to be paid by the employer or for the amount of 12,80 \$ to be deducted from the wages of the employee, the employee must have worked 24 hours or more during the week, including overtime hours.

Where an employee works less than 24 hours during the week, the amount paid by the employer and that paid by the employee are respectively \$0.35 for each hour worked including the provincial sales tax.”.

13. Section 11.07 is amended by substituting in the second paragraph the number “26,80” for the number “25,60”.

14. The following is substituted for section 12.01:

“12.01. The Decree remains in force until 31 December 1999. It is then automatically renewed from year to year thereafter, unless one of the contracting parties opposes it by a written notice sent to the Minister of State for Labour and Employment and Minister of Labour and to the other contracting party during the month of August of the year 2000 or during the month of August of any subsequent year.”.

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

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