

Gouvernement du Québec

O.C. 494-99, 28 April 1999

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

**Non-structural metalwork – Montréal
— Amendments**

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region

WHEREAS the Government made the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 35);

WHEREAS the contracting parties within the meaning of that decree have petitioned the Minister of Labour to make certain changes to that 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 decree the extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, where applicable, the amendments that it deems to be opportune;

WHEREAS pursuant to 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 draft of the amendment decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 12 August 1998 and, on that same date, in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government at the expiry of the 45-day period following that publication;

WHEREAS it is expedient to make this 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 non-structural metalwork industry in the Montréal region, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Decree to amend to Decree respecting the non-structural metalwork industry in the Montréal region*

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

1. The following is substituted for section 2.01 of the Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 35):

“**2.01. Industrial:** This Decree governs the fabrication, production, processing and erection in the plant, for any other party, of any non-structural metalwork, regardless of the metal involved, used for building purposes. Such work includes, but is not limited to doors, sashes, windows, frames, sills, stairs, fire escapes, ladders, catwalks, fences, gates, balconies, all types of railings, protection guards, curb angles, frames, covers for pits and trenches, grills, window guards, cages, participations, and doormats.”

2. The following is substituted for sections 3.01 to 3.03:

“**3.01.** The standard workday is, as the case may be, 8 or 10 hours, scheduled between 7 h and 17 h 30. The employer must give the parity committee written notice of the method to be used for scheduling hours of work in his establishment.

3.02. Standard workweek: The standard workweek is 5 days, scheduled from Monday through Friday. However, the employer may, provided the employees agree, establish a standard workweek of 4 consecutive days of 10 hours each, from Monday through Friday.

“**3.03.** Where the employer operates more than one shift and the standard workweek is 5 days, the regular workday begins at the following hours:

1. the first shift, between 7 hours and 9 hours;
2. the second shift, between 15 hours and 18 hours;
3. the third shift, between 23 hours and 1 hour.

* The last amendment to the Decree respecting the non-structural metalwork industry in the Montréal region was made by the regulation made by Order in Council 757-98 of 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.

Where the duration of the standard workweek in force is 4 days, the beginning and the end of the regular workday for shifts must be scheduled within a period of 24 hours, beginning with the hour at which the first shift begins its workday.”

3. Section 3.04 is revoked.

4. The following is substituted for section 3.05:

“**3.05.** The employer may schedule the working hours of his employees on an basis other than a weekly basis, if he meets the following conditions:

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

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

3. the schedule grants the employee another type of benefit to compensate for the loss of payment of overtime hours;

4. the average number of working hours is equivalent to that provided for the standard workweek;

5. working hours are scheduled over a maximum of 4 weeks;

6. the term of the schedule does not exceed 1 year;

7. he has given a written notice to that effect to the parity committee at least 15 days prior to the implementation of the schedule.

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

5. The following is substituted for section 4.02:

“**4.02.** Where the duration of the standard workweek is 5 days:

1. time and a half shall be paid for the first 4 hours of overtime worked in excess of the regular workday or workweek. Double time shall be paid for subsequent overtime hours;

2. double time shall be paid for overtime hours worked on Sunday.

Where the standard workweek is 4 consecutive days:

1. time and a half shall be paid for the first 2 hours of overtime worked in excess of the regular workday. Double time shall be paid for subsequent overtime hours;

2. time and a half shall be paid for hours worked on the fifth day up to twelve hours. Double time shall be paid for subsequent overtime hours;

3. time and a half shall be paid for the first four hours worked on Saturday. Double time shall be paid for subsequent overtime hours;

4. double time shall be paid for hours worked on Sunday.”

6. The following is substituted for section 5.01:

“**5.01.** Minimum hourly wage rates are as follows for the classifications listed below:

Classifications	As of 12 May 1999
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1. zone 1:

(a) specialized brake press operator and mechanic	\$19.09;
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(b) fitter and blacksmith	\$17.42;
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(c) brake press operator, blade sheer operator, buffer	\$17.13;
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(d) trailer-truck driver	\$16.59;
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(e) production worker A	\$16.33;
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(f) truck driver	\$16.33;
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(g) production worker B and painter	\$10.72;
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(h) labourer:	
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— less than 4 000 hours of work	\$8.57;
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— more than 4 000 hours of work	\$9.64;
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2. zone 2: Minimum wage rates in zone 2 are the rates of zone 1, reduced by \$0.15 per hour.”

7. Section 5.06 is revoked.

8. Section 6.01 is amended by substituting in paragraph 3 the words “are payable to the employee” for the words “are granted to the employee”.

9. Section 7.03 is amended by substituting the following for paragraphs 1 to 5:

“1. from 1 year to less than 5 years	4.16 %	2 weeks;
2. from 5 years to less than 13 years	6.36 %	3 weeks;
3. from 13 years to less than 20 years	8.64 %	4 weeks;
4. from 20 years to less than 24 years	9.81 %	4 weeks;
5. 24 years and more	11 %	5 weeks.”.

10. Section 13.04 is amended:

1. by substituting in subparagraph *a* of the second paragraph “\$90.00” for “\$80.00”;

2. by substituting in subparagraph *b* of the second paragraph “\$90.00” for “\$85.00”.

11. Section 14.01 is amended by substituting “\$0.40” for “\$0.26”.

12. Section 14.02 is amended by substituting “\$0.40” for “\$0.26”.

13. Section 14.06 is amended by substituting “\$0.55 as of 12 May 1999 and \$0.60 as of 31 May 1999,” for “\$0.35”.

14. Section 17.01 is replaced by the following:

“**17.01.** The Decree remains in force until 31 May 1999. 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 State for Labour and Employment and Minister of Labour and to the other contracting parties during the month of February of year 1999 or during the month of February of any subsequent year.”.

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