

Draft Regulations

Draft Decree

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

Bread Distributors — Montréal — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received a petition for amendments to the Decree respecting bread distributors in the Montréal region (R.R.Q., 1981, c. D-2, r. 28) from the contracting parties governed by the Decree and that, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) and under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting bread distributors in the Montréal region, 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 Decree is to update certain terms of employment which have remained unchanged since April 11, 1996.

To do so, it proposes to correct the name of a union contracting party, to harmonize the description of the territorial jurisdiction with the official government appellations, to determine an employee's minimum wages and regular workweek and to grant to employees, with regard to the possibility of bread delivery seven days a week, two consecutive days off per week as well as the related statutory general holidays, leave for family events and annual leave with pay. It also fixes March 31, 2001 as the date on which the Decree ceases being in force, without provision for tacit renewal.

This Draft is currently the subject of an impact study as part of the amendments made to the Act amending the Act respecting collective agreement decrees (1996, c. 71).

During the consultation period, the impact of the amendments sought will be clarified. According to the 1998 annual report of the Comité paritaire sur les distributeurs de pain de la région de Montréal, the Decree governs 83 employers, 179 artisans and 248 employees.

Further information may be obtained by contacting Mr. Jude Bourke, Direction des décrets, ministère du

Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-646-2644; fax: 418-528-0559; e-mail: jude.bourke@travail.gouv.qc.ca).

Any interested person with comments to make 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.

NORMAND GAUTHIER,
Deputy Minister of Labour

Decree amending the Decree respecting bread distributors in the Montréal region*

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

1. The first “Whereas” of the Decree respecting bread distributors in the Montréal region is amended by replacing the name “Le Syndicat international des travailleurs et travailleuses de la boulangerie, confiserie et du tabac, section locale 55, FAT-COI-CTC-FTQ” by the name “Le Syndicat international des travailleurs et travailleuses de la boulangerie, confiserie, tabac et meunerie, local 55, FAT-COI-CTC-FTQ”.

2. Section 1.01 of the Decree is amended by inserting, after paragraph *c*, the following:

“c-1) “spouse”: a man and a woman who:

a) are married and cohabiting;

b) are living together as husband and wife and are the father and mother of the same child;

c) have been living together as husband and wife for one year or more;”.

3. Section 2.01 of the Decree is replaced by the following:

* The Decree respecting bread distributors in the Montréal region (R.R.Q. 1981, c. D-2, r. 28) was last amended by the regulation made by Order in Council n° 757-98 dated June 3, 1998 (1998, *G.O.* 2, 2216). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to March 1, 1999.

“2.01. This Decree applies over the territory of the following municipalities:

Administrative Region 06 — Montréal

Communauté urbaine de Montréal

Ville d’Anjou, Ville de Baie-d’Urfé, Ville de Beaconsfield, Cité de Côte Saint-Luc, Ville de Dollard-des-Ormeaux, Cité de Dorval, Ville de Hampstead, Ville de Kirkland, Ville de Lachine, Ville de LaSalle, Ville de L’Île-Bizard, Ville de l’Île-Dorval, Ville de Montréal, Ville de Montréal-Est, Ville de Montréal-Nord, Ville de Montréal-Ouest, Ville de Mont-Royal, Ville de Outremont, Ville de Pierrefonds, Ville de Pointe-Claire, Ville de Roxboro, Ville de Sainte-Anne-de-Bellevue, Ville de Sainte-Geneviève, Ville de Saint-Laurent, Ville de Saint-Léonard, Ville de Saint-Pierre, Village de Senneville, Ville de Verdun, Ville de Westmount.

Administrative Region 13 — Laval

Ville de Laval.

Administrative Region 14 — Lanaudière

In the regional county municipality of Les Moulins:

Ville de Lachenaie, Ville de Mascouche, Ville de Terrebonne.

Administrative Region 15 — Laurentides

In the regional county municipality of Deux-Montagnes:

Ville de Saint-Eustache.

In the regional county municipality of Thérèse-de-Blainville:

Ville de Boisbriand, Ville de Bois-des-Filion, Ville de Lorraine, Ville de Rosemère, Ville de Sainte-Thérèse.

Administrative Region 16 — Montérégie

In the regional county municipality of Champlain:

Ville de Brossard, Ville de Greenfield Park, Ville de LeMoyné, Ville de Longueuil, Ville de Saint-Hubert, Ville de Saint-Lambert.

In the regional county municipality of Lajemmerais:

Ville de Boucherville, Ville de Sainte-Julie.

In the regional county municipality of La-Vallée-du-Richelieu:

Ville de Saint-Bruno-de-Montarville.

In the regional county municipality of Roussillon:

Ville de Candiac, réserve indienne de Kahnawake, Ville de La Prairie, Ville de Sainte-Catherine.

In the regional county municipality of Vaudreuil-Soulanges:

Ville de L’Île-Perrot, Paroisse de Notre-Dame-de-L’Île-Perrot, Ville de Pincourt, Terrasse-Vaudreuil.»

4. Section 4.01 of the Decree is replaced by the following:

“4.01. An employee’s minimum wages are as follows:

	for a regular	for one day
	five-day week	

as of (*insert here the date of the coming into force of this Decree*):

\$340	\$68;	
as of September 1, 2000:	\$355	\$71.”.

5. Section 5.01 of the Decree is replaced by the following:

“5.01. For the computation of overtime hours, the regular workweek is 42 hours, 41 hours as of October 1, 1999 and 40 hours as of October 1, 2000.”.

6. Section 5.07 of the Decree is replaced by the following:

“5.07. The delivery, transportation or shipping, unless the transportation or shipping involve bakery products in transit or intended for a location other than a retail trade establishment, may be carried out seven days a week provided that the person working five days a week is entitled to two consecutive days off per week.”.

7. Section 6.02 of the Decree is replaced by the following:

“6.02. However, if the employee must work on one of the statutory general holidays provided for in section 6.01, the employer, in addition to paying to the employee working on the holiday the wage corresponding to the work performed, must pay him the indemnity provided for in section 6.06 or grant him a compensa-

tory holiday of one day which must be taken within the three weeks preceding or following the holiday.

This section does not apply to an employee carrying out the delivery, transportation or shipping of home-made style bread and specialty bread.”.

8. Section 6.03 of the Decree is revoked.

9. Section 6.05 of the Decree is replaced by the following:

“6.05. Where a holiday coincides with a working day for an employee, the employer must pay to him an indemnity equal to the average of his daily wages for the days worked during the complete period of pay preceding that holiday, excluding overtime.

Notwithstanding the first paragraph, the indemnity paid to an employee remunerated mainly by commission must be equal to the average of his daily wages established from all the complete periods of pay in the three months preceding the holiday.”.

10. Section 6.06 of the Decree is amended by replacing the first paragraph by the following:

“6.06. If one of the statutory general holidays provided for in section 6.01 falls on a non-working day, the employer must pay to the employee, as an indemnity for that statutory holiday, a lump sum of \$68 and, as of September 1, 2000, a lump sum of \$71.

This section does not apply to an employee carrying out the delivery, transportation or shipping of home-made style bread and specialty bread.”.

11. The Decree is amended by adding, after section 6.06, the following:

“6.07. If an employee is on annual leave on one of the holidays provided for in section 6.01, the employer must pay him the indemnity provided for in section 6.06 or grant him a compensatory holiday of one day on a date agreed upon between the employer and the employee.

6.08. To benefit by a statutory general holiday provided for in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and not be absent from work without the employer’s authorization and without valid cause on the day preceding or on the day following that holiday.”.

12. Sections 8.02 and 8.03 of the Decree are replaced by the following:

“8.02. An employee may be absent from work for two days without reduction of wages by reason of the death or the funeral of his consort, his child or the child of his consort, or of his father, mother, brother or sister. He may also be absent from work, without pay, for three more days on such occasion.

8.03. An employee may be absent from work for one day, without reduction of wages by reason of the death or the funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren, or of the father, mother, brother or sister of his consort.

8.04. An employee may be absent from work for one day without reduction of wages, on his wedding day.

An employee may also be absent from work, without pay, on the wedding day of one of his children, of his father, mother, brother or sister or of a child of his consort.

8.05. An employee may be absent from work for five days at the birth of his child or the adoption of a child. The first two days of absence are remunerated if the employee is credited with 60 days of uninterrupted service.

This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his or her father or mother.

However, an employee who adopts the child of his consort may be absent from work for only two days, without pay.

8.06. In the circumstances referred to in sections 8.02 to 8.05, the employee must advise his employer of his absence as soon as possible.”.

13. Section 10.01 of the Decree is replaced by the following:

“10.01. This Decree remains into force until March 31, 2001.”.

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

2900