

Gouvernement du Québec

**O.C. 1380-99, 8 December 1999**

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

**Building materials  
— Amendments**

Decree to amend the Decree respecting the building materials industry

WHEREAS the Government made the Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34);

WHEREAS the contracting parties within the meaning of this Decree have petitioned the Minister of State for Labour and Employment and Minister of Labour to make certain amendments 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 an extension decree upon the request of the contracting parties by making, if applicable, the amendments that it deems expedient;

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, a draft amendment decree, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 and, on the same date, in two French-language newspapers and one English-language newspaper, with a notice that it could be made by the Government upon the expiry of 45 days 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 building materials industry, attached hereto, be made.

MICHEL NOËL DE TILLY,  
*Clerk of the Conseil exécutif*

**Decree to amend the Decree respecting the building materials industry\***

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

1° by substituting the following for paragraph 1:

“1° spouses: means either of two persons who:

(a) are married and cohabiting;

(b) are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for one year or more;”;

2° by substituting, in paragraph 2, 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);

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 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 September 1999.

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 99 12 22	As of 2000 07 01
Truck driver	12,10 \$ per hour	12,45 \$ per hour;
All other trades or jobs	11,98 \$	12,33 \$;
Student		
1st year	8,98 \$	9,25 \$;
2nd year	9,56 \$	9,85 \$;
Watchman	481,00 \$ 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 41 hours and, as of 1 October 2000, 40 hours. The standard workweek is scheduled from Monday to Saturday. The standard workday shall not exceed nine 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 ten 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;

(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 joint 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 renuncia-

tion 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 he 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.

**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 at his regular hourly wage, 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 0,35 \$ for each hour performed by an employee governed by the Decree as of the coming into force of this Decree, up to 41 hours weekly and up to 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 0,35 \$ for each hour performed as of the coming into force of this Decree up to 41 hours weekly and up to 40 hours as of 1 October 2000.”.

**14.** The following is substituted for section 11.01:

“**11.01.** Part I remains in force until 31 December 2000.”.

**15.** 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:

<b>Job classification</b>	<b>As of 22 December 1999</b>
1. cutter, all categories (sawyer)	19,42 \$;
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 \$;
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 \$;
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 \$.”.

**16.** Section 16.02 is revoked.

**17.** 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 a working day, 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 regular 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 employee 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 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 supplementary pension plan requiring mandatory membership 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.”.

**18.** 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 eight 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 ten 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) he 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 joint committee.

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

**19.** 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.”.

**20.** The following is substituted for section 19.01:

**“19.01. Night shift:** The standard workday of the employee working the night shift is eight 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.”.

**21.** 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.”.

**22.** The following is substituted for section 29.01:

**“29.01.** Part II remains in force until 30 April 2001.”.

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

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Gouvernement du Québec

**O.C. 1381-99, 8 December 1999**

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

**Building service employees**

— Québec

— Amendments

Decree to amend the Decree respecting building service employees in the Québec region

WHEREAS the Government has made the Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r.40);

WHEREAS the contracting parties within the meaning of this 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;