

Gouvernement du Québec

O.C. 1384-99, 8 December 1999

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

Cartage
— **Montréal**
— **Amendments**

CONCERNING the Decree to amend the Decree respecting the cartage industry in the Montréal region

WHEREAS the Government made the Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 6);

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, pursuant to sections 10, 12 and 13 of the Regulations Act (R.S.Q., c. R-18.1) and section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a draft amendment decree, attached hereto, was published in Part 2 of the *Gazette officielle du Québec* of 10 November 1999 and, on the same date, in one French-language newspaper and one English-language newspaper, with a notice that it could be made by the Government upon the expiry of 16 days following that publication;

WHEREAS the 16-day period has expired;

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 cartage industry in the Montréal region, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Montréal region *

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

1. The first “WHEREAS” of the Decree respecting the cartage industry in the Montreal region is amended by substituting the name “L’Association des transporteurs de la région de Montréal Inc.” for the the name “L’Association du camionnage du Québec Inc. (Section régionale de Montréal).”.

2. The following is substituted for section 1.01:

“**1.01.** In this Decree the following expressions mean:

1. “helper”: employee who assumes the duties of helper as required by the employer, except for the duties mentioned in paragraphs 2, 3, 4, 5 and 7;

2. “driver”: driver of an automobile;

3. “truck driver”: driver of a truck with two axles or more;

4. “tractor driver”: driver of a tractor semi-trailer;

5. “towmotor operator”: driver of a motor vehicle known as a “fork lift”;

6. “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;

7. “dockman” employee whose regular duties involve handling merchandise inside the warehouse or on the platform;

8. “uninterrupted service”: means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the perfor-

* The last amendment to the Decree respecting the cartage industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 6) 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, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.

mance of the work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed.”

3. Section 2.04 is amended by substituting, in paragraph *e*, the words “or employees” for the words “, employees or artisans”.

4. The following is substituted for sections 3.01 and 3.02:

“**3.01.** The standard workday shall not exceed 12 hours, excluding meals.

3.02. The standard workweek shall be 40 hours, scheduled over six consecutive days within one calendar week from Sunday to Saturday inclusively.”

5. Section 3.03 is amended by deleting the second and third paragraphs.

6. Section 3.05 is revoked.

7. Section 3.07 is amended:

1. by substituting the following for the first paragraph:

“**3.07.** Except for a fortuitous event that prevents the work, an employee is entitled to a minimum indemnity of four consecutive hours of pay at his minimum hourly rate for each day that he reports to work, unless the employer or his representative gives him a previous notice not to report to work.”;

2. by deleting the second paragraph;

3. by substituting the word “four” for the number “7” in the third paragraph.

8. Section 3.08 is revoked.

9. The following is substituted for sections 4.01 and 4.02:

“**4.01.** Hours worked over 12 hours per day or over 40 hours per week are overtime hours.

4.02. Overtime hours are paid at time and a half the employee’s regular hourly wage, except for premiums established on an hourly basis.”

10. Sections 4.03 and 4.05 are revoked.

11. The following is substituted for section 5.01:

“**5.01.** Minimum hourly rates are the following for each job classification listed below:

Job classification	Hourly rate
1. helper	\$8.75;
2. driver	\$10.75;
3. truck driver	\$11.75;
4. tractor driver	\$12.25;
5. towmotor operator	\$11.75;
6. dockman	\$10.75.”.

12. Sections 5.02 to 5.05 are revoked.

13. Section 5.08 is amended by deleting paragraphs 2 to 4.

14. Sections 5.09 and 5.10 are revoked.

15. The following is substituted for section 5.11:

“**5.11.** The employee who, during the performance of his duties, remains outside of his residence on a holiday, his weekly day of rest, or due to a fortuitous event, is entitled to a minimum indemnity equal to his standard workday at his minimum hourly rate.”

16. The following is substituted for section 6.01:

“**6.01.** The following days are paid statutory holidays: 1 January, Good Friday, the Queen’s Birthday, 1 July, Labour Day, Thanksgiving and 25 December.

Easter Monday may be substituted for the Good Friday holiday for all or some of the employees.”

17. Section 6.05 is revoked.

18. Section 6.06 is amended:

1. by substituting the following for paragraph 1:

“1. Where a holiday coincides with a working day for an employee, the employer shall pay the employee an indemnity equal to the average of his daily wage for days worked during the complete pay period preceding such holiday, without considering overtime hours.”;

2. by substituting the following for paragraph 3:

“3. For 1 January and 25 December, the employee shall receive the indemnity provided for in paragraph 1, on the following conditions:

(a) he has been in the service of his employer for the 30 days preceding the holiday;

(b) he has worked 10 days during those 30 days;

(c) he has been available for the standard workday preceding and following the holiday, unless a fortuitous event occurred for which proof lies with the employee and must be submitted to the employer within the five days following the holiday, unless that day is included in his annual vacation.”.

19. The following is substituted for section 6.07:

“**6.07.** Hours worked on a holiday are paid at double time with a minimum of four consecutive hours paid at double time.”.

20. Section 6.08 is revoked.

21. Section 7.05 is amended by substituting the number “12” for the number “10”.

22. Section 7.06 is revoked.

23. Sections 8.02 to 8.03 are revoked.

24. The following is substituted for section 12.01:

“**12.01.** The Decree remains in force until 30 September 2000.”.

25. 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. 1385-99, 8 December 1999

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

Automotive services
— **Lanaudière-Laurentides**
— **Amendments**

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides region

WHEREAS the Government made the Decree respecting the automotive services industry in the Lanaudière-Laurentides region (R.R.Q., 1981, c. D-2, r. 44);

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 of the amending decree attached hereto was published in Part 2 of the *Gazette officielle du Québec* of 11 August 1999 and, on the same date, in a French-language newspaper and in an English-language newspaper and, on 14 and 15 August 1999, in two other French-language newspapers 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 automotive services industry in the Lanaudière-Laurentides region, attached hereto, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the automotive services industry in the Lanaudière-Laurentides region*

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

1. The following is substituted for the title of the Decree respecting the automotive services industry in the Lanaudière-Laurentides region:

* The Decree respecting the automotive services industry in the Lanaudière-Laurentides region (R.R.Q., 1981, c. D-2, r. 44) was last amended by the Regulation made by Order in Council No. 1569-98 dated 16 December 1998 (1998, *G.O.* 2, 4815). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1999, updated to 1 September 1999.