

Draft Regulations

Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Contribution rates

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting contribution rates, the text of which appears below, will be submitted to the Government for approval with or without amendment upon the expiry of 45 days following this publication.

The Regulation is a follow-up to the passing of the Act respecting the conditions of employment in certain sectors of the clothing industry and amending the Act respecting labour standards (1999, c. 57).

Its main purpose is to fix the supplementary contribution rate under the second paragraph of section 39.0.2 of the Act respecting labour standards (R.S.Q., c. N-1.1) by employers in the men's and women's clothing, leather glove and men's and boy's shirt industries, payable from the expiry of the collective agreement decrees governing the industries concerned.

Further information on the draft Regulation may be obtained by contacting Mr. Blaise Pouliot, Service de la recherche of the Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel. (418) 644-0817, extension 754, fax: (418) 643-5132.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Guy Lemieux, Secretary General of the Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel. (418) 644-0817, fax: (418) 643-5132.

JEAN-MARC BOILY,
*Chief Executive Officer of
the Commission des normes du travail*

Regulation respecting contribution rates

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, par. 7, s. 39.0.2; 1999, c. 57, s. 2)

1. The contribution rate provided for in the first paragraph of section 39.0.2 of the Act respecting labour standards (R.S.Q., c. N-1.1) is 0.08 %.
2. The supplementary contribution rate provided for in the second paragraph of section 39.0.2 of that Act, amended by section 2 of Chapter 57 of the Statutes of 1999, is 0.12 %.
3. This Regulation replaces the Regulation respecting the levy under the Act respecting labour standards (R.R.Q., 1981, c. N-1.1, r. 4).
4. This Regulation comes into force on 1 July 2000.

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Draft Regulation

An Act respecting labour standards
(R.S.Q., c. N-1.1)

Keeping of a registration system or of a register and disclosure of certain information — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting a registration system or the keeping of a register, the text of which appears below, will be submitted to the Government which may approve it with or without amendment upon the expiry of 45 days following this publication.

The Regulation gives effect to the passing of the Act respecting the conditions of employment in certain sectors of the clothing industry and amending the Act respecting labour standards (1999, c. 57) and of the Act to amend the Act respecting labour standards and other legislative provisions concerning work performed by children (1999, c. 52).

As for employers in the clothing industry, the Regulation provides essentially that the obligation to keep a wage register and to file a monthly report on the employees' work shall be maintained, despite the expiry on 1 July 2000 of the collective agreement decrees in the men's and women's clothing industry, the leather glove industry and the men's and boy's shirt industry.

The Regulation also requires employers to enter in the register they keep certain information specific to employees under 18 years of age.

Further information on the draft Regulation may be obtained by contacting Mr. Blaise Pouliot, Service de la recherche de la Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel. (418) 644-0817, extension 754, fax: (418) 643-5132.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. Jean-Guy Lemieux, Secretary General of the Commission des normes du travail, 400, boulevard Jean-Lesage, 7^e étage, Québec (Québec) G1K 8W1; tel. (418) 644-0817, fax: (418) 643-5132.

JEAN-MARC BOILY,
*Chief Executive Officer of
the Commission des normes du travail*

Regulation to amend the Regulation respecting a registration system or the keeping of a register*

An Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, pars. 3 and 3.1; 1999, c. 57)

1. The title of the Regulation respecting a registration system or the keeping of a register is amended by adding the words "and report transmittal" at the end.

2. The following paragraph is added at the end of section 1:

"(r) in the case of an employee under 18 years of age, his date of birth and the time at which the work began and ended."

3. The following is inserted after section 1:

"1.1 Section 1 does not apply in respect of an employer in the clothing industry that, had it not expired, would be subject to the Decree respecting the men's and boy's shirt industry (R.R.Q., c. 1981, c. D-2, r. 11), the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r. 26), the Decree respecting the men's clothing industry (R.R.Q., c. 1981, c. D-2, r. 27) or the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r. 32).

Notwithstanding the foregoing, any employer referred to in the first paragraph shall keep a registration system or a register containing, depending on its sector of activity, the information provided for in Schedule I."

4. The following is added after section 2:

"3. Any employer referred to in section 1.1 shall transmit to the Commission des normes du travail, for the period running from 1 July 2000 to 1 July 2002, a monthly report in writing, indicating for each employee:

- (1) the surname, given name, address;
- (2) the classification or qualification;
- (3) for each week, the number of regular working hours, the overtime and the total number of hours;
- (4) the total of the weekly and monthly gains;
- (5) the hourly rate;
- (6) the indemnities paid for holidays, as severance pay, for annual vacation and any other indemnity or benefit with a financial value.

The report shall be transmitted for the preceding month no later than on the 10th of each month.

It shall nevertheless be transmitted even if no work was performed."

5. This Regulation comes into force on 1 July 2000.

* The Regulation respecting a registration system or the keeping of a register (R.R.Q., 1981, c. N-1.1, r. 6) was amended once by the Regulation approved by Order in Council 901-99 dated 4 August 1999 (1999, G.O. 2, 2719).

SCHEDULE I

(s. 1.1)

Division I

Information required from an employer that, had it not expired, would be covered by the Decree respecting the men's and boy's shirt industry (R.R.Q., c. 1981, c. D-2, r. 11) or the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r. 32)

Subdivision I

For each employee and each pay period:

- (1) his surname, given name, address, the identification and nature of his employment and the first date of service with that employer;
- (2) the number of working hours per day and, for each day, the exact time at which the work was begun, interrupted, resumed and finished;
- (3) the total number of hours worked per week;
- (4) the overtime;
- (5) the number of work days per week;
- (6) the wage rate;
- (7) the nature and amount of the premiums, severance pay and other, allowances or commissions paid;
- (8) the gross wage;
- (9) the nature and amount of the deductions;
- (10) the net wage;
- (11) the working period corresponding to the payment;
- (12) the date of payment;
- (13) the reference year;
- (14) the duration of the vacation;
- (15) the date on which he goes on his annual paid vacation;
- (16) the date on which the employee was granted a paid statutory general holiday or another holiday, including compensatory holidays related to paid statutory general holidays.

Subdivision II

Other information:

(1) an employer that, had it not expired, would be covered by the Decree respecting the leather glove industry and that entrusts work to home workers shall enter the following information in the register:

- (a) the surname, given name and address of each home worker;
- (b) the date on which the work is delivered to each home worker;
- (c) the kind of work, the description and quantity of clothes to be prepared by each home worker;
- (d) the piece rate paid to each home worker;

(2) where a single shop prepares clothes included and not included in the scope of the Decree respecting the men's and boy's shirt industry or the scope of the Decree respecting the leather glove industry, the employer shall keep separate registers containing the information required in Subdivision I, both for included and excluded clothes, unless the employer grants the conditions of employment imposed by regulation to all production workers;

(3) the employer shall register each of his employees, including home workers, within 5 days of the hiring date by completing an employee's registration card containing: his surname, given name, address, age, experience in the industry, with respect to each employment held and his current classification;

The registration card shall bear the signature of the employer and of the employee and shall be received by the Commission within 5 days of the hiring date. The employer shall ask the Commission for the required registration cards;

(4) an employer that, had it not expired, would be covered by the Decree respecting the leather glove industry and that wishes to have work performed at home shall enter the following information in the register:

(a) his surname, given name and address or, in the case of a partnership, those of the partners or, in the case of a legal person, those of its officers or designated agents;

(b) his principal place of business;

(c) the surnames, given names and places of business of the owners of the merchandise from whom the employer accepts work to be performed at home;

(d) a written document from each owner of merchandise attesting that he entrusts the employer with work to be performed at home;

(5) where work is entrusted to a home worker, his employer shall file with the Commission a sample of each garment design and shall complete a working form stating the garment design, quantity and price paid for each clothing garment design to be prepared; furthermore, each piece of clothing shall identify the owner of the merchandise;

(6) an employer that has work performed by a contractor shall enter in his register the following information: the garment design, the description, quantity and price paid to the contractor for each garment design, as well as any trade mark used;

(7) the contracting employer shall enter, not later than the 10th of the month following that in which he receives the work, the following information for each employer providing him with work: the garment design, the description, quantity and price paid to him for each garment design, as well as any trade mark used.

Division II

Information required from an employer that, had it not expired, would be covered by the Decree respecting the women's clothing industry (R.R.Q., c. 1981, c. D-2, r. 26)

Subdivision I

For each employee and each pay period:

(1) his surname, given name, address, his qualification or classification, the exact time at which the work was begun, interrupted, resumed and finished each day, the nature of the work and the wage paid, with the mode and time of payment;

(2) the annual vacation, the holidays and the severance pay, with the following details:

- (a) the first date of service with the employer;
- (b) the duration of his annual vacation;
- (c) the scheduled date of his going on vacation;

(d) the amount paid for his annual vacation and the date of payment;

(e) the amount paid for each holiday;

(f) the amount paid as severance pay.

Subdivision II

Other information

(1) with respect to work entrusted to home workers, the register shall contain the following information:

(a) the surname, given name and address of each home worker;

(b) the delivery date of the work;

(c) the kind of work, the description and quantity of clothes to be prepared;

(d) the piece rate for the home work determined in accordance with the regulatory provisions;

(2) where a single shop prepares clothes included and not included in the scope of the Decree respecting the women's clothing industry or the scope of the Decree respecting the leather glove industry, the employer shall keep separate registers containing the information required in Subdivision I, both for included and excluded clothes, unless the employer grants the conditions of employment imposed by regulation to all production workers;

(3) the employer shall register each of his employees, including home workers, within 3 days of the hiring date by completing an employee's registration card containing: his surname, given name, address, age, experience in the industry with respect to each employment held and his current classification;

The registration card shall bear the signature of the employer and of the employee;

(4) an employer that wishes to have work performed at home shall enter the following information in the register:

(a) his surname, given name and address or, in the case of a partnership, those of the partners or, in the case of a legal person, those of its officers or designated agents;

(b) his principal place of business;

(c) the surnames, given names and places of business of all the owners of the merchandise from whom the employer accepts work to be performed at home;

(d) a written document from each owner of merchandise attesting that he entrusts the employer with work to be performed at home;

(5) where work is entrusted to a home worker, his employer shall file with the Commission a sample of each garment design and shall complete a working form stating the garment design, quantity and price paid for each clothing garment design to be prepared; furthermore, each piece of clothing shall identify the owner of the merchandise;

(6) an employer that has work performed by a contractor shall enter in his register the following information: the garment design, the description, quantity and price paid to the contractor for each garment design, as well as any trade mark used;

(7) the contracting employer shall enter, not later than the 10th of the month following that in which he receives the work, the following information for each employer providing him with work: the garment design, description and price paid to him for each garment design, as well as any trade mark used.

Division III

Information required from an employer who, had it not expired, would be covered by the Decree respecting the men's clothing industry (R.R.Q., c. 1981, c. D-2, r. 27)

For each employee and each pay period:

(1) his surname, given name, address, the nature of his work, his qualification and the first date of service with that employer;

(2) the number of working hours per day and, for each day, the exact time at which work was begun, interrupted, resumed and finished;

(3) the total number of hours worked per week;

(4) the overtime;

(5) the number of work days per week;

(6) the wage rate;

(7) the nature and amount of the premiums, severance pay and other, allowances or commissions paid;

(8) the gross wage;

(9) the nature and amount of the deductions made;

(10) the net wage;

(11) the working period corresponding to the payment;

(12) the date of payment;

(13) the reference year;

(14) the duration of the vacation;

(15) the date on which he goes on his annual paid vacation;

(16) the date on which the employee took a paid statutory general holiday or another holiday, including compensatory holidays related to paid statutory general holidays.

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Draft Regulation

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

Safety Code

— Construction industry

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and with section 224 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), that the Regulation to amend the Safety Code for the construction industry, the text of which appears below, may be adopted by the Commission de la santé et de la sécurité du travail and submitted to the Government for approval upon the expiry of 60 days following this publication.

The purpose of the draft Regulation is to ensure the health and safety of workers on construction sites by prescribing standards more appropriate to that industry.

To that end, the draft Regulation specifies the safety rules that apply when mobile scaffolding is used near live power lines. It also provides the addition of a new division concerning fall protection, as well as new requirements concerning scaffolding platforms. Finally, it recommends the installation of overload and two-blocking situation protection devices on mobile cranes,