

Draft Regulations

Draft Regulation

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

Casket industry — Amendments

Notice is hereby given that the Minister of State for Labour and Employment and Minister of Labour has received an application to amend the Decree respecting the casket industry (R.R.Q., 1981, c. D-2, r.8) from the contracting parties governed by the decree and that in accordance with section 5 of the Act respecting collective agreement decrees and with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the casket industry, a copy of which appears below, may be made by the Government on the expiry of the 45 days following this publication.

The purpose of this draft regulation is to update certain working conditions that have remained unchanged since June 23, 1998.

To that end, it proposes to replace the average shop rate by a wage scale, establish an indemnity where the employee does not benefit from a group insurance plan or an employer pension plan, establish flexibility for the starting time of the standard workday, schedule the work-week from Sunday to Saturday for the maintenance man and the repairman, extend the duration of the Decree to 31 December 2002 and renew it automatically thereafter and finally, make amendments to harmonize the Decree with the Act respecting labour standards.

This draft regulation is currently under study and the consultation period will serve to clarify the nature and scope of the impact of the amendments being sought. According to the 1999 Annual Report of the Comité paritaire de l'industrie du cercueil, this decree governs 17 employers and 767 employees.

Further information may be obtained by contacting Ms. Michèle Poitras, Direction des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1 (telephone: 418-646-2631; fax: 418-528-0559; E-mail: michele.poitras@travail.gouv.qc.ca).

Any interested person having comments to make is asked to send them in writing, before the expiry of that 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 to amend the Decree respecting the casket industry*

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

1. Section 1.01 of the Decree respecting the casket industry is amended:

1. by striking out paragraph *d*;
2. by substituting the following for paragraph *e*:

“(e) “spouse”: means either of two persons:

- i. who are married and cohabiting;
- ii. who are living together in a de facto union and are the father and mother of the same child;
- iii. who are of opposite sex or the same sex and have been living together in a de facto union for at least one year;”.

2. The following is substituted for sections 3.00 to 3.03:

“3.00 Wages, fringe benefits and the indemnity respecting fringe benefits

3.01. As of 1 January 2001, an employee receives at least the following hourly wage rate:

* The last amendment to the Decree respecting the casket industry (R.R.Q., 1981, c. D-2, r. 8) was made by the regulation made under Order in council No. 1379-99 dated 8 December 1999 (*G.O.* 2, 4592). For previous amendments, see the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2000, updated to 1 February 2000.

Duration of the continuous service Hourly wage rate

on hiring:	\$7.60
after 3 months:	\$7.80
after 6 months:	\$7.90
after 12 months:	\$8.10
after 24 months:	\$8.60
after 36 months:	\$9.10

On 1 January 2002, minimum hourly wage rates are increased based on the change in the Consumer Price Index for Canada between November 2000 and November 2001, as determined by Statistics Canada.

Notwithstanding the preceding, minimum hourly wage rates are increased by a minimum of 1 % and a maximum of 4 %.

Increased wage rates are rounded off by increasing or decreasing them to the nearest hundred of a dollar.

3.02. Group insurance or pension plan: The employee shall benefit from a group insurance plan or a pension plan to which the employer contribution is 1 % of the employee's wage as of 1 January 2001. That contribution is 2 % of the employee's wage as of 1 January 2002.

3.03. Indemnity respecting the group insurance or pension plan: Where the employer fails to contribute to a group insurance or pension plan for the employee, as provided for in section 3.02, he shall grant an indemnity equal to the percentage of the wage provided for in that section.

In the event that the employer contributes to a group insurance or pension plan for the employee in a proportion less than the one mentioned in section 3.02, he shall grant an indemnity corresponding to the difference between the contribution paid and that required under section 3.02.”.

3. Section 4.04 is amended by striking out the word “average” in the first line.

4. Section 5.02 is amended by adding the following after the first paragraph:

“In the case of a standard workday of 10 hours and 30 minutes, the work schedule may begin at 6:30 a.m. at the earliest.

In all other cases, the employer and employees, after agreement with a majority of the employees concerned, may decide that the work schedule begins at 6:00 a.m. at the earliest.”.

5. The following is substituted for sections 5.03 and 5.04:

“**5.03.** The standard workweek for the watchman, truck driver, boiler fireman, stationary engineman, maintenance man and repairman is scheduled from Sunday to Saturday with no restriction as to the hour at which work begins or ends.”.

6. Section 5.05 is amended by adding the following after the first paragraph:

“In the case of an employee paid on a piece rate or incentive basis, for the purposes of computing the amount to be paid for overtime hours, the increase in the employee's wage is determined on the basis of the total wage earned during the last two weeks of work preceding the week where the overtime hours have been worked.

For the purposes of computing overtime hours, annual vacations and paid general holidays are considered as workdays.”.

7. Section 5.09 is abrogated.

8. The following is substituted for the first paragraph of section 6.02:

“**6.02.** An employee who has 60 days of continuous service with his employer is entitled to the following paid holidays: New Year's Day, 2 January, Easter Monday, the Monday that precedes 25 May, 1 July, Labour Day, Thanksgiving Day, Christmas and 26 December.”.

9. Section 6.03 is amended by substituting the following for the second paragraph:

“Notwithstanding the first paragraph, the indemnity of the employee paid on a piece rate or incentive basis shall be equal to his average daily wage established on the basis of complete pay periods within the two weeks preceding that holiday.”.

10. Section 7.01 is amended by adding the following paragraphs at the end of paragraph (b):

“He is also entitled, if he so requests, to an additional annual vacation without pay equal to the number of days required to bring his annual vacation to three weeks.

That additional vacation does not have to be continuous with the annual two-week paid vacation. However, it may not be divided, nor be replaced by a compensatory indemnity;”.

11. Section 7.05 is amended by inserting, after the word “benefits,” the words “contribution to a group insurance,”.

12. The following is substituted for section 10.01:

“**10.01.** The Decree remains in force until 31 December 2002. It is automatically renewed from year to year thereafter unless the employer contracting party or the group constituting the union contracting party opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August 2001 or during the month of August of any subsequent year.”.

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