

12. Section 3.04.01 of this regulation is amended by replacing the words “six months of the application for arbitration” by the words “forty-five days of the end of the hearing.”.

13. Section 3.04.02 of this regulation is replaced by the following:

“3.04.02. The award is filed with the conciliator. It is sent to each of the parties or their counsel by registered mail within ten days of being submitted.”.

14. Section 3.04.06 of this regulation is amended:

1° by striking out in the first paragraph, what follows: “who, unless explicitly authorized by the parties, shall issue a copy thereof in whole or in part only to the latter, their advocate, the syndic and the members of the Bureau”;

2° by replacing the second paragraph by the following: “At the request of either of the parties, the conciliator shall return the documents filed by them at the hearing.”.

15. Schedule I of this regulation is amended by replacing the words “client’s name” by the words “name of the person seeking arbitration”.

16. This regulation applies to any application for conciliation sent to the conciliator after the date it comes into force.

17. This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.”.

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Gouvernement du Québec

### O.C. 1341-2001, 7 November 2001

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

#### Petroleum equipment

##### — Installation

##### — Amendments

CONCERNING the Decree to amend the Decree respecting the installation of petroleum equipment

WHEREAS the Government made the Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33);

WHEREAS the contracting parties within the meaning of the Decree have petitioned the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for certain amendments to be made to that 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 decree the extension of a collective agreement and to amend an extension decree at the request of the contracting parties by making, where applicable, the amendments it deems appropriate;

WHEREAS under 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 amendment Decree was published in Part 2 of the *Gazette officielle du Québec* of 25 April 2001 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 on the expiry of the 45-day period following that publication;

WHEREAS it is expedient to make that draft Decree with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour:

THAT the Decree to amend the Decree respecting the installation of petroleum equipment, attached hereto, be made.

JEAN ST-GELAIS,  
*Clerk of the Conseil exécutif*

### Decree to amend the Decree respecting the installation of petroleum equipment\*

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

1. Section 1.01 of the Decree respecting the installation of petroleum equipment is amended:

\* The Decree respecting the installation of petroleum equipment (R.R.Q., 1981, c. D-2, r. 33) was last amended by the Regulation made by Order in Council No. 462-2000 dated 5 April 2000 (2000, G.O. 2, 2013). For previous amendments, please refer to the “Tableau des modifications et Index sommaire”, Éditeur officiel du Québec, 2000, updated to 1 November 2000.

(1) by substituting the following for paragraphs 1 and 2:

“(1) “equipment”: tanks, piping, pumps, meters, safety devices, leakage detection devices, compressors, elevators, oil interceptors as well as their parts and accessories, installed with operators or users as defined in the Petroleum Products Regulation, made by Order in Council No. 753-91 dated 29 May 1991, and intended for:

(a) the operation of an establishment where motor vehicles are kept, maintained or repaired;

(b) the operation of an establishment or filling centre where a petroleum product or its derivatives are sold, distributed, exchanged in bulk or stored;

(c) to tanks of tank trucks used for the transport of petroleum products or by-products and related parts and accessories;

(2) “installation”: all operations required for dismantling or setting up and for activating equipment, including excavation, backfilling, cement and welding framework as well as the construction of pump islands and the compressor base-plate;

(2.1) “service”: the maintenance, inspection, alteration, connection, adjustment, replacement, restoration, repair, welding and checking of equipment on site;”;

(2) by substituting the following for paragraph 4:

“(4) “service mechanic”: employee who is a service attendant on a regular basis;”;

(3) by substituting the following for paragraph 6:

“(6) “installation mechanic”: employee who is an installation attendant on a regular basis;”;

(4) by deleting paragraph 8;

(5) by substituting the following for subparagraph *iii* of paragraph 9:

“*iii*. Class C: employee who has accumulated 4,000 hours of service and who will perform a portion of the duties provided for in the definition of the trade;”;

(6) by substituting the following for paragraphs 11 and 12:

“(11) “spouse”: 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;

(12) “labourer”: employee who is chiefly engaged in unskilled work such as handling material, participating in excavation, backfilling and cement framework and assisting the mechanic in his functions; this word also includes the employee who is learning the trades of service mechanic, shop mechanic, installation mechanic and tank-truck mechanic.”.

2. Section 2.01 of the Decree is amended by adding, at the end, the following words:

“as well as the removal and flushing of soil contaminated by a petroleum product and its derivatives”.

3. The following is substituted for section 3.02:

“**3.02.** The regular workday is as follows:

(1) for installation employees: eight hours scheduled between 6:30 a.m. and 5 p.m., with one hour off without pay for the noon meal;

(2) for service employees: eight hours scheduled between 7:30 a.m. and 7 p.m., with one hour off without pay for the noon meal;

(3) for all other employees: eight hours scheduled between 8 a.m. and 5 p.m., with one hour off without pay for the noon meal.”.

4. The following is substituted for section 3.04:

“**3.04.** In addition to the hours of the regular workday, time spent by the employee travelling from the employer’s establishment to the job site and back again, and between job sites, is paid time and a half.”.

5. The following is substituted for section 3.10:

“**3.10.** “Shift premium”: An installation employee working on the second or third shift is paid an hourly premium of \$0.35.”.

6. The following are substituted for sections 4.02 and 4.03:

“**4.02.** The first four overtime hours worked over and above the regular workday and those worked on Saturday are paid time and a half.

**4.03.** Except for the hours worked as provided for in section 3.04, overtime hours worked on Sunday and on holidays as well as hours worked over and above those specified in section 4.02 are paid double time.

Hours worked on a holiday also entitle employees to indemnity for that holiday as provided for in section 6.03.”.

7. The following are substituted for section 4.05:

“**4.05.** When an employee is called back to work after his or her regular workday, that employee is entitled to be paid double time.

**4.05.1.** An employee who reports to work at his place of employment at the express demand of his employer 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’ wages at the prevailing hourly rate, except where the application of sections 4.02, 4.03 or 4.05 provides him with a higher amount.

The first paragraph does not apply where the nature of the work or the conditions of execution require the employee to be present several times in the same day, for less than three hours each time.”.

8. The following is substituted for section 5.01:

“**5.01.** The 24th of June is a statutory general holiday under the National Holiday Act (R.S.Q., c. F-1-1).”.

9. Section 5.02 is amended by inserting “25,” after “24,”.

10. Section 6.03 is amended by substituting “4.4%” for “4%”.

11. Section 6.03.1 is amended by substituting “10.76%” for “10.36%”.

12. The following is substituted for section 9.01:

“**9.01.** (1) The minimum hourly rate payable to the service mechanic, the installation mechanic, the shop mechanic and the tank-truck mechanic is established as follows for each class of employment:

**Class of Employment As of 21 November 2001**

A	\$23.05
B	\$19.05
C	\$15.95.

(2) The labourer is paid according to the number of hours accumulated since the date on which he is hired. The minimum hourly rate payable is established as follows as of 21 November 2001:

starting:	\$13.24
after 2000 hours:	\$13.65
after 4000 hours:	\$14.10
after 6000 hours:	\$14.69.

(3) The minimum hourly rate payable to a student is \$9.42.

(4) For each four employees in his employ, the employer has an employee paid at the Class A rate.

For the purposes of paragraph 4, the multiple of four is deemed to be reached as soon as the number of employees reaches a number lower than one below the multiple of four.”.

**13.** Section 10.04 of the French text is amended by inserting, after the word “travail”, the words “ou sur le chantier”.

**14.** The following are substituted for sections 11.02 to 11.04:

“**11.02.** The employer contributes to the fringe benefits plan managed by the Comité paritaire de l’installation d’équipement pétrolier du Québec, the sum of \$14 per week for each of his employees, except for a student.

**11.03.** The employer deducts from the pay of each of his employees, except for a student, the sum of \$14 per week, for the fringe benefits fund.

**11.04.** In order for the amount provided for in section 11.02 to be paid by the employer and for that provided for in section 11.03 to be deducted from the wages of an employee, the employee must have worked 24 hours or more during the week, including overtime hours.

Where an employee works less than 24 hours during the week, the amount paid by the employer or that deducted from the wages of the employee are respectively \$0.35 for each hour worked.”.

**15.** Section 11.06 is revoked.

**16.** Section 11.08 is amended:

(1) by substituting the following for paragraph 1:

“(1) The employer pays into the pension plan of employees, except for students, the amount of \$0.32 for each hour worked by the employees. The employer deducts from the pay of his employees the amount that each of them elects to pay as contribution; however, that amount may not be lower than \$0.32 for each hour worked.”;

(2) by substituting the following for paragraphs 5 to 7:

“(5) The Parity Committee determines the supplemental pension plan for the employees governed by the Decree. That plan is subject to the Supplemental Pension Plans Act (R.S.Q., c. R-15.1).”.

17. The following is substituted for section 12.01:

“**12.01.** This Decree remains in force until 31 December 2002. It is then renewed automatically from year to year thereafter, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August of the year 2002 or during the month of August of any subsequent year.”.

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