

Draft Decree

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

Security Guards

— Amendments

Notice is hereby given, under section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of State for Human Resources and Labour and Minister of Labour has received a petition from the contracting parties to amend the Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the “Decree to amend the Decree respecting security guards,” the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation aims in particular to extend the trial period and to increase allowances for travelling expenses, the duration of some family-related leaves, the hourly rates as well as certain hourly premiums for specific functions.

To do so, the draft proposes to specify certain areas of intervention for which premiums can be granted, to add 30 days to the trial period for employees, to increase premiums for certain functions, to increase the hourly wage each year over the next five years, to improve certain family-related leaves, to increase the allowance for using a personal vehicle and to amend or specify certain rules for managing the Decree.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2001 annual report of the Comité paritaire des agents de sécurité, the Decree governs 157 employers and 19,478 employees.

Further information may be obtained by contacting Mr. Michel Roberge, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1, telephone : (418) 528-9701, fax : (418) 528-0559, e-mail : michel.roberge@travail.gouv.qc.ca

Any interested person with comments to make is asked to send them in writing, before the expiry of the 45-day period, to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

ROGER LECOURT,
Deputy Minister of Labour

Decree to amend the Decree respecting security guards*

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

1. The first “Whereas” of the Decree respecting security guards is amended by striking out the name “L’Union des agents de sécurité du Québec” in the list of names of contracting parties on the second part.

2. Section 1.01 is amended:

(1) by substituting the following for paragraph 3:

“(3) “spouse” means either of two persons who:

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex 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 inserting the words “statements of offence or” after the word “issue” in paragraph 5;

(3) by adding the words “or to any other Act” at the end of paragraph 5;

(4) by adding the words “or whose duties include the care or transportation of adult inmates” at the end of paragraph 6;

(5) by substituting “120 days” for “90 calendar days” in paragraph 16;

(6) by substituting the following for subparagraph c of paragraph 17:

“(c) to work during a sports, cultural, economic or social activity for a period not exceeding four consecutive weeks;”;

(7) by substituting the following for paragraph 18:

* The Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was last amended by the Regulation made by Order in Council No. 1566-98 dated 16 December 1998 (1998, *G.O.* 2, 4811). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

“(18) “week”: a period of seven consecutive days extending from midnight at the beginning of a given day to midnight at the end of the seventh day; from (*insert here date of coming into force of this Decree*), the employer must inform the parity committee in writing, within 15 days, of the day his or her workweek begins. That choice remains in force for the term provided for in section 9.01, but may be modified upon 60 days’ written notice by the employer to the parity committee;”;

(8) by inserting the following after paragraph 18:

“(18.1) “day”: a space of time of 24 hours extending from midnight to midnight;”;

(9) by substituting the following for subparagraph c of paragraph 20:

“(c) issuing statements of offence or tickets for offences related to parking, to parking meters, to the Act respecting the protection of non-smokers in certain public places or to any other Act;”.

3. The following are substituted for sections 3.01 and 3.02:

“**3.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours.

For the sole purpose of calculating the standard workweek, a shift belongs to the day on which it starts or ends or from midnight to midnight, according to the

choice of the employer. The employer must inform the parity committee in writing of his or her choice at least 15 days before implementing the shift; only one change will be permitted before 1 July 2007.

3.02. An employer may not schedule employee working hours on a basis other than a weekly basis.”.

4. Section 3.04 is amended by striking out the words “as well as the distance premium granted by the employer”.

5. Section 3.08 is amended by inserting the word “absolutely” before the word “null” in the third paragraph of section 3.08.

6. Section 3.11 is amended by adding the following after the first paragraph:

“An employer who does not give notice as prescribed in the first paragraph must pay a monetary compensation equal to the average weekly wage received by the employee during his or her period of continuous service, not to exceed the six months immediately preceding the employee’s departure for layoff.”.

7. Section 4.02 is amended by adding the words “to the financial institution chosen by the employee” at the end of the first paragraph.

8. Section 4.07 is amended:

(1) by substituting the following for the table of hourly rates and premiums in the first paragraph:

	“As of 2003-06-29	As of 2004-06-27	As of 2005-06-26	As of 2006-06-25	As of 2007-07-01
Class A employee	\$12.00	\$12.25	\$12.55	\$12.85	\$13.15;
Class B employee	\$12.25	\$12.50	\$12.80	\$13.05	\$13.30.
Premiums:					
P1* - P4*	\$0.30	\$0.30	\$0.30	\$0.30	\$0.30;
P2*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50;
P3*	\$1.25	\$1.25	\$1.25	\$1.25	\$1.25;
P5*	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50;
P6*	\$2.50	\$2.50	\$2.50	\$2.50	\$2.50;
P7*	\$1.75	\$1.75	\$1.75	\$1.75	\$1.75.

* More than one premium at the same time may be applicable.”;

(2) by substituting the following for the second and third paragraphs:

“Class B employees responsible for directing or supervising one or more Class B employees receive \$0.25 per hour more than the hourly rate provided in the first paragraph for Class B employees.”;

(3) by substituting the amount “\$0.15” for the amount “\$0.10” in the fourth paragraph.

9. Section 4.15 is amended by substituting the following for the first sentence:

“Only the premiums provided for in the Decree are permitted.”.

10. Section 5.01 is amended by substituting “15 days following (*insert here date of coming into force of this Decree*)” for “30 calendar days following 30 December 1998” in the third paragraph.

11. Section 5.02 is amended by substituting the word “The” for the words “As of 1 January 1999, the” in the second sentence.

12. The following is substituted for section 5.08:

“5.08. Upon 30 days’ prior written request by the employee to the employer, the employee may convert into cash any week of leave exceeding the first two weeks of leave for each year.

Where this is the case, the monetary compensation for the leave is paid to the employee at the same time as his or her compensation related to the annual leave.”.

13. Section 6.05 is amended by striking out the word “calendar” wherever it occurs in subparagraphs 3, 5 and 6 of the first paragraph.

14. Section 7.01 is amended:

(1) by striking out the words “spouse, his child or the child of his spouse, his” in the second sentence of paragraph 1;

(2) by substituting “1, 2 and 7” for “1 and 2” in paragraph 3;

(3) by adding the words “or day of the de facto union” at the end of the first sentence of paragraph 4;

(4) by inserting the words “or day of the de facto union” after the words “wedding day” in the second sentence of paragraph 4;

(5) by striking out the word “calendar” in the second paragraph of paragraph 5;

(6) by substituting the figure “8” for the figure “5” in the first sentence of the first paragraph of paragraph 6;

(7) by adding the following after paragraph 6:

“(7) On the death of his or her spouse, of one of his or her children or of the child of his or her spouse, an employee is entitled to five days of leave with pay including the day of the funeral and the four days preceding or following, provided that the employee usually works on these days. The employee may also be absent for an additional day on that occasion, but without pay. An additional day without pay is also granted to the employee to perform any other function related to the death.”.

15. Section 7.02 is amended:

(1) by substituting the following for the fourth paragraph:

“To be entitled to the payment of his or her accumulated leave for sickness or accident, as established by the employer on 31 October of each year, the regular A-01 employee must be in the employ of his or her employer on 31 October; however, where there is a change in employer and the regular A-01 employee is hired on his or her contract by the new employer, the accumulated leave for sickness or accident is paid by his or her former employer at the time of the employee’s departure. A regular A-01 employee who is still in the employ of his or her employer on 31 October is paid the amount accumulated no later than the following 10 December.”;

(2) by striking out the fifth paragraph.

16. Section 7.03 is amended by substituting the words “two sick days” for the words “one sick day” in the third sentence.

17. Section 7.05 is revoked.

18. Section 8.01 is amended:

(1) by substituting the following for the first paragraph:

“8.01. At the time of a strike, a lock-out or any other limited duration contract not exceeding 60 days, an employee who must use his or her automobile to reach a work location outside a 40-kilometre radius from his or her employer’s office receives a compensation of \$0.35 for each kilometer traveled. The employer may choose to provide transportation at his or her own expense.”;

(2) by substituting the amount "\$0.35" for the amount "\$0.30" in the second paragraph.

19. The following is substituted for section 8.03:

"8.03. Where an employee acts as a juror, he or she must inform his or her employer as soon as he or she receives his or her subpoena; the employer repays the difference between the employee's costs as a juror and the employee's wage.

Where an employee acts as a witness in relation with the performance of his or her functions, he or she must inform the employer as soon as he or she receives the subpoena; the employer pays the employee his or her wages as if the employee were at work."

20. The following is substituted for section 9.01:

"9.01. This Decree remains in force until 1 July 2007. It is then renewed automatically from year to year, 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 March of the year 2007 or during the month of March of any subsequent year."

21. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*, except for section 3.02 enacted by section 3 of this Decree which comes into force on 2 May 2004.