

Draft Regulation

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

Labour standards

— 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 labour standards, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The main purpose of the draft Regulation is to harmonize the provisions of the Regulation respecting labour standards with those of the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80), assented to on 19 December 2002, as regards farm workers, domestics who reside with their employer, statutory holidays and maternity leave.

The purpose of the draft Regulation is also to amend the definition of employee who receives gratuities and, as regards collective dismissal, to transfer to the Regulation respecting labour standards certain provisions of the Regulation respecting the notice of collective dismissal, which it proposes to revoke, and to specify the amount of the employer's contribution to the operating costs of the reclassification assistance committee for the employees affected by the dismissal.

Further information on the draft Regulation may be obtained by contacting Luc Desmarais, Direction des politiques, de la construction et des décrets, ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1 telephone: (418) 646-2547; fax: (418) 643-3514.

Any interested person having comments to make on the draft Regulation is asked to send them in writing, before the expiry of the 45-day period, to the Minister of State for Human Resources and Labour and Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

JEAN ROCHON,
*Minister of State for
Human Resources and
Labour and Minister
of Labour*

SYLVAIN SIMARD,
*Minister of State
for Education and
Employment and Minister
responsible for Employment*

AGNÈS MALTAIS,
Minister for Employment

Regulation to amend the Regulation respecting labour standards* and to revoke the Regulation respecting the notice of collective dismissal**

An Act respecting labour standards
(R.S.Q., c. N-1.1, ss. 88, 89 and 91; 2002, c. 80, ss. 49, 56, 57 and 86)

1. Section 1 of the Regulation respecting labour standards is amended

(1) by striking out the definition of “medical certificate”;

(2) by striking out the definition of “maternity leave”;

(3) by substituting the following for the definition of “employee who generally receives gratuities”:

“employee who receives gratuities or tips”: an employee who generally receives gratuities or tips and who serves clients as a waiter in a restaurant or in a place where alcoholic beverages are sold for consumption on the premises, but in a place other than

(1) a place where mainly lodging or food are provided by the week, month or year in return for payment;

(2) an outfitting operation within the meaning of the Act respecting the conservation and development of wild-life (R.S.Q., c. C-61.1) and the Act respecting hunting and fishing rights in the James Bay and New Québec territories (R.S.Q., c. D-13.1);

(3) a tourist accommodation establishment belonging to one of the classes referred to in paragraphs 2 to 9 of section 7 of the Regulation respecting tourist accommodation establishments, made by Order in Council 1111-2001 dated 19 September 2001;

* The Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3) was last amended by the regulation made by Order in Council 959-2002 dated 21 August 2002 (2002, G.O. 2, 4509). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2002, updated to 1 September 2002.

** The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) has not been amended since it was revised.

(4) a facility maintained by an institution referred to in the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5);

(5) a place where the activity consisting in the providing of food and beverages is carried on by a non-profit organization;

(6) a cafeteria; or

(7) a place where the main activity consists in the providing of food services to customers who order and choose the items at a service counter and who pay before eating.”

2. Section 2 is amended by deleting paragraphs 5 and 6.

3. Section 3 is amended by substituting “section 4” for “sections 4 and 5”.

4. Section 4 is amended by substituting “who receives gratuities or tips” for “who usually receives gratuities”.

5. Sections 5 and 8, and Division V, comprising section 14, and Division VI comprising sections 15 to 35 are revoked.

6. The Regulation is amended by inserting the following Division after section 35:

“DIVISION VI.0.1

NOTICE OF COLLECTIVE DISMISSAL

35.0.1. The notice of collective dismissal that must be given by the employer to the Minister in accordance with section 84.0.4 of the Act respecting labour standards must be sent by mail to the Ministère de l’Emploi et de la Solidarité sociale, Direction générale des opérations d’Emploi-Québec.

The notice of collective dismissal has effect from the date on which it is mailed.

35.0.2. The notice of collective dismissal must contain

(1) the name and address of the employer or establishment concerned;

(2) the sector of activity;

(3) the names and addresses of the associations of employees, where applicable;

(4) the reason for the collective dismissal;

(5) the date anticipated for the collective dismissal; and

(6) the number of employees likely to be affected by the collective dismissal.”

35.0.3. For the purposes of section 84.0.11 of the Act respecting labour standards, failing an agreement with the Minister, the employer must pay, for the operating costs of the reclassification assistance committee and for the reclassification activities, an amount fixed at \$600 per employee affected by the dismissal.”

7. The Regulation respecting the notice of collective dismissal (R.S.Q., 1981, c. F-5, r.1) is revoked.

8. This Regulation comes into force on 15 June 2003.

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Draft Regulation

Court Bailiffs Act
(R.S.Q., c. H-4.1)

Bailiffs

— **Tariff of fees and transportation expenses**
— **Amendment**

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 Tariff of fees and transportation expenses of bailiffs, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

Further information may be obtained by contacting Anne Richard, Direction générale des services de justice, 1200, route de l’Église, 7^e étage, Sainte-Foy (Québec) G1V 4M1; tel. (418) 644-7704, fax: (418) 644-9968, E-mail: arichard@justice.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Justice, 1200, route de l’Église, 9^e étage, Sainte-Foy (Québec) G1V 4M1.

NORMAND JUTRAS,
Minister of Justice