

Draft Regulations

Draft Regulation

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

Automotive services industry — Drummond and Mauricie — Amendments

Notice is hereby given in accordance with section 5 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Minister of Labour has received an application from certain contracting parties to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions, the text 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 render certain provisions of this Decree compatible with the major new provisions of the Act respecting Labour Standards and with those provisions amended by the Act to amend the Act respecting Labour Standards and other legislative provisions (2002, c. 80).

To that end, the draft regulation proposes to amend or introduce provisions concerning, notably, the definition of spouse, the weekly rest period, work attendance, holiday indemnities, the annual leave, family leaves and wage deductions. Also, the parties signatory to the application propose approximately a 9% increase in wage rates for the first year and approximately a 5% increase for each of the second and third years.

The consultation period shall serve to clarify the impact of the amendments proposed. According to the 2004 annual report of the Comité paritaire de l'industrie de l'automobile de la Mauricie, this Decree covers 543 employers, 229 artisans and 2 886 employees.

Further information may be obtained from Ms. Annie Harvey, 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) 646-2446, Fax: (418) 528-0559, e-mail: annie.harvey@travail.gouv.qc.ca.

Any interested person having comments to make concerning this matter 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.

JEAN-PAUL BEAULIEU,
Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Drummond and Mauricie regions *

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 automotive services industry in the Drummond and Mauricie regions is amended by replacing paragraph 7 by the following:

“7. “spouses”: 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. Section 3.04 is replaced by the following:

“**3.04.** An employee is deemed to be at work in the following situations:

1. subject to 3.03, during the time allocated for breaks granted by the employer;
2. when travel is required by the employer;

* The last amendments to the Decree respecting the automotive services industry in the Drummond and Mauricie regions (R.R.Q., 1981, c. D-2, r.45) were made by the regulation made under Order in Council No. 892-2004 dated 22 September 2004 (2004, G.O. 2, 4289). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2004, updated to 1 September 2004.

3. during any trial period or training required by the employer.”.

3. Section 3.05 is amended by substituting the number “32” for the number “24”.

4. Section 6.02 is amended by substituting, in the first paragraph, the words “must not” for the words “must be credited with 60 days of service in the undertaking and not”.

5. Section 6.03 is replaced by the following:

“**6.03.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday.”.

6. Section 6.07 is revoked.

7. Section 7.06 is amended by replacing the second paragraph with the following:

“Notwithstanding the first paragraph, the employer may, at the request of the employee, permit the annual leave to be taken, in whole or in part, during the reference year.

Also, if at the end of the 12 months that follow the end of a reference year, the employee is absent owing to sickness or accident, or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not deferred, the employer must then pay the employee the annual leave indemnity to which he is entitled.

A period of employment insurance, sickness, or disability, interrupted by a leave taken in accordance with this section, continues, if such is the case, after the leave, as if it had not been interrupted.”.

8. Section 8.01 is amended:

1. by adding, in paragraph 2 after the word “wages”, the words “and one day of leave without pay”;

2. by substituting, in paragraph 3, the words “two days” for the words “one day”;

3. by substituting, in paragraph 4, the words “and three” for the words “and two”;

4. by substituting, in the first paragraph of paragraph 7, the words “the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy” for the words “the adoption of a child”;

5. by adding, at the end of the second paragraph of paragraph 7, the words “or, if such is the case, the termination of pregnancy;”;

6. by inserting, in paragraph 8, after the words “wedding day”, the words “or day of his civil union”;

7. by inserting, in paragraph 9, after the words “wedding day”, the words “or day of the civil union”.

9. Section 9.01 is replaced by the following:

“**9.01.** The minimum hourly wage rates are the following:

Trades	As of <i>(insert here the date of the coming into force of this Decree)</i>	As of 1 January 2006	As of 1 January 2007
1. Clerk’s helper:			
Grade 1	\$8.85	\$9.29	\$9.75
Grade 2	\$9.51	\$9.98	\$10.47
Grade 3	\$10.23	\$10.74	\$11.27
Grade 4	\$10.89	\$11.43	\$12.00;
2. Apprentice:			
1st year	\$9.07	\$9.52	\$9.99
2nd year	\$9.68	\$10.16	\$10.66
3rd year	\$10.23	\$10.74	\$11.27
4th year	\$10.78	\$11.31	\$11.87;
3. Journeyman:			
A	\$16.99	\$17.83	\$18.72
B	\$14.74	\$15.47	\$16.24
C	\$13.64	\$14.32	\$15.03;
4. Parts clerk:			
Grade 1	\$8.85	\$9.29	\$9.75
Grade 2	\$9.51	\$9.98	\$10.47
Grade 3	\$10.23	\$10.74	\$11.27
Grade 4	\$10.89	\$11.43	\$12.00
Grade 5	\$11.60	\$12.18	\$12.78
Grade 6	\$12.26	\$12.87	\$13.51
Grade 7	\$12.92	\$13.56	\$14.23;

Trades	As of (insert here the date of the coming into force of this Decree)	As of 1 January 2006	As of 1 January 2007
5. Messenger:	\$8.30	\$8.71	\$9.14;
6. Dismantler:			
Grade 1	\$9.07	\$9.52	\$9.99
Grade 2	\$9.68	\$10.16	\$10.66
Grade 3	\$10.50	\$11.02	\$11.57;
7. Washer:	\$8.19	\$8.59	\$9.01;
8. Semiskilled worker:			
Grade 1	\$9.68	\$10.16	\$10.66
Grade 2	\$10.50	\$11.02	\$11.57
Grade 3	\$11.33	\$11.89	\$12.48;
9. Pump attendant:	\$8.19	\$8.59	\$9.01;
10. Service attendant:			
Grade 1	\$8.80	\$9.24	\$9.70
Grade 2	\$9.35	\$9.81	\$10.30
Grade 3	\$9.95	\$10.44	\$10.96
Grade 4	\$10.50	\$11.02	\$11.57
Grade 5	\$11.05	\$11.60	\$12.18.”.

10. Section 9.07 is replaced by the following :

“**9.07.** An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may also make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.”.

11. Section 11.01 is replaced by the following :

“**11.01.** Where an employer requires the employee to wear special clothing, the employer cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, he cannot oblige an employee to pay for special clothing that identifies him as being an employee of the establishment.”.

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

6739