

paragraph has been realized by the total of the guarantees required of all the employers concerned for that fiscal year. The indicial fraction of the employer whose guarantee has been realized is equal to zero.

22. The pension committee shall, without delay, send to the Régie a report setting out the changes made to the report relating to the most recent complete actuarial valuation of the plan as a result of any new determination provided for in this division. It shall also send without delay to each employer concerned an update to the notice that it sent pursuant to section 5.

DIVISION IV FINAL PROVISION

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

7036

Gouvernement du Québec

O.C. 736-2005, 9 August 2005

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

Certain collective agreement decrees — Amendments

CONCERNING amendments to certain collective agreement decrees

WHEREAS sections 2 and 6.1 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS the contracting parties specifically enumerated in the following decrees petitioned the Minister of Labour to have amendments made to their respective collective agreement decree;

— Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7);

— Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c. D-2, r.15);

— Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29);

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

— Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34);

— Decree respecting non-structural metalwork in the Montréal region (R.R.Q., 1981, c. D-2, r.35);

— Decree respecting public building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39);

— Decree respecting public building service employees in the Québec region (R.R.Q., 1981, c. D-2, r.40);

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, the draft of the amendment Decree was published in Part 2 of the *Gazette officielle du Québec* of 13 October 2004 and, on the same date, in three 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 no comment was put forward concerning following that publication;

WHEREAS it is expedient to make those amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the amendments to certain collective agreement decrees, attached hereto, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Decree to amend the Decree respecting the cartage industry in the Québec region*

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

1. The Decree respecting the cartage industry in the Québec region is amended by replacing subsection 21 of section 1.01 by the following:

“21. “spouse” means either of two persons who:

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

* The Decree respecting the cartage industry in the Québec region (R.R.Q., 1981, c. D-2, r.7) was last amended by the Regulation made by Order in Council No. 105-2005 dated 17 February 2005 (2005, *G.O.* 2, 842). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

(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 4.01 is amended by replacing the first paragraph by the following:

“**4.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours scheduled over five days from Monday to Friday. The standard workday is 8 hours.”.

3. Section 4.07 is amended by substituting the number “32” for the number “24”.

4. Section 6.01 is replaced by the following:

“**6.01.** The employee is deemed to be at work in the following cases:

1. while available to the employer at the place of work and required to wait for work to be assigned;
2. subject to section 4.04, during the break periods granted by the employer;
3. when travel is required by the employer;
4. during any trial or training period required by the employer.”.

5. Section 7.07 is amended by adding at the end of the first paragraph, after the words “by a document signed by the employee”, the words “and for a specific purpose mentioned in the document”.

6. Section 7.08 is amended by replacing the words “on 30 May 1996” by “as read at the time when it applies”.

7. Section 8.06 is replaced by the following:

“**8.06.** The employer is required to reimburse the reasonable expenses of the employee when the employee is required to travel or participate in a training session at the employer’s request.”.

8. Section 9.02 is amended by substituting “the Monday preceding 25 May” for the words “the Queen’s Birthday”.

9. Section 9.04 is replaced by the following:

“**9.04.** For each general holiday provided for in section 9.02, the employer shall pay the employee an indemnity equal to $\frac{1}{20}$ of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours, provided that the employee was available to work on the working day preceding and following the holiday, unless his absence was authorized by the employer or justified by a valid reason, notably sickness or an accident preventing him from doing his work, or a fortuitous event; in cases of sickness, the employee advises the employer at the time of his absence.”.

10. Section 9.08 is replaced by the following:

“**9.08.** The employee who is paid by the kilometre travelled shall receive as compensation for any general holiday mentioned in section 9.02, pay equal to $\frac{1}{20}$ of his wages earned during the four complete weeks of pay preceding the week of the holiday, provided that he is available to work the working day preceding and following the holiday, unless his absence was authorized by the employer or is justified by a valid reason, notably sickness or an accident preventing him from working or a fortuitous event; in the case of sickness, the employee must advise the employer at the time of his absence.”.

11. Section 10.11 is amended by adding the following after the first paragraph:

“The employee whose annual vacation is less than 2 weeks is entitled to that amount in proportion to the vacation days that he has accumulated.”.

12. Section 11.02 is amended in the first paragraph:

1. by inserting in subsection 2 after the words “his child;”, the words “he may be absent for an extra day on this occasion but without pay;”;
2. by substituting in subsection 3, the words “two extra days” for the words “an extra day”;

3. by substituting in subsection 5, the number “4” for the number “3”.

13. Section 11.03 is amended:

1. by inserting in the first paragraph, after the words “wedding day”, the words “or day of his civil union”;
2. by inserting in the second paragraph, after the words “wedding day”, the words “or day of the civil union”.

14. Section 11.04 is amended:

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

2. by adding in the second paragraph, after the words “or mother”, the words “or, if such is the case, the termination of pregnancy”.

15. Section 11.05 is replaced by the following:

“**11.05.** An employee may be absent from work, without pay, for 10 days a year to fulfil obligations relating to the care, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration.”.

16. Section 13.01 is amended by replacing subsection 9 by the following:

“9. “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;”.

17. Section 15.01 is replaced by the following:

“**15.01.** For the purpose of calculating overtime hours, the standard workweek is 40 hours, scheduled over not more than six days from Monday to Saturday. The standard workday must not exceed 10 hours.”.

18. Section 17.01 is replaced by the following:

“**17.01.** The employee is deemed to be at work in the following cases:

1. while available to the employer at the place of work and required to wait for work to be assigned;

2. subject to section 15.03, during the break periods granted by the employer;

3. during travel time required by the employer;

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

19. Section 19.02 is amended by substituting “the Monday that precedes 25 May” for the words “Dollard’s Day or the Queen’s Birthday”.

20. Section 19.04 is replaced by the following:

“**19.04.** For each general holiday provided for in section 9.02, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours, provided that the employee was available to work on the working day preceding and following the holiday, unless his absence was authorized by the employer or was justified by a valid reason, notably sickness or an accident preventing him from doing his work, or a fortuitous event; in cases of sickness, the employee advises the employer at the time of his absence.”.

21. Section 21.01 is amended in the first paragraph:

1. by substituting in subsection 2, the words “his child. He may also be absent for an extra day on that occasion but without pay” for the words “his child”;

2. by substituting in subsection 3, the words “two extra days” for the words “another day”;

3. by substituting in subsection 5, the number “4” for the number “3”.

22. Section 21.02 is amended:

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

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

23. Section 21.03 is amended:

1. by substituting in the first sentence, the words “, the adoption of a child, or when there is a termination of pregnancy in or after the twentieth week of pregnancy”, for the words “or the adoption of a child”;

2. by adding at the end of the fourth sentence, after the word “mother”, the words “or, if such is the case, the termination of pregnancy”.

24. Section 21.04 is replaced by the following:

“**21.04.** The employee may be absent from work, without pay, for 10 days a year to fulfil obligations related to the custody, health or education of his child or the child of his spouse, or the state of health of his spouse, father, mother, brother, sister or one of the employee’s grandparents.

This leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration. “.

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

Decree to amend the Decree respecting hairdressers in the Outaouais region *

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

1. The Decree respecting hairdressers in the Outaouais region is amended in section 0.02 by inserting the following after the definition of the word “hairdresser”:

““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. Section 2.02 is amended by adding the following paragraph at the end:

“This period must be paid if the employee is not authorized to leave his work station.”.

3. Section 3.01 is amended:

1. by substituting in the first paragraph, the word “The” for the words “When they fall on a working day for the employee, the”;

2. by replacing the second and third paragraphs by the following:

“The employer pays the employee the indemnity provided for in section 3.06 or grants him a compensatory leave of one day. This leave shall be taken within the three weeks preceding or following such holiday.

To be entitled to a general holiday provided for in the first paragraph, an employee shall not be absent from work without the authorization of the employer or without a valid reason on the working day before or after such day.”.

4. Section 4.04 is amended by substituting in the second paragraph, “section 4.02.1” for “the second paragraph of section 4.02”.

5. Section 4.07 is amended by adding the following paragraph at the end:

“At the request of the employee, the third week of leave may be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave.”.

6. The Decree is amended by inserting the following after section 5.09:

“**5.10.** An employee is entitled to a weekly rest of 32 consecutive hours.”.

7. Section 8.07 is amended by inserting at the end of the first paragraph, after the words “in writing by the employee”, the words “for the specific purpose mentioned in the writing”.

8. The Decree is amended by adding the following after section 8.10:

“**8.11.** For the purpose of calculating overtime hours, annual vacations and paid general holidays are considered to be working days.

8.12. An employee who reports for work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than three consecutive hours, except in the case of a superior force, is entitled to an indemnity equal to three hours’ wages at his prevailing hourly rate.”.

* The Decree respecting hairdressers in the Outaouais region (R.R.Q., 1981, c.D-2, r.15) was last amended by the Regulation made by Order in Council No. 435-2005 dated 4 May 2005 (2005, G.O. 2, 1809). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

9. Section 12.02 is amended by substituting the number “four” for the number “three”.

10. Section 12.04 is amended:

1. by inserting in the first paragraph, after the words “on his wedding day”, the words “or the day of his civil union”;

2. by inserting in the second paragraph, after the words “on the wedding day”, the words “or the civil union”.

11. Section 12.05 is amended:

1. by inserting in the first paragraph, after the words “of a child”, the words “or the termination of pregnancy in or after the twentieth week of pregnancy”;

2. by inserting in the third paragraph, after the words “or mother”, the words “or, if such is the case, the termination of pregnancy.”

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

Decree to amend the Decree respecting solid waste removal in the Montréal region *

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

1. The Decree respecting solid waste removal in the Montréal region is amended in section 1.01 by replacing subsection 11 by the following:

“11. “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. Section 3.01 is replaced by the following:

“**3.01.** The standard workweek is 40 hours scheduled over not more than six days, from Monday through Saturday.”.

3. Section 5.01 is amended by adding the following paragraph at the end:

“The employee is also remunerated during the entire trial or training period required by the employer.”.

4. Section 8.02 is replaced by the following:

“**8.02.** The full-time employee is entitled to the following paid general holidays: 1 and 2 January, Good Friday or Easter Monday, at the option of the employer, the Monday preceding 25 May, 1 July, Labour Day, Thanksgiving, 25 and 26 December.

The part-time employee is entitled to the following paid general holidays: 1 and 2 January, Good Friday or Easter Monday, at the option of the employer, 1 July, Thanksgiving, 25 and 26 December.”.

5. Section 8.05 is replaced by the following:

“**8.05.** The indemnity paid to the full-time employee for a paid general holiday is equal to 9 times his regular hourly rate or to 8 times the hourly rate of this employee if the holiday falls on a Sunday.

For the part-time employee, the employer must pay 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 hours.

To benefit from a paid general holiday, an employee must not have been absent from work without the employer’s authorization or without valid cause on the working day preceding or on the working day following the holiday.”.

6. Section 9.03 is amended by inserting after the number “2”, the word “continuous”.

7. Section 9.04 is amended by inserting after the number “3”, the word “continuous”.

8. Section 10.01 is amended by substituting in the second sentence, “for 2 additional days” for the words “for one other day”.

9. Section 10.04 is amended by substituting in the second sentence, “for 4 additional days” for “for 3 additional days”.

* The Decree respecting solid waste removal in the Montréal region (R.R.Q., 1981, c. D-2, r.29) was last amended by the Regulations made by Order in council No. 800-2003 dated 16 July 2003 (2003, G.O. 2, 2236). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

10. Section 10.05 is amended by substituting in the second sentence, “for 4 additional days” for “for 3 additional days”.

11. Section 10.09 is amended:

1. by replacing the first paragraph by the following:

“**10.09.** The employee may be absent from work for one day without reduction of wages, on the day of his wedding or civil union.”;

2. by inserting in the second paragraph, after the words “on the wedding day”, the words “or civil union”.

12. Section 10.10 is amended:

1. by replacing the first paragraph by the following:

“**10.10.** The employee may be absent from work for five days on the occasion of the birth of his child, the adoption of a child or the termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence are paid if the employee has 60 days of continuous service.”;

2. by adding at the end of the second paragraph, after the word “mother”, the words “or if such is the case, the termination of pregnancy”.

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

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

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

1. The Decree respecting the installation of petroleum equipment is amended in section 5.02 by replacing the words “Dollard Day” by the words “National Patriots’ Day”.

2. Section 8.02 is amended:

1. by substituting in subsection 4, “3 additional days” for “2 more days”;

2. by replacing subsections 7 and 8 by the following:

“**7.** on the occasion of the birth of his child, the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy: 5 days, including 2 days with pay and 3 days without pay if the employee is credited with 60 days of uninterrupted service. This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or, if such is the case, the termination of pregnancy. The employee must advise his employer of his absence as soon as possible. However, an employee who adopts the child of his spouse may be absent from work for only two days, without pay;

8. on the occasion of his wedding or civil union: one day with pay, the day of the wedding or of his civil union;

9. the employee may also be absent from work without pay on the day of the wedding or civil union of one of his children, his father, mother, brother, sister or a child of his spouse.”.

3. Section 10.04 is replaced by the following:

“**10.04.** The hours during which the employee is at the employer’s disposal and required to be present on the work premises or job site, as well as any trial or training period required by the employer, are considered to be hours worked and shall be paid.”.

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

Decree respecting the building materials industry*

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

1. The Decree respecting the building materials industry is amended in section 0.01 by replacing subsection 1 by the following:

“1. “spouse” means either of two persons who:

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

* The Decree respecting the installation of petroleum equipment (R.S.Q., 1981, c. D-2, r.33) was last amended by the Regulation made by Order in Council No. 708-2004 dated 30 June 2004 (2004, G.O. 2, 2297). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

* The Decree respecting the building materials industry (R.R.Q., 1981, c. D-2, r.34) was last amended by the Regulation made by Order in council No. 440-2001 dated 11 April 2001 (2001, G.O. 2, 1951). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

(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 16.11 is amended by replacing the first paragraph by the following:

“**16.11.** Deduction from wages: 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, a decree or a mandatory supplemental pension plan.

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

3. Section 20.02 is amended by substituting the words “National Patriots’ Day” for the words “Dollard’s Day”.

4. Section 20.04.1 is replaced by the following:

“**20.04.1.** Indemnity: For each general holiday provided for in section 20.02, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.”.

5. Section 23.01 is amended:

1. by adding at the end of the first sentence of the first paragraph, after the words “wedding day”, the words “or day of his civil union”;

2. by inserting in the second sentence of the first paragraph, after the words “wedding day”, the words “or day of the civil union”;

3. by adding at the end of the first sentence of the second paragraph, after the word “wedding”, the words “or of his civil union”;

4. by inserting in the second sentence of the second paragraph, after the words “wedding day”, the words “or day of the civil union”.

6. Section 23.02 is amended by substituting in the second sentence of the first paragraph, the number “4” for the number “3”.

7. Section 23.04 is amended by substituting in the first sentence of the first paragraph, the words “, the adoption of a child or if there is a termination of the pregnancy in or after the twentieth week of pregnancy” for the words “or the adoption of a child”.

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

Decree to amend the Decree respecting the non-structural metalwork industry in the Montréal region *

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

1. The Decree respecting the non-structural metalwork industry in the Montréal region is amended in section 1.01 by replacing paragraph *m* by the following:

“(m) “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. Section 6.01 is amended by substituting in subsection 2, the words “National Patriots’ Day” for the words “Dollard’s Day or the Queen’s Birthday”.

3. Section 10.01 is amended:

1. by adding at the end of the first paragraph, after the words “the day of his marriage”, the words “or of his civil union”.

2. by inserting in the second paragraph, after the word “marriage”, the words “or of the civil union”.

4. Section 10.01.1 is amended by substituting in the first sentence of the first paragraph “, the adoption of a child, or the termination of pregnancy in or after the twentieth week of pregnancy” for the words “or the adoption of a child”.

* The Decree respecting the non-structural metalwork industry in the Montréal region (R.R.Q., 1981, c. D-2, r.35) was last amended by the Regulation made by Order in Council No. 801-2003 dated 16 July 2003 (2003, *G.O.* 2, 2237). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

5. Section 11.01 is amended by substituting in paragraph *b*, the words “two other days” for the words “another day”.

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

Decree to amend the Decree respecting building service employees in the Montréal region*

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

1. The Decree respecting building service employees in the Montréal region is amended in section 1.01 by adding, after paragraph *j*, the following:

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

- i. are married or in a civil union and cohabiting;
- ii. 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;
- iii. 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 3.06 is amended by adding the following paragraph at the end:

“The employee is considered to be at work during any trial or training period required by the employer.”.

3. Section 4.01 is amended:

1. by substituting in the first paragraph the word “exceed” for the words “not exceed”;
2. by replacing the second paragraph by the following:

“Such meal period is paid at the effective hourly wage rate for the performance of maintenance work where the employee is not authorized to leave his work position or where the employer assigns the employee to work for a period of 12 hours or more.”.

4. Section 7.01 is amended:

1. by inserting, in the part preceding subsection 1 of the first paragraph and after the word “holidays”, the words “for regular employees”;

2. by substituting in subsection 4 of the first paragraph, “the Monday preceding 25 May” for the words “Dollard’s Day”.

5. Section 7.02 is amended:

1. by substituting in the first paragraph, the words “a regular employee” for the words “an employee”;

2. by inserting in the second paragraph, the word “regular” before the word “employee”.

6. Section 7.04 is amended:

1. by substituting in the first paragraph, the words “a regular employee” for the words “an employee”;

2. by inserting in the second paragraph, the word “regular” before the word “employee”.

7. Section 7.05 is amended by inserting the words “for the regular employee” after the words “When a holiday”.

8. Section 7.06 is amended by inserting in the text preceding paragraph 1, after the word “employee”, the words “or the employee who is not a regular employee”.

9. The Decree is amended by adding the following after section 7.07:

“**7.07.1.** The following are general holidays for employees who are not regular employees:

1. 1 January;
2. Good Friday or Easter Monday, at the option of the employer;
3. the Monday preceding 25 May;
4. 24 June;
5. 1 July;
6. Labour Day;
7. Thanksgiving;
8. 25 December.

* The Decree respecting building service employees in the Montréal region (R.R.Q., 1981, c. D-2, r.39) was last amended by the Regulation made by Order in Council No. 1436-2001 dated 28 November 2001 (2001, *G.O.* 2, 6184). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

The compensatory holiday for the fixed 24 June holiday is governed by the provisions of the National Holiday Act (R.S.Q., c. F-1.1).

7.07.2. For each general holiday, the employer must pay the employee who is not a regular employee an indemnity equal to $\frac{1}{20}$ of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.

7.07.3. Where the employee, who is not a regular employee, is obliged to work on one of the days mentioned in section 7.07.1, the employer, in addition to paying the employee the wage corresponding to the work performed on the holiday, is obliged to pay him the indemnity provided in section 7.07.2 or grant him a compensatory holiday of one day. In this case, the holiday must be taken within three weeks before or after that day, unless a collective agreement provides for a longer period.”

10. Section 7.08 is amended:

1. by substituting “Sections 7.01 and 7.07.1 do not apply” for “Section 7.01 does not apply”;

2. by substituting the words “prescribed in those sections” for the words “prescribed in that section”.

11. Section 8.11 is amended by adding the following after the first paragraph:

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

In addition, if, at the end of the 12 months following 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 vacation to the following year. If the annual vacation is not so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.”

12. Section 9.01 is amended:

1. by deleting in subsection 1, the word “paid”;

2. by inserting in paragraph *a* of subsection 1, before the word “consecutive”, the word “paid”;

3. by substituting in paragraph *b* of subsection 1, “3 paid consecutive days and 2 additional days without pay” for “3 consecutive days”;

4. by inserting in paragraph *c* of subsection 1, after the word “day”, the words “with pay”.

13. Section 9.03 is amended by substituting in subsection 1, the number “4” for the number “3”.

14. Section 9.04 is replaced by the following:

“**9.04.** The employee is entitled to one day’s leave with pay on his wedding day or day of his civil union. He may also be absent from work without pay on the wedding day or day of the civil union of his child, the child of his spouse, his father, mother, brother or sister.”

15. Section 9.05 is amended:

1. by replacing the first paragraph by the following:

“**9.05.** The employee may be absent from work for 5 days on the birth of his child, the adoption of a child, or for a termination of pregnancy in or after the twentieth week of pregnancy. The first two days of absence are paid if the employee has 60 days of uninterrupted service.”;

2. by inserting at the end of the second paragraph, after the word “mother”, the words “or, if such is the case, the termination of the pregnancy”.

16. Section 9.06 is amended by replacing the first paragraph by the following:

“**9.06.** An employee may be absent from work, without pay, for 10 days a year to fulfil obligations relating to the care, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents. The employee must have taken the reasonable steps within his power to assume his obligations otherwise and to limit the duration of the leave.”

17. Section 10.01 is amended by inserting, after the word “cash”, the words “in a sealed envelope”.

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

Decree to amend the Decree respecting building service employees in the Québec region*

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

1. The Decree respecting building service employees in the Québec region is amended in section 1.01 by replacing paragraph *b* by the following :

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

- i. are married or in a civil union and cohabiting ;
- ii. 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 ;
- iii. 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 3.03 is replaced by the following :

“**3.03.** The employer schedules the standard workweek of the employee so as to provide two periods of rest totalling 48 hours, one of the periods being at least 32 consecutive hours.”.

3. Section 3.04 is amended by adding, after subsection 4, the following :

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

4. Sections 4.04 and 4.05 are replaced by the following :

“**4.04.** The employee who reports to work at the beginning of the workday and who works less than three consecutive hours, receives at least an amount equal to three times his hourly wage, unless notified the previous day not to report to work.

The employee who reports to work at the express request of the employer and who works less than three consecutive hours, is entitled, except in the case of a

superior force, to an indemnity equal to three times his regular hourly wage, except where section 4.01 ensures him of a higher amount.

The employee, who after leaving the work site, is called to return for overtime shall not receive less than wages equal to 4 1/2 times his hourly wage.

The first two paragraphs do not apply when the nature of the work or the performance conditions are such that the work is usually done entirely within a period of three hours.”.

5. Section 5.09 is amended by inserting at the end of the first paragraph and after the words “in writing by an employee”, the words “for a specific purpose mentioned in the document”.

6. Section 6.02 is amended :

1. by inserting, after the word “Employees”, “having completed 60 days of continuous service in the enterprise” ;

2. by substituting, in the French version, the words « Vendredi saint » for the words “vendredi Saint” ;

3. by substituting “the Monday preceding 25 May” for “Dollard’s Day”.

7. Section 6.05 is replaced by the following :

“**6.05.** The indemnity for each general holiday provided for in sections 6.02 and 6.03 is equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.”.

8. Section 6.06 is amended by deleting, in paragraph *c*, “with pay for a period of less than 5 days”.

9. Section 6.07 is deleted.

10. The Decree is amended by inserting after section 6.09, the following :

“**6.10.** The employee who has not completed 60 days of continuous service in the enterprise is entitled to the following paid general holidays : New Year’s Day, Good Friday or Easter Monday, at the option of the employer, the Monday preceding 25 May, 1 July, or if that date falls on a Sunday, 2 July, Labour Day, Thanksgiving and Christmas Day.

* The Decree respecting building service employees in the Québec region (R.R.Q., 1981, c. D-2, r.40) was last amended by the Regulation made by Order in Council No. 1381-99 dated 8 December 1999 (1999, *G.O.* 2, 4597). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 March 2005.

6.11. For each general holiday provided in section 6.10, the employer shall pay the employee an indemnity equal to 1/20 of his wages earned during the four complete weeks of pay preceding the week of the holiday, excluding overtime hours.

6.12. Where an employee, who has not completed 60 days of continuous service in the enterprise, is obliged to work one of the days mentioned in section 6.10, the employer, in addition to paying the employee the wage corresponding to the work performed on the holiday, shall pay the indemnity provided in section 6.11 or grant him a compensatory holiday of one day. In this case, the holiday must be taken in the 30 civil days before or after that day.

6.13. Where an employee, who has not completed 60 days of continuous service in the enterprise, is on annual leave on one of the general holidays provided in section 6.10, the employer shall pay him the indemnity provided in section 6.11 or grant him a compensatory holiday on a date agreed upon by the employer and the employee concerned or fixed by a collective agreement.

6.14. To benefit from a general holiday, an employee who has not completed 60 days of continuous service in the enterprise must not be absent from work without the authorization of the employer or for valid cause, the working day preceding or the working day following the holiday.”

11. Section 7.09 is amended by adding the following paragraphs at the end:

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

In addition, if at the end of the 12 months following 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 so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Notwithstanding any contrary clause of a collective agreement or a contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.”

12. Section 9.01 is amended:

1. by deleting subsection 2;

2. by substituting in subsection 3, the words “The employer” for “As of 1 January 2001, the employer”.

13. Section 9.02 is amended by inserting, after the words “In the event of the death”, the words “or the funeral”.

14. Section 9.03 is amended by inserting, after the words “In the event of the death”, the words “or the funeral”.

15. Section 9.04 is amended by inserting, after the words “In the event of the death”, the words “or the funeral”.

16. Section 9.07 is amended by inserting, after the words “on his wedding day”, the words “or day of his civil union”.

17. Section 9.08 is amended by inserting in the first paragraph, after the words “on the wedding day”, the words “or day of the civil union”.

18. Section 9.09 is amended by substituting in the first paragraph, the words “, the adoption of a child or the termination of the pregnancy in or after the twentieth week of pregnancy” for the words “or the adoption of a child”.

19. Section 9.11 is replaced by the following:

“**9.11.** The employee may be absent from work 10 days a year, without pay, to fulfil obligations relating to the care, health or education of the employee’s child or the child of the employee’s spouse, or because of the state of health of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration.”

20. Section 11.01 is amended by substituting in the third paragraph, the words “absolutely null” for “not valid”.

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