

Draft Regulations

Notice

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

Automotive services industry

— Rimouski

— 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 Labour has received a petition from the contracting parties to amend the Decree respecting the automotive services industry in the Rimouski region (R.R.Q., 1981, c. D-2, r.49) 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 Rimouski region, the text of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

The main purpose of this draft regulation is to render certain provisions of this Decree compatible with new important provisions of the Act respecting labour standards (R.S.Q., c. N-1.1) and with those amended by the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80). It also intends to raise the wage rates of each trade classification of the Comité paritaire de l'industrie de l'automobile de la région de Rimouski.

To that end, it proposes to amend or to introduce provisions concerning, notably, the definition of spouse, the weekly rest, work attendance, the holiday indemnity, annual leave, family leaves, wage deductions and the obligatory wearing of a uniform. Also, the parties signatory to the application propose an increase of approximately 4% of wage rates for the first year and approximately 2% for each of the second and third years. Lastly, the territorial scope has been clarified following the municipal amalgamations.

The consultation period shall serve to clarify the impact of the proposed amendments. According to the 2005 Annual Report of the Comité paritaire de l'industrie de l'automobile de la région de Rimouski, the Decree covers 74 employers, 21 artisans and 407 employees.

Further information may be obtained by contacting Ms. Annie Harvey, Direction des données sur le travail et des décrets, Ministère du Travail, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1; telephone: 418 646-2446; fax: 418 644-6969; 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.

DANIEL CHARBONNEAU,
Interim Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Rimouski region*

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 Rimouski region is amended by replacing subsection 4 by the following:

“4. “spouses”: either of two persons who:

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

(b) are of opposite sex or the same sex and 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 at least one year;”.

* The last amendments to the Decree respecting the automotive services industry in the Rimouski region (R.R.Q., 1981, c. D-2, r.49) were made by the regulation made under Order in Council No. 1391-99 dated 8 December 1999 (1999, *G.O.* 2, 4671). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2005, updated to 1 September 2005.

2. Section 2.02 of the Decree is replaced by the following:

“**2.02.** Territorial jurisdiction: This Decree applies to the city of Rimouski as well as the municipalities Saint-Anaclet-de-Lessard, Le Bic, Saint-Valérien.”.

3. Section 3.04 of the Decree is replaced by the following:

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

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

4. Section 3.05 of the Decree is amended by replacing the number “24” by the number “32”.

5. Section 6.01 of the Decree is amended by deleting the second paragraph.

6. Section 6.02 of the Decree is amended by replacing in the first paragraph the expression “To be entitled to a holiday provided for in section 6.01, the employee must be credited with 60 days of uninterrupted service in the undertaking and” by the expression “To be entitled to a holiday, an employee must”.

7. Section 6.03 Of the Decree is replaced by the following:

“**6.03.** The employer must pay to an employee who is entitled to a holiday provided for in section 6.01 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.”.

8. Section 7.06 of the Decree is amended by replacing the second paragraph by the following:

“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 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.

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.”.

9. Section 8.01 of the Decree is replaced by the following:

“**8.01.** An employee may be absent from work for five days, without a reduction in wages, by reason of the death or the funeral of his spouse, child or the child of his spouse.

An employee may be absent from work for three days, without reduction in wages, by reason of the death or the funeral of his father, mother, brother or sister. He may also be absent from work for two more days on this occasion, but without pay.”.

10. Section 8.04 of the Decree is amended by adding, at the end of the first paragraph and after the words “wedding day”, the words “or of his civil union”.

11. Section 8.05 of the Decree is amended by adding, at the end of the first sentence and after the words “or the adoption of a child”, the words “or where there is a termination of pregnancy in or after the twentieth week of pregnancy”.

12. The Decree is amended by adding the following after section 8.05:

“**8.06.** 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 leave may be divided into days. A day may also be divided if the employer consents thereto.

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

8.07. An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 26 weeks over a period of 12 months by reason of illness or accident.

However, this section does not apply in the event of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001).

8.08. In the case provided for in section 8.07, the employee must advise the employer of his absence as soon as possible and the reasons for such absence.

8.09. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work provided in section 8.07, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

8.10. At the end of the absence provided in section 8.07, the employer shall reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer shall recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph shall prevent an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness or accident or the repetitive nature of the absences constitute good and sufficient cause.

8.11. If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

8.12. This division shall not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

8.13. An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, mother, brother, sister or one of his grandparents because of a serious illness or serious accident.

An employee must advise the employer as soon as possible of an absence from work and, at the employer's request, furnish a document justifying the absence.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, which shall end at the latest 104 weeks after the beginning thereof. Section 8.09, the first paragraph of section 8.10, and sections 8.11 and 8.12 apply, with the necessary modifications, to the employee's absence."

13. Section 9.01 of the Decree is replaced by the following:

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

Classifications	As of the date of the coming into force	As of January 1, 2007	As of January 1, 2008
1. Tradesperson :			
6th class	\$15.34	\$15.65	\$15.96
5th class	\$14.30	\$14.59	\$14.88
4th class	\$12.22	\$12.46	\$12.71
3rdclass	\$11.18	\$11.40	\$11.63
2nd class	\$10.14	\$10.34	\$10.55
1st class	\$9.10	\$9.28	\$9.47
Less than 6 months	\$8.32	\$8.49	\$8.66

Classifications	As of the date of the coming into force	As of January 1, 2007	As of January 1, 2008
2. Parts Clerk :			
4th class	\$12.22	\$12.46	\$12.71
3rd class	\$11.70	\$11.93	\$12.17
2nd class	\$11.18	\$11.40	\$11.63
1st class	\$10.14	\$10.34	\$10.55
Less than 6 months	\$9.52	\$9.71	\$9.90
3. Messenger :			
2nd class	\$8.91	\$9.09	\$9.28
1st class	\$8.23	\$8.40	\$8.57
Less than 6 months	\$7.91	\$8.07	\$8.23
4. Service Attendant :			
4th class	\$10.40	\$10.61	\$10.82
3rd class	\$9.67	\$9.87	\$10.06
2nd class	\$8.96	\$9.14	\$9.33
1st class	\$8.11	\$8.27	\$8.44
5. Semiskilled Worker :			
3rd class	\$10.40	\$10.61	\$10.82
2nd class	\$9.62	\$9.81	\$10.00
1st class	\$8.84	\$9.02	\$9.20
6. Pump Attendant :	\$7.90	\$8.06	\$8.22
7. Washer :	\$7.90	\$8.06	\$8.22”.

14. Section 9.07 of the Decree is amended :

1. by adding, at the end of the first paragraph and after the word “employee”, the expression: “for a specific purpose mentioned in the writing”;

2. by inserting, in the second paragraph and after the word “time,” the expression: “except when it concerns adherence to a group insurance plan or to a supplemental pension plan”.

15. Section 11.01 of the Decree is replaced by the following :

“**11.01.** When the employer requires the wearing of special clothing, he cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, the employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer’s establishment.”.

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

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