

Draft Regulations

Notice

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

Automotive services industry
— Arthabaska, Granby, Sherbrooke and
Thetford Mines
— 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 a petition from the contracting parties to amend the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (R.R.Q., 1981, c. D-2, r.42) and that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) the draft Decree to amend the Decree respecting the automotive services in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions, a copy of which appears below, may be made by the Government upon the expiry of the 45 days following this publication.

This draft Decree proposes to render certain provisions of the Decree in compliance with the provisions of the Act respecting labour standards and other legislative provisions (2002, c. 80).

To that end, the draft Decree proposes to amend or introduce provisions concerning, notably, the definition of spouse, the weekly rest, attendance at work, travel or training expenses, holiday pay, the annual leave, and gratuities or tips. In addition, the parties to the petition propose to increase wages about 28% for the first year and about 5% for each of the second and third years.

The consultation period will serve to clarify the impacts of the proposed amendments. According to the 2005 annual report of the Comité paritaire sur l'industrie des services automobiles des Cantons de l'Est, the Decree governs 755 employers and 3,806 employees.

Further information may be obtained by contacting:

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Any interested person having comments to make on this matter 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.

JULIE GOSSELIN,
Deputy Minister of Labour

Decree to amend the Decree respecting the automotive services industry in the Arthabaska, Thetford Mines, Granby and Sherbrooke 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 Arthabaska, Granby, Sherbrooke and Thetford Mines regions is amended:

1. by replacing paragraph 6 with the following:

“6. “spouse”: either of two persons who:

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

* The last amendments to the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (R.R.Q., 1981, c. D-2, r. 42) were made by the Regulation made under Order in Council No. 101-2001 dated 7 February 2001 (2001, G.O. 2, 1409). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2006, updated to September 1, 2006.

(b) being of opposite sex or 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 adding, after paragraph 16, the following:

“17. “vendors of tires and wheels”: employee who works exclusively at the counter selling vehicle tires and wheels.”.

2. Section 1.02 of the Decree is amended by replacing, in paragraph 2, the words “Association des employés de garages des Cantons de l’Est” by the words “Syndicat du secteur automobile de l’Estrie (CSN)”.

3. Section 2.01 of the Decree is amended by replacing subparagraph b of paragraph 2 by the following:

“(b) vulcanizing and recapping tires;”.

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

“**2.02.** Territorial scope: This Decree applies to the municipalities included in the administrative regions mentioned in Schedule I.”.

5. Section 3.01 of the Decree is amended:

1. by replacing paragraph 1 by the following:

“1. from Monday to Friday for the apprentice, journeyman, brake specialist, suspension specialist and parts assembler;”;

2. by replacing paragraph 3 by the following:

“3. over no more than five consecutive days from Monday to Saturday for the parts clerk, the messenger, the serviceman, the pump attendant and the tire and wheel vendor;”.

6. Section 3.04 of the Decree is revoked.

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

8. Section 5.02 of the Decree is replaced by the following:

“**5.02.** 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 or training period required by the employer.”.

9. The Decree is amended by adding, after section 5.02, the following:

“**5.03.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.”.

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

11. Section 6.02 of the Decree is replaced by the following:

“**6.02.** To be entitled to a holiday provided in section 6.01, the employee must not be absent from work without the authorization of the employer or valid cause on the working day preceding or following the holiday.”.

12. Section 6.03 of the Decree is replaced by the following:

“**6.03.** For each statutory general holiday, 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. 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.”.

13. Section 6.07 of the Decree is amended by replacing the first paragraph by the following:

“**6.07.** The pump attendant and the washer are entitled to the holiday provided for in section 6.01 if they are not absent from work without the authorization of the employer or without valid cause, the first working day of their work schedule preceding or following the holiday.”.

14. The Decree is amended by adding the following after section 6.07:

“**6.08.** A statutory general holiday that coincides with a non-working day for the employee may be deferred to the working day preceding or following the holiday upon agreement between the employer and the employee.”.

15. Section 7.06 of the Decree is replaced by the following:

“**7.06.** The annual leave must be taken within the 12 months following the end of the reference year.

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 twelve 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.

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.”

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

17. Section 8.05 of the Decree is amended by adding in the first paragraph, after the words, “or the adoption of a child,” the words, “or when a termination of pregnancy occurs beginning from the 20th week of pregnancy”.

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

“**9.01.** The minimum hourly wage rates are as follows:

Trades	<i>(Insert here the date of the coming into force of the Decree)</i>	<i>(Insert here the date after one year of the coming into force of the Decree)</i>	<i>(Insert here the date after two years of the coming into force of the Decree)</i>
1. Apprentice:			
1st year	\$9.30	\$9.77	\$10.26
2nd year	\$9.90	\$10.40	\$10.92
3rd year	\$10.73	\$11.27	\$11.83
4th year	\$11.00	\$11.55	\$12.13
2. Journeyman:			
A	\$15.95	\$16.75	\$17.59
B	\$14.30	\$15.02	\$15.77
C	\$12.65	\$13.28	\$13.94
3. Parts Clerk:			
1st year	\$9.30	\$9.77	\$10.26
2nd year	\$9.68	\$10.16	\$10.67
3rd year	\$10.34	\$10.86	\$11.40
4th year	\$10.34	\$10.86	\$11.40
A	\$12.71	\$13.35	\$14.02
B	\$12.10	\$12.71	\$13.35
C	\$11.50	\$12.08	\$12.68
4. Messenger:	\$8.20	\$8.61	\$9.04
5. Dismantler:			
1st grade	\$8.93	\$9.15	\$9.38
2nd grade	\$9.71	\$9.95	\$10.20
3rd grade	\$10.50	\$10.76	\$11.03
6. Washer:	\$8.75	\$9.19	\$9.64

Trades	<i>(Insert here the date of the coming into force of the Decree)</i>	<i>(Insert here the date after one year of the coming into force of the Decree)</i>	<i>(Insert here the date after two years of the coming into force of the Decree)</i>
7. Semiskilled worker:			
1st grade	\$8.40	\$8.61	\$8.83
2nd grade	\$8.93	\$9.15	\$9.38
3rd grade	\$9.71	\$9.95	\$10.20
4th grade	\$11.55	\$12.13	\$12.74
8. Vendor of tires and wheels			
1st grade	\$9.30	\$9.77	\$10,26
2nd grade	\$9.68	\$10.16	\$10,67
3rd grade	\$10.34	\$10.86	\$11,40
4th grade	\$10.34	\$10.86	\$11,40
5th grade	\$11.50	\$12.08	\$12,68
6th grade	\$12.10	\$12.71	\$13,35
7th grade	\$12.71	\$13.35	\$14,02
9. Pump Attendant:	\$8.20	\$8.61	\$9.04
10. Serviceman:			
1st grade	\$9.08	\$9.53	\$10.01
2nd grade	\$9.35	\$9.82	\$10.31
3rd grade	\$10.23	\$10.74	\$11.28
4th grade	\$10.56	\$11.09	\$11.64
5th grade	\$11.66	\$12.24	\$12.85
6th grade	\$12.76	\$13.40	\$14.07
11. Brake Specialist:			
1st grade	\$9.30	\$9,77	\$10.26
2nd grade	\$9.90	\$10,40	\$10.92
3rd grade	\$10.73	\$11,27	\$11.83
4th grade	\$11.00	\$11,55	\$12.13
5th grade	\$12.08	\$12,38	\$12.69
6th grade	\$13.65	\$13,99	\$14.34
7th grade	\$15.23	\$15,61	\$16.00
12. Suspension Specialist:			
1st grade	\$9.30	\$9,77	\$10.26
2nd grade	\$9.90	\$10,40	\$10.92
3rd grade	\$10.73	\$11,27	\$11.83
4th grade	\$11.00	\$11,55	\$12.13
5th grade	\$12.08	\$12,38	\$12.69
6th grade	\$13.65	\$13,99	\$14.34
7th grade	\$15.23	\$15,61	\$16.00
13. Parts Assembler:			
1st grade	\$9.30	\$ 9,77	\$10.26
2nd grade	\$9.90	\$10,40	\$10.92
3rd grade	\$10.73	\$11,27	\$11.83
4th grade	\$11.00	\$11,55	\$12.13
5th grade	\$12.08	\$12,38	\$12.69
6th grade	\$13.65	\$13,99	\$14.34
7th grade	\$15.23	\$15,61	\$16.00.”.

19. The Decree is amended by replacing section 9.07 by the following:

“**9.07.** No employer may make deductions from wages unless 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 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 a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.”.

20. Section 9.08 of the Decree is replaced by the following:

“**9.08.** Any gratuity or tip paid directly or indirectly by a client to an employee who provided the service belongs to the employee of right and must not be mingled with the wages that are otherwise due to the employee. The employer must pay at least the prescribed minimum wage to the employee without taking into account any gratuities or tips the employee receives

Any gratuity or tip collected by the employer shall be remitted in full to the employee who rendered the service. The words gratuity and tip include service charges added to the patron’s bill but do not include any administrative costs added to the bill.

The employer may not impose an arrangement to share gratuities or a tip among employees. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tip sharing arrangement. Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips.”.

21. Section 12.01 of the Decree is replaced by the following:

“**12.01.** An employee who works exclusively as a brakes specialist, suspension specialist, parts assembly clerk or vendor of tires and wheels is entitled, depending on the length of service, to the minimum hourly rates provided in section 9.01.”.

22. Schedule 1 of the Decree is replaced by the following:

“**SCHEDULE I**
(s. 2.02)

Region 05: Estrie

Asbestos, Ascot Corner, Audet, Austin, Ayer’s Cliff, Barnston-Ouest, Bolton-Est, Bonsecours, Bury, Chartierville, Cleveland, Coaticook, Compton, Cookshire-Eaton, Courcelles, Danville, Dixville, Dudswell, East Angus, East Hereford, Eastman, Frontenac, Hampden, Canton d’Hatley, Municipalité d’Hatley, Kingsbury, La Patrie, Lac-Drolet, Lac-Mégantic, Lambton, Lawrenceville, Lingwick, Magog, Maricourt, Marston, Martinville, Melbourne, Milan, Nantes, Newport, North Hatley, Notre-Dame-des-Bois, Ogden, Orford, Piopolis, Potton, Racine, Richmond, Saint-Adrien, Saint-Augustin-de-Woburn, Saint-Benoît-du-Lac, Saint-Camille, Saint-Claude, Saint-Denis-de-Brompton, Sainte-Anne-de-la-Rochelle, Sainte-Catherine-de-Hatley, Sainte-Cécile-de-Whitton, Saint-Edwidge-de-Clifton, Saint-Étienne-de-Bolton, Saint-François-Xavier-de-Brompton, Saint-Georges-de-Windsor, Saint-Herménégilde, Saint-Isidore-de-Clifton, Saint-Joseph-de-Ham-Sud, Saint-Ludger, Saint-Malo, Saint-Robert-Bellarmin, Saint-Romain, Saint-Sébastien, Saint-Venant-de-Paquette, Scotstown, Sherbrooke, Canton de Standstead, Ville de Standstead, Standstead-Est, Stoke, Stornoway, Stratford, Stukely-Sud, Ulverton, Canton de Valcourt, Ville de Valcourt, Val-Joli, Val-Racine, Waterville, Weedon, Westbury, Windsor, Wotton;

Region 12: Chaudière-Appalaches

Adstock, Beaulac-Garthby, Paroisse de Disraéli, Ville de Disraéli, East Broughton, Irlande, Kinnear’s Mills, La Guadeloupe, Sacré-Cœur-de-Jésus, Saint-Adrien-d’Irlande, Sainte-Clothilde-de-Beauce, Sainte-Praxède, Saint-Évariste-de-Forsyth, Saint-Fortunat, Saint-Jacques-de-Leeds, Saint-Jacques-le-Majeur-de-Wolfestown, Saint-Jean-de-Brébeuf, Saint-Joseph-de-Coleraine, Saint-Julien, Saint-Pierre-de-Broughton, Thetford Mines;

Region 16: Montérégie

Ange-Gardien, Béthanie, Bolton-Ouest, Brigham, Brome, Bromont, Cowansville, Dunham, East Farnham, Farnham, Canton de Granby, Ville de Granby, Lac-Brome, Roxton, Roxton Falls, Roxton Pond, Saint-Alphonse, Saint-Césaire, Saint-Damase, Saint-Dominique, Sainte-Cécile-de-Milton, Saint-Joachim-de-Shefford, Saint-Paul-d’Abbotsford, Saint-Pie, Saint-Valérien-de-Milton, Shefford, Warden, Waterloo;

Region 17: Centre-du-Québec

Chester-Est, Chesterville, Daveluyville, Ham-Nord, Inverness, Kingsey Falls, Laurierville, Lyster, Maddington, Norbertville, Notre-Dame-de-Ham, Notre-Dame-de-Lourdes, Paroisse de Plessisville, Ville de Plessisville, Princeville, Saint-Albert, Saint-Christophe-d'Arthabaska, Sainte-Anne-du-Sault, Sainte-Clothilde-de-Horton, Sainte-Élisabeth-de-Warwick, Sainte-Séraphine, Sainte-Sophie-d'Halifax, Saint-Ferdinand, Saint-Louis-de-Blandford, Saint-Norbert-d'Arthabaska, Saint-Pierre-Baptiste, Saint-Rémi-de-Tingwick, Saint-Rosaire, Saints-Martyrs-Canadiens, Saint-Valère, Tingwick, Victoriaville, Villeroy, Warwick.”

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