

Regulations and other acts

Gouvernement du Québec

O.C. 236-2009, 18 March 2009

Financial Administration Act
(R.S.Q., c. A-6.001)

Minister of Finance

— Time limit within which the minister is to rule on an application for authorization to make a transaction

Regulation respecting the time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction

WHEREAS section 77.7 of the Financial Administration Act (R.S.Q., c. A-6.001), introduced by section 2 of the Act to amend the Financial Administration Act and the Act respecting the Ministère des Finances (2007, c. 41), provides that, when a body applies for an authorization that is required under any of sections 77.1 to 77.4, 79 and 80 of the Act, the Minister of Finance rules on the application within the time limit specified by the Government;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction was published in Part 2 of the *Gazette officielle du Québec* of 22 October 2008 with a notice that it could be submitted to the Government to be made on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation respecting the time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation respecting the time limit within which the Minister of Finance is to rule on an application for authorization to make a transaction

Financial Administration Act
(R.S.Q., c. A-6.001, s. 77.7; 2007, c. 41, s. 2)

1. When a body applies for an authorization that is required under any of sections 77.1 to 77.4, 79 and 80 of the Financial Administration Act (R.S.Q., c. A-6.001), the Minister of Finance rules on the application within 3 business days following receipt of the application or, where applicable, authorization given by the Minister responsible for the administration of the Act governing the body.

2. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

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Notice

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

Security guards — 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 security guards (R.R.Q., 1981, c. D-2, r.1) and that, under sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft “Decree to amend the Decree respecting security guards”, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The purpose of the draft Decree is to replace the name of the union contracting party, to amend the definition of P-1 and P-7 premiums, to replace the definition of the P-4 premium, to add the definition of P-8 to P-10 premiums, to clarify the provision related to the calculation of working hours, to prohibit the staggering of working hours and to amend the hourly rates and premiums.

During the consultation period, the impact of the amendments sought will be clarified. According to the 2008 annual report of the Comité paritaire sur les agents de sécurité, the Decree governs 172 employers and 18,961 employees.

Further information may be obtained by contacting:

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 Ministère du Travail, 200, chemin Sainte-Foy, 5^e étage
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Any interested person with comments to make 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 security guards*

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

1. The Decree respecting security guards is amended by replacing “Les Métallurgistes unis d’Amérique, local 8922” by “Union des agents de sécurité du Québec, Métallos local 8922” in the first WHEREAS preceding section 1.00.

2. The first paragraph of section 1.01 is amended:

(1) by inserting the words “or the employer’s” after the word “customer’s” in paragraph 4;

(2) by replacing paragraph 5 by the following:

“(5) “P-2 premium”: benefit paid to a guard holding a diploma in police techniques and whose customer or employer requires that diploma as a condition for hiring; this premium is also paid to a guard whose duties include the use of radar, or to an agent who is authorized

to issue offence notices or offence statements related to parking violations or to violations provided for in any other Act or regulation;”;

(3) by replacing paragraph 6 by the following:

“(6) “P-3 premium”: (a) benefit paid to an incident control officer who is assigned to a psychiatric institution or to the psychiatric department of a general institution and who, in the normal and customary performance of his duties, is required to intervene physically with beneficiaries; this premium is also paid to an officer who accompanies a beneficiary when he goes from one place to another;

(b) benefit paid to a guard who is assigned to a youth custody facility as defined in the Youth Criminal Justice Act (S.C. 2002, c. 1) and who, in the normal and customary performance of his duties, is required to intervene physically with beneficiaries; this premium is also paid to a guard who accompanies a beneficiary when he goes from one place to another;

(c) benefit paid to a guard whose duties include the care or transportation of adult inmates;”;

(4) by replacing paragraph 7 by the following:

“(7) “P-4 premium”: (a) benefit paid to a guard holding a certificate to the effect that he took a first aid course of at least 16 hours or a CPR course and whose customer requires that certificate as a condition for hiring;

(b) benefit paid to a guard who is required to have training to use a heart defibrillator;”;

(5) by replacing the words “, at the request of his employer, uses” by the words “must use” in paragraph 10;

(6) by inserting the following paragraphs after paragraph 10:

“(10.1) “P-8 premium”: benefit paid to a guard requiring a communication device and who provides it at the employer’s request;

(10.2) “P-9 premium”: benefit paid to a guard holding a diploma of college studies in industrial and commercial security and whose customer or employer requires that diploma as a condition for hiring;

(10.3) “P-10 premium”: benefit paid to a security guard who is not provided with a uniform;”.

* The Decree respecting security guards (R.R.Q., 1981, c. D-2, r.1) was last amended by the Regulation made by Order in Council No. 118-2006 dated 28 February 2006 (2006, G.O. 2, 1116). For previous amendments, please refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2008, updated to 1 September 2008.

3. Section 3.01 is amended by replacing the second paragraph by the following:

“For the sole purpose of calculating the standard workweek, working hours are calculated on the day they are carried out.”.

4. The Decree is amended by inserting the following after section 3.01:

“**3.01.1.** An employer cannot stagger the hours of work of his employees.”.

5. Section 3.03 is amended by adding the following paragraph at the end:

“Furthermore, the hours worked in addition to the shift, where more than four hours are compulsory, are considered to be overtime hours.”.

6. Section 3.04 is amended by adding the following paragraphs at the end:

“A regular A-01 employee who works more than six consecutive days, whether or not they are included in

the same workweek, and who has not worked more than 40 hours, is entitled to be paid in accordance with the first paragraph starting from the seventh consecutive workday.

The days are deemed to be consecutive when, from the sixth workday, less than 24 hours have elapsed between the end of the last shift and the beginning of the next shift.”.

7. Section 4.04 is amended by replacing the words “upon the employee’s request” by the words “with the employee’s consent”.

8. Section 4.06 is amended by adding the following after paragraph *k*:

“(l) the annual vacations accumulated;

(m) the percentage for sick leaves accumulated.”.

9. Section 4.07 is amended by replacing the first, second and third paragraphs by the following:

“**4.07.** The hourly rates and premiums to which employees are entitled are at least those set in the following table:

	As of (enter here date of coming into force of this Decree)	As of 2009 06 28	As of 2010 06 27	As of 2011 07 03	As of 2012 07 01
Class A employee	\$ 13.55	\$ 13.95	\$ 14.35	\$ 14.75	\$ 15.15
Class B employee	13.80	14.20	14.60	15.00	15.40
Premiums					
P-1 premium*	0.30	0.30	0.30	0.30	0.30
P-2 premium*	0.50	0.50	0.50	0.50	0.50
P-3 premium*	1.25	1.25	1.25	1.25	1.25
P-4 (a) premium*	0.40	0.40	0.40	0.40	0.40
P-4 (b) premium*	0.20	0.20	0.20	0.20	0.20
P-5 premium*	0.50	0.50	0.50	0.50	0.50
P-6 premium*	2.50	2.50	2.50	2.50	2.50
P-7 premium*	2.00	2.00	2.00	2.00	2.00
P-8 premium*	0.25	0.25	0.25	0.25	0.25
P-9 premium*	0.50	0.50	0.50	0.50	0.50
P-10 premium*	0.15	0.15	0.15	0.15	0.15

* More than one premium at the same time may be applicable.

Any training or renewal of training required by an employer or customer will be paid by the employer, unless the purpose of the training is to enable the guard to qualify for work entitling him to a premium defined in section 1.01, or to enable him to obtain or renew his security guard permit.

The costs paid by the employer are: remuneration of the employee as if he were at work, enrolment fees and other reasonable costs incurred by the employee.”.

10. Section 5.01 is amended by replacing “30 July 2003” by “*enter here date of coming into force of this Decree*” in the third paragraph.

11. Section 7.01 is amended:

(1) by replacing “or his spouse’s father or mother.” by “, his spouse’s father or mother or one of his grandchildren.” in subsection 1;

(2) by replacing “, daughter-in-law or one of his grandchildren” by “or daughter-in-law.” in the second paragraph of subsection 2.

12. Section 8.01 is replaced by the following:

“**8.01.** At the time of a strike, a lock-out, a special event such as a cultural or sports activity or for any other limited duration contract not exceeding 60 days, an employee who must use his automobile to reach a work location outside a 40-kilometre radius from his employer’s office receives a compensation of \$0.45 for each kilometer travelled. The employer may choose to provide transportation at his own expense.

Where an employee uses his vehicle as a shelter, and where an employer asks his employee to use his own vehicle to make rounds, carry out patrols or perform a motorized vehicle service, the employer pays the employee a compensation of \$0.45 per kilometre for all kilometres travelled.”.

13. Section 9.01 is amended by replacing “2007” by “2012”, wherever it occurs.

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