

## Draft Regulations

### Notice

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 received from the contracting parties an application for amendments to the Decree respecting the automotive services industry in the Drummond and the Mauricie regions (c. D-2, r. 8) 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 industry in the Drummond and the Mauricie regions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree amends certain provisions pertaining to the duration of work and absence from work and special leaves in order to harmonize those provisions with the Act respecting labour standards (R.S.Q., c. N-1.1). It also provides new minimum hourly rates.

The consultation period will specify the extent of the impacts of the amendments applied for. According to the 2009 annual report of the Comité paritaire de l'industrie de l'automobile de la Mauricie, 546 employers and 2,904 employees are subject to the Decree.

Further information may be obtained by contacting:

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Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Deputy Minister of Labour, 200, chemin Sainte-Foy, 6<sup>e</sup> étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

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

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

**1.** The Decree respecting the automotive services industry in the Drummond and the Mauricie regions (D-2, r. 8) is amended by inserting the following after section 3.02:

“**3.02.1.** An employee is entitled to refuse to work:

(1) more than 4 hours after his regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest, or, for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24-hour period;

(2) more than 50 working hours per week.”.

**2.** Section 3.04 is amended by adding the following after paragraph 3:

“(4) when he is at his employer’s disposal on the work premises and he is obliged to wait to be given work.”.

**3.** Section 7.11 is amended by inserting “or paternity” in the first paragraph after “maternity”.

**4.** The following is added after section 7.12:

“**7.13.** No employer may reduce the annual leave of an employee or change the way in which the indemnity pertaining to it is computed, in comparison with what is granted to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week.”.

**5.** Division 8.00 is amended by replacing “SPECIAL LEAVES” in the heading by “ABSENCE AND SPECIAL LEAVES”.

**6.** The following is added after section 8.03:

“**8.04.** 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.

**8.05.** An employee who has 3 consecutive months of service may be absent from work without pay for a period of not more than 26 weeks over a 12-month period for sickness or accident.

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

The employee must inform the employer as soon as possible of an absence from work and give the reasons therefor.

**8.06.** An employee’s participation in the group insurance and pension plans recognized in the employee’s place of employment must not be affected by the absence from work provided for in section 8.04, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

**8.07.** At the end of the absence for sickness or accident, the employer must 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 must 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 must prevent an employer from dismissing, suspending or transferring an employee if the consequences of the sickness or accident or the repetitive nature of the absences constitute good or sufficient cause depending on the circumstances.

**8.08.** 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.

**8.09.** This section must not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

**8.10.** An employee who is credited with 3 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, the father’s or mother’s spouse, his brother, sister or one of his grandparents because of a serious illness or a 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 must end at the latest 104 weeks after the beginning thereof.

Section 8.05, the first paragraph of section 8.06 and sections 8.07 and 8.08 apply, with the necessary modifications, to the employee’s absence.

**8.11.** An employee may be absent from work, without pay, for a medical examination related to her pregnancy or for an examination related to her pregnancy and carried out by a midwife.

The employee must notify her employer as soon as possible of the time where she will be absent.”

**7.** Section 9.01 is replaced by the following:

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

Trades	As of (insert the date of coming into force of this Decree)	As of 1 October 2011	As of 1 October 2012
<b>1) apprentice:</b>			
1st year	\$10.99	\$11.32	\$11.55
2nd year	\$11.73	\$12.08	\$12.32
3rd year	\$12.40	\$12.77	\$13.03
4th year	\$13.06	\$13.45	\$13.72
<b>2) journeyman:</b>			
A	\$19.47	\$20.25	\$21.06
B	\$17.05	\$17.90	\$18.80
C	\$15.93	\$16.89	\$17.90
<b>3) parts clerk:</b>			
Grade 1	\$10.73	\$11.05	\$11.27
Grade 2	\$11.41	\$11.75	\$11.99
Grade 3	\$12.17	\$12.54	\$12.79
Grade 4	\$12.84	\$13.23	\$13.49
Grade 5	\$13.55	\$13.96	\$14.24
Grade 6	\$14.35	\$14.78	\$15.22
Grade 7	\$15.20	\$15.66	\$16.13
<b>4) messenger:</b>	\$9.75	—	—
<b>5) dismantler:</b>			
Grade 1	\$10.29	\$10.60	\$10.92
Grade 2	\$10.98	\$11.31	\$11.65
Grade 3	\$11.92	\$12.28	\$12.65
<b>6) washer:</b>	\$9.75	—	—
<b>7) semiskilled worker:</b>			
Grade 1	\$11.73	\$12.08	\$12.32
Grade 2	\$12.73	\$13.11	\$13.37
Grade 3	\$13.73	\$14.14	\$14.42
<b>8) pump attendant:</b>	\$9.75	—	—
<b>9) service attendant:</b>			
Grade 1	\$10.67	\$10.99	\$11.21
Grade 2	\$11.33	\$11.67	\$11.90
Grade 3	\$12.06	\$12.42	\$12.67
Grade 4	\$12.73	\$13.11	\$13.37
Grade 5	\$13.40	\$13.80	\$14.08

The wage rate not provided for the trades of messenger, washer and pump attendant corresponds to the rate of the minimum wage payable to an employee, in accordance with section 3 of the Regulation respecting labour standards (c. N-1.1, r. 3), increased by \$0.25 per hour as of the date of adjustment.”.

**8.** Section 9.07 is amended by inserting “within 60 days of the revocation” in the third paragraph at the end.

**9.** The following is added after section 9.11:

“**9.12.** 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.

**9.13.** An employer may not remunerate an employee at a rate of wage lower than that granted to other employees performing the same tasks in the same establishment for the sole reason that the employee usually works less hours each week.”.

**10.** Section 12.01 is amended by replacing “2004” wherever that number appears by “2013”.

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

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## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Midwives

— **Professional acts that persons other than midwives may engage in on certain terms and conditions**  
— **Amendments**

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting professional acts that persons other than midwives may engage in on certain terms and conditions”, made by the board of directors of the Ordre des sages-femmes du Québec, may be submitted to the Government which may approve it, with or without amendment, on the expiry of 45 days following this publication.