

Gouvernement du Québec

O.C. 1063-2010, 1 December 2010

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

**Automotive services industry – Drummond
and Mauricie**
— Amendments

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

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made the Decree respecting the automotive services industry in the Drummond and the Mauricie regions (R.R.Q., c. D-2, r. 8);

WHEREAS, under section 6.1 of the Act, the contracting parties designated in that Decree have made an application to the Minister of Labour for amendments to be made to the Decree;

WHEREAS sections 2 and 6.1 of the Act empowers the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later dated fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, a draft amending decree was published in Part 2 of the *Gazette officielle du Québec* of 4 August 2010 and, on the same date, in a French-language newspaper and an English-language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received in respect of the draft Decree;

WHEREAS it is expedient to make the Decree with amendments;

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

THAT the Decree to amend the Decree respecting the automotive services industry in the Drummond and the Mauricie regions, attached hereto, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**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 (R.R.Q., c. D-2, r. 8) is amended in section 1.01 by striking out paragraph 1.

2. The following is inserted 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.”

3. 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.”

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

5. 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.”

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

7. 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.”.

8. Section 9.01 is replaced by the following:

9.01. The minimum hourly wage rates are the following:

Trades	As of 15 December 2010	As of 1 October 2011	As of 1 October 2012
1) apprentice:			
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
2) journeyman:			
A	\$19.47	\$20.25	\$21.06
B	\$17.05	\$17.90	\$18.80
C	\$15.93	\$16.89	\$17.90
3) parts clerk:			
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
4) messenger:	\$9.75	—	—
5) dismantler:			
Grade 1	\$10.29	\$10.60	\$10.92
Grade 2	\$10.98	\$11.31	\$11.65
Grade 3	\$11.92	\$12.28	\$12.65
6) washer:	\$9.75	—	—
7) semiskilled worker:			
Grade 1	\$11.73	\$12.08	\$12.32
Grade 2	\$12.73	\$13.11	\$13.37
Grade 3	\$13.73	\$14.14	\$14.42
8) pump attendant:	\$9.75	—	—
9) service attendant:			
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.”.

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

10. 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.”.

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

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

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M.O., 2010

Order number AM 2010-12 of the Minister of Transport dated 1 December 2010

Highway Safety Code
(R.S.Q., c. C-24.2)

Regulation to amend the Regulation respecting road signs

THE MINISTER OF TRANSPORT,

CONSIDERING the first paragraph of section 289 of the Highway Safety Code (R.S.Q., c. C-24.2), which provides that the meaning of a road or traffic sign message, whatever the medium, is the meaning assigned to the sign by the Minister in an order published to that effect in the *Gazette officielle du Québec*;

CONSIDERING that, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting road signs was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2009 with a notice that it could be made by the Minister of Transport on the expiry of 45 days following that publication, and that any person wishing to comment on the draft Regulation was requested to submit comments within the 45-day period;

CONSIDERING that it is expedient to make the Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation to amend the Regulation respecting road signs, attached to this Order, is hereby made.

SAM HAMAD,
Minister of Transport

Regulation to amend the Regulation respecting road signs*

Highway Safety Code
(R.S.Q., c. C-24.2, s. 289, 1st par.)

1. The Regulation respecting road signs is amended in section 1.1

(1) by replacing the definition of “truck” by the following:

““truck” means a road vehicle, other than an emergency vehicle, with a gross vehicle weight rating of 4,500 kg or more, designed and equipped mainly for the transportation of goods or of the machinery with which it is permanently equipped and its accessories. Combinations of road vehicles in which at least one vehicle has a gross vehicle weight rating of 4,500 kg or more are also trucks. (*camion*)”;

(2) by inserting the following definition in alphabetical order:

““gross vehicle weight rating” means the gross vehicle weight rating within the meaning of the Regulation respecting safety standards for road vehicles, made by Order in Council 1483-98 dated 27 November 1998; (*poids nominal brut*)”;

* The Regulation respecting road signs, made by Minister’s Order dated 15 June 1999 (M.O., 1999) (1999, *G.O.* 2, 1642), was last amended by Order 2008-11 of the Minister of Transport dated 5 November 2008 (2008, *G.O.* 2, 5091A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 October 2010.