

Notice

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

Automotive services industry — Chapais, Chibougamau, Lac-Saint-Jean and Saguenay — 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 an application by the contracting parties to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) 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 Chapais, Chibougamau, Lac-Saint-Jean and Saguenay, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly increases the minimum hourly rates of the various employment categories and amends various conditions of employment provided for in the Decree to bring them into conformity with the conditions of employment established under the Act respecting labour standards (R.S.Q., c. N-1.1).

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 des services automobiles de la région du Saguenay-Lac St-Jean, 523 employers, 2,363 employees and 71 artisans are subject to the Decree.

Further information may be obtained by contacting:

Louis-Philippe Roussel
Direction des politiques du travail
Ministère du Travail
200, chemin Sainte-Foy, 5^e étage
Québec (Québec) G1R 5S1
Telephone: 418 644-2206
Fax: 418 643-9454
E-mail: louis-philippe.roussel@travail.gouv.qc.ca

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^e étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,
Deputy Minister of Labour

Decree to amend the Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay

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

1. The Decree respecting automotive services industry in Chapais, Chibougamau, Lac-Saint-Jean and Saguenay (R.R.Q., c. D-2, r. 7) is amended by striking out “Le Syndicat des travailleurs de production Centropneus (CSN)” in paragraph 2 of section 1.02.

2. Section 3.01 is amended by replacing paragraph 1 by the following:

“(1) over no more than 5 consecutive days, from Monday to Saturday, for the apprentice, the journeyman, the dismantler and the semiskilled worker;

(1.1) over no more than 5 consecutive days for the parts clerk, the messenger, the washer and the service attendant;”.

3. Section 3.02 is amended

(1) by replacing “Except for the pump attendant, the” in the first paragraph by “The”;

(2) by striking out the second paragraph.

4. Section 3.03 is revoked .

5. Section 3.05 is replaced by the following:

“**3.05.** An employee is deemed to be at work

(1) while available to the employer at the place of employment and required to wait for work to be assigned;

(2) subject to section 3.04, during the break periods granted by the Decree and the employer;

(3) when travel is required by the employer;

(4) during any trial or training period required by the employer.”.

6. Section 3.06 is amended by replacing “24” by “32”.

7. The following is inserted after section 3.07:

3.08. An employee may refuse to work

(1) more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest;

(2) more than 12 working hours per 24-hour period if the employee's daily working hours are flexible or non-consecutive;

(3) more than 50 working hours per week.

3.09. An employee who is required to appear as a witness before a court or a quasi judicial body in a case concerning his or her employer, other than a grievance or penal proceedings instituted by the parity committee, where the employee is not one of the interested parties has no reduction in wages for the period during which the employee's presence is required in court."

8. Section 5.01 is amended by adding the following after the first paragraph:

"Despite the foregoing, an employee who, outside of the regular working hours, is recalled after leaving the place of employment, is entitled to an indemnity equal to 3 hours at the employee's rate currently paid, except where the application of section 4.01 entitles the employee to a greater amount."

9. Section 5.02 is revoked.

10. Section 6.02 is replaced by the following:

"**6.02.** To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or following the holiday.

Despite the foregoing, an employee is deemed not to have been absent from work on the working day preceding or following a general holiday when the employee was laid off for less than 20 days preceding or following 1 and 2 January as well as 25 and 26 December, or for less than 48 hours for the other holidays provided for in section 6.01."

11. Section 6.03 is replaced by the following:

"**6.03.** For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday or layoff, excluding overtime."

12. Section 6.07 is revoked.

13. Section 7.03 is amended by replacing the third paragraph by the following:

"An employee is also entitled, if the employee applies therefor, to an additional annual leave without pay equal to the number of days required to increase the employee's annual leave to 3 weeks.

Such additional leave need not follow immediately a leave under the first paragraph and it may not be divided, or be replaced by a compensatory indemnity."

14. Section 7.06 is amended

(1) by adding ", except where a collective agreement allows it to be deferred until the following year" at the end of the first paragraph;

(2) by replacing the second paragraph by the following:

"Despite 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 the end of a reference year, the employee is absent owing to sickness, accident or a criminal offence 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.

Despite any contrary clause of a collective agreement, decree or contract, 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."

15. Section 8.04 is amended

(1) by replacing "on his wedding day" in the first paragraph by "on the day of his or her wedding or civil union";

(2) by replacing "on the wedding day of one of his children, of his father, mother, brother or sister or a child of his spouse" in the second paragraph by "on the day of the wedding or civil union of his or her child, father, mother, brother or sister or of a child of his or her spouse."

16. Section 8.05 is amended

(1) by replacing “his child or the adoption of a child” in the first paragraph by “his or her child, the adoption of a child or where there is termination of pregnancy in or after the twentieth week of pregnancy”;

(2) by adding “or after the termination of pregnancy” after “mother” at the end of the second paragraph;

(3) by striking out the fourth paragraph.

17. The following is added after section 8.05:

“**8.06.** An employee may be absent from work, without pay, for 10 days per year to fulfil obligations relating to the custody, 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 or her absence as soon as possible and take the reasonable steps within his or her power to limit the leave and the duration of the leave.

8.07. In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), an employee may be absent from work

(1) if the employee must stay with the employee’s child, spouse, the child of the employee’s spouse, the employee’s father, mother, the spouse of the employee’s father or mother, the employee’s brother, sister or one of the employee’s grandparents because of a serious illness or a serious accident;

(2) if the employee’s minor child has a serious and potentially mortal illness;

(3) if the employee must stay with the employee’s minor child who suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on regular activities;

(4) if the employee’s minor child has disappeared;

(5) if the employee’s spouse or child commits suicide; or

(6) if the death of the employee’s spouse or child occurs during or results directly from a criminal offence.

8.08. In accordance with the provisions of the Act respecting labour standards, a pregnant employee is entitled to a maternity leave, an employee is entitled to parental leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.

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

18. Section 10.01 is replaced by the following:

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

Trades	As of (insert the date of coming into force of this Decree)	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
1. Apprentice:				
1st year	\$11.93	\$12.23	\$12.53	\$12.85
2nd year	\$12.33	\$12.64	\$12.95	\$13.28
3rd year	\$13.15	\$13.48	\$13.82	\$14.16
4th year	\$14.24	\$14.60	\$14.96	\$15.33
2. Journeyman:				
mechanic, diesel-mechanic, welder, electrician, body-builder, wheel balancer, automatic transmission specialist, painter, saddler, body repairer:				
A	\$20.90	\$21.42	\$21.96	\$22.51
B	\$18.60	\$19.07	\$19.54	\$20.03
C	\$16.38	\$16.79	\$17.21	\$17.64
3. Parts Clerk:				
1st year	\$10.73	\$11.00	\$11.27	\$11.56
2nd year	\$11.41	\$11.70	\$11.99	\$12.29
3rd year	\$11.41	\$12.47	\$12.79	\$13.11
4th year	\$12.84	\$13.16	\$13.49	\$13.83
5th year	\$13.55	\$13.89	\$14.24	\$14.59
6th year	\$14.35	\$14.71	\$15.08	\$15.45
7th year	\$14.80	\$15.17	\$15.55	\$15.94
8th year	\$15.20	\$15.58	\$15.97	\$16.37
4. Messenger:				
	\$10.01	\$10.26	\$10.52	\$10.78

Trades	As of (insert the date of coming into force of this Decree)	As of 1 January 2012	As of 1 January 2013	As of 1 January 2014
5. Dismantler:				
1st year	\$10.34	\$10.60	\$10.86	\$11.14
2nd year	\$10.98	\$11.25	\$11.54	\$11.82
3rd year	\$11.95	\$12.25	\$12.55	\$12.87
4th year	\$12.92	\$13.24	\$13.57	\$13.91
6. Washer:				
	\$9.69	\$9.93	\$10.18	\$10.44
7. Semiskilled Worker:				
1st year	\$10.98	\$11.25	\$11.54	\$11.82
2nd year	\$11.65	\$11.94	\$12.24	\$12.55
3rd year	\$12.92	\$13.24	\$13.57	\$13.91
8. Pump Attendant:				
	\$9.75	\$9.99	\$10.24	\$10.50
9. Service Attendant:				
1st year	\$9.92	\$10.17	\$10.42	\$10.68
2nd year	\$11.17	\$11.45	\$11.74	\$12.03
3rd year	\$11.95	\$12.25	\$12.55	\$12.87
4th year	\$13.05	\$13.38	\$13.71	\$14.05”.

19. Section 10.07 is replaced by the following:

“**10.07.** No employer may make deductions from wages unless the employer 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, within 30 days, the sums so withheld to their intended receiver.”.

20. Section 10.08 is amended by adding the following after the first paragraph:

“The employer may not impose an arrangement to share gratuities or a tip-sharing arrangement 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. The following is added after section 10.11:

“**10.12.** 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.”.

22. Section 13.01 is amended by replacing “2001”, wherever it appears, by “2014”.

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

1204

Draft Regulation

An Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment (2007, c. 2)

Regulation

Notice is hereby given, in accordance with section 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation under the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation completes the implementation in Québec of the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, the Act to implement the Convention on International Interests in Mobile Equipment and the Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Aircraft Equipment, having been assented to in 2007 (S.Q. 2007, c. 2). Section 3 of that Act provides that “the Government may make any regulations necessary for carrying out the provisions of the Convention and of the Protocol that are in force in Québec”.

The Convention and the Protocol authorize a Contracting State to make declarations for the application or non-application of a provision of either document. The Regulation specifies the declarations that will apply in