

Draft Regulations

Notice

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

Automotive services industry – Québec — Amendment

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 the Québec region (R.R.Q., c. D-2, r. 11) 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 Québec region, 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 de Québec, 772 employers, 5,292 employees and 181 artisans 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^e étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,
Deputy Minister of Labour

Decree to amend the Decree respecting automotive services industry in the Québec region

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 the Québec region (R.R.Q., c. D-2, r. 11) is amended in section 1.02

(1) by replacing “Association des ateliers de réparation d’automobiles du Québec (AARAQ) inc.” in subsection 1 by “La Corporation des ateliers de réparation d’automobiles du Québec”;

(2) by replacing “National Automobile, Aerospace, Transportation and General Workers Union of Canada (CAW-Canada), local 1044” in subsection 2 by “La section locale 4511 du Syndicat national de l’automobile, de l’aérospatiale, du transport et des autres travailleurs et travailleuses”.

2. Section 3.01 is amended

(1) by inserting “, within the qualifying period established by the employer for payroll,” after “days” in paragraph 2;

(2) by inserting”, within the qualifying period established by the employer for payroll,” after “days” in paragraph 3.

3. Section 3.05 is revoked.

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

5. The following is added after section 3.06:

3.07. 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."

6. Section 5.02 is replaced by the following:

5.02. 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) 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."

7. The following is added after section 5.02:

5.03. An employee may refuse to work more than 4 hours after regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest or, more than 12 working hours per 24-hour period if the employee's daily working hours are flexible or non-consecutive.

5.04. 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."

8. Section 6.02 is replaced by the following:

6.02. To benefit from a statutory general holiday referred to in section 6.01, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday."

9. The following is inserted after section 6.03:

6.03.1. When a holiday falls on a day that is not a regular working day for the employee, 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, 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 12 complete weeks of pay preceding the week of the holiday."

10. Section 6.07 is revoked.

11. Section 7.03 is amended by adding the following after the third paragraph:

"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."

12. Section 7.06 is replaced by the following:

7.06. The annual leave must be taken within 12 months following the end of the reference year, except where a collective agreement allows it to be deferred until the following year.

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."

13. 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."

14. Section 8.05 is replaced by the following:

8.05. An employee may be absent from work for 5 days at the birth of the employee's child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first 2 days of absence must be remunerated if the employee is credited with 60 days of uninterrupted service.

The leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

The employee must advise the employer of his or her absence as soon as possible.”.

15. Section 8.06 is replaced by the following:

“**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.”.

16. Section 8.07 is replaced by the following:

“**8.07.** In accordance with the provisions of the Act respecting labour standards (R.S.Q., c. N-1.1), a pregnant employee is entitled to a maternity leave, an employee is entitled to a paternity leave and the father and the mother of a newborn child, and a person who adopts a child, are entitled to parental leave.”.

17. The following sections are added after section 8.07:

“**8.08.** 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 carried out by a midwife.

The employee must advise her employer as soon as possible of the time at which she will be absent.

8.09. An employee credited with 3 months of uninterrupted service may be absent from work without pay for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.

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

The employee must advise the employer of his or her absence as soon as possible, giving the reasons for it.

8.10. 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, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

8.11. At the end of the period of absence referred to in section 8.09, 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 prevents an employer from dismissing, suspending or transferring an employee if, in the circumstances, the consequences of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause.

8.12. 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.

8.13. Sections 8.09 to 8.12 do not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

8.14. An employee credited with 3 months of uninterrupted service may be absent from work for a period of not more than 12 weeks over a period of 12 months where 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.

The employee must advise the employer of his or her absence as soon as possible and provide the employer with a document justifying the employee’s absence, if the employer so requests.

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 of the absence. Section 8.10, the first paragraph of section 8.11 and sections 8.12 and 8.13 apply to the employee’s absence, adapted as required.

8.15. An employee is entitled to an extension of the period of absence under the first paragraph of section 8.14, which must end not later than 104 weeks after the beginning of that period, 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.

8.16. In accordance with the provisions of the Act respecting labour standards, an employee may be absent from work

(1) if the employee suffers serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee's regular position;

(2) if the employee's minor child has disappeared;

(3) if the employee's spouse or child commits suicide;

(4) if the death of the employee's spouse or child occurs during or results directly from a criminal offence;
or

(5) if the employee is also a reservist of the Canadian Forces.”.

18. Section 9.01 is replaced by the following:

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

Trades	As of <i>(insert the date of coming into force of this Decree)</i>	As of <i>(insert the date that corresponds to 12 months following the date of coming into force of this Decree)</i>	As of <i>(insert the date that corresponds to 24 months following the date of coming into force of this Decree)</i>
1. Journeyman*			
Class A	\$21.10	\$21.63	\$22.17
Class A/B	\$19.25	\$19.73	\$20.22
Class B	\$18.60	\$19.07	\$19.54
Class C	\$16.55	\$16.96	\$17.39
Apprentice			
1st year	\$12.30	\$12.61	\$12.92
2nd year	\$13.08	\$13.41	\$13.74
3rd year	\$13.77	\$14.11	\$14.47
4th year	\$14.50	\$14.86	\$15.23
2. Parts Clerk			
Class A	\$15.39	\$15.77	\$16.17
Class A/B	\$14.92	\$15.29	\$15.68
Class B	\$14.47	\$14.83	\$15.20
Class C	\$14.03	\$14.38	\$14.74
Apprentice			
1st year	\$10.84	\$11.11	\$11.39
2nd year	\$11.52	\$11.81	\$12.10
3rd year	\$12.29	\$12.60	\$12.91
4th year	\$12.97	\$13.29	\$13.63
3. Messenger			
	\$10.00	\$10.25	\$10.51
4. Dismantler			
1st year	\$11.80	\$12.10	\$12.40
2nd year	\$12.40	\$12.71	\$13.03
After 2 years	\$13.00	\$13.33	\$13.66
5. Washer			
	\$10.00	\$10.25	\$10.51
6. Pump Attendant			
	Minimum wage		
7. Service Attendant			
1st year	\$11.00	\$11.28	\$11.56
2nd year	\$12.00	\$12.30	\$12.61
After 2 years	\$13.00	\$13.33	\$13.66
8. Service Salesperson			
1st year	\$11.95	\$12.25	\$12.55
2nd year	\$13.09	\$13.42	\$13.75
3rd year	\$14.29	\$14.65	\$15.01
4th year	\$15.40	\$15.79	\$16.18
5th year	\$15.71	\$16.10	\$16.50
After 5 years	\$16.03	\$16.43	\$16.84

* The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, machinist, bodyworker, wheel aligner, automatic transmission specialist, painter, upholsterer and bodyman.”.

19. Section 9.07 is replaced by the following:

“**9.07.** 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 must remit the sums so withheld to their intended receiver.”.

20. Section 13.01 is amended by replacing “2001”, wherever it appears, by “2013”.**21.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

1290

Notice

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

**Installation of petroleum equipment
— Amendment**

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 installation of petroleum equipment (R.R.Q., c. D-2, r. 12) 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 installation of petroleum equipment, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the rate of contribution and deduction to the fringe benefits fund established under the Decree respecting the installation of petroleum equipment.

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 sur l’installation d’équipement pétrolier, 53 employers, 358 employees and 16 artisans 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^e étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,
Deputy Minister of Labour

**Decree to amend the Decree respecting
the installation of petroleum equipment**

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

1. The Decree respecting the installation of petroleum equipment (R.R.Q., c. D-2, r. 12) is amended by replacing “\$23.60” in section 11.02 by “\$33.60”.

2. Section 11.03 is amended by replacing “\$23.60” by “\$33.60”.

3. Section 11.04 is amended by replacing “\$0.59 as of 1 April 2004” in the second paragraph by “\$0.84”.

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

1291