

Draft Regulations

Notice

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

Building service employees – Montréal — 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 building service employees in the Montréal region (R.R.Q., c. D-2, r. 15) 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 building service employees in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The main purpose of the draft Decree is to increase wage rates and the employer's contribution to the employees' group retirement plan.

The consultation period will specify the extent of the impact of the amendments applied for. According to the 2010 annual report of the Comité paritaire de l'entretien d'édifices publics région de Montréal, 1,151 employers and 11,108 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^e étage, Québec (Québec) G1R 5S1.

JOCELIN DUMAS,
Deputy Minister of Labour

Decree to amend the Decree respecting building service employees in the Montréal region

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

1. The Decree respecting building service employees in the Montréal region (R.R.Q., c. D-2, r. 15) is amended in section 1.01

(1) by replacing paragraph *d* by the following:

“(d) “Class A work”: heavy maintenance work such as washing walls, windows, ceilings, light fixtures, chalkboards, sweeping floors with a dust mop one metre or more in width; stripping, washing or treating floors, removing spots on floors with a wet mop that is more than 340.2 g and a bucket that is more than 12 litres, cleaning carpets, removing waste and the contents of recycling bins larger than 11.34 kg and dusting areas not accessible from floor level;”;

(2) by replacing paragraph *e* by the following:

“(e) “Class B work”: any light maintenance work in areas accessible from floor level exclusively, such as dusting, cleaning offices, tables, chairs and other furniture, cleaning ashtrays and wastepaper baskets of 11.34 kg or less, washing light fixtures and cleaning marks on walls and floors with a wet mop that is 340.2 g or less and a bucket that is 12 litres or less, sweeping floors with a broom, a dust mop or a vacuum cleaner, washing glass partitions and doing light maintenance of washrooms;”.

2. Section 2.03 is amended by adding the following after paragraph 5:

“(6) a janitor residing in a house with several apartments or units or in a co-ownership.”.

3. Section 4.01 is amended by adding the following after the second paragraph:

“An employee who works 12 hours or more in a single day is entitled to a second meal period without pay not exceeding one hour. To compute working hours, meal and rest periods are considered as worked time.

An employee who is required by the employer to carry a cellular telephone or another means of communication outside the work premises is not deemed to be at work.

However, the time spent by an employee answering a call from the employer during a meal period is worked at the end of that period.”

4. Section 4.03 is amended by replacing the first paragraph by the following:

“An employee is entitled, as the case may be, to

(1) 2 paid 15-minute rest periods for every work period of 7 hours;

(2) one paid 15-minute rest period for every work period of at least 3 hours but not more than 7 hours;

(3) one paid 15-minute rest period per 3-hour work period beyond 7 hours.

Subject to the provisions of a collective agreement, the rest periods are taken at the time determined by the employer.”

5. Section 6.01 is replaced by the following:

“**6.01.** An employee receives at least the following hourly wage:

(1) as of (*insert the date of coming into force of this Decree*):

- (a) Class A: \$15.70;
- (b) Class B: \$15.29;
- (c) Class C: \$16.21;

(2) as of (*insert the date of the first anniversary of the coming into force of this Decree*):

- (a) Class A: \$16.05;
- (b) Class B: \$15.63;
- (c) Class C: \$16.57;

(3) as of (*insert the date of the second anniversary of the coming into force of this Decree*):

- (a) Class A: \$16.41;
- (b) Class B: \$15.98;
- (c) Class C: \$16.94;

(4) as of (*insert the date of the third anniversary of the coming into force of this Decree*):

- (a) Class A: \$16.78;
- (b) Class B: \$16.34;
- (c) Class C: \$17.32;

(5) as of (*insert the date of the fourth anniversary of the coming into force of this Decree*):

- (a) Class A: \$17.18;
- (b) Class B: \$16.73;
- (c) Class C: \$17.74;

(6) as of (*insert the date of the fifth anniversary of the coming into force of this Decree*):

- (a) Class A: \$17.61;
- (b) Class B: \$17.15;
- (c) Class C: \$18.18;

(7) as of (*insert the nearest date between the date of the sixth anniversary of the coming into force of this Decree or 30 October 2017*):

- (a) Class A: \$18.07;
- (b) Class B: \$17.60;
- (c) Class C: \$18.65.”

6. The heading of DIVISION 6.100 is replaced by the following:

“GROUP RETIREMENT PLAN”.

7. Section 6.101 is replaced by the following:

“**6.101.** The group retirement plan is administered by the Parity Committee.”

8. Section 6.102 is replaced by the following:

“**6.102.** The employer’s contribution to the plan is

(1) \$0.15 per hour paid to the employee as of (*insert the date of coming into force of this Decree*);

(2) \$0.20 per hour paid to the employee as of (*insert the date of the first anniversary of the coming into force of this Decree*);

(3) \$0.25 per hour paid to the employee as of (*insert the date of the second anniversary of the coming into force of this Decree*);

(4) \$0.30 per hour paid to the employee as of (*insert the date of the third anniversary of the coming into force of this Decree*);

(5) \$0.35 per hour paid to the employee as of (*insert the date of the fourth anniversary of the coming into force of this Decree*);

(6) \$0.40 per hour paid to the employee as of (*insert the date of the fifth anniversary of the coming into force of this Decree*);

(7) \$0.45 per hour paid to the employee as of (*insert the nearest date between the date of the sixth anniversary of the coming into force of this Decree or 30 October 2017*).”.

9. Section 6.103 is amended by adding “as well as any volunteer contribution from the employee” after “preceding month”.

10. The following is added after section 6.103:

“**6.104.** Sections 6.101 to 6.103 do not apply to an employee who has reached 71 years of age. However, the contribution provided for in section 6.102 must be added to the employee’s hourly rate.”.

11. Section 7.02 is amended by adding the following after the second paragraph:

“Despite the first paragraph, where a regular employee works less than 5 days a week under the employee’s regular schedule, the indemnity is equal to 20% of the wages earned during the pay period preceding the holiday. The percentage is 10% if the pay period is 2 weeks.”.

12. Section 8.04 is amended by adding the following after the first paragraph:

“If an employee is absent owing to sickness or an accident or if the employee is the victim of a criminal act or is on maternity or paternity leave during the reference year, and should that absence result in the reduction of that employee’s annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to 3 or 4 times the weekly average of the wages earned during the period worked, according to the number of weeks to which the employee is entitled. An employee referred to in section 8.02 is entitled to that amount in proportion to the days of leave credited to the employee’s account.”.

13. Section 10.01 is amended by striking out “in cash”.

14. Section 10.02 is amended by replacing paragraph 16 by the following:

“(16) the amount of the employer’s contribution to the group retirement plan during the period and the total contribution during the calendar year;

(17) the amount of the employee’s volunteer contribution to the group retirement plan that was deducted by the employer during the period and the total contribution during the calendar year.”.

15. Section 10.03 is amended by adding the following after the first paragraph:

“Acceptance of a pay slip by an employee does not entail renunciation of the payment of all or part of the wages that are due to the employee.

An employer may make deductions from wages only when compelled by law, regulation, court order or collective agreement, or under the Decree or a compulsory supplemental pension plan, or where authorized in a writing by the employee for a specific purpose mentioned in the writing.

The employee may cancel such authorization at any time, except when it concerns membership in a group insurance plan or in a supplemental pension plan. The employer remits the sums so withheld to their intended recipient.”.

16. The heading of DIVISION 11.00 is replaced by the following:

“SPECIAL CLOTHING”.

17. Section 11.01 is replaced by the following:

“**11.01.** When an employer requires an employee to wear special clothing, it must be supplied by the employer. The employer does not replace the special clothing unless the employee gives back the special clothing already supplied, otherwise the replacement is paid by the employee.”.

18. Section 11.02 is amended by replacing “he may either return the uniform that was supplied, or buy it at half price if he has 6 months of continuous service” by “the employee must return the special clothing that was supplied to him or her”.

19. Section 11.03 is amended by replacing “uniforms” by “special clothing”.

20. Section 14.01 is replaced by the following:

“**14.01.** This Decree remains in force until 30 October 2017. It is automatically renewed from year to year thereafter, unless one the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of April of the year 2017 or during the month of April of any subsequent year.”.

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

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