

Draft Regulations

Notice

An Act respecting collective agreement decrees (chapter D-2)

Signage industry on road construction sites — Extension of a collective agreement

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has been petitioned by the contracting parties to recommend to the Government to issue a decree ordering the extension of their collective agreement and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R18.1), the draft Decree respecting the signage industry on Québec road construction sites may be made by the Government on the expiry of 45 days following this publication.

The draft Decree determines the minimum labour standards for employees who perform signage work on Québec road construction sites. It prescribes standards relating to wages, hours of work, statutory general holidays, leave and absences.

The consultation period will specify the extent of the impact of the amendments sought on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Louis-Philippe Roussel, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1; telephone: 418 644-2206; fax: 418 643-9454; email: louis-philippe.roussel@travail.gouv.qc.ca

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Manuelle Oudar, Associate Deputy Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MANUELLE OUDAR,
Associate Deputy Minister of Labour

Decree respecting the signage industry on Québec road construction sites

An Act respecting collective agreement decrees (chapter D-2, ss. 2 and 6)

CHAPTER I GENERAL

DIVISION I CONTRACTING PARTIES

1. The contracting parties to this Decree are the following:

(1) for the employer party:

(a) Association en signalisation de chantiers du Québec;

(b) Signalisation de l'Estrie inc.;

(2) for the union party:

(a) Union des employés(e) des industries connexes local 1791 (Teamsters).

DIVISION II DEFINITIONS

2. For the purposes of this Decree, unless the context indicates a different meaning,

(1) “office of the employer” means the establishment where the employer carries out his or her main activities. Where there are two or more establishments, it is the establishment closest to the employee’s residential address when hired, unless the employee’s contract of employment mentions another establishment;

(2) “spouse” means either of 2 persons who

(a) are married or in a civil union and cohabiting;

(b) are living together and are the father and mother of the same child;

(c) have been living together for 1 year or more;

(3) “retaining device” means a frontal or side retaining device used on road construction sites and intended to protect workers in work areas exposed to traffic and road users from new obstacles attributable to the nature of the work or traffic patterns;

(4) “employee” means a person who performs signage work on road construction sites for an employer;

(5) “uninterrupted service” means the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of work has been interrupted without cancellation of the contract, and the period during which fixed term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed;

(6) “signage work on road construction sites” means work carried out in accordance with the standards of Chapter 4 of Volume V of the manual entitled “Traffic Control Devices”, determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code (chapter C-24.2). The work includes any of the following tasks when they are carried out on road construction sites or near them:

(a) installing, operating, moving, dismantling, servicing and maintaining signage and traffic management equipment;

(b) installing, operating, moving, dismantling, servicing and maintaining retaining devices and other equipment used to protect road users and workers;

(c) driving a vehicle on which an impact attenuator is mounted;

(d) driving an escort vehicle;

(e) patrolling, surveillance and escorting;

(f) working as a traffic control person.

DIVISION III SCOPE

3. This Decree applies to signage work on road construction sites performed in Québec.

4. This Decree does not apply to

(1) signage work on road construction sites carried out by employees of the Government of Canada, the Government of Québec, a municipality or a metropolitan community;

(2) peace officers within the meaning of the Police Act (chapter P-13.1), members of the Sûreté du Québec, of a municipal police force, of a Native police force, of the Naskapi Village police force, of the Cree Nation Government police force or of an intermunicipal board;

(3) pavement marking work on public or private roads outside a road construction site.

CHAPTER II WAGES AND HOURS OF WORK

DIVISION I WAGES

5. An employee is entitled to the following minimum hourly wage rate:

As of [enter the date of coming into force of this Decree	As of 28 June 2015	As of 3 July 2016	As of 2 July 2017
\$16.14	\$16.59	\$17.04	\$17.49

A premium of \$0.50 per hour is granted to every employee who performs the work of a traffic control person.

6. The employer must send to the employee, together with the employee’s wages, a pay sheet containing sufficient information to enable the employee to verify the computation of the employee’s wages. That pay sheet must include, in particular, the following information, where applicable:

(1) the name of the employer and the name of the employee;

(2) the identification of the employee’s occupation;

(3) the date of the payment and the work period corresponding to the payment;

(4) the wage rate and the number of hours paid at the prevailing rate and the number of hours of overtime paid or replaced by a leave with the applicable premium;

(5) the nature and amount of the premiums, indemnities or allowances that are being paid;

(6) the amount of gross wages, the nature and amount of deductions effected and the amount of the net wages paid to the employee.

DIVISION II HOURS OF WORK

7. 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) when travel is required by the employer, including the time spent travelling from one road construction site to another. Despite the foregoing, the time needed for an employee to travel to work before the standard workday begins and to come back from work is not part of the standard workday, except in the following cases:

(a) when the employee must travel from his or her usual place of residence to the meeting place designated by the employer or to a road construction site and that site is situated outside a 40-kilometre radius from the office of the employer;

(b) when the employee travels from the meeting place designated by the employer to the road construction site.

For the purposes of subparagraph 2 of the first paragraph, the time spent travelling is paid at the wage rate applicable to the employee owing to the nature of the work to be accomplished on the site, excluding the premium.

8. An employee who reports for work at the employee's place of employment at the express demand of the employer or in the regular course of his or her employment and who works fewer than 4 consecutive hours, is entitled, on each occasion, to an indemnity equal to 4 hours' wages at the employee's usual rate, except if the premium for overtime hours gives the employee a higher amount.

9. For the purpose of computing overtime, the regular workweek is 40 hours. Any work performed in addition to the regular workweek is increased by 50% of the prevailing hourly wage paid to the employee, except premiums.

CHAPTER III STATUTORY GENERAL HOLIDAYS, LEAVE AND ABSENCES

DIVISION I STATUTORY GENERAL HOLIDAYS WITH PAY

10. For the purposes of this Decree, the following days are statutory general holidays: 1 January, Good Friday, the Monday preceding 25 May, 1 July, the first Monday in September, the second Monday in October, 11 November and 25 December.

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, excluding overtime.

The employee does not lose his or her weekly leave where it falls on a statutory general holiday.

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 on the working day following the holiday.

11. The 24th of June is a statutory general holiday with pay under the National Holiday Act (chapter F-1-1).

DIVISION II ANNUAL LEAVE

12. An employee is entitled to an annual leave for the time provided for in the Act respecting labour standards (chapter N-1.1).

13. The indemnity relating to the annual leave is equal to 6% of the gross wages of the employee during the reference year. The computation of the gross wages earned during the reference year includes the paid annual leave indemnity.

14. The reference year is a period of 12 consecutive months during which an employee progressively acquires entitlement to an annual leave. That period extends from 1 May of the preceding year to 30 April of the current year unless a collective agreement fixes a different starting date for that period.

15. The annual leave must be taken within 12 months following the end of the reference year. It may not be deferred until the following year.

16. Three times per reference year, the employee may ask the employer to be paid part or all of the amount accumulated for the employee's annual leave.

DIVISION III SICK LEAVE

17. An employee who has worked a minimum of 21 hours per week during more than 6 weeks within a 6-month period accumulates as sick leave an amount equal to 2% of his or her gross wages earned during the employee's reference year, including the indemnity relating to the statutory general holidays.

18. An employee may be absent from work owing to sickness without reduction of wages, up to the employee's reserve accumulated under section 17. The employee must have accumulated the equivalent in wages of a full day for that day of absence to be paid.

In case of absence for sickness, the payment provided for in the first paragraph starts on the first day of absence. As of the third consecutive day of absence, the employer may require a medical certificate attesting the absence for sickness before making such payment.

A sick leave is not payable if it falls on a statutory general holiday or an annual leave provided for in the Decree.

19. On 1 June of each year, the employer establishes the dollar amount of the sick leave accumulated by each employee and informs the employee thereof not later than the following 1 July.

To be entitled to the payment of the employee's accumulated sick leave, the employee must be in the employ of his or her employer on 1 June, except where there is a change in employer and the employee is hired on the same workplace by the new employer. The employer pays the amount accumulated not later than the following 10 July.

DIVISION IV FAMILY OR PARENTAL ABSENCES

20. An employee may be absent from work, without pay, for 10 days per year to fulfill 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 the employer of his or her absence as soon as possible and take the reasonable steps to limit the leave and the duration of the leave.

21. An employee may be absent from work for 5 days without reduction of wages by reason of the death or the funeral of the employee's spouse, the employee's child or the child of the employee's spouse. The employee may also be absent, without pay, for 2 more days on such occasion.

22. An employee may be absent from work for 3 days without by reason of the death or the funeral of the employee's father, mother, brother or sister, of the father or mother of the employee's spouse or of one of the employee's grandchildren. The employee may also be absent, without pay, for 2 more days on such occasion.

23. An employee may be absent from work for 2 days, without reduction of wages, by reason of the death or the funeral of one of the employee's grandparents or of the brother or sister of the employee's spouse.

24. An employee may be absent from work for 1 day, without pay, by reason of the death or the funeral of a son-in-law or daughter-in-law.

25. The days of absence provided for in sections 21 to 23 are remunerated provided that the employee usually works on these days, but are not remunerated if they fall on a statutory general holiday, an annual leave or another holiday provided for in the Decree.

26. The days of absence provided for in sections 21 to 24 must be taken during the period comprised between the death and the funeral. Despite the foregoing, where the number of days comprised between the 2 events is less than the number of days of absence to which the employee is entitled, the days of absence that could not be used may be taken immediately after the funeral.

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

27. An employee may be absent from work for 1 day without reduction of wages, on the day of his or her wedding or civil union. An employee may also be absent from work, without pay, on the day of the wedding or civil union of the employee's child, father, mother, brother or sister or of a child of the employee's spouse. The employee must advise the employer of his or her absence not less than 1 week in advance.

28. 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 two days of absence are remunerated if the employee is credited with 60 days of uninterrupted service. The employee must advise the employer of his or her absence as soon as possible.

The leave may be divided into days at the request of the employee. It may not be taken more than 30 days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

29. The provisions relating to maternity, paternity, parental or adoption leave provided for in the Act respecting labour standards (chapter N-1.1) apply to the employee.

CHAPTER IV MISCELLANEOUS INDEMNITIES AND ALLOWANCES

30. An employee is entitled to a 30-minute meal period with pay beyond a period of 5 consecutive hours of work per day. Where the employee may not take advantage of the meal period, the employer must pay the employee an indemnity corresponding to 30 minutes of wages.

31. The employer pays the employee an amount of \$0.10 per regular hour worked for the purchase of safety footwear and any other clothing required for the performance of the employee's duties, except a safety hat, a safety vest, a safety harness and clothing for a traffic control person required by the Ministère du Transport under Volume V of the manual entitled "Traffic Control Devices" determined and set out by the Minister of Transport under the second paragraph of section 289 of the Highway Safety Code (chapter C-24.2), which are provided, free of charge, by the employer, where applicable.

32. An employee who uses his or her personal vehicle at the request of the employer is entitled to an indemnity of \$0.50 per kilometre travelled.

An employee is also entitled to that indemnity where the employer requests that the employee travel with his or her personal vehicle to reach a location situated outside a 40-kilometre radius from the office of the employer. In that case, the indemnity is computed from the employee's usual place of residence.

33. An employee who is required to act as a juror or to appear as a witness before a court in a case where the employee is not one of the parties must inform the employer as soon as the employee receives the summons.

In such a case, the employer pays to the employee, for each day of absence, an amount equal to the difference between 1/20 of the wages earned during the 4 weeks of pay preceding the trial, excluding overtime, and the indemnities or allowances that were paid to the employee as a juror or witness.

To benefit from that amount, the employee must apply for the indemnities and allowances to which the employee is entitled under the law and provide proof thereof.

CHAPTER V MISCELLANEOUS

34. Where an employee must hold a driver's licence to perform signage work on road construction sites to which this Decree applies, the employer must notify the employee and identify to the employee the class of licence required.

35. The employer may ask the employee to provide an attestation showing the validity of the employee's driver's licence.

36. An employee whose driver's licence has been revoked or suspended must inform the employer thereof as soon as possible. The employee must also do so if the employee receives a statement of offence or if the employee is involved in an accident while driving a vehicle owned by the employer.

37. A parity committee may send personal information on an employee, with the employee's consent, to any person, enterprise or body responsible for offering training regarding signage on road construction sites in order to verify the employee's eligibility for the training applied for.

CHAPTER VI FINAL

38. The Decree remains in force until 31 December 2018. It is then renewed automatically from year to year, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting parties during the month of August of the year 2018 or during the month of August of any subsequent year.

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

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Notice

An Act respecting collective agreement decrees (chapter D-2)

Security guards — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has been petitioned by the contracting parties to amend the Decree respecting security guards (chapter D-2, r. 1) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to amend the Decree respecting security guards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree exempts employees who will be covered by the Decree respecting the signage industry on Québec road construction sites from the application of the Decree.

The consultation period will specify the extent of the impact of the amendments sought on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Patrick Bourassa, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5e étage Québec (Québec) G1R 5S1; telephone: 418 528-9738; fax: 418 643-9454; email: patrick.bourassa@travail.gouv.qc.ca