

Draft Regulations

Notice

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

Automotive services industry – Québec — 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 received an application from the contracting parties to amend the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) 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 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 increases the minimum hourly wage rates, reduces the length of uninterrupted service required to be entitled to an additional week of vacation, removes the definition of pump attendant and the name of an employer party appearing in the Decree, and makes the Decree compliant with the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

Study of the matter has shown that the amendments will have negligible effect on 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, by telephone: 418 644-2206; by fax: 418 643-9454; by email: louis-philippe.roussel@mtess.gouv.qc.ca; or by mail: 200, chemin Sainte-Foy, 5^e étage, Québec (Québec) G1R 5S1.

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, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

BRIGITTE PELLETIER,
*Deputy Minister of Labour, Employment
and Social Solidarity*

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

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4 and 6.1)

1. Section 1.01 of the Decree respecting the automotive services industry in the Québec region (chapter D-2, r. 11) is amended

- (1) by striking out paragraph 10;
- (2) by inserting the following after paragraph 10:

“(10.1) “relative” means the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well as those persons’ spouses, their children and their children’s spouses. The following are also considered to be an employee’s relative for the purposes of this Decree:

- (a) a person having acted, or acting, as a foster family for the employee or the employee’s spouse;
- (b) a child for whom the employee or the employee’s spouse has acted, or is acting, as a foster family;
- (c) a tutor or curator of the employee or the employee’s spouse or a person under the tutorship or curatorship of the employee or the employee’s spouse;
- (d) an incapable person having designated the employee or the employee’s spouse as mandatary; and
- (e) any other person in respect of whom the employee is entitled to benefits under an Act for the assistance and care the employee provides owing to the person’s state of health;”;

- (3) by replacing “service salesperson” in paragraph 15 by “service salesperson – adviser”.

2. Section 1.02 is amended by striking out “La Corporation des ateliers de réparation d’automobiles du Québec;” in paragraph 1.

3. Section 3.01 is amended

- (1) by replacing “, the service attendant and the service salesperson” in paragraph 1 by “and the service salesperson – adviser”;

(2) by replacing paragraph 2 by the following:

“(2) over no more than 5 consecutive days for the service attendant, on condition that the 2 days in the employee’s weekly rest period are consecutive.”

4. Section 3.02 is amended by replacing “Except for the pump attendant” in the second paragraph by “Despite the first paragraph”.

5. Section 4.01 is amended by inserting the following after the first paragraph:

“Hours worked on a day other than a day in the standard workweek described in section 3.01 entail a premium of 50% of the hourly wage currently paid to the employee.”

6. Section 5.03 is replaced by the following:

“**5.03.** An employee may refuse to work

(1) more than 2 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;

(4) if the employee was not informed at least 5 days in advance that the employee would be required to work, unless the nature of the duties requires the employee to remain available or that the employee’s services are required within the limits set out in paragraphs 1 and 2.”

7. Section 7.04 is amended by replacing “5” by “3”.

8. Section 7.05 is amended by replacing “15” by “12”.

9. Section 8.05 is amended by striking out if “the employee is credited with 60 days of uninterrupted service” at the end of the first paragraph.

10. Section 8.06 is amended

(1) in the first paragraph,

(a) by striking out “, without pay,”;

(b) by replacing “the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26)”;

(2) by inserting the following after the second paragraph:

“If it is warranted, by the duration of the absence for instance, the employer may request that the employee furnish a document attesting to the reasons for the absence.”;

(3) by adding the following paragraph at the end:

“The first 2 days taken annually are remunerated according to the calculation formula described in section 6.03.1, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously. However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 8.09.”

11. Section 8.09 is amended by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to sickness, an organ or tissue donation for transplant, an accident, domestic violence or sexual violence of which the employee has been a victim.

An employee may not, however, be absent from work for a period of not more than 104 weeks if the employee suffers a serious bodily injury during or resulting directly from a criminal offence that renders the employee unable to hold the employee’s regular position. In that case, the period of absence does not begin before the date on which the criminal offence was committed, or before the expiry of the period provided for in the first paragraph, where applicable, and does not end later than 104 weeks after the commission of the criminal offence.

The first 2 days taken annually are remunerated according to the calculation formula described in section 6.03.1, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of uninterrupted service, even if the employee was absent previously. However, the employer is not required to remunerate more than 2 days of absence in the same year, if the employee is absent from work for a reason referred to in this section or in section 8.06.”

12. Section 8.11 is amended by replacing “the sickness, accident or criminal offence” in the second paragraph by “an absence for a reason described in section 8.09”.

13. Section 8.14 is amended

(1) by replacing the first paragraph by the following:

“An employee may be absent from work for a period of not more than 16 weeks over a period of 12 months where the employee must stay with a relative or a person for whom the employee acts as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious illness or a serious accident. Where the relative or person is a minor child, the period of absence is not more than 36 weeks over a period of 12 months.”;

(2) by adding the following paragraph at the end:

“An employee may be absent from work for a period of not more than 27 weeks over a period of 12 months where the employee must stay with a relative, other than his minor child, or a person for whom the employee acts

as a caregiver, as attested by a professional working in the health and social services sector and governed by the Professional Code (chapter C-26), because of a serious and potentially mortal illness, attested by a medical certificate.”.

14. Section 8.16 is amended

(1) by striking out paragraphs 0.1 and 1;

(2) by adding “or by reason of the death of the employee’s minor child” at the end of paragraph 2;

(3) by replacing “or child” in paragraph 3 by “, father, mother or child of full age”;

(4) by inserting “of full age” in paragraph 4 after “child”.

15. Section 9.01 is replaced by the following:

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

Trades	As of [insert the date of coming into force of this Decree]	As of [insert the date that is 12 months after the date of coming into force of this Decree]	As of [insert the date that is 24 months after the date of coming into force of this Decree]	As of [insert the date that is 36 months after the date of coming into force of this Decree]
(1) Journeyman*:				
Class A	\$24.29	\$24.90	\$25.52	\$26.16
Class A/B	\$22.16	\$22.71	\$23.28	\$23.86
Class B	\$21.41	\$21.95	\$22.50	\$23.06
Class C	\$19.05	\$19.53	\$20.02	\$20.52
Apprentice:				
1st year	\$14.47	\$14.97	\$15.35	\$15.73
2nd year	\$15.39	\$15.93	\$16.33	\$16.74
3rd year	\$16.20	\$16.77	\$17.19	\$17.62
4th year	\$17.06	\$17.65	\$18.09	\$18.55
(2) Journeyman – Parts clerk:				
Class A	\$17.72	\$18.17	\$18.62	\$19.08
Class A/B	\$17.18	\$17.61	\$18.05	\$18.50
Class B	\$16.66	\$17.07	\$17.50	\$17.94
Class C	\$16.15	\$16.56	\$16.97	\$17.40
Apprentice – Parts clerk:				
1st year	\$12.76	\$13.27	\$13.60	\$13.94
2nd year	\$13.55	\$14.09	\$14.45	\$14.81
3rd year	\$14.46	\$15.03	\$15.41	\$15.80
4th year	\$15.27	\$15.88	\$16.27	\$16.68
(3) Messenger:				
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Trades	As of [insert the date of coming into force of this Decree]	As of [insert the date that is 12 months after the date of coming into force of this Decree]	As of [insert the date that is 24 months after the date of coming into force of this Decree]	As of [insert the date that is 36 months after the date of coming into force of this Decree]
(4) Dismantler:				
1st year	\$13.79	\$14.27	\$14.63	\$15.00
2nd year	\$14.49	\$14.99	\$15.37	\$15.75
After two years	\$15.18	\$15.72	\$16.11	\$16.51
(5) Washer:				
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(6) Service attendant:				
1st year	\$12.85	\$13.37	\$13.70	\$14.05
2nd year	\$14.02	\$14.58	\$14.94	\$15.32
After two years	\$15.18	\$15.79	\$16.19	\$16.59
(7) Service salesperson – Adviser:				
1st year	\$13.96	\$14.52	\$14.88	\$15.25
2nd year	\$15.29	\$15.90	\$16.30	\$16.70
3rd year	\$16.69	\$17.36	\$17.79	\$18.24
4th year	\$17.82	\$18.53	\$19.00	\$19.47
5th year	\$18.17	\$18.90	\$19.37	\$19.85
After five years	\$18.54	\$19.28	\$19.76	\$20.26

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

The wage rate not provided for the trades of messenger and washer corresponds to the rate of the minimum wage payable to an employee, in accordance with section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25 per hour as of the date of adjustment of the minimum wage rate.

9.01.1. The minimum wage provided for in the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25, applies as soon as it is higher than a minimum hourly rate provided for in section 9.01.”.

16. Section 9.02 is amended by replacing the first paragraph by the following:

“Wages must be paid in cash in a sealed envelope, by cheque or by bank transfer.”.

17. Section 13.01 is amended by replacing “31 December 2018” by “[insert the date that is 48 months after the date of coming into force of this Decree]” and by replacing “June 2018” and “June” respectively by “[insert the month and year that is 6 months before the date that is 48 months after the date of coming into force of this Decree]” and “[insert the month that is 6 months before the date that is 48 months after the date of coming into force of this Decree]”.

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