

Draft Regulations

Notice

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

Building service employees – 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 received an application from the contracting parties to amend the Decree respecting building service employees in the Québec region (chapter D 2, r. 16) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting building service employees in the Québec region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

In particular, the draft Decree increases the minimum hourly wage rates and the duration of paid annual vacation for employees who have 33 years of continuous service.

The draft Decree also allows the scheduling of working hours on a basis other than a weekly basis, sets up a group registered retirement savings plan and revises the rules relating to sick leave, particularly by expanding their application to other types of leave.

Consequential amendments are also made to the Decree respecting building service employees in the Québec region so that it complies with the Act respecting labour standards (chapter N-1.1) as amended in June 2018 by 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 regulatory impact shows that the amendments will have an acceptable impact on enterprises, including small and medium-sized businesses.

Further information may be obtained by contacting Jonathan Vaillancourt, Policy Development Advisor, 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: 418 643-3840; fax: 418 643-9454; email: jonathan.vaillancourt@mtess.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, 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 building service employees in the Québec region

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

1. The Decree respecting building service employees in the Québec region (chapter D-2, r. 16) is amended in section 3.01 by adding the following paragraphs at the end:

“An employer may schedule the working hours of employees on a basis other than a weekly basis if

(1) the employee occupies a position with irregular working hours;

(2) the purpose of the schedule is not to avoid the payment of overtime hours to employees who occupy positions with regular working hours;

(3) the employer has obtained the written consent of the employee concerned;

(4) the schedule gives the employee the opportunity to obtain, in particular, more stability with regard to wages, insofar as possible;

(5) the average number of hours worked is equivalent to the number of hours of the standard workweek;

(6) working hours are scheduled and paid over a maximum period of 4 weeks; and

(7) the employer has forwarded a written notice to the Comité paritaire de l'entretien d'édifices publics de la région de Québec at least 15 days before the application of the schedule.

A scheduled period may be changed or renewed by the employer on its expiry on the same conditions as those provided for in the second paragraph.”

2. The following is inserted after section 3.02:

“**3.02.1.** No employee is required to accept a work assignment of 7 or more consecutive days.”

3. The following is inserted after section 4.01:

“All overtime requires prior authorization by the employer.”

4. Section 5.01 is amended by replacing the table by the following:

“

Class of employment	[insert 1 Nov. 2019 or the date of coming into force of this Decree if that date is later]	1 Nov. 2020	1 Nov. 2021	1 Nov. 2022	1 Nov. 2023	1 Nov. 2024	1 Nov. 2025
A	\$18.59	\$19.06	\$19.58	\$20.07	\$20.57	\$21.09	\$21.62
B	\$18.25	\$18.75	\$19.32	\$19.85	\$20.40	\$20.96	\$21.57
C	\$19.11	\$19.58	\$20.12	\$20.63	\$21.14	\$21.67	\$22.23

”

5. Section 5.02 is amended by replacing the table by the following:

“

Number of employees	[insert 1 Nov. 2019 or the date of coming into force of this Decree if that date is later]	1 Nov. 2020	1 Nov. 2021	1 Nov. 2022	1 Nov. 2023	1 Nov. 2024	1 Nov. 2025
5 or fewer	\$0,58	\$0.60	\$0.61	\$0.63	\$0.64	\$0.66	\$0.68
From 6 to 11	\$0.88	\$0.90	\$0.93	\$0.95	\$0.97	\$1.00	\$1.03
12 or more	\$1.18	\$1.20	\$1.23	\$1.26	\$1.29	\$1.32	\$1.35

”

6. Section 5.03 is amended by striking out “cheque or”.

7. Section 5.04 is replaced by the following:

“**5.04.** The pay slip provided for in section 5.05 is sent at the employee’s request by electronic mail. Failing that, the pay slip is mailed to the employee’s residence or distributed on the work premises, provided that the pay slip is given to the employee in a sealed envelope so that the employee’s personal information is protected. Only representatives of the employer whose duties require it may have access to the employee’s personal information.”.

8. Section 5.05 is amended:

(1) by striking out “sick” in subparagraph 1;

(2) by adding the following at the end:

“(m) the employee’s hiring date;

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

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

9. Section 5.06 is revoked.

10. The following is added after section 5.09:

**“DIVISION 5.1.00
GROUP REGISTERED RETIREMENT
SAVINGS PLAN**

5.1.01. The group registered retirement savings plan is administered by the Comité paritaire de l’entretien d’édifices publics de la région de Québec.

5.1.02. On the day the employee is hired, the employer must have the employee complete, date and sign the enrollment form for the group registered retirement savings plan provided by the parity committee.

It is incumbent on the employer to ask the parity committee to renew their supply of forms in a timely manner.

5.1.03. The employer’s mandatory contribution to the group registered retirement savings plan is

(1) five cents (\$0.05) per hour paid as of 1 November 2023;

(2) ten cents (\$0.10) per hour paid as of 1 November 2024;

(3) twenty cents (\$0.20) per hour paid as of 1 November 2025.

5.1.04. The amount of the employer’s mandatory contribution to the group registered retirement savings plan applies from the employee’s first hour of work.

5.1.05. The employer must withhold the employee’s voluntary contribution from the employee’s wages as soon as the employer receives a writing to that effect. The employee may not end the contribution or change its amount more than once a year.

5.1.06. The employer must send to the parity committee, not later than the 15th day of each month, the employer’s contribution to the group registered retirement savings plan for the preceding month as well as any voluntary contribution from the employee.

5.1.07. Sections 5.1.01 to 5.1.06 do not apply to an employee who has reached 71 years of age. However, the contribution provided for in section 5.1.03 must be added to the employee’s hourly rate.”.

11. Section 6.02 is amended by replacing “Employees having worked 320 hours in the enterprise” by “Regular employees”.

12. Section 6.05 is replaced by the following:

“**6.05.** The indemnity for each general holiday referred to in sections 6.02 and 6.03 is paid as follows:

(a) the payment owed the employee for a general holiday with pay is equal to the amount to which the employee would have been entitled had the employee worked on that day;

(b) despite subparagraph a, if an employee is entitled to it and the employee’s working hours are scheduled over less than 5 days per week, the employee is remunerated as follows: 20% of the wages earned in the pay period preceding the holiday. If the pay period is every 2 weeks, the percentage is 10%.

An employee may renounce to take a general holiday if working on that general holiday does not entail a 50% increase in wages.”.

13. Section 6.06 is amended:

(1) by replacing “employee who has worked 320 hours in the enterprise” in the portion before paragraph a by “regular employee”;

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

“(c) the employee is absent owing to sickness or an accident for a period of less than 5 days. The employer reserves the right to request a medical certificate from the employee justifying the absence.”.

14. Sections 6.10 and 6.12 to 6.14 are amended by replacing the words “employee who has not worked 320 hours in the enterprise” wherever they appear by the words “probationary employee”.

15. The following is inserted after section 7.03:

“**7.03.1.** The employee who, at the end of the qualifying period, has 3 year of continuous service with his employer, is entitled to an annual vacation of a minimum duration of 3 consecutive weeks. The vacation pay is equal to 6% of the employee’s gross wages during the qualifying period.”.

16. The following is inserted after section 7.04:

“**7.04.1.** The employee who, at the end of the qualifying period, has 33 years of continuous service, is entitled to an annual vacation of 5 weeks. The vacation pay is equal to 10% of the employee’s gross wages during the qualifying period.”.

17. Section 7.07 is replaced by the following:

“**7.07.** Should an employee be absent owing to one of the reasons listed in the first paragraph of section 79.1 of the Act respecting labour standards (chapter N-1.1) or on maternity or paternity leave during the qualifying period 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 2, 3, 4 or 5 times the weekly average of the wage earned during the period worked. The employee referred to in section 7.02 whose annual leave is less than 2 weeks is entitled to that amount in proportion to the days of leave credited to the employee’s accounts.

Despite the first paragraph, the annual leave indemnity may not exceed the indemnity to which the employee would have been entitled if the employee had not been absent or on leave owing to a reason set out in the first paragraph.”.

18. Section 7.08 is replaced by the following:

“**7.08.** The annual leave indemnity is paid to an employee by bank transfer during the employer’s regular pay period.

An employee who divides annual leave may, if the employee so wishes, receive by bank transfer, at the time of each elected period of leave, the indemnity to which the employee is entitled for the duration of each of those periods.”.

19. The heading of Division 8.00 is replaced by the following:

“LEAVE OWING TO SICKNESS, AN ACCIDENT, FAMILY OBLIGATIONS OR PERSONAL REASONS”.

20. Section 8.01 is replaced by the following:

“**8.01.** The regular employee acquires a leave credit equal to 2.31% of the hours paid, including annual leave, holidays, leave owing to sickness, an accident, family obligations or personal reasons, and overtime hours, for each month of service with the employer. The leave hour credit is computed as a number of hours at the end of each month of service.”.

21. Section 8.03 is amended by replacing the words “sick leave” and “accumulated sick leave” wherever they appear by the words “accumulated leave”.

22. Section 8.03.1 is replaced by the following:

“**8.03.1.** Except in the case of a resignation or dismissal, the employer pays all the leave hour credits accumulated by an employee

(1) whose employment is terminated due to a layoff lasting longer than 13 months;

(2) who was laid off and cannot work more than 35 km from the employee’s residence;

(3) who retires.”.

23. Section 8.07 is revoked.

24. Section 8.08 is replaced by the following:

“**8.08.** An employee may, on approval of the employer, use accumulated days of leave to make up for a lack of work owing to a power failure or fire at the employee’s workplace.”.

25. The following is added after section 8.08:

“**8.09.** An employee who has 3 months of uninterrupted service may be absent from work for a period of not more than 26 weeks over a period of 12 months owing to one of the reasons provided for in section 79.1 of the Act respecting labour standards (chapter N-1.1), in particular, sickness, an accident, domestic violence or sexual violence.

The first paragraph does not apply to accidents covered by the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

An employee must advise the employer as soon as possible of a period of absence from work, giving the reasons for it. If it is warranted by the duration of the absence or its repetitive nature, for instance, the employer may request that the employee furnish a document attesting to those reasons.

8.10. An employee who has 3 months of uninterrupted service may be absent from work 10 days a year to fulfil family obligations, in accordance with section 79.7 of the Act respecting labour standards (chapter N-1.1).

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 the absence as soon as possible and take reasonable steps within the employee's power to limit the leave and its duration.

8.11. The first 2 days of leave taken annually by a probationary employee who has 3 months of uninterrupted service owing to one of the reasons provided for in section 8.09 or 8.10 are paid according to the following formula: 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday excluding overtime hours.

The wages paid are deducted from the employee's accumulated leave hour credits. If there are no or insufficient credits, the employee repays them using subsequent accumulated leave hour credits.

8.12. On 1 January of each year, if a regular employee who has 3 months of uninterrupted service and no accumulated leave hour credits must be absent owing to one of the reasons provided for in section 8.09 or 8.10, the first 2 days of absence are paid by the employer according to the formula provided for in section 8.11."

26. Section 9.01 is amended by inserting the following after paragraph 1:

"(1.1) where the employer requires the employee to work 12 continuous hours, the employee is entitled to a paid 30-minute period for meals;"

27. The following is inserted after section 9.05.1:

"**9.05.2.** For the purposes of sections 9.02 to 9.05, the employee may exercise the right to be absent as of the death or funeral, without exceeding the following periods, taking the special conditions into account:

(1) beyond the week after the date of the funeral where the death or funeral occurs inside the country. However, on presentation of a supporting document, the employee may have 2 days of leave to attend the interment or cremation of the body or its placement in a public vault. The employee must advise the employer of the absence as soon as the date becomes known;

(2) beyond 30 days after the date of the death where the death or funeral occurs outside the country.

In the event that a death for which the employee is entitled to a vacation under sections 9.02 to 9.05 occurs during the employee's annual vacation, unless there is an agreement between the employee and the employer concerning the resumption of the vacation at a later date, the employee's annual vacation must be extended by a period equivalent to the vacation to which the employee is entitled."

28. Section 9.07 is amended by striking out "sick".

29. Section 9.09 is amended

(1) by striking out "sick" in the fourth paragraph;

(2) by striking out the fifth paragraph.

30. Section 9.11 is revoked.

31. Section 9.12 is amended by replacing " , 9.09 and 9.11" by "and 9.09".

32. Section 9.13 is replaced by the following:

"**9.13.** When moving to a new address, an employee may, once every year, use a day of leave with pay that the employee has to the employee's credit and that is provided for in section 8.01."

33. Section 12.03 is replaced by the following:

"**12.03.** The employer pays the cost of safety shoes where the employer's client requires that they be worn on the work premises, up to \$100.00 per year.

That amount is increased by \$2.00 on 1 November of each year until the expiry of the Decree."

34. Section 12.04 is replaced by the following:

"**12.04.** The employer must place at the disposal of the employees a first aid kit, the content of which must comply with the First-aid Minimum Standards Regulation (chapter A-3.001, r. 10), if no such kit is already accessible in the establishment. The kit must be available on the work premises at all times and the employees must be informed of its location."

35. The following is added after section 12.04:

**“DIVISION 12.1.00
MISCELLANEOUS**

12.1.01. The employer may not require, directly or indirectly, to have an employee repay the cost of a document or certificate required by the employer or a third person after the employee is hired.”

36. Section 13.01 is amended by replacing “2018” wherever it appears by “2025”.

37. Schedule I is amended

(1) by replacing “Matane” in the Municipalité régionale de comté de Matane subsection of the RÉGION 01 — BAS-SAINT-LAURENT section by “La Matanie”;

(2) by striking out “Le Bic,” in the Municipalité régionale de comté de Rimouski-Neigette subsection of the RÉGION 01 — BAS-SAINT-LAURENT section;

(3) by striking out “Cabano,” and “Notre-Dame-du-Lac,” and by adding “, Témiscouata-sur-le-Lac” at the end of the Municipalité régionale de comté de Témiscouata subsection of the RÉGION 01 — BAS-SAINT-LAURENT section;

(4) by striking out “La Baleine,” and “Saint-Joseph-de-la-Rive,” in the Municipalité régionale de comté de Charlevoix subsection of the RÉGION 03 — CAPITALE-NATIONALE section;

(5) by striking out “paroisse et village de” in the Municipalité régionale de comté de Charlevoix-Est subsection of the RÉGION 03 — CAPITALE-NATIONALE section;

(6) by adding the following subsection after the heading of the RÉGION 08 — ABITIBI-TÉMISCAMINGUE section:

“Hors municipalité régionale de comté

Rouyn-Noranda.”;

(7) by striking out the heading and content of the Municipalité régionale de comté de Rouyn-Noranda subsection of the RÉGION 08 — ABITIBI-TÉMISCAMINGUE section;

(8) by striking out “Angliers,” in the Municipalité régionale de comté de Témiscamingue subsection of the RÉGION 08 — ABITIBI-TÉMISCAMINGUE section and by replacing “Laverlochère” by “Laverlochère-Angliers”;

(9) by replacing “Carleton-Saint-Omer” in the Municipalité régionale de comté d’Avignon subsection of the RÉGION 11 — GASPÉSIE-ÎLES-DE-LA-MADELEINE section by “Carleton-sur-Mer”;

(10) by replacing “de l’Amiante” in the heading of the Municipalité régionale de comté de l’Amiante subsection of the RÉGION 12 — CHAUDIÈRE-APPALACHES section by “des Appalaches”;

(11) by striking out “Sainte-Germaine-du-Lac-Etchemin,” in the Municipalité régionale de comté des Etchemins subsection of the RÉGION 12 — CHAUDIÈRE-APPALACHES section;

(12) by striking out “Chester-Est,” “Norbertville,” and “Sainte-Anne-du-Sault,” in the Municipalité régionale de comté d’Arthabaska subsection of the RÉGION 17 — CENTRE-DU-QUÉBEC section.

38. This Decree comes into force on the date of its publication in the Gazette officielle du Québec, except section 16 and section 17, which amends section 7.07 of the Decree respecting building service employees in the Québec region (chapter D-2, r. 16) with regard to the indemnity equal to 5 times the weekly average of the wages earned for employees entitled to a 5-week annual vacation, which come into force on 1 May 2023.

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