

## Draft Regulations

### Notice

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

#### Automotive services industry

#### – Chapais, Chibougamau, Lac-Saint-Jean and Saguenay

#### — 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 Chapais, Chibougamau, Lac Saint-Jean and Saguenay (chapter D-2, r. 7) 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 Chapais, Chibougamau, Lac Saint-Jean and Saguenay, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree amends certain minimum hourly wage rates on the basis of the minimum wage prescribed by the Regulation respecting labour standards (chapter N-1.1, r. 3) 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 a negligible impact on small and medium-sized businesses.

Further information may be obtained by contacting Catherine Doucet, Policy Development Advisor, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 646-2555; fax: 418 643-9454; email: catherine.doucet@mtess.gouv.qc.ca.

Any person wishing to comment on the matter 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<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

CAROLE ARAV,  
*Deputy Minister of Labour, Employment  
and Social Solidarity*

### Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay

An Act respecting collective agreement decrees (chapter D-2, ss. 2, 4, 6 and 6.1)

**1.** The Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (chapter D-2, r. 7) is amended in section 1.01 by inserting the following after paragraph 9:

“(9.1) “relative”: the employee’s spouse, the child, father, mother, brother, sister and grandparents of the employee or the employee’s spouse as well 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 mandatory;

(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;”.

**2.** Section 3.08 is amended

(1) by replacing “4” in paragraph 1 by “2”;

(2) by adding the following at the end:

“(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.”.

**3.** 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.”

**4.** Section 7.04 is amended by replacing “5” in the first paragraph by “3”.

**5.** Section 7.06 is amended by replacing “owing to sickness, accident or a criminal offence” in the third paragraph by “for a reason referred to in section 8.09”.

**6.** Section 7.11 is amended by replacing “owing to sickness or accident or on maternity leave” in the first paragraph by “for a reason referred to in section 8.09 or on maternity or paternity leave”.

**7.** 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.

**8.** 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, 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.”

**9.** Section 8.07 is replaced by the following:

“**8.07.** In accordance with the provisions of the Act respecting labour standards (chapter N-1.1), an employee may be absent from work if

(1) the employee’s minor child has disappeared;

(2) the employee’s spouse, father, mother or child of full age commits suicide;

(3) the employee’s spouse or child dies during or as the direct result of a criminal offence;

(4) the employee is a reservist of the Canadian Forces;

(5) the employee’s minor child dies.”

**10.** The following is inserted after section 8.08:

“**8.09.** 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, 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 begins on the date on which the criminal offence was committed or, where applicable, at the expiry of the period provided for in the first paragraph, and ends not later than 104 weeks after the commission of the criminal offence.

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 (chapter A-3.001).

The first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, 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.

**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, 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 an absence for a reason described in section 8.09 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, in particular, to a return to work as the employees who were dismissed or laid off.

**8.13.** 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.

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, ending not later than 104 weeks after the absence began.

**8.14.** 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 the employee's 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.

**8.15.** An employee is entitled to an extension of the period of absence provided for in the first paragraph of section 8.13, ending which not later than 104 weeks after the beginning of that period, if the employee must stay with the employee's minor child who has suffered serious bodily injury during or resulting directly from a criminal offence that renders the child unable to carry on his or her regular activities.

**8.16.** Subparagraphs 1 to 3 and 5 of the first paragraph of section 8.07 and sections 8.09 to 8.15 do not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

**8.17.** In the cases referred to in sections 8.09 and 8.13 to 8.15, the employee must notify the employer as soon as possible of his or her absence and, at the employer's request, provide a document justifying the absence."

**11.** Sections 9.05 and 9.07 are revoked.

**12.** The following is inserted after section 10.01:

"**10.01.1.** The minimum wage provided for in the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25, applies if it is higher than one of the minimum hourly wage rates provided for in section 10.01."

**13.** Section 10.02 is amended by replacing the first paragraph by the following paragraph:

"Wages must be paid in cash in a sealed envelope, by cheque, or by bank transfer, by Thursday at the latest."

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

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## Notice

Act respecting collective agreement decrees  
(chapter D-2)

### Automobile services industry — Drummond and Mauricie regions — 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 Drummond and the