

Notice

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

Automotive services industry
— Montréal region
— 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 Montréal region (chapter D-2, r. 10) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the automotive services industry 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 harmonize the Decree with the Act to amend the Act respecting labour standards and other legislative provisions mainly to facilitate family-work balance (2018, chapter 21).

The impact study shows that the amendments have no impact on small and medium-sized businesses.

Further information may be obtained by contacting Jonathan Vaillancourt, 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 matter is requested to submit written comments within the 45-day period to the Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4^e étage, Québec (Québec) G1R 4Z1.

JEAN BOULET,
*Minister of Labour, Employment
and Social Solidarity*

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

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 the Montréal region (chapter D-2, r. 10) is amended in section 1.01 by inserting the following after paragraph 13:

“(13.1) “relative”: 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;

(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 3.06 is amended

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

(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 paragraph after the first paragraph:

“Hours worked in addition to the standard workweek referred to 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 years” in the first paragraph by “3 years”.

5. 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.

6. 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 paragraph 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 62 of the Act respecting labour standards (chapter N-1.1), 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.”.

7. Section 8.07 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, 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.”.

8. The following is inserted after section 8.07:

8.07.1. The second paragraph of section 8.07 applies if it may be inferred from the circumstances of the event that the employee’s serious bodily injury is probably the result of a criminal offence.

However, an employee may not take advantage of such a period of absence if it may be inferred from the circumstances that the employee was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

8.07.2. The second paragraph of section 8.07 applies if the employee suffered the injury

(1) while lawfully arresting or attempting to arrest an offender or suspected offender or assisting a peace officer making an arrest; or

(2) while lawfully preventing or attempting to prevent the commission of an offence or suspected offence, or assisting a peace officer who is preventing or attempting to prevent the commission of an offence or suspected offence.”.

9. Section 8.08 is amended

(1) by replacing “In the case” by “In the cases”;

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

“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.

During a period of absence under the second paragraph of section 8.07, the employee may return to work intermittently or on a part-time basis if the employer consents to it.”.

10. Section 8.09 is amended by adding the following paragraph at the end:

“The Government determines, by regulation, the other benefits an employee may take advantage of during the period of absence.”.

11. Section 8.10 is amended by replacing “of the sickness, accident or criminal offence or the repetitive nature of the absences constitute good and sufficient cause” in the second paragraph by “of an absence for a reason referred to in section 8.07 or the repetitive nature of the absences constitute, according to in the circumstances, good and sufficient cause.”.

12. Section 8.13 is amended 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.

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.”

13. Section 8.15 is amended

(1) by striking out paragraph 1;

(2) by inserting “or by reason of the death of the employee’s minor child” after “disappeared” in paragraph 2;

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

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

14. The following is inserted after section 8.15:

“**8.15.1.** Except with respect to the death of the employee’s minor child, sections 8.14 and 8.15 apply if it may be inferred from the circumstances of the event that the serious bodily injury is probably the result of a criminal offence, the death is probably the result of such an offence or of a suicide, or the person who has disappeared is probably in danger.

However, an employee may not take advantage of the provisions if it may be inferred from the circumstances that the employee or, in the case of paragraph 4 of section 8.15, the deceased person was probably a party to the criminal offence or probably contributed to the injury by a gross fault.

Section 8.14 and paragraph 4 of section 8.15 apply if the injury or death occurs in one of the situations described in section 8.07.2.

A period of absence under sections 8.14 and 8.15 must not begin before the date on which the criminal offence that caused the serious bodily injury was committed or before the date of the death or disappearance and must not end later than 104 weeks after that date. However, during the period of absence, the employee may return to work intermittently or on a part-time basis if the employer consents to it.

If, during the same 104-week period, a new event occurs, affecting the same child and giving entitlement to a new period of absence, the maximum period of absence for those two events may not exceed 104 weeks from the date of the first event.

8.15.2. Sections 8.08 to 8.12 apply to the periods of absence provided for in sections 8.13, 8.14 and 8.15, with the necessary modifications.

The entitlement provided for in the fifth paragraph of section 8.06 applies in the same manner to absences authorized under section 8.07. 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 those sections.”

15. 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 by Thursday at the latest.”

16. Section 9.13 is amended by replacing “to other” by “to his other” and “for the sole reason that the employee” by “uniquement en raison de son statut d’emploi, notamment parce qu’il”.

17. Section 14.01 is amended by replacing “23 May 2016” by “17 April 2023”.

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

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