

Draft Regulations

Notice

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

Solid waste removal
— **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 solid waste removal in the Montréal region (chapter D-2, r. 5) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting solid waste removal in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree mainly amends the definition of “solid waste” to clarify the application of the Decree to products collected for the purposes of recovery or recycling 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).

The regulatory impact analysis shows that the amendments will not result in additional costs for the enterprises covered by the Decree.

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^e 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 Jean Boulet, 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 solid waste removal in the Montréal region

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

1. The Decree respecting solid waste removal in the Montréal region (chapter D-2, r. 5) is amended in section 1.01

(1) by replacing paragraph 2 by the following:

“(2) “solid waste”: any waste product solid at 20 °C from industrial, commercial or agricultural activities, detritus, incineration and demolition residue, domestic garbage, rubbish, rubble and other trash solid at 20 °C; any product mentioned above that is collected for the purposes of recovery or recycling is also included.

Automobile bodies, soils and sands soaked with hydrocarbons, pesticides, explosive or spontaneously flammable products, pathological waste, manure, mining residues and radioactive waste, muds and solid residues from pulp and paper mills or from sawmills are excluded;”;

(2) by inserting the following after paragraph 11:

“(11.1) “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 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. The following is inserted after section 9.03:

“**9.03.1.** The employee referred to in section 9.03 is also entitled, where the employee so requests, to an additional annual leave without pay equal to the number of days required to increase his annual leave to 3 weeks.

Such additional leave need not follow immediately a leave under section 9.03 and it may not be divided, or be replaced by a compensatory indemnity.”.

3. Section 9.04 is amended

(1) by striking out “class A” before “employee”;

(2) by replacing “5” by “3”.

4. Section 10.01 is amended by replacing “of his consort, father, mother, child, brother or sister, or of the father or mother of his consort” by “of his spouse, father, mother, child or the child of his spouse, brother or sister, or the father or mother of his spouse”.

5. Section 10.04 is revoked.

6. Section 10.05 is amended by replacing “1 day” and “4” by “2 days” and “3”, respectively.

7. Section 10.10 is amended

(1) by striking out “if the employee has 60 days of continuous service” at the end of the first paragraph;

(2) by striking out the fourth paragraph.

8. The following is inserted after section 10.11:

“**10.12.** An employee may be absent from work for 10 days per year to fulfil obligations relating to the custody, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of 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).

The leave may be divided into days. A day may also be divided if the employer consents thereto.

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.

The employee must advise the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

The first 2 days taken annually are remunerated according to the calculation formula described in the first paragraph of section 8.05, with respect to class A employees, and according to the calculation formula described in the second paragraph of section 8.05, with respect to class B employees, 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.

10.13. The right provided for in the fifth paragraph of section 10.12 applies in the same manner to absences authorized according to section 79.1 of the Act respecting labour standards (chapter N-1.1). Despite the foregoing, the employer is not required to pay more than 2 days of absence in the same year where the employee is absent for any of the reasons provided for in section 79.1 of the Act respecting labour standards or section 10.12.”.

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

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