

Draft Regulations

Notice

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

Building service employees – Montréal — 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 building service employees in the Montréal region (chapter D-2, r. 15) 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 Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The purpose of the draft Decree is to require employers to have their employees under 71 years of age complete, date and sign the group retirement plan enrolment form. It also provides certain standards for adapted equipment and occupational health and safety.

The draft Decree also brings certain provisions of the Decree into conformity 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 regulatory impact shows that the amendments have no impact on 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 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 building service employees in the Montréal region

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

1. The Decree respecting building service employees in the Montréal region (chapter D-2, r. 15) is amended in the portion before Division 1.00 by replacing “The Service Employees’ Union, local 800 — QFL” by “Union des employés et employées de service, section locale 800”.

2. Section 1.01 is amended by adding the following after paragraph k:

“(l) “Parity Committee”: Comité paritaire de l’entretien d’édifices publics, région de Montréal.”.

3. Section 3.01 is amended in the French text by replacing “comité” in subparagraph 7 of the second paragraph by “Comité”.

4. Section 3.03 is amended by replacing “parity committee” by “Parity Committee”.

5. The following is added after section 3.07:

“(Insert, as provided for in section 5 of this Decree, sections 5.01 to 5.03, so that they become sections 3.08 to 3.10).”.

6. Section 4.03 is amended by replacing “not more than 7 hours” in subparagraph 2 of the first paragraph by “less than 7 hours”.

7. The following text before section 5.01 is struck out:

**“DIVISION 5.00
CALL-BACK AND CALL-IN”.**

8. Sections 5.01 to 5.03 become sections 3.08 to 3.10.

9. Section 6.102 is replaced by the following:

“**6.102.** The employer’s contribution to the plan is \$0.45 per hour paid to the employee.”.

10. Section 6.103 is amended in the French text by replacing “comité” by “Comité”.

11. The following is added after section 6.104:

“**6.105.** The employer must, from the first day of employment, have his employees under 71 years of age complete, date and sign the group retirement plan enrolment form provided by the Parity Committee.

It is the employer’s responsibility to ask the Parity Committee to renew its supply of forms in a timely manner.

The employer must send, not later than the 15th day of each month, the enrolment forms, dated and signed by his employees.”.

12. Sections 7.02 and 7.04 are amended by replacing “3 weeks” in the second paragraph by “8 weeks”.

13. Section 7.06 is amended by replacing “due to illness” in paragraph 2 by “for any reason set out in Division 9.00 of the Decree or in Division V.1 of Chapter IV of the Act respecting labour standards (chapter N-1.1)”.

14. Section 8.05 is replaced by the following:

“**8.05.** The employer must give the employee his vacation pay in a lump sum before the employee goes on vacation or in the manner applicable for the regular payment of his wages.”.

15. Section 8.11 is amended by replacing “owing to sickness or accident” by “for one of the reasons set out in section 8.04.3”.

16. Section 9.01 is amended by replacing subsection 1 by the following:

“(1) On the occasion of the death or the funeral of a member of his family, the regular employee is entitled to the following leaves:

(a) 5 paid days, in the case of the death of his spouse, his child or the child of his spouse;

(b) 3 paid days and 2 additional days without pay, in the case of the death of his father, mother, brother or sister;

(c) 1 day with pay, in the case of the death of his father-in-law, mother-in-law, brother-in-law, sister-in-law, grandfather or grandmother;

(d) 1 day without pay, in the case of the death of his son-in-law, daughter-in-law or grandchildren.”.

17. Section 9.03 is amended by replacing “1 day” and “4 more days” in paragraph 1 by “2 days” and “3 more days”, respectively.

18. Section 9.05 is amended

(1) by striking out “if the employee has 60 days of uninterrupted service” in the first paragraph;

(2) by striking out the fourth paragraph.

19. Section 9.06 is replaced by the following:

“**9.06.** For the purposes of this section, the definition of relative refers to the definition set out in section 79.6.1 of the Act respecting labour standards (chapter N-1.1).

An employee may be absent from work for 10 days per year to fulfill obligations relating to the care, 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 provide a document attesting to the reasons for the absence.

The employee must notify his 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.

Subject to the provisions of Division 12.00, the first 2 days of leave taken annually must be remunerated according to the following formula: 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the leave, excluding overtime hours, and 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 he was absent previously. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.09.”.

20. The following is added after section 9.08:

“**9.09.** The employee may be absent from work for a period of not more than 26 weeks over a period of 12 months for any of the reasons set out in section 79.1 of the Act respecting labour standards (chapter N-1.1).

The employee must notify the employer of his absence as soon as possible, 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 provide a document attesting to those reasons.

Subject to the provisions set out in Division 12.00, the right provided for in the sixth paragraph of section 9.06 applies in the same manner to absences authorized under this section. However, the employer is not required to pay remuneration for more than 2 days of absence during the same calendar year, when the employee is absent from work for any of the reasons set out in this section or in section 9.06, in the event that the accumulated days of leave are insufficient.”.

21. The following is added after section 10.03:

“**10.04.** An employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.”.

22. The title of Division 11.00 is amended by adding “AND ADAPTED EQUIPMENT” at the end.

23. Section 11.01 is amended by adding the following at the end:

“Where required for the tasks, the employer provides adapted equipment, including protective footwear, stripping boots or shoe cover. The employer must pay the cost of adapted equipment and replace it, if necessary.”.

24. Section 11.02 is amended by adding “and adapted equipment” after “special clothing”.

25. The following is added after section 11.03:

“DIVISION 11.100 OCCUPATIONAL HEALTH AND SAFETY

11.101 The duration of use of a backpack vacuum cleaner is limited to a maximum of 3 hours per working day, but cannot exceed more than 2 consecutive hours. When the use of a backpack vacuum cleaner exceeds 2 hours in a working day, the employee must interrupt the task for a period of at least 1 consecutive hour.”.

26. The following is added after section 12.02:

“**12.02.1.** The indemnities paid under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 are deducted from the employee’s accumulated leave hour credits.

However, if the indemnities are paid to the employee when he has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, they are deducted from the leave hour credit subsequently accumulated by the employee.

Despite the foregoing, no employer may require or obtain by any other means the reimbursement of the indemnities paid to the employee during the year under the sixth paragraph of section 9.06 or the third paragraph of section 9.09 when the employee has not yet acquired regular status, or when the balance of his leave credit is insufficient or zero, on the ground that the indemnities could not be reimbursed under the second paragraph of this section.”.

27. Despite the first paragraph of section 6.105, the employer has 6 months as of (*insert the date of coming into force of this Decree*) to have his employees under 71 years of age, already in his employ and who have not already done so on that date, complete, date and sign the group retirement plan enrolment form.

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

104738