

Draft Regulations

Notice

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

Non-structural metalwork – 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 the non-structural metalwork industry in the Montréal region (chapter D-2, r. 14) 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 non-structural metalwork industry in the Montréal region, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree increases the minimum hourly wage rates provided for in the Decree, amends various other labour standards, and makes the Decree respecting the non-structural metalwork industry in the Montréal region comply 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 will lead to a slight increase in the payroll of the enterprises subject to them, including small and medium-sized businesses, and maintain the purchasing power of employees.

Further information may be obtained by contacting Steven Brooks, 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: 418 528-9738; fax: 418 643-9454; email: steven.brooks@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 the non-structural metalwork 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 non-structural metalwork industry in the Montréal region (chapter D-2, r. 14) is amended in section 3.01 by replacing “7:00 a.m. and 5:30 p.m.” by “6:00 a.m. and 6:00 p.m.”.

2. The following is added after section 4.02:

“**4.03.** Despite sections 4.01 and 4.02, when an employee must be absent from work during the standard workweek, he or she may agree with the employer to make up for the absence outside the standard workweek, in which case that day is paid at the regular rate.

The first paragraph does not reduce or affect the overtime hours performed beyond the standard workday.”

3. Section 5.01 is amended by replacing paragraph 1 by the following:

“(1) Zone 1:

“

Trades	As of [insert the date of coming into force of the Decree]	As of 30 May 2021
(a) specialized brake press operator and mechanic:	\$26.14	\$26.79
(b) fitter and blacksmith:	\$23.85	\$24.45
(c) brake press operator, blade shear operator, buffer:	\$23.45	\$24.04
(d) trailer-truck driver:	\$22.71	\$23.28
(e) production worker A:	\$22.36	\$22.92
(f) truck driver:	\$22.36	\$22.92
(g) production worker B and painter:	\$16.50	\$16.91
(h) labourer:	\$15.40	\$15.79

”.

4. Section 5.03 is amended by inserting the following paragraph at the end:

“Employees who are required to work for at least 1 month in a classification paid at a wage that is higher than their usual classification receive the wage paid for their temporary classification as of the first day of the week following the beginning of the assignment.”

5. Section 6.01 is amended by replacing the second sentence of paragraph 4 by the following:

“This movable holiday may be taken at any time, provided the employer agrees. However, the employer may not refuse that it be taken between 23 December and 2 January, including the half-days of holidays listed in subsection 3.”

6. Section 6.02 is amended by inserting the following after the first paragraph:

“If the employee must work during a holiday, the employer is not compelled to pay the indemnity provided for in the first paragraph in addition to the wages for the work performed, if the employer grants the employee a compensatory holiday of one day on a date agreed upon between the employer and the employee. Despite the foregoing, if there is no agreement between the employer and the employee, the first paragraph applies.”

7. Section 6.05 is amended by inserting the following at the end:

“The employer is not compelled to pay the indemnity provided for in the first paragraph in addition to the wages for the work performed, if the employer grants the employee a compensatory holiday of one day on a date agreed upon between the employer and the employee. Despite the foregoing, if there is no agreement between the employer and the employee, the first paragraph applies.”

8. Section 6.07 is amended by replacing “Any” at the beginning by “Subject to the application of the second paragraph of section 6.02, any”.

9. Section 7.03 is amended by replacing the table by the following:

“

Number of years	Vacation pay	Duration of vacation
1 ^o from 1 year to less than 3 years	4.16%	2 weeks
2 ^o from 3 years to less than 13 years	6.36%	3 weeks
3 ^o from 13 years to less than 20 years	8.64%	4 weeks
4 ^o 20 years and more	11%	5 weeks

”

10. Section 7.07 is amended by adding “or in the manner applicable for the regular payment of the employee’s wages” at the end of subparagraph 3 of the first paragraph.

11. Section 10.01.1 is amended

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

(2) by inserting “or, if applicable, the termination of pregnancy” at the end of the second paragraph;

(3) by striking out the last paragraph.

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

“One of the days provided for in the first paragraph may be granted subsequently for the interment of the deceased, provided the employee notifies the employer in writing 1 week before the interment.”

13. Section 13.04 is amended

(1) by replacing “for the blade shear operator, the brake press operator,” in subparagraph *d* of the first paragraph by “for the brake press or blade shear operator,”;

(2) by replacing “the employer reimburses” in the part preceding subparagraph *a* of the second paragraph by “on presentation of vouchers, the employer reimburses to an employee having 3 months of continuous service”;

(3) by striking out the last sentence of subparagraph *a* of the second paragraph;

(4) by replacing “\$160” in subparagraph *b* of the second paragraph by “\$180”;

(5) by striking out “to an employee having 1 year of continuous service. The amount is to be paid on 1 September of each year” in subparagraph *b* of the second paragraph;

(6) by striking out the third paragraph.

14. Section 15.01 is amended by replacing the entire part preceding paragraph *a* by the following:

“Employees’ wages are paid by cheque or bank deposit every Thursday. The cheques and pay slips, as the case may be, are given to employees during regular workhours. The pay slip contains the following particulars:”

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

104799

Draft Regulation

An Act respecting occupational health and safety (chapter S-2.1)

Occupational health and safety —Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting occupational health and safety, appearing below, may be made by the Commission des normes, de l'équité, de la santé et de la sécurité du travail and submitted to the Government for approval, in accordance with section 224 of the Act respecting occupational health and safety (chapter S-2.1), on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to ensure the health, safety and physical well-being of workers at risk of drowning in water. It specifies the information that must be available on the work site before beginning work. It provides for the wearing of a floatation device or a life jacket adapted to the work conditions where no other safety measure may provide efficient protection against drowning and it specifies the characteristics of the device or life jacket. It also provides for the preparation of a rescue plan and, where the plan provides for the use of a rescue boat, the conditions that the boat must meet. Lastly, it specifies the conditions in which thermal protective clothing must be worn.

Study of the matter has shown no impact on enterprises of any size. Most enterprises may prevent work which involves a risk of drowning without any additional cost. For some enterprises, it was estimated that the initial cost for the purchase of equipment to better prevent drowning would be 1.9 million dollars and 0.4 million dollars annually for maintenance and replacement.

Further information may be obtained by contacting François R. Granger, expert counsellor in prevention-inspection, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec), H3B 3J1; telephone: 514 906-3010, extension 2019; email: Francoisr.Granger@cnesst.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Luc Castonguay, Vice-Président, Prevention, Commission des normes, de l'équité, de la santé et de la sécurité du travail, 1199, rue De Bleury, 14^e étage, Montréal (Québec) H3B 3J1.

MANUELLE OUDAR,
Chair of the board of directors and Chief Executive Officer of the Commission des normes, de l'équité, de la santé et de la sécurité du travail

Regulation to amend the Regulation respecting occupational health and safety

An Act respecting occupational health and safety (chapter S-2.1, s. 223, 1st par., subpars. 7, 9, 19 and 42, and 2nd and 3rd pars.)

1. The Regulation respecting occupational health and safety (chapter S-2.1, r. 13) is amended in section 1 by inserting the following definition after the definition of "instructor":

““ISO”” means the International Organization for Standardization;”

2. The following is inserted after section 312.91:

“DIVISION XXVI.II WORK WHICH INVOLVES A RISK OF DROWNING IN WATER

312.92 Scope: This Division applies to work which involves a risk of drowning in water, subject to the following exclusions:

- (1) it is underwater work;
- (2) the worker is adequately protected from falling into water by common protective devices or equipment.

Despite the first paragraph, this Division also applies to work on a deck boat or an open boat.

312.93 Work which involves a risk of drowning: A worker is at risk of drowning when the worker is above or at less than 2 m from a location where the depth of the water exceeds 1.2 m over more than 2 m in width or a location where the water flow may carry a person away.

312.94 Gathering information and measures for preventing drowning: Before beginning the work, the following information must be available in writing at the workplace: