

3. The following is inserted at the beginning of Division VI:

“**43.1.** For the purposes of this Division, individual protective equipment meets the prescribed obligations if it

(1) complies with the most recent version or the previous version of the indicated standard; and

(2) it has not reached the expiry date provided by the manufacturer, if any.”.

4. Section 44 is amended

(1) in the first paragraph, by replacing “CAN/CSA Z94.1-05” by “CAN/CSA Z94.1” and by inserting “or NF EN standard 397+A1, Industrial Safety Helmets,” after “Use,”;

(2) by striking out the second paragraph.

5. Section 45 is amended by replacing “CSA standard CAN/CSA Z94.3-07, Eye and Face Protectors,” in the portion before subparagraph 1 of the first paragraph by “CSA standard Z94.3, American National Standard For Occupational And Educational Personal Eye And Face Protection Devices ANSI/ISEA Z87.1, or NF EN standard 166, Personal Eye Protection — Specifications,”.

6. Section 46 is amended

(1) by replacing “CSA standard CAN/CSA Z195-02, Protective Footwear,” in the portion before subparagraph 1 of the first paragraph by “CAN/CSA standard Z195, Personal Protective Equipment — Protective Footwear ISO 20345, or NF EN ISO 17249, Safety Footwear with Resistance to Chain Saw Cutting,”;

(2) by adding “Despite the first paragraph,” at the beginning of the last paragraph.

7. Section 48 is amended by replacing “meeting Class A standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users,” by “complying with NF EN ISO 11393-2, Protective clothing for users of hand-held chainsaws - Part 2: Performance requirements and test methods for leg protectors, or Class A, C or D standards of ASTM F3325, Standard Specification for Leg-Protective Devices for Chainsaw Users,”.

TRANSITIONAL AND FINAL

8. Despite section 48, until 18 February 2023, a worker may wear pants complying with Class A standards of CAN/BNQ 1923-450-M91, Leg Protective Device for Chain Saw Users, when using a chain saw.

9. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

104854

Gouvernement du Québec

O.C. 57-2021, 20 January 2021

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

Automotive services industry – Montréal — Amendment

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

WHEREAS, under section 2 of the Act respecting collective agreement decrees (chapter D-2), the Government may order that a collective agreement respecting any trade, industry, commerce or occupation is to also bind all the employees and professional employers in Québec or in a stated region of Québec, within the scope determined in such decree;

WHEREAS the Government made the Decree respecting the automotive services industry in the Montréal region (chapter D-2, r. 10);

WHEREAS, under the first paragraph of section 6.1 of the Act respecting collective agreement decrees, sections 4 to 6 apply to an application for amendment;

WHEREAS, in accordance with the first paragraph of section 4 of the Act, the contracting parties addressed an application to amend the Decree to the Minister of Labour, Employment and Social Solidarity;

WHEREAS, under the first paragraph of section 6 of the Act, at the expiry of the time specified in the notice provided for in section 5 of the Act, the Minister may recommend that the Government issue a decree ordering the extension of the agreement, with such changes as are deemed expedient;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and the first paragraph of section 5 of the Act respecting collective agreement decrees, a draft decree to amend the Decree respecting the automotive services industry in the Montréal region was published in Part 2 of the *Gazette officielle du Québec* of 23 September 2020 and in a French language newspaper and an English language newspaper, with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS, under section 7 of the Act respecting collective agreement decrees, despite section 17 of the Regulations Act, a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS it is expedient to make the Decree with amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Decree to amend the Decree respecting the automotive services industry in the Montréal region, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif

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

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 8.10 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.”

11. 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.”

12. 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.

13. 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.”

14. 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.”

15. Section 9.13 is amended by replacing “to other” by “to his other” and “for the sole reason that the employee” by “solely because of the employee’s employment status, and in particular because the employee”.

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

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

104855

Gouvernement du Québec

O.C. 76-2021, 27 January 2021

Code of Civil Procedure
(chapter C-25.01)

Family mediation pilot project for couples who have no common dependent children

Regulation respecting a family mediation pilot project for couples who have no common dependent children

WHEREAS, under the third paragraph of article 619 of the Code of Civil Procedure (chapter C-25.01), the Government, by regulation, may determine what services are payable by the Family Mediation Service, set the tariff of professional fees the Service may pay certified family mediators and determine the time limit and procedure for claiming such professional fees and the applicable terms of payment, and, in addition, it may determine the tariff of professional fees the parties may be charged for services not covered by the Family Mediation Service or for services provided by a mediator designated by the Service or by more than one mediator;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation respecting a family mediation pilot project for couples who have no common dependent children was published in Part 2 of the *Gazette officielle du Québec* of 22 October 2020 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation respecting a family mediation pilot project for couples who have no common dependent children, attached to this Order in Council, be made.

YVES OUELLET,
Clerk of the Conseil exécutif