

Draft Regulations

Notice

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

Automotive services industry – Arthabaska, Granby, Sherbrooke and Thetford Mines — 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 Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6) 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 Arthabaska, Granby, Sherbrooke and Thetford Mines regions, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree amends the scope of the Decree for certain employees, reduces the number of journeyman per apprentice and reduces to 10 years the number of years of uninterrupted service required for an employee to be entitled to a 4-week annual leave. It also makes the Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions compliant with the Act respecting labour standards (chapter N-1.1), as amended by 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 will have a low 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 Arthabaska, Granby, Sherbrooke and Thetford Mines regions

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

1. The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (chapter D-2, r. 6) is amended in section 1.01

(1) by replacing “machinist, electrician, welder, radiator specialist, wheel aligner and automatic transmission specialist” in paragraph 5 by “welder and wheel aligner”;

(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. Section 3.02.1 is amended

- (1) by replacing “4” in paragraph 1 by “2”;
- (2) by replacing “if the employee’s” in paragraph 2 by “if those”;
- (3) 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 adding the following paragraph at the end:

“Hours worked on a day other than a day in the standard workweek described 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” in the first paragraph by “3”.**5.** Section 7.05 is amended by replacing “15” in the first paragraph by “10”.**6.** Section 7.13 is amended by replacing “to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week” by “to the employer’s other employees performing the same tasks in the same establishment solely because of the employee’s employment status, and in particular because the employee usually works less hours each week”.**7.** Section 8.05 is amended

- (1) by striking out “if the employee is credited with 60 days of uninterrupted service” at the end of the first paragraph;
- (2) by striking out the fourth paragraph.

8. 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 adding the following paragraph at the end:

“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.”

9. Section 8.07 is amended

- (1) by striking out paragraphs 1 and 2;
- (2) by inserting the following after paragraph 4:
 - “(4.1) if the employee’s minor child dies”;
 - (3) by replacing “if the employee’s spouse or child” in paragraph 5 by “if the employee’s spouse, father, mother or child of full age”;
 - (4) by inserting “of full age” after “child” in paragraph 6.

10. The following is inserted after section 8.08:

“**8.09.** 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 begins on the date on which the criminal offence was committed or, where applicable, at the expiry of the period provided for in the first paragraph, and ends not later than 104 weeks after the commission of the criminal offence.

However, this section does not apply in the case of an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001).

8.10. For the purposes of sections 8.06 and 8.09, the first 2 days taken annually are remunerated according to the calculation formula described in section 6.03, 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.

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 any of the reasons referred to in sections 8.06 and 8.09.

8.11. 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.

However, if a minor child of the employee has a serious and potentially mortal illness, attested by a medical certificate, the employee is entitled to an extension of the absence, ending not later than 104 weeks after the absence began.

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 the employee's 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.

8.12. The employee must notify the employer as soon as possible of a period of absence from work, giving the reasons for it. The employer may request that the employee provide a document attesting to those reasons if it is warranted by the duration of the absence or its repetitive nature, for instance.

During a period of absence under the second paragraph of section 8.09, the employee may return to work intermittently or on a part-time basis if the employer consents to it.”

11. Section 9.02 is amended by replacing “or by cheque by Thursday at the latest. The payment may be made by bank transfer if so provided in a written agreement” in the first paragraph by “, by cheque, or by bank transfer, by Thursday at the latest”.

12. Section 11.07 is amended by replacing “1 apprentice for every 2 journeymen” in the first paragraph by “2 apprentices for every journeyman”.

13. Section 11.09 is amended by striking out “has completed his seventh year’s schooling and”.

14. Section 12.02 is amended by adding the following paragraph:

“In addition, as of (*date of coming into force of the Decree*), the parity committee ceases to issue cards as a machinist, electrician, radiator specialist and automatic transmission specialist. For the holders of cards issued before that date, the employee’s advancement in step is maintained.”

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

104879

Draft Regulation

An Act respecting liquor permits
(chapter P-9.1)

An Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages
(2018, chapter 20)

Duties and costs payable under the Act respecting liquor permits — 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 duties and costs payable under the Act respecting liquor permits, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulation amends the Regulation respecting duties and costs payable under the Act respecting liquor permits (chapter P-9.1, r. 3) to ensure consistency with the new legal framework introduced by the Act to modernize the legal regime applicable to liquor permits and to amend various other legislative provisions with regard to alcoholic beverages (2018, chapter 20) with respect to new methods for the issue and use of permits, authorizations and options granted by the Régie des alcools, des courses et des jeux under the Act respecting liquor permits.

Study of the matter shows no negative impact on enterprises, including small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Andrée-Anne Garceau, Secretary, Régie des alcools, des courses et des jeux, 560, boulevard Charest Est, 2^e étage, Québec (Québec) G1K 3J3; telephone: 418 528-7225, extension 23251; fax: 418 646-5204; email: andree-anne.garceau@racj.gouv.qc.ca.