

Gouvernement du Québec

## O.C. 42-2023, 11 January 2023

Act respecting collective agreement decrees  
(chapter D-2)

### Cartage industry – Québec — Amendment

Decree to amend the Decree respecting the cartage industry in the Québec 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 cartage industry in the Québec region (chapter D-2, r. 3);

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

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

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 cartage industry in the Québec region was published in Part 2 of the *Gazette officielle du Québec* of 22 June 2022 and in a French language newspaper and in 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 amendments;

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

THAT the Decree to amend the Decree respecting the cartage industry in the Québec region, attached to this Order in Council, be made.

YVES OUELLET  
*Clerk of the Conseil exécutif*

## Decree to amend the Decree respecting the cartage industry in the Québec region

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

**1.** The Decree respecting the cartage industry in the Québec region (chapter D-2, r. 3) is amended in section 1.01 by inserting the following after subparagraph *c* of paragraph 21:

“(21.1) “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 10.02 is amended by inserting “an interrupted leave for a duration determined at the rate of” before “1 day of vacation”.

**3.** Section 10.04 is amended by replacing “5 years” by “3 years”.

**4.** Section 10.10 is amended by adding “or in the manner applicable for the regular payment of the employee’s wages” at the end.

**5.** Section 10.11 is amended by replacing “or accident or” in the first paragraph by “, an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or”.

**6.** Section 11.02 is amended by replacing “1 day” and “4 extra days” in subparagraph 5 of the first paragraph by “2 days” and “3 extra days”, respectively.

**7.** Section 11.04 is amended

(1) by striking out “if the employee is credited with 60 days of continuous service” in the first paragraph;

(2) by striking out the third paragraph.

**8.** Section 11.05 is amended

(1) in the first paragraph

(a) by striking out “, without pay,”;

(b) by replacing “of the employee’s spouse, father, mother, brother, sister or one of the employee’s grandparents” by “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)”;

(2) by adding the following paragraph at the end:

“The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. 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 this section or in section 11.05.1.”

**9.** The following is inserted after section 11.05:

“**11.05.1.** 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 not, 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.

The first 2 days taken annually are remunerated according to the calculation formula described in section 9.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. 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 this section or in section 11.05.

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).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it.”

**10.** Section 13.01 is amended

(1) by replacing paragraph 5 by the following:

“(5) “solid waste”: any waste product solid at 20 °C from industrial, commercial or agricultural activities, detritus, incineration 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 subparagraph *c* of paragraph 9:

“(9.1) “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;"

**11.** Section 18.01.1 is revoked.

**12.** Section 20.02 is amended by inserting "an uninterrupted leave for a duration determined at the rate of" before "1 working day of vacation".

**13.** Section 20.04 is amended by replacing "5 years" by "3 years".

**14.** Section 20.07 is amended by adding "or in the manner applicable for the regular payment of the employee's wages" at the end.

**15.** Section 20.09 is amended by replacing "or accident or" by " , an organ or tissue donation for transplant, an accident, or domestic violence or sexual violence of which the employee has been a victim, or is absent or on leave for family or parental matters or".

**16.** Section 21.01 is amended by replacing "1 day" and "4 more days" in subparagraph 5 of the first paragraph by "2 days" and "3 extra days", respectively.

**17.** Section 21.03 is amended

(1) by striking out "if the employee has 60 days of continuous service";

(2) by striking out the last sentence.

**18.** Section 21.04 is amended

(1) in the first paragraph

(a) by striking out " , without pay,";

(b) by replacing "of his spouse, father, mother, brother, sister or one of the employee's grandparents" by "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)";

(2) by adding the following paragraph at the end:

"The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. 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 this section or in section 21.04.1."

**19.** The following is inserted after section 21.04:

**"21.04.1.** 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 not, 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.

The first 2 days taken annually are remunerated according to the calculation formula described in section 19.04, with any adjustments required in the case of division. The employee becomes entitled to such remuneration on being credited with 3 months of continuous service, even if the employee was absent previously. 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 this section or in section 21.04.

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).

The employee must notify the employer of his absence as soon as possible, giving the reasons for it."

**20.** Section 25.01 is replaced by the following:

“**25.01.** An employee who has 3 months of active and continuous service with the same employer and who has worked at least 32 hours in each week included in the period is entitled to 6 days of sick leave per year. The employee receives 8 times his hourly wage provided for in this Decree. The employer may request that the employee furnish a document attesting to the reasons for the absence.”

**21.** This Decree comes into force on (*insert the date of its publication in the Gazette officielle du Québec*).

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Gouvernement du Québec

**O.C. 43-2023, 11 January 2023**

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

**Occupational health and safety**  
—**Amendment**

Regulation to amend the Regulation respecting occupational health and safety

WHEREAS, under subparagraphs 7, 9, 11, 19 and 42 of the first paragraph of section 223 of the Act respecting occupational health and safety (chapter S-2.1), the Commission des normes, de l'équité, de la santé et de la sécurité du travail may make regulations

—prescribing measures for the supervision of the quality of the work environment and standards applicable to every workplace so as to ensure the health, safety and physical and mental well-being of workers, particularly with regard to work organization, lighting, heating, sanitary installations, quality of food, noise, ventilation, variations in temperature, quality of air, access to the establishment, means of transportation used by workers, eating rooms and cleanliness of a workplace, and determining the hygienic and safety standards to be complied with by the employer where the employer makes premises available to workers for lodging, meal service or leisure activities;

—determining, by category of establishments or construction sites, the individual and common protective means and equipment that the employer must put at the disposal of the workers, free of charge;

—fixing the minimum age at which a worker may carry out particular work it specifies;

—prescribing standards respecting the safety of such products, processes, equipment, materials, contaminants or dangerous substances as it specifies, indicating the directions for their use, maintenance and repair, and prohibiting or restricting their use;

—generally prescribing any other measure to facilitate the application of the Act;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply. The regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting occupational health and safety was published in Part 2 of the *Gazette officielle du Québec* of 5 January 2022 with a notice that it could be made by the Commission and submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS the Commission made the Regulation with amendments at its sitting of 20 October 2022;

WHEREAS, under section 224 of the Act respecting occupational health and safety, every draft regulation made by the Commission under section 223 must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

THAT the Regulation to amend the Regulation respecting occupational health and safety, attached to this Order in Council, be approved.

YVES OUELLET  
*Clerk of the Conseil exécutif*

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