

chapter D-2, r. 8

## **Decree respecting the automotive services industry in the Drummond and the Mauricie regions**

### **An Act respecting collective agreement decrees**

(chapter D-2, ss. 2 and 6)

R.R.Q., 1981, c. D-2, r. 45; O.C. 1389-99, s. 1.

## **DIVISION 1.00 INTERPRETATION**

**1.01.** In this Decree, unless the context requires otherwise, the following expressions mean:

- (1) *(paragraph revoked)*;
- (2) “apprentice”: person who learns one of the trades for which the parity committee issues a qualification certificate;
- (3) “artisan”: person working on his own account alone or in partnership and who performs work governed by the Decree for others;
- (4) “parts clerk”: employee whose duties are related mainly to distributing or selling vehicle parts, accessories or tires where such parts, accessories or tires are distributed or sold to garages, service stations, parts shops, new or used car dealers and to any establishment whose activities are governed by the Decree or where such parts, accessories or tires are used by those establishments when performing work governed by the Decree;
- (5) “messenger”: employee working in an establishment where work governed by the Decree is performed, whose duties are related mainly to delivering vehicle parts, accessories or tires;
- (6) “journeyman”: employee who has completed apprenticeship and has obtained the necessary certificate of qualification for plying one of the trades of the automobile industry governed by this Decree;
- (7) “spouses”: persons who:
  - (a) are married or in a civil union and cohabiting;
  - (b) being of opposite sex or the same sex, are living together in a de facto union and are the father and mother of the same child;
  - (c) are of opposite sex or the same sex and have been living together in a de facto union for 1 year or more;
- (8) “dismantler”: employee whose duties are related mainly to dismantling a vehicle for the purposes of selling or storing the parts;
- (9) “grade or year”: period during which an employee acquires 2,000 hours of experience in one of the trades provided for in the Decree. Annual leave with pay, leave for family events and statutory

general holidays are taken into account in the computation of hours of experience. The same is true for hours spent in training which the parity committee deems to be equivalent;

(10) “combination of road vehicles”: a combination of vehicles composed of a motorized heavy road vehicle hauling a trailer, a semi-trailer or a detachable axle;

(11) “washer”: employee whose duties are related mainly to performing one or another of the following tasks: washing, cleaning, wiping or waxing vehicles or their parts, by hand or with machines;

(12) “semiskilled worker”: employee whose duties are related mainly to one or another of the following tasks:

(a) restoring, overhauling, repairing or retooling vehicle parts or accessories without assembling them on the vehicle, and examining parts or accessories sold with guarantees, whether or not they are installed on a vehicle, where they are returned because of a defect;

(b) installing upholstery, hubcaps, windshield or windows;

(13) “pump attendant”: employee whose duties are related mainly to the sale of gasoline or lubricants and to the supervision of pumps;

(14) “service attendant”: employee whose duties are related mainly to one or another of the following tasks: lubricating, changing oil, applying anti-rust, balancing wheels, installing, repairing, installing or dismantling radiators, shock absorbers, tires, windshield wipers, headlights, filters, mufflers, radios, and installing or boosting batteries on a vehicle;

(15) “uninterrupted service”: the uninterrupted period during which the employee is bound to the employer by a contract of employment, even if the performance of work has been interrupted without cancellation of the contract, and the period during which fixed-term contracts succeed one another without an interruption that would, in the circumstances, give cause to conclude that the contract was not renewed;

(16) “vehicle”: a combination of road vehicles and a heavy road vehicle within the meaning of this Decree as well as a motor vehicle and a road vehicle as defined in section 4 of the Highway Safety Code (chapter C-24.2), excluding mopeds and motorcycles as defined in section 4 of the Code, an all-terrain vehicle as defined in section 1 of the Regulation respecting all-terrain vehicles (chapter V-1.2, r. 6), a snowmobile as defined in section 1 of the Regulation respecting snowmobiles (chapter V-1.2, r. 1) and any other vehicle intended to be used off public roads owing to its nature, purpose or the operation of a law;

(17) “heavy road vehicle”: a road vehicle whose net mass is 4,500 kg or more.

R.R.Q., 1981, c. D-2, r. 45, s. 1.01; O.C. 2489-83, s. 1; O.C. 491-89, s. 1; O.C. 229-90, s. 1; O.C. 631-98, s. 1; O.C. 1389-99, s. 3; O.C. 723-2005, s. 1; O.C. 1063-2010, s. 1.

## **1.02. Names of Contracting Parties**

(1) Group representing the employer contracting party:

La Corporation des concessionnaires d'automobiles de Drummondville inc.;

La Corporation des concessionnaires d'automobiles de la Mauricie inc.;

The Automobile Industries Association of Canada;

Association des spécialistes du pneu du Québec inc.;

L'Association des marchands Canadian Tire du Québec inc.;

Association des services de l'automobile;

M.C.Q. Mouvement Carrossiers Québec;

(2) Group representing the union party:

Syndicat national de l'automobile, de l'aérospatiale, du transport et des autres travailleurs et travailleuses du Canada (TCA-Canada), section locale 4511;

Syndicat national des employés de garage du Québec inc..

O.C. 1389-99, s. 4; O.C. 560-2001, s. 1; O.C. 1212-2003, s. 1.

## **DIVISION 2.00 JURISDICTION**

R.R.Q., 1981, c. D-2, r. 45, Div. 2.00 ; O.C. 1389-99, s. 5.

### **2.01. Professional and Industrial Jurisdiction**

(1) The Decree applies to the following work:

- (a) repairing, altering or inspecting a vehicle, its parts or accessories;
- (b) restoring, overhauling, repairing, retooling or any other work of the same type performed on vehicle parts, accessories or tires, as well as their installation on that vehicle;
- (c) completely or partially dismantling a vehicle;
- (d) selling gasoline, lubricants or any other similar products used for a vehicle where, in the establishment where such work is performed, work specified in paragraphs *a*, *b*, *f* or *g* is also performed;
- (e) washing, waxing or cleaning a vehicle where, in the establishment where such work is performed, work mentioned in paragraphs *a*, *b*, *f* or *g* is also performed;
- (f) distributing or selling vehicle parts, accessories or tires to garages, service stations, parts shops, new or used car dealers or to any establishment whose activities are governed by the Decree;
- (g) distributing or selling vehicle parts, accessories or tires by an establishment specified in paragraph *f* when performing work governed by the Decree;
- (h) delivering vehicle parts, accessories or tires where, in the establishment where such work is performed, other work governed by the Decree is also performed.

(2) **Exclusions:** The Decree does not apply to:

- (a) work specified in subsection 1 when done exclusively for the employer's own service or own needs or when done exclusively on farm machinery;
- (b) vulcanizing and retreading;
- (c) the sale of vehicle parts, accessories or tires to parts shops or to wholesalers carried out:
  - (i) in a warehouse or in a distribution centre;
  - (ii) in a warehouse only, where the establishment of the employer utilizes it, at a same time, as a parts warehouse and as a parts shop.

R.R.Q., 1981, c. D-2, r. 45, s. 2.01; O.C. 2489-83, s. 2; O.C. 491-89, s. 2; O.C. 354-96, s. 1; O.C. 1389-99, s. 6.

**2.02. Territorial jurisdiction:** The Decree applies to the territory of the following cities and regional county municipalities included in administrative regions 04 - Mauricie and 17 - Centre du Québec:

**Region 04 - Mauricie**

- (1) Shawinigan et Trois-Rivières.
- (2) Municipalité régionale de comté of Les Chenaux: Batiscan, Champlain, Notre-Dame-du-Mont-Carmel, Sainte-Anne-de-la-Pérade, Sainte-Geneviève-de-Batiscan, Saint-Luc-de-Vincennes, Saint-Maurice, Saint-Narcisse, Saint-Prosper, Saint-Stanislas.
- (3) Municipalité régionale de comté of Maskinongé: Charette, Louiseville, Maskinongé, Saint-Alexis-des-Monts, Sainte-Angèle-de-Prémont, Saint-Barnabé, Saint-Boniface, Saint-Édouard-de-Maskinongé, Saint-Élie, Saint-Étienne-des-Grès, Saint-Justin, Saint-Léon-le-Grand, Saint-Mathieu-du-Parc, Saint-Paulin, Saint-Sévère, Sainte-Ursule, Yamachiche.
- (4) Municipalité régionale de comté of Mékinac: Grandes-Piles, Hérouxville, Lac-aux-Sables, Notre-Dame-de-Montauban, Saint-Adelphe, Saint-Roch-de-Mékinac, Saint-Séverin, Sainte-Thècle, Saint-Tite, Trois-Rives.

**Region 17 - Centre du Québec**

- (1) Municipalité régionale de comté of Arthabaska: Saint-Samuel.
- (2) Municipalité régionale de comté of Bécancour: Bécancour, Descahillons-sur-Saint-Laurent, Fortierville, Lemieux, Manseau, Parisville, Sainte-Cécile-de-Lévrard, Sainte-Françoise, Sainte-Marie-de-Blandford, Saint-Pierre-les-Becquets, Sainte-Sophie-de-Lévrard, Saint-Sylvère.
- (3) Municipalité régionale de comté of Drummond: Drummondville, Durham-Sud, L'Avenir, Lefebvre, paroisse et village de Notre-Dame-du-Bon-Conseil, Saint-Bonaventure, Sainte-Brigitte-des-Saults, Saint-Cyrille-de-Wendover, Saint-Edmond-de-Grantham, Saint-Eugène, Saint-Félix-de-Kinsey, Saint-Germain-de-Grantham, Saint-Guillaume, Saint-Lucien, Saint-Majorique-de-Grantham, Saint-Pie-de-Guire, Wickham.
- (4) Municipalité régionale de comté of Nicolet-Yamaska: Aston-Jonction, Baie-du-Febvre, Grand-Saint-Esprit, La Visitation-de-Yamaska, Nicolet, Pierreville, Saint-Célestin, Saint-Célestin, Saint-Elphège, Sainte-Eulalie, Saint-François-du-Lac, Saint-Léonard-d'Aston, Sainte-Monique, Sainte-Perpétue, Saint-Wenceslas, Saint-Zéphirin-de-Courval.

R.R.Q., 1981, c. D-2, r. 45, s. 2.02; O.C. 2489-83, s. 3; O.C. 491-89, s. 3; O.C. 229-90, s. 2; O.C. 1389-99, s. 7; O.C. 1212-2003, s. 2; O.C. 892-2004, s. 1.

**DIVISION 3.00  
WORKING HOURS**

R.R.Q., 1981, c. D-2, r. 45, Div. 3.00 ; O.C. 1389-99, s. 8.

**3.01.** The standard workweek is 40 hours scheduled:

- (1) over no more than 5 consecutive days, from Monday to Saturday, for the apprentice and the journeyman;
- (2) from Monday to Saturday, for the dismantler and the semiskilled worker;
- (3) over no more than 5 consecutive days for the parts clerk, the messenger and the service attendant;

(4) over no more than 6 consecutive days for all employees of an employer where the work specified in paragraph *a* or *b* of subsection 1 of section 2.01 is performed on heavy road vehicles or combinations of road vehicles or pertains to such vehicles or combinations of vehicles;

(5) Over no more than 6 consecutive days for the washer and the pump attendant.

R.R.Q., 1981, c. D-2, r. 45, s. 3.01; O.C. 1389-99, s. 8; O.C. 560-2001, s. 2.

**3.02.** The standard workday is no more than 10 hours scheduled over a maximum period of 11 consecutive hours.

R.R.Q., 1981, c. D-2, r. 45, s. 3.02; O.C. 491-89, s. 4; O.C. 1389-99, s. 8.

**3.02.1.** An employee is entitled to refuse to work:

(1) more than 4 hours after his regular daily working hours or more than 14 working hours per 24-hour period, whichever period is the shortest, or, for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24-hour period;

(2) more than 50 working hours per week.

O.C. 1063-2010, s. 2.

**3.03.** An employee may require a rest period up to 1 hour, without pay, for meals, and the employer cannot require the employee to work more than 5 consecutive hours between each meal.

That period is remunerated if the employee is not authorized to leave his work station.

R.R.Q., 1981, c. D-2, r. 45, s. 3.03; O.C. 491-89, s. 4; O.C. 1389-99, s. 8.

**3.04.** An employee is deemed to be at work in the following situations:

(1) subject to 3.03, during the time allocated for breaks granted by the employer;

(2) when travel is required by the employer;

(3) during any trial period or training required by the employer;

(4) when he is at his employer's disposal on the work premises and he is obliged to wait to be given work.

R.R.Q., 1981, c. D-2, r. 45, s. 3.04; O.C. 2489-83, s. 4; O.C. 491-89, s. 4; O.C. 1389-99, s. 8; O.C. 723-2005, s. 2; O.C. 1063-2010, s. 3.

**3.05.** An employee is entitled to a weekly rest period of 32 consecutive hours.

R.R.Q., 1981, c. D-2, r. 45, s. 3.05; O.C. 2489-83, s. 4; O.C. 1389-99, s. 8; O.C. 723-2005, s. 3.

**3.05.1.** *(Replaced).*

O.C. 631-98, s. 2; O.C. 1389-99, s. 8.

**3.05.2.** *(Replaced).*

O.C. 631-98, s. 2; O.C. 1389-99, s. 8.

**3.06.** *(Replaced).*

R.R.Q., 1981, c. D-2, r. 45, s. 3.06; O.C. 229-90, s. 3; O.C. 1389-99, s. 8.

**3.07.** *(Replaced).*

R.R.Q., 1981, c. D-2, r. 45, s. 3.07; O.C. 1389-99, s. 8.

**3.08.** *(Replaced).*

R.R.Q., 1981, c. D-2, r. 45, s. 3.08; O.C. 1389-99, s. 8.

## **DIVISION 4.00 OVERTIME HOURS**

R.R.Q., 1981, c. D-2, r. 45, Div. 4.00 ; O.C. 1389-99, s. 8.

**4.01.** Hours worked in addition to the standard workday or workweek entail a premium of 50% of the hourly wage currently paid to the employee, except for premiums computed on an hourly basis.

Notwithstanding the first paragraph, the employer may, at the request of the employee, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50%.

That leave must be taken during the 12 months following the overtime worked at a date agreed upon between the employer and the employee; otherwise the overtime must be paid. However, where the contract of employment is terminated before the employee is able to benefit from the leave, the overtime must be paid at the same time as the last payment of wages.

R.R.Q., 1981, c. D-2, r. 45, s. 4.01; O.C. 1389-99, s. 8.

**4.02.** For the purposes of computing overtime, annual leaves and paid general holidays are counted as days of work.

R.R.Q., 1981, c. D-2, r. 45, s. 4.02; O.C. 631-98, s. 3; O.C. 1389-99, s. 8.

**4.03.** Hours worked between 9 :00 p.m. and 7 :00 a.m. by employees, except for the pump attendant and for employees specified in subsection 4 of section 3.01 entail a premium of \$0.30 of the hourly rate currently paid.

R.R.Q., 1981, c. D-2, r. 45, s. 4.03; O.C. 1389-99, s. 8.

## **DIVISION 5.00 RECALL TO WORK**

R.R.Q., 1981, c. D-2, r. 45, Div. 5.00 ; O.C. 1389-99, s. 8.

**5.01.** An employee who reports to work at his place of employment at the express demand of his employer or in the regular course of his employment and who works fewer than 3 consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to 3 hours at his hourly rate currently paid and, as the case may be, increased, in accordance with section 4.01.

R.R.Q., 1981, c. D-2, r. 45, s. 5.01; O.C. 1389-99, s. 8.

**5.02.** An employee who is at his place of employment and is required to wait for work to be assigned to him is deemed to be working.

O.C. 1389-99, s. 8.

## DIVISION 6.00 STATUTORY GENERAL HOLIDAYS

*This Division applies to all employees, except for section 6.07 which applies to pump attendants and to washers only.*

R.R.Q., 1981, c. D-2, r.45, Div. 6.00 ; O.C. 1389-99, s. 8 ; O.C. 560-2001, s. 3.

**6.01.** The following days are paid statutory general holidays, regardless of the day of the week on which they fall: 1 and 2 January, Good Friday or Easter Monday, the Monday preceding 25 May, 1 July or, if that date falls on a Sunday, 2 July, the first Monday of September, the second Monday of October and 25 and 26 December.

R.R.Q., 1981, c. D-2, r. 45, s. 6.01; O.C. 491-89, s. 5; O.C. 1389-99, s. 8.

**6.01.1.** *(Revoked).*

O.C. 1389-99, s. 8; O.C. 1212-2003, s. 3.

**6.01.2.** *(Revoked).*

O.C. 1389-99, s. 8; O.C. 1212-2003, s. 3.

**6.02.** To be entitled to a holiday provided for in section 6.01, the employee must not be absent from work on the first working day of his work schedule preceding and following that holiday.

However, an employee is deemed not to be absent from work on the first working day of his work schedule preceding and following a holiday if:

(1) the absence of the employee is authorized by a law or the employer, or is for a valid reason, and the employee must not receive for that holiday an indemnity for an accident, illness or disability payable under an act, in particular, the Act respecting industrial accidents and occupational diseases (chapter A-3.001), the Automobile Insurance Act (chapter A-25), the Employment Insurance Act (S.C. 1996, c. 23), or payable under any public plan or collective compensation plan;

(2) the employee was laid off for less than 20 days preceding or following 1 and 2 January as well as 25 and 26 December, or for less than 5 days for the other holidays provided for in section 6.01.

R.R.Q., 1981, c. D-2, r. 45, s. 6.02; O.C. 229-90, s. 4; O.C. 1389-99, s. 8; O.C. 723-2005, s. 4.

**6.03.** For each statutory general holiday, the employer must pay the employee an indemnity equal to  $\frac{1}{20}$  of the wages earned during the 4 complete weeks of pay preceding the week of the holiday, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part on a commission basis must be equal to  $\frac{1}{60}$  of the wages earned during the 12 complete weeks of pay preceding the week of the holiday.

R.R.Q., 1981, c. D-2, r. 45, s. 6.03; O.C. 1389-99, s. 8; O.C. 723-2005, s. 5.

**6.04.** Where an employee is obliged to work on one of the holidays provided for in section 6.01, the employer, in addition to paying him the indemnity for that day, must pay him for the hours worked at his wage currently paid or grant him a compensatory holiday of 1 day on a date agreed upon between the employer and the employee, no later than 12 months following the date of that holiday.

R.R.Q., 1981, c. D-2, r. 45, s. 6.04; O.C. 1389-99, s. 8.

**6.05.** If an employee is on annual leave on one of the holidays provided for in section 6.01, the employer must pay him the indemnity provided for in section 6.03 or grant him, if the employee so requests, a compensatory holiday of 1 day on a date agreed upon between the employer and the employee, no later than 12 months following the date of the holiday.

R.R.Q., 1981, c. D-2, r. 45, s. 6.05; O.C. 1389-99, s. 8.

**6.06.** St. John the Baptist's Day is a statutory general holiday under the National Holiday Act (chapter F-1.1).

R.R.Q., 1981, c. D-2, r. 45, s. 6.06; O.C. 1389-99, s. 8.

**6.07.** (*Revoked*).

O.C. 560-2001, s. 4; O.C. 723-2005, s. 6.

## **DIVISION 7.00 ANNUAL LEAVES WITH PAY**

R.R.Q., 1981, c. D-2, r. 45, Div. 7.00 ; O.C. 1389-99, s. 8.

**7.01.** The reference year is a period of 12 consecutive months during which an employee progressively acquires entitlement to an annual leave. That period extends from 1 May of the preceding year to 30 April of the current year.

R.R.Q., 1981, c. D-2, r. 45, s. 7.01; O.C. 1389-99, s. 8.

**7.02.** An employee who, at the end of a reference year, is credited with less than 1 year of uninterrupted service with the same employer during that period, is entitled to an uninterrupted leave for a duration determined at the rate of 1 working day for each month of uninterrupted service, for a total leave not exceeding 2 weeks.

The indemnity for that leave is 4% of the gross wages of the employee during the reference year.

R.R.Q., 1981, c. D-2, r. 45, s. 7.02; O.C. 1389-99, s. 8.

**7.03.** An employee who, at the end of a reference year, is credited with 1 year of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of 2 consecutive weeks.

The indemnity for that leave is 4% of the gross wages of the employee during the reference year.

Where the employee so requests, he is entitled to 1 week of additional leave without pay.

R.R.Q., 1981, c. D-2, r. 45, s. 7.03; O.C. 1389-99, s. 8.

**7.04.** An employee who, at the end of a reference year, is credited with 5 years of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of 3 consecutive weeks.

The indemnity for that leave is 6% of the gross wages of the employee during the reference year.

R.R.Q., 1981, c. D-2, r. 45, s. 7.04; O.C. 1389-99, s. 8.

**7.05.** An employee who, at the end of a reference year, is credited with 15 years of uninterrupted service with the same employer during that period, is entitled to an annual leave of a minimum duration of 4 weeks, 3 of which are consecutive.

The indemnity for that leave is 8% of the gross wages of the employee during the reference year.

R.R.Q., 1981, c. D-2, r. 45, s. 7.05; O.C. 1389-99, s. 8.

**7.06.** The annual leave must be taken within 12 months following the end of the reference year.

Notwithstanding the first paragraph, the employer may, at the request of the employee, permit the annual leave to be taken, in whole or in part, during the reference year.

Also, if at the end of the 12 months that follow the end of a reference year, the employee is absent owing to sickness or accident, or is absent or on leave for family or parental matters, the employer may, at the request of the employee, defer the annual leave to the following year. If the annual leave is not deferred, the employer must then pay the employee the annual leave indemnity to which he is entitled.

A period of employment insurance, sickness, or disability, interrupted by a leave taken in accordance with this section, continues, if such is the case, after the leave, as if it had not been interrupted.

R.R.Q., 1981, c. D-2, r. 45, s. 7.06; O.C. 491-89, s. 6; O.C. 1389-99, s. 8; O.C. 723-2005, s. 7.

**7.07.** The annual leave may be divided into 2 periods where so requested by the employee. However, the employer may refuse his request if he closes his establishment for a period equal to or greater than that of the employee's annual leave.

The annual leave may also be divided into more than 2 periods where so requested by the employee, provided the employer consents thereto.

A leave not exceeding 1 week cannot be divided.

R.R.Q., 1981, c. D-2, r. 45, s. 7.07; O.C. 1389-99, s. 8.

**7.08.** An employee is entitled to know the date of his annual leave at least 4 weeks in advance.

An employee must notify the employer at least 4 weeks in advance as to when he prefers to take his annual leave.

R.R.Q., 1981, c. D-2, r. 45, s. 7.08; O.C. 1389-99, s. 8.

**7.09.** An employee must receive the indemnity for the annual leave in a single payment before the leave begins.

However, when the annual leave is divided in accordance with section 7.07, the indemnity will correspond to the fraction of the annual leave.

R.R.Q., 1981, c. D-2, r. 45, s. 7.09; O.C. 1389-99, s. 8.

**7.10.** Employers are prohibited from replacing a leave provided for in sections 7.02 to 7.05 by a compensatory indemnity. At the request of the employee, the third week and, where applicable, the fourth week may, however, be replaced by a compensatory indemnity.

R.R.Q., 1981, c. D-2, r. 45, s. 7.10; O.C. 1389-99, s. 8.

**7.11.** Should an employee provided for in sections 7.03 to 7.05 be absent owing to sickness or an accident or is on maternity or paternity leave during the reference year and should that absence result in the reduction of that employee's annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to twice, 3 or 4 times the weekly average of the wage earned during the period of work. An employee provided for in section 7.02 whose annual leave is less than 2 weeks is entitled to that amount in proportion to the days of leave credited to his account.

Notwithstanding the first paragraph, the annual leave indemnity must not exceed the indemnity to which the employee would have been entitled if he had not been absent or on leave owing to a reason provided for in the first paragraph.

O.C. 1389-99, s. 8; O.C. 1063-2010, s. 4.

**7.12.** Where an employee quits his employment, he receives the indemnity related to the leave acquired before the preceding 1 May, if the leave was not taken, as well as the indemnity due to him for the period which has elapsed since that date.

O.C. 1389-99, s. 8.

**7.13.** No employer may reduce the annual leave of an employee or change the way in which the indemnity pertaining to it is computed, in comparison with what is granted to other employees performing the same tasks in the same establishment, for the sole reason that the employee usually works less hours each week.

O.C. 1063-2010, s. 5.

## **DIVISION 8.00**

### **ABSENCE AND SPECIAL LEAVES**

R.R.Q., 1981, c. D-2, r. 45, Div. 8.00; O.C. 1389-99, s. 8; O.C. 1063-2010, s. 6.

**8.01.** An employee is entitled to the following leaves by reason of:

- (1) the death or the funeral of his spouse: 5 days of leave, without reduction of wages;
- (2) the death or funeral of his child or the child of his spouse: 4 days of leave, without reduction of wages and 1 day of leave without pay;
- (3) the death or funeral of his father or mother: 3 days of leave, without reduction of wages, and 2 days of leave without pay;
- (4) the death or funeral of his brother or sister: 2 days of leave, without reduction of wages, and 3 days of leave without pay;
- (5) the death or funeral of his father-in-law or mother-in-law: 2 days of leave, without reduction of wages;
- (6) the death or funeral of his brother-in-law or sister-in-law, of a son-in-law or daughter-in-law, one of his grandparents or of one of his grandchildren and also of brother or sister of his spouse: 1 day of leave, without reduction of wages;
- (7) the birth of his child or the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy: 2 days of leave, without reduction of wages, and 3 days of leave without pay.

That leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of his or her father or mother or, if such is the case, the termination of pregnancy;

- (8) his wedding day or day of his civil union: 1 day of leave, without reduction of wages;
- (9) the wedding day or day of the civil union of one of his children, his father, mother, brother, sister or a child of his spouse: 1 day of leave without pay.

R.R.Q., 1981, c. D-2, r. 45, s. 8.01; O.C. 491-89, s. 7; Erratum, 1989 G.O. 2, 2097; O.C. 1389-99, s. 8; O.C. 1212-2003, s. 4; O.C. 723-2005, s. 8.

**8.02.** In the circumstances referred to in section 8.01, the employee must advise his employer of his absence as soon as possible.

R.R.Q., 1981, c. D-2, r. 45, s. 8.02; O.C. 1389-99, s. 8.

**8.03.** *(Replaced).*

R.R.Q., 1981, c. D-2, r. 45, s. 8.03; O.C. 1389-99, s. 8.

**8.04.** An employee may be absent from work, without pay, for 10 days a year to fulfil 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 the employee's spouse, father, mother, brother, sister or one of the employee's grandparents.

The leave may be divided into days. A day may also be divided if the employer consents thereto.

The employee must advise his employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and its duration.

O.C. 1063-2010, s. 7.

**8.05.** An employee who has 3 consecutive months of service may be absent from work without pay for a period of not more than 26 weeks over a 12-month period for sickness or accident.

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

The employee must inform the employer as soon as possible of an absence from work and give the reasons therefor.

O.C. 1063-2010, s. 7.

**8.06.** An employee's participation in the group insurance and pension plans recognized in the employee's place of employment must not be affected by the absence from work provided for in section 8.04, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

O.C. 1063-2010, s. 7.

**8.07.** At the end of the absence for sickness or accident, the employer must reinstate the employee in the employee's former position with the same benefits, including the wages to which the employee would have been entitled had the employee remained at work. If the position held by the employee no longer exists when the employee returns to work, the employer must recognize all the rights and privileges to which the employee would have been entitled if the employee had been at work at the time the position ceased to exist.

Nothing in the first paragraph must prevent an employer from dismissing, suspending or transferring an employee if the consequences of the sickness or accident or the repetitive nature of the absences constitute good or sufficient cause depending on the circumstances.

O.C. 1063-2010, s. 7.

**8.08.** If the employer makes dismissals or layoffs that would have included the employee had the employee remained at work, the employee retains the same rights with respect to a return to work as the employees who were dismissed or laid off.

O.C. 1063-2010, s. 7.

**8.09.** This section must not grant to an employee any benefit to which the employee would not have been entitled if the employee had remained at work.

O.C. 1063-2010, s. 7.

**8.10.** An employee who is credited with 3 months of uninterrupted service may be absent from work, without pay, for a period of not more than 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, mother, the father's or mother's spouse, his brother, sister or one of his grandparents because of a serious illness or a serious accident.

An employee must advise the employer as soon as possible of an absence from work and, at the employer's request, furnish a document justifying the absence.

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, which must end at the latest 104 weeks after the beginning thereof.

Section 8.05, the first paragraph of section 8.06 and sections 8.07 and 8.08 apply, with the necessary modifications, to the employee's absence.

O.C. 1063-2010, s. 7.

**8.11.** An employee may be absent from work, without pay, for a medical examination related to her pregnancy or for an examination related to her pregnancy and carried out by a midwife.

The employee must notify her employer as soon as possible of the time where she will be absent.

O.C. 1063-2010, s. 7.

## **DIVISION 9.00 WAGES**

R.R.Q., 1981, c. D-2, r. 45, Div. 9.00 ; O.C. 1389-99, s. 8.

**9.01.** The minimum hourly wage rates are the following:

<b>Trades</b>	<b>As of 15 December 2010</b>	<b>As of 1 October 2011</b>	<b>As of 1 October</b>
<b>1) apprentice:</b>			
1st year	\$10.99	\$11.32	\$11.55
2nd year	\$11.73	\$12.08	\$12.32
3rd year	\$12.40	\$12.77	\$13.03
4th year	\$13.06	\$13.45	\$13.72
<b>2) journeyman:</b>			
A	\$19.47	\$20.25	\$21.06
B	\$17.05	\$17.90	\$18.80
C	\$15.93	\$16.89	\$17.90
<b>3) parts clerk:</b>			
Grade 1	\$10.73	\$11.05	\$11.27

Grade 2	\$11.41	\$11.75	\$11.99
Grade 3	\$12.17	\$12.54	\$12.79
Grade 4	\$12.84	\$13.23	\$13.49
Grade 5	\$13.55	\$13.96	\$14.24
Grade 6	\$14.35	\$14.78	\$15.22
Grade 7	\$15.20	\$15.66	\$16.13
<b>4) messenger:</b>	\$9.75	–	–
<b>5) dismantler:</b>			
Grade 1	\$10.29	\$10.60	\$10.92
Grade 2	\$10.98	\$11.31	\$11.65
Grade 3	\$11.92	\$12.28	\$12.65
<b>6) washer:</b>	\$9.75	–	–
<b>7) semiskilled worker:</b>			
Grade 1	\$11.73	\$12.08	\$12.32
Grade 2	\$12.73	\$13.11	\$13.37
Grade 3	\$13.73	\$14.14	\$14.42
<b>8) pump attendant:</b>	\$9.75	–	–
<b>9) service attendant:</b>			
Grade 1	\$10.67	\$10.99	\$11.21
Grade 2	\$11.33	\$11.67	\$11.90
Grade 3	\$12.06	\$12.42	\$12.67
Grade 4	\$12.73	\$13.11	\$13.37
Grade 5	\$13.40	\$13.80	\$14.08

The wage rate not provided for the trades of messenger, washer and pump attendant corresponds to the rate of the minimum wage payable to an employee, in accordance with section 3 of the Regulation respecting labour standards (chapter N-1.1, r. 3), increased by \$0.25 per hour as of the date of adjustment.

O.C. 1063-2010, s. 8.

**9.02.** Wages must be paid in cash in a sealed envelope or by cheque by Thursday at the latest. The payment may be made by bank transfer if so provided in a written agreement.

An employee is deemed not to have received payment of the wages due to him if the cheque delivered to him is not cashable within 2 working days following its receipt.

After agreement with his employees, an employer may pay them every 2 weeks.

The wages of an employee must be paid directly to him, at his place of employment and on a working day, except where the payment is made by bank transfer or is sent by mail. The wages of an employee may also, at his written request, be remitted to a third person.

If the usual day of payment of wages falls on a statutory general holiday, the wages are paid to the employee on the working day preceding that day.

R.R.Q., 1981, c. D-2, r. 45, s. 9.02; O.C. 2489-83, s. 5; O.C. 229-90, s. 6; O.C. 1389-99, s. 8.

**9.03.** The employer must remit to the employee, together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. That pay sheet must include, in particular, the following information, where applicable:

- (1) the name of the employer;
- (2) the name of the employee;
- (3) the identification of the employee's occupation;
- (4) the date of the payment and the work period corresponding to the payment;
- (5) the number of hours paid at his current rate;
- (6) the number of hours of overtime paid, cumulated or replaced by a leave with the applicable premium;
  - (6.1) the number of hours for a general statutory holiday, paid, cumulated or replaced by a compensatory leave;
- (7) the nature and amount of the bonuses, premiums, commissions, indemnities or allowances that are being paid;
- (8) the current hourly rate;
- (9) the amount of wages before deductions;
- (10) the nature and amount of deductions being effected;
- (11) the amount of the net wages paid to the employee.

R.R.Q., 1981, c. D-2, r. 45, s. 9.03; O.C. 2489-83, s. 5; O.C. 229-90, s. 7; O.C. 1389-99, s. 8; O.C. 1212-2003, s. 6.

**9.04.** Any commission, bonus, premium and any other form of remuneration must be paid to the employee in addition to the minimum hourly wage rate. No compensation or benefit having pecuniary value may be taken into account in computing the minimum hourly rate.

R.R.Q., 1981, c. D-2, r. 45, s. 9.04; O.C. 491-89, s. 9; O.C. 1389-99, s. 8.

**9.05.** No signing formality other than that establishing that the sum remitted to the employee corresponds to the amount of net wages indicated on the pay sheet may be required upon payment of the wages.

R.R.Q., 1981, c. D-2, r. 45, s. 9.05; O.C. 1389-99, s. 8.

**9.06.** Acceptance of a pay sheet does not entail his renunciation of the payment of all or part of the wages that are due to him.

R.R.Q., 1981, c. D-2, r. 45, s. 9.06; O.C. 1389-99, s. 8.

**9.07.** An employer may make deductions from wages only if he is required to do so pursuant to an act, a regulation, a court order, a collective agreement, an order or decree or a mandatory supplemental pension plan.

The employer may also make deductions from wages if the employee consents thereto in writing, for a specific purpose mentioned in the writing.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan or supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver within 60 days of the revocation.

R.R.Q., 1981, c. D-2, r. 45, s. 9.07; O.C. 1389-99, s. 8; O.C. 723-2005, s. 10; O.C. 1063-2010, s. 9.

**9.08.** Any gratuity paid directly or indirectly by a patron to an employee belongs to him of right and does not form part of the wages that are otherwise due to him. Any gratuity collected by the employer must be remitted to the employee. The word "gratuity" includes the service charge added to the patron's bill.

O.C. 1389-99, s. 8.

**9.09.** An employee called upon occasionally or regularly to perform tasks in different trades receives the hourly wage corresponding to his new trade receiving the most pay and is entitled to all the related conditions of employment.

An employee assigned permanently to a new trade receives the hourly wage corresponding to his new trade and is entitled to all the related conditions of employment.

O.C. 1389-99, s. 8.

**9.10.** If an employer terminates an employee's contract of employment and takes him back in the same employment within 6 months before the end of the contract, he must pay to the employee at least the wage rate he paid to him before the end of the contract of employment.

O.C. 1389-99, s. 8.

**9.11.** Notwithstanding any other provision of the Decree, the employee's weekly wage must not be less than the wage he would receive if he were remunerated in accordance with the Regulation respecting labour standards (chapter N-1.1, r. 3).

O.C. 1389-99, s. 8.

**9.12.** An employer is required to reimburse an employee for reasonable expenses incurred where, at the request of the employer, the employee must travel or undergo training.

O.C. 1063-2010, s. 10.

**9.13.** An employer may not remunerate an employee at a rate of wage lower than that granted to other employees performing the same tasks in the same establishment for the sole reason that the employee usually works less hours each week.

O.C. 1063-2010, s. 10.

## **DIVISION 10.00**

### **NOTICE OF TERMINATION OF EMPLOYMENT OR LAYOFF, AND WORK CERTIFICATE**

R.R.Q., 1981, c. D-2, r. 32.002, Div. 10.00 ; O.C. 1389-99, s. 8.

**10.01.** An employer must give written notice to an employee before terminating his contract of employment or laying him off for 6 months or more.

That notice shall be of 1 week if the employee is credited with less than 1 year of uninterrupted service, 2 weeks if he is credited with 1 year to 5 years of uninterrupted service, 4 weeks if he is credited with 5

years to 10 years of uninterrupted service and 8 weeks if he is credited with 10 years or more of uninterrupted service.

A notice of termination of employment given to an employee during the period that he is laid off is null, except in the case of employment that usually lasts for not more than 6 months each year due to the influence of the seasons.

R.R.Q., 1981, c. D-2, r. 45, s. 10.01; O.C. 1389-99, s. 8.

**10.02.** Section 10.01 does not apply to an employee:

- (1) who does not have 3 months of uninterrupted service;
- (2) whose contract for a fixed term or for a specific undertaking expires;
- (3) who has committed a serious fault;
- (4) for whom the end of the contract of employment or the layoff is a result of a fortuitous event.

R.R.Q., 1981, c. D-2, r. 45, s. 10.02; O.C. 491-89, s. 10; O.C. 1389-99, s. 8.

**10.03.** An employer who does not give the notice prescribed in section 10.01 or who gives a notice of an insufficient period, must pay the employee a compensatory indemnity equal to his regular wage, excluding overtime, for a period equal to the period or remaining period of notice to which he was entitled.

That indemnity must be paid at the time the employment is terminated or at the time the employee is laid off for a period expected to last more than 6 months, or at the end of a period of 6 months after a layoff of an undetermined length, or a layoff expected to last less than 6 months but which exceeds that period.

R.R.Q., 1981, c. D-2, r. 45, s. 10.03; O.C. 1389-99, s. 8.

**10.04.** At the expiry of the contract of employment, an employee may require his employer to issue to him a work certificate in which only the following information is included: the nature and the duration of the employment, the dates on which his employment began and terminated, and the name and address of the employer. The certificate must not carry any mention of the quality of the work or the conduct of the employee.

O.C. 1389-99, s. 8.

## **DIVISION 11.00**

### **Miscellaneous provisions and recognition of qualification certificates**

R.R.Q., 1981, c. D-2, r. 32.002, Div. 11.00; O.C. 1389-99, s. 8; O.C. 591-2010, s. 6.

**11.01.** Where an employer requires the employee to wear special clothing, the employer cannot require an amount of money from an employee for the purchase, use or upkeep of the special clothing.

Also, he cannot oblige an employee to pay for special clothing that identifies him as being an employee of the establishment.

R.R.Q., 1981, c. D-2, r. 45, s. 11.01; O.C. 2489-83, s. 6; O.C. 1367-93, s. 1; O.C. 1495-94, s. 1; O.C. 1169-95, s. 1; O.C. 1189-96, s. 1; O.C. 631-98, s. 4; O.C. 1389-99, s. 8; O.C. 723-2005, s. 11.

**11.02.** The parties to this Decree recognize the certificates already issued by the Comité paritaire de l'industrie de l'automobile du comté de Drummond.

O.C. 1389-99, s. 8.

**11.03.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade referred to in paragraph 6 of section 1.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required under a regulation made by the parity committee.

A person who holds one of the training qualifications referred to in Schedule I and issued by the Ministère de l'Éducation nationale de France, and who provides supporting documents proving that the person has practised the trade for the time prescribed in the Schedule, is likewise exempted.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding Class C certificate to the holder referred to in the first and second paragraphs.

O.C. 591-2010, s. 7; O.C. 986-2011, s. 5.

## **DIVISION 12.00 DURATION OF THE DECREE**

O.C. 1389-99, s. 8.

**12.01.** The Decree remains in force until 31 December 2013. It is automatically renewed from year to year, unless the group constituting the employer contracting party or the union contracting party opposes it by sending a written notice to the Minister of Labour and to all the contracting parties comprising the employer contracting party or the union contracting party, during the month of June 2013 or during the month of June of any subsequent year.

O.C. 1389-99, s. 8; O.C. 1212-2003, s. 7; O.C. 1063-2010, s. 11.

## **SCHEDULE I**

(s. 11.03)

TRAINING QUALIFICATIONS ISSUED BY THE MINISTÈRE DE L'ÉDUCATION NATIONALE DE FRANCE AND PROFESSIONAL EXPERIENCE GIVING ENTITLEMENT TO A QUALIFICATION CERTIFICATE ISSUED BY THE PARITY COMMITTEE

<b>Training qualification issued by the Ministère de l'Éducation nationale de France</b>	<b>Number of hours of practice of the trade</b>	<b>Qualification certificates issued by the parity committee</b>
Baccalauréat professionnel Maintenance de véhicules automobiles, option voitures particulières	One year of practice of the trade of automobile mechanic-repairer/confirmed technician in automobile mechanics, but no less than 2,000 hours, after obtaining that diploma	Journeyman mechanic Class C
Baccalauréat professionnel Maintenance de option véhicules	One year of practice of the trade of industrial vehicle mechanic-repairer/confirmed technician in industrial	Journeyman mechanic for heavy road vehicles, Class C

mechanics, but  
no less than 2,000 hours,  
after obtaining that diploma

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Baccalauréat  
professionnel  
Réparation des  
carrosseries

One year of practice of  
the trade of body  
repairer/confirmed sheet  
metal worker, but no  
less than 2,000 hours,  
after obtaining that  
diploma

Journeyman body  
repairer, Class

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Certificat d'aptitude  
professionnelle  
Peinture en carrosserie

Three years of practice  
of the trade of  
automobile  
painter/confirmed  
automobile painter, but  
no less than 6,000 hours,  
after obtaining that diploma

Journeyman paint  
Class C

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O.C. 986-2011, s. 6.

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#### REFERENCES

R.R.Q., 1981, c. D-2, r. 45  
S.Q. 1981, c. 7, s. 536  
O.C. 2489-83, 1983 G.O. 2, 3936  
S.Q. 1986, c. 91, s. 655  
O.C. 491-89, 1989 G.O. 2, 1603 and 2097  
O.C. 229-90, 1990 G.O. 2, 560  
O.C. 148-91, 1991 G.O. 2, 1029  
O.C. 1124-92, 1992 G.O. 2, 4166  
O.C. 1367-93, 1993 G.O. 2, 5392  
O.C. 1495-94, 1994 G.O. 2, 4300  
O.C. 1169-95, 1995 G.O. 2, 2787  
O.C. 354-96, 1996 G.O. 2, 1698  
O.C. 1189-96, 1996 G.O. 2, 4078  
O.C. 631-98, 1998 G.O. 2, 2009  
O.C. 757-98, 1998 G.O. 2, 2216  
O.C. 1569-98, 1998 G.O. 2, 4815  
O.C. 1389-99, 1999 G.O. 2, 4652  
O.C. 560-2001, 2001 G.O. 2, 2282  
O.C. 1212-2003, 2003 G.O. 2, 3397  
O.C. 892-2004, 2004 G.O. 2, 2831  
O.C. 723-2005, 2005 G.O. 2, 3344  
O.C. 591-2010, 2010 G.O. 2, 1954  
O.C. 1063-2010, 2010 G.O. 2, 3869  
O.C. 986-2011, 2011 G.O. 2, 2662