

Decree respecting the automotive services industry in the Montréal region

R.R.Q., 1981, c. D-2, r. 46; O.C. 296-92, s. 1.

An Act respecting collective agreement decrees
(R.S.Q., c. D-2)

1.00. Definitions

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

- (1) "apprentice": employee who learns one of the trades for which the parity committee issues a qualification certificate;
- (2) "artisan": person working on his own account alone or in partnership and who performs work governed by the Decree for others;
- (3) "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;
- (4) "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;
- (5) "journeyman": employee whose duties are related mainly to maintenance, tests, inspections, repairs, alterations or other work of the same type, necessary or useful to keep a vehicle in good working order, and who has been qualified by the parity committee for one or more of the following trades related to the automobile industry: bodyman, electrician, general mechanic, painter, upholsterer, tune-up specialist, radiator repair specialist, gas welder, arc welding, trim man, alignment and suspension specialist, automatic transmission mechanic;
- (6) "spouse": means either of 2 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 one year or more;

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- (7) "dismantler": employee whose duties are related mainly to dismantling a vehicle for the purposes of selling or storing the parts;
- (8) "grade": period during which an employee acquires 2 000 hours of experience in one of the trades provided for in the Decree. Only the annual leave, the special leaves and the paid statutory general holidays are taken into account in the computation of hours of experience;
- (9) "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;
- (10) "washer": employee whose duties are related mainly to one or another of the following tasks: washing, cleaning, wiping or waxing vehicles or their parts, by hand or with machines;
- (11) "brake mechanic": employee whose main duty is to see that everything pertaining to the proper functioning of brakes is in good order. Before being classified as a brake mechanic, the employee must have completed 2 years as an apprenticed mechanic and then he may apply to take the examinations prepared by the parity committee;
- (12) "automatic transmission mechanic": journeyman whose duty is related mainly to repairing automatic transmissions;
- (13) "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;
- (14) "trim man": journeyman whose main duty is to installing safety belts, performing minor welding, performing minor paint touch-ups, replacing and adjusting and installing window and seat regulators that are manually or electrically operated, adjusting and repairing locks in general, adjusting the tops of convertible vehicles and repairing the related mechanism, locating and eliminating body noises, locating and eliminating water and dust infiltration, performing alignments on doors and windows, installing and aligning body mouldings, adjusting windows, doors, fenders, hoods and trunk doors, installing minor accessories on the vehicle required by the customer on buying the vehicle, installing or removing radios on vehicles, removing or installing the rear defroster, removing the mirror control, removing windshield wipers;
- (15) "alignment and suspension specialist": journeyman whose duties are related mainly to performing repairs involving the suspension and alignment of a vehicle;

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

(17) "service attendant": employee whose duties are related mainly to one or another of the following tasks:

(a) lubricating, changing oil, applying anti-rust, balancing wheels, installing, repairing or dismantling shock absorbers, windshield wipers, headlights, filters, tires, mufflers, and installing or boosting batteries on a vehicle;

(b) transporting customers only if he performs other tasks governed by the Decree;

(18) "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;

(19) "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 (R.S.Q.,c. C-24.2), excluding mopeds and motorcycles as defined in section 4 of that Code, an all-terrain vehicle as defined in section 1 of the Regulation respecting all-terrain vehicles (O.C. 58-88 of 13 January 1988), a snowmobile as defined in section 1 of the Regulation respecting snowmobiles (c. C-24, r. 21) and any other vehicle intended to be used off public roads owing to its nature, purpose or the operation of a law;

(20) "heavy road vehicle": a road vehicle whose net mass is 4 500 kg or more;

(21) «week»: a period of 7 consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day, according to the weekly pay period set by the employer and entered in the employer's registration system.

R.R.Q., 1981, c. D-2, r. 46, s. 1.01; S.Q., 1981, c. 7, s. 536; O.C. 1693-82, s. 2; S.Q., 1986, c. 91, s. 655; O.C. 296-92, s. 3; O.C. 632-98, s. 1; O.C. 1386-99, s. 2; O.C. 33-2007, s. 1.

1.02. Names of Contracting Parties

(1) Group representing the employer contracting party:

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

The Automobile Industries Association of Canada;

Association des spécialistes du pneu du Québec inc.;

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

Association des services de l'automobile;

Association des carrossiers professionnels du 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. 1386-99, s. 3; O.C. 889-2001, s. 1.

2.00. Jurisdiction

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 paragraph *a, b, c, 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 paragraph *a, b, c, 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.

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(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) work specified in subsection 1 performed on a vehicle leased for 12 months or less if the economic activity of the establishment where the work is performed consists solely in leasing motor vehicles; however, that work is governed by this Decree, when performed on a vehicle leased for more than 12 months;

(c) vulcanizing and retreading;

(d) 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 the same time, as a parts warehouse and as a parts shop.

R.R.Q., 1981, c. D-2, r. 46, s. 2.01; O.C. 296-92, s. 4; O.C. 355-96, s. 1; O.C. 1386-99, s. 5.

2.02. Territorial scope: This Decree applies to the employees and employers exercising their trade or having their establishment on the territory of the following municipalities: Baie-d'Urfé, Beaconsfield, Boucherville, Brossard, Candiac, Châteauguay, Côte-Saint-Luc, Delson, Dollard-des-Ormeaux, Dorval, Hampstead, L'Île Dorval, L'Île Perrot, Kirkland, La Prairie, Laval, Longueuil, Montréal, Montréal-Est, Montréal-Ouest, Mont-Royal, Notre-Dame-de-l'Île-Perrot, Pincourt, Pointe-Claire, Saint-Constant, Saint-Lambert, Sainte-Anne-de-Bellevue, Sainte-Catherine, Senneville, Terrasse-Vaudreuil, Varennes, Vaudreuil-Dorion and Westmount.

R.R.Q., 1981, c. D-2, r. 46, s. 2.02; O.C. 296-92, s. 5; O.C. 1386-99, s. 6; O.C. 33-2007, s. 2.

3.00. Working Hours

3.01. The standard workweek is 40 hours scheduled:

(1) from Monday to Friday, for the apprentice, journeyman, brake mechanic, automatic transmission mechanic, trim man and the alignment and suspension specialist;

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- (2) from Monday to Saturday, for the dismantler and the semiskilled worker;
- (3) over no more than 5 consecutive days in the same week for the parts clerk, the messenger, the washer, the service attendant and the pump attendant;
- (4) over no more than 6 consecutive days in the same week for all the 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.

R.R.Q., 1981, c. D-2, r. 46, s. 3.01.; O.C. 1386-99, s. 7; O.C. 33-2007, s. 3.

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. 46, s. 3.02; O.C. 1386-99, s. 7.

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. 46, s. 3.03; O.C. 296-92, s. 6; O.C. 1386-99, s. 7.

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

- (1) while available to the employer at the place of employment and required to wait for work to be assigned;
- (2) subject to section 3.03, during the break periods granted by the Act, the Decree and the employer;
- (3) when travel is required by the employer;
- (4) during any trial period or training required by the employer.

R.R.Q., 1981, c. D-2, r. 46, s. 3.04; O.C. 1693-82, s. 3; Erratum, 1982 G.O. 2, 2723; O.C. 1386-99, s. 7; O.C. 33-2007, s. 4.

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

R.R.Q., 1981, c. D-2, r. 46, s. 3.05; O.C. 296-92, s. 7; O.C. 1386-99, s. 7; O.C. 33-2007, s. 5.

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3.06. An employee may refuse to work :

- (1) more than 4 hours after regular daily working hours or more than 14 working hours per 24 hour period, whichever period is the shortest or;
- (2) for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24 hour period;
- (3) more than 50 working hours per week.

R.R.Q., 1981, c. D-2, r. 46, s. 3.06; O.C. 1386-99, s. 7; O.C. 33-2007, s. 6.

4.00. Overtime Hours

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. 46, s. 4.01; O.C. 1386-99, s. 7.

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

R.R.Q., 1981, c. D-2, r. 46, s. 4.02; O.C. 1386-99, s. 7.

4.03. Hours worked between 9.00 p.m. and 7:00 a.m. by employees, except for pump attendants and for employees specified in subsection 4 of section 3.01 entail a premium of 0,65 \$ of the hourly rate currently paid.

R.R.Q., 1981, c. D-2, r. 46, s. 4.03; O.C. 296-92, s. 10; O.C. 1386-99, s. 7; O.C. 889-2001, s. 2.

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5.00. Recall to Work

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. 46, s. 5.01; O.C. 296-92, s. 12; O.C. 1386-99, s. 7.

6.00. Statutory General Holidays

6.01. The following days are statutory general holidays, regardless of the day of the week with which they coincide:

- (1) 1 and 2 January;
- (2) Good Friday or Easter Monday, at the option of the employer;
- (3) the Monday preceding 25 May;
- (4) 1 July, or 2 July where the 1st falls on a Sunday;
- (5) the first Monday in September;
- (6) the second Monday in October;
- (7) 25 and 26 December.

Editor's note: for the National Holiday refer to section 6.06.

R.R.Q., 1981, c. D-2, r. 46, s. 6.01; O.C. 1386-99, s. 7; O.C. 33-2007, s. 9.

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6.02. To be entitled to a statutory general holiday provided for in section 6.01, an employee must have worked on the last working day preceding the holiday and the first working day following that holiday, unless the employee is authorized to be absent in accordance with the Decree, with the Act or by his employer, or unless he is absent for a valid reason and receives no indemnity from the Commission de la santé et de la sécurité du travail.

An employee who 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 48 hours preceding or following the other holidays provided for in section 6.01, is entitled to a statutory general holiday provided for in 6.01 if he worked on the last working day preceding the holiday and the first working day following it.

R.R.Q., 1981, c. D-2, r. 46, s. 6.02; O.C. 296-92, s. 15; O.C. 1386-99, s. 7; O.C. 33-2007, s. 10.

6.03. The employer must pay to an employee who is entitled to a holiday provided for in section 6.01:

(1) an indemnity equal to 1/20 of the wages earned during the 4 complete weeks of pay preceding the week of the holiday, excluding overtime, where the holiday coincides with a non-working day for the employee;

(2) an indemnity equal to the remuneration he would have received if he had been at work, where the holiday coincides with a working day for the employee: however, for an employee credited with less than 20 days of uninterrupted service in the undertaking, the indemnity will be calculated in accordance with the terms and conditions of subparagraph 1.

However, for an employee provided for in the second paragraph of section 6.02, the indemnity is equal to 1/20 of the wages earned during the four complete pay weeks preceding his layoff.

R.R.Q., 1981, c. D-2, r. 46, s. 6.03; O.C. 296-92, s. 16; O.C. 1386-99, s. 7; O.C. 33-2007, s. 11.

6.04. An employee who works on one of the holidays provided for in section 6.01 is paid for the hours worked at his wage currently paid, as well as receiving the indemnity for that holiday.

R.R.Q., 1981, c. D-2, r. 46, s. 6.04; O.C. 1693-82, s. 5; O.C. 296-92, s. 17; O.C. 1386-99, s. 7.

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 a compensatory holiday of one day on a date agreed upon between the employer and the employee.

R.R.Q., 1981, c. D-2, r. 46, s. 6.05; O.C. 1693-82, s. 5; O.C. 1386-99, s. 7.

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6.06. St. John the Baptist's Day is a statutory general holiday under the National Holiday Act (R.S.Q., c. F-1.1).

R.R.Q., 1981, c. D-2, r. 46, s. 6.06; O.C.1693-82, s. 6; O.C. 296-92, s. 18; O.C. 1386-99, s. 7.

7.00. Annual Leave with Pay

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. 46, s. 7.01; O.C. 1693-82, s. 9; O.C. 296-92, s. 23; O.C. 1386-99, s. 7.

7.02. An employee who, at the end of a reference year, is credited with less than one 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 one 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. 46, s. 7.02; O.C. 296-92, s. 23; O.C. 1386-99, s. 7.

7.03. An employee who, at the end of a reference year, is credited with one 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.

An employee is also entitled, if he applies therefore, to an additional annual leave without pay equal to the number of days required to increase his annual leave to 3 weeks. Such additional leave need not follow immediately a leave provided for in the first paragraph and, notwithstanding sections 7.07 and 7.10, it may not be divided, or be replaced by a compensatory indemnity.

R.R.Q., 1981, c. D-2, r. 46, s. 7.03; O.C. 1386-99, s. 7; O.C. 33-2007, s. 13.

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7.04. The 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. 46, s. 7.04; O.C. 296-92, s. 24; O.C. 1386-99, s. 7.

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. 46, s. 7.05; O.C. 1693-82, s. 10; O.C. 296-92, s. 25; O.C. 1386-99, s. 7.

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

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

In addition, if at the end of the 12 months following 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 so deferred, the employer must pay the indemnity for the annual leave to which the employee is entitled.

Any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.

R.R.Q., 1981, c. D-2, r. 46 s. 7.06; O.C. 1693-82, s. 11; O.C. 296-92, s. 26; O.C. 1386-99, s. 7; O.C. 33-2007, s. 15.

7.07. The annual leave may be divided into 2 periods where so requested by the employee. However, the employer may refuse the 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 one week cannot be divided.

R.R.Q., 1981, c. D-2, r. 46, s. 7.07; O.C. 296-92, s. 27; O.C. 1386-99, s. 7.

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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.

O.C. 1693-82, s. 12; O.C. 1386-99, s. 7.

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 shall correspond to the fraction of the annual leave.

O.C. 1693-82, s. 12; O.C. 1386-99, s. 7.

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 if the establishment closes for 2 weeks on the occasion of the annual leave.

O.C. 1386-99, s. 7.

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 2, 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. 1386-99, s. 7; O.C. 33-2007, s. 15.

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. 1386-99, s. 7.

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. 33-2007, s. 16.

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8.00. Absences and Special Leaves

8.01. An employee may be absent from work for 3 days, without reduction of wages, by reason of the death or the funeral of his spouse, his child or the child of his spouse, or of his father, mother, brother or sister. He may also be absent from work, without pay, for 2 more days on such occasion.

R.R.Q., 1981, c. D-2, r. 46, s. 8.01; S.Q., 1985, c. 6, s. 477; O.C. 1386-99, s. 7.

8.02. An employee may be absent from work for 1 day, without reduction of wages, by reason of the death or funeral of a son-in-law, daughter-in-law, one of his grandparents or grandchildren, or of the father, mother, brother or sister of his spouse.

R.R.Q., 1981, c. D-2, r. 46, s. 8.02; O.C. 1386-99, s. 7.

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

R.R.Q., 1981, c. D-2, r. 46, s. 8.03; O.C. 296-92, s. 28; O.C. 1386-99, s. 7.

8.04. An employee may be absent from work for 1 day, without reduction of wages, on the day of his wedding or civil union.

An employee may also be absent from work, without pay, on the day of the wedding or civil union of one of his children, of his father, mother, brother or sister or of a child of his spouse.

The employee must advise his employer of his absence not less than 1 week in advance.

R.R.Q., 1981, c. D-2, r. 46, s. 8.04; O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 18.

8.05. An employee may be absent from work for 5 days by reason of the birth of his child, the adoption of a child or where there is a termination of pregnancy in or after the twentieth week of pregnancy. The first 2 days of absence are remunerated if the employee is credited with 60 days of uninterrupted service.

This 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 a termination of pregnancy, as the case may be.

The employee must advise his employer of his absence as soon as possible.

However, an employee who adopts the child of his spouse may be absent from work for only 2 days, without pay.

R.R.Q., 1981, c. D-2, r. 46, s. 8.05; O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 19.

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8.06. An employee may be absent from work, without pay, for 10 days per 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 the employer of his absence as soon as possible and take the reasonable steps within his power to limit the leave and the duration of the leave.

R.R.Q., 1981. c. D-2, r. 46, s. 8.06; O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.07. An employee who is credited with three months of uninterrupted service may be absent from work, without pay, for a period of not more than 26 weeks over a period of 12 months, owing to sickness or accident.

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 (A-3. 001).

R.R.Q., 1981. c. D-2, r. 46, s. 8.07; O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.08. In the case provided for in section 8.07, an employee must advise the employer as soon as possible of an absence from work and give the reasons therefore.

R.R.Q., 1981. c. D-2, r. 46, s. 8.08; O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.09. An employee's participation in the group insurance and pension plans recognized in the employee's place of employment shall not be affected by the absence from work provided for in section 8.07, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.10. At the end of the absence provided for in section 8.07, the employer shall 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 shall 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.

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

O.C. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.11. 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. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.12. This division shall 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. 296-92, s. 28; O.C. 1386-99, s. 7; O.C. 33-2007, s. 20.

8.13. 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, his mother, his brother, his 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 shall end at the latest 104 weeks after the beginning thereof. Section 8.09, the first paragraph of section 8.10 and sections 8.11 and 8.12 apply, with the necessary modifications, to the employee's absence.

O.C. 33-2007, s. 20.

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9.00. Wages

9.01. The minimum hourly wage rates are as follows:

Trades	As of January 31, 2007	As of January 31, 2008	As of January 31, 2009
Apprentice:			
1 st year	\$10.16	\$10.67	\$11.09
2 nd year	\$11.00	\$11.55	\$12.01
3 rd year	\$12.00	\$12.60	\$13.10
Journeyman:			
first class	\$17.83	\$18.72	\$19.47
second class	\$15.47	\$16.24	\$16.89
third class	\$14.32	\$15.04	\$15.64
Parts clerk:			
level A	\$13.56	\$14.24	\$14.81
level B	\$12.78	\$13.42	\$13.96
level C	\$11.43	\$12.00	\$12.48
level D	\$11.00	\$11.55	\$12.01
Messenger:			
level A	\$9.00	\$9.45	\$9.83 *
level B	\$8.50	\$8.93	\$9.28 *
Dismantler:			
1 st grade	\$9.52	\$10.00	\$10.40
2 nd grade	\$10.16	\$10.67	\$11.09
3 rd grade	\$11.02	\$11.57	\$12.03
Washer	\$8.59	\$9.02	\$9.38 *
Brake mechanic	\$11.02	\$11.57	\$12.03
Semiskilled worker:			
1 st grade	\$9.52	\$10.00	\$10.40
2 nd grade	\$10.16	\$10.67	\$11.09
3 rd grade	\$11.02	\$11.57	\$12.03
Pump attendant	\$8.00	\$8.40	\$8.74 *
Service attendant:			
1 st grade	\$9.08	\$9.53	\$9.92
2 nd grade	\$10.23	\$10.74	\$11.17
3 rd grade	\$11.66	\$12.24	\$12.73
Alignment and suspension specialist, trim man and automatic transmission mechanic:			
first class	\$17.83	\$18.72	\$19.47
second class	\$15.47	\$16.24	\$16.89
third class	\$14.32	\$15.04	\$15.64

* The general minimum wage will increase to \$9.65 an hour on May 1, 2011 and to \$9.90 an hour on May 1, 2012. Consequently, all minimum hourly wage rates of the Decree that are less than \$9.90 must be increased.

R.R.Q., 1981, c. D-2, r. 46, s. 9.01; O.C. 296-92, s. 29; O.C. 1386-99, s. 7; O.C. 33-2007, s. 21.

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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. 46, s. 9.02; O.C. 296-92, s. 29; O.C. 1386-99, s. 7.

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. Such pay sheet must include, in particular, the following information, where applicable:

- (1) the name of the employer;
- (2) the surname and given 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 the current rate;
- (6) the number of hours of overtime paid, cumulated or replaced by a leave with the applicable premium;
- (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 the deductions effected;
- (11) the amount of the net wages paid to the employee.

R.R.Q., 1981, c. D-2, r. 46, s. 9.03; O.C. 296-92, s. 29; O.C. 1386-99, s. 7.

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9.04. The hourly wage rates provided for in section 9.01 are minimum hourly rates. 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. 46, s. 9.04; O.C. 296-92, s. 29; O.C. 1386-99, s. 7.

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. 46, s. 9.05; O.C. 296-92, s. 29; O.C. 1386-99, s. 7.

9.06. Acceptance of a pay sheet by an employee 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. 46, s. 9.06; O.C. 296-92, s. 29; O.C. 1386-99, s. 7.

9.07. No employer may make deductions from wages unless 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 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 a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.

O.C. 1386-99, s. 7; O.C. 33-2007, s. 22.

9.08. Any gratuity or tip paid directly or indirectly by a patron to an employee who provided the service belongs to the employee of right and must not be mingled with the wages that are otherwise due to the employee. The employer must pay at least the prescribed minimum wage to the employee without taking into account any gratuities or tips the employee receives.

Any gratuity or tip collected by the employer shall be remitted in full to the employee who rendered the service. The words gratuity and tip include service charges added to the patron's bill but do not include any administrative costs added to the bill.

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The employer may not impose an arrangement to share gratuities or a tip-sharing arrangement. Nor may the employer intervene, in any manner whatsoever, in the establishment of an arrangement to share gratuities or a tip-sharing arrangement. Such an arrangement must result solely from the free and voluntary consent of the employees entitled to gratuities or tips.

No employer may require an employee to pay credit card costs.

O.C. 1386-99, s. 7; O.C. 33-2007, s. 22.

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 permanently assigned 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. 1386-99, s. 7.

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. 1386-99, s. 7.

9.11. The provisions of the Decree must not be less than those provided for in the Act respecting labour standards. The minimum hourly wage rates provided for in the Decree must not be less than the rate the employee would receive if he were remunerated in accordance with the Regulation respecting labour standards (c. N-1.1, r. 3).

O.C. 1386-99, s. 7; O.C. 33-2007, s. 23.

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. 33-2007, s. 23.

9.13. No employer may remunerate an employee at a lower rate of wage than that granted to other employees performing the same tasks in the same establishment for the sole reason that the employee usually work less hours each week.

O.C. 33-2007, s. 23.

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10.00. Conditions of admission and qualification, *prorata* of apprentices and recognition of qualification certificates

10.01. The duration of apprenticeship is 3 years. Upon his entry into the industry subject to this Decree, the apprentice shall register with the parity committee so that a record of his experience and of his various terms of apprenticeship can be made. No employer may hire an apprentice who has not complied with this provision.

R.R.Q., 1981, c. D-2, r. 46, s. 10.01.

10.02. To be admitted, the apprentice must have completed his 16 year of age and must have passed the aptitude and vocational guidance test required by the parity committee. Admission is subject to the final decision of the committee. An appeal from the committee's decision may be made to the Minister of Employment.

R.R.Q., 1981, c. D-2, r. 46, s. 10.02; S.Q., 1982, c. 53, s. 56; S.Q., 1994, c. 12, s. 70.

10.03. At the end of his apprenticeship, as well as at the end of each stage of apprenticeship, the apprentice must come before the board of examiners of the parity committee and sit for the examination required, either to qualify for the following stage of apprenticeship or to obtain his competency certificate, as the case may be.

R.R.Q., 1981, c. D-2, r. 46, s. 10.03.

10.04. At the end of their studies in the automobile section of a school of specialized training of the Ministère de l'Éducation, students receive an apprenticeship credit based on the number of years' study and their examination results.

R.R.Q., 1981, c. D-2, r. 46, s. 10.04.

10.05. A journeyman with a third or second class certificate may, once he has held this certificate for at least 12 months, sit for an examination to obtain a competency certificate in the next higher class.

R.R.Q., 1981, c. D-2, r. 46, s. 10.05.

10.06. For each trade in which an employer employs journeymen, the employer is entitled to accept one apprentice per journeyman. Apprentices work the same hours and in the same building as journeymen.

R.R.Q., 1981, c. D-2, r. 46, s. 10.06; O.C. 33-2007, s. 24.

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10.07. The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraph 5 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 by this Decree or by 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 third class certificate to the holder referred to in the first and second paragraphs.”.

SCHEDULE I (s. 10.07)

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

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

D. 591-2010, a. 11. O.C. 986-2011 s. 10.07.

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11.00. Classification of the Parts Clerk and the Messenger

11.01. The parts clerk who has completed 2 years as a parts clerk level B, in the sale or distribution of vehicle parts, accessories or tires is classed level A.

The parts clerk who has completed 2 years as a parts clerk level C, in the sale or distribution of vehicle parts, accessories or tires is classed level B.

The parts clerk who has completed 2 years as a parts clerk level D, in the sale or distribution of vehicle parts, accessories or tires is classed level C.

The parts clerk is classed level D on being assigned to that occupation.

R.R.Q., 1981, c. D-2, r. 46, s. 11.01; O.C. 1501-90, s. 1; O.C. 1426-91, s. 1; O.C. 296-92, s. 30; O.C. 426-93, s. 1; O.C. 305-94, s. 1; O.C. 235-95, s. 1; O.C. 272-96, s. 1; O.C. 632-98, s. 4; O.C. 1386-99, s. 8.

11.02. The messenger is classed level B for the first two years in that occupation; he is classed level A thereafter.

R.R.Q., 1981, c. D-2, r. 46, s. 11.02; S.Q., 1982, c. 53, s. 56; O.C. 1386-99, s. 8.

12.00. Notice of Termination of Employment or Layoff, and Work Certificate

12.01. 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.

The notice of termination of employment given to an employee during the period when he is laid off is absolutely 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.

O.C. 1386-99, s. 8; O.C. 33-2007, s. 25.

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12.02. Section 12.01 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 superior force.

O.C. 1386-99, s. 8, O.C. 33-2007, s. 26.

12.03. The employer who does not give the notice prescribed in section 12.01 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.

O.C. 1386-99, s. 8.

12.04. 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. 1386-99, s. 8.

13.00. Special Clothing

13.01. An employer requiring the wearing of a uniform or special clothing identified or not with the employer's establishment must supply it free of charge to an employee and cannot deduct any amount from the employee's wage or require an amount of money from the employee for the purchase, use or maintenance of that uniform or special clothing.

O.C. 1386-99, s. 8; O.C. 33-2007, s. 27.

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14.00. Duration of the Decree

14.01. The Decree remains in force until 22 December 2001. It is automatically renewed from year to year, unless the group comprising the employer contracting party or the union contracting party opposes it by sending a written notice to the Minister of State for Labour and Employment and Minister of Labour and to all the contracting parties comprising the other group, during the month of June 2001 or during the month of June of any subsequent year.

O.C. 1386-99, s. 8.

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

Editor's note: the decree O.C. 33-2007 was published in the Gazette officielle du Québec on January, 31st 2007.

R.R.Q., 1981, c. D-2, r. 46
O.C. 1283-82, 1982 G.O. 2, 1736; Suppl 455
O.C. 1693-82, 1982 G.O. 2, 1991 and 2723; Suppl 456
O.C. 1501-90, 1990 G.O. 2, 2606
O.C. 1426-91, 1991 G.O. 2, 4186
O.C. 296-92, 1992 G.O. 2, 1108
O.C. 426-93, 1993 G.O. 2, 1920
O.C. 305-94, 1994 G.O. 2, 1183
O.C. 1714-94, 1994 G.O. 2, 4636
O.C. 235-95, 1995 G.O. 2, 792
O.C. 272-96, 1996 G.O. 2, 1536
O.C. 355-96, 1996 G.O. 2, 1699
O.C. 632-98, 1998 G.O. 2010
O.C. 757-98, 1998 G.O. 2, 2216
O.C. 1569-98, 1998 G.O. 2, 4815
O.C. 1386-99, 1999 G.O. 2, 4626
O.C. 889-2001, 2001 G.O. 2, 4008
O.C. 33-2007, 2007 G.O. 2, 549 eff. January 31st, 2007.
D. 591-2010, 2011 G.O. 2, 2908
O.C. 986-2011 s. 10.07.

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