

Office Edition



**Act respecting labour
standards and regulations**



National Holiday Act



**Human Resource
Management Guide**

Office Edition



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National Holiday Act

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Management Guide**

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NOTE TO THE READER

This latest Office Edition contains an updated version of the Act respecting labour standards, its regulations and the National Holiday Act.

As far as possible, the presentation used in the Revised Statutes of Québec has been respected. Every section of the legislative texts is followed by a reference, which indicates whether or not that section has been amended. For example, reference “1978, c. 5, s. 5; 1979, c. 45, s. 166” means that section 5 of chapter 5 of Statutes of 1978 (s. 5 of the National Holiday Act) has been amended by section 166 of chapter 45 of the Statutes of 1979 (s. 166 of the Act respecting labour standards). Furthermore, as in the Revised Statutes of Québec, the notes “section omitted” and “this provision amends c. ...” replace the texts of sections that were of no help in understanding our legislation.

However, as this is an Office Edition, “editor’s notes” have been inserted in the legislative texts, when we deemed it relevant.

Official documents have been consulted for the preparation of this edition: the Revised Statutes and Regulations of Québec, the *Gazette officielle*, the Répertoire législatif de l’Assemblée nationale, etc. However, this Office Edition has no legal value on which decisions of a legal nature can be based. For such decisions, the official texts of the laws and regulations concerned must be used.

But first, we have included the Human Resource Management Guide, a reference tool intended especially for employers.

Commission des normes du travail

September 2003

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Human Resource Management Guide

Part I

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- **H**IRING A **N**EW **E**MPLOYEE
- **W**HILE THE **E**MPLOYEE IS
WORKING
- **W**HEN AN **E**MPLOYEE **L**EAVES
OR IS **D**ISMISSED

Presentation

If your employees are governed by all or part of the Act respecting labour standards, the Human Resources Management Guide is required reading.

It will guide you in carrying out the various procedures involved in managing human resources and help you to verify, step by step, whether or not you comply with the Act. Of course, the agreement that has bound you and your employees may include conditions of employment that are superior to those set out in the Act.

The Human Resource Management Guide contains references to the Act respecting labour standards and its attendant regulations and to the National Holiday Act. It will make consulting this Office Edition easier.

Moreover, if you are an employer in the sectors of the men's and boys' shirt industry, women's clothing industry, men's clothing industry and leather glove industry, you also have obligations that are mentioned in the Regulation respecting minimum labour standards in certain sectors of the clothing industry. This Regulation establishes labour standards dealing with the minimum hourly wage rate, the duration of the regular workweek, statutory holidays, the annual leave, meal periods and leaves for family events.

Administrative Instruments

When you start up a business, you must, among other things, register with the ministère du Revenu du Québec.

To manage your business in accordance with the Act respecting labour standards, you must have certain administrative instruments prescribed by this Act.

You must:

- set up a registration system or keep a register showing information, for each of your employees, on some twenty different items (Regulation respecting a registration system or the keeping of a register and report transmissal);
- be able to issue pay sheets to your employees containing enough information for them to check how their wages have been calculated (Act respecting labour standards, ss. 46 to 49);
- be prepared to issue written notices of termination of employment or of layoff for six months or more (Act respecting labour standards, ss. 82 to 83.2) and in the case of collective dismissals, issue the required notice to the Minister (Act respecting labour standards, ss. 84.0.1 to 84.0.15);
- be able to issue a work certificate to an employee who requests one on leaving his job (Act respecting labour standards, s. 84).

The employer subject to the Act and who has employees working in Québec must pay a contribution to the Minister of Revenue, unless he is explicitly exempted therefrom under section 39.0.1 of the Act respecting labour standards. An employer who is subject to the Act must file each year a statement using the prescribed form and send it the ministère du Revenu du Québec (ss. 39.0.1 to 39.0.4 of the Act respecting labour standards).



Hiring a New Employee

There are a number of points that should be clarified whenever you hire a new employee. These points involve such matters as wages, working hours, leaves and absences.

With regard to wages, it is important to:

- tell the employee what his wage rate will be and specify how he will be paid: by the hour, by the week, by commission, on the basis of production or otherwise (Regulation respecting labour standards, ss. 2 to 4);
- determine the mode of payment: cash, cheque or bank transfer (Act respecting labour standards, s. 42);
- explain to the employee how gratuities will be distributed, if you collect them for him and the existence of a tip sharing arrangement where applicable (Act respecting labour standards, ss. 50 and 50.1);
- decide what deductions will be made from the employee's wages and, if necessary, obtain written authorization from him (Act respecting labour standards, s. 49);
- specify, if necessary, the amount that will have to be paid for room and board (Regulation respecting labour standards, ss. 6 and 7; Act respecting labour standards, s. 51.0.1);
- tell the employee how long each pay period will be (Act respecting labour standards, s. 43).

With regard to working hours, it is also a good idea to tell the employee everything he needs to know about his regular work schedule and overtime. In particular, you must:

- establish his work schedule and specify in particular the length of the meal period, the length of coffee breaks and other breaks, if any (Act respecting labour standards, ss. 57, 58 and 79);
- establish the length of a regular workweek (Act respecting labour standards, ss. 52 and 53; Regulation respecting labour standards, ss. 9 to 13; Order respecting the retail food trade);
- tell the employee whether the standard pertaining to the number of hours in a regular workweek applies to him (Act respecting labour standards, s. 54);
- tell him whether he might be called upon to work overtime (Act respecting labour standards, ss. 55 and 56);
- remember that an employee may refuse to work beyond his normal working hours (Act respecting labour standards, s. 59.0.1);

- determine which day(s) will correspond to the weekly rest period (Act respecting labour standards, s. 78).

When you hire a new employee, you must also clarify certain questions related to leaves and authorized absences. You must:

- tell the employee what reference year is in force in the enterprise (Act respecting labour standards, s. 66);
- specify whether the enterprise shuts down during the holiday period (Act respecting labour standards, ss. 71 and 73);
- draw up a list of statutory holidays that employees may take (Act respecting labour standards, s. 60; National Holiday Act, s. 2);
- check the circumstances under which an employee may be absent from work with or without pay for family or parental matters (Act respecting labour standards, ss. 79.7 to 81.17) or owing to sickness or accident (Act respecting labour standards, ss. 79.1 to 79.6).

■ ■ ■

While the Employee is Working

When you hired your new employee, you dealt with questions related to wages, working hours, leaves and absences. Now that he is on the job, you will have to comply with the terms and conditions of payment that you have agreed on. You will also have to apply the various provisions governing statutory holidays, the paid annual leave, maternity leave, parental leave and psychological harassment⁽¹⁾ in the Act respecting labour standards and the National Holiday Act.

With regard to statutory holidays and the National Holiday, you must:

- determine whether the employee meets the eligibility criteria (Act respecting labour standards, ss. 59.1 and 65; National Holiday Act, ss.16 and 17);
- decide whether you will grant a compensatory holiday or pay a compensatory indemnity to an employee who is required to work on a statutory holiday or on the National Holiday (Act respecting labour standards, s. 63; National Holiday Act, s. 5);
- decide whether you will grant a compensatory holiday or pay a compensatory indemnity to an employee who is on his annual leave at the time of a statutory holiday or the National Holiday (Act respecting labour standards, s. 64; National Holiday Act, s. 6);
- calculate the statutory holiday and National Holiday indemnity due to the employee, where applicable (Act respecting labour standards, s. 62; National Holiday Act, s. 4).

With regard to the paid annual leave, you must:

- determine whether the employee is entitled to the leave (Act respecting labour standards, s. 77);
- calculate the number of days to which the employee is entitled (Act respecting labour standards, ss. 67 to 69);
- set the date of his annual leave and notify the employee at least four weeks ahead of time (Act respecting labour standards, ss. 70 and 72);
- calculate the indemnity related to the leave (Act respecting labour standards, ss. 74 and 75).

With regard to maternity leave, you must:

- remember that the employee may be absent from work without pay for examinations related to her pregnancy (Act respecting labour standards, s. 81.3);

⁽¹⁾ Provisions in force on June 1, 2004.

- confirm, with the employee, how long she will be on maternity leave, when she intends to leave work, and when she intends to return to work (Act respecting labour standards, ss. 81.4 to 81.6);
- remember that the employee may be entitled, in some cases, to a special maternity leave (Act respecting labour standards, ss. 81.5.1 to 81.5.3);
- remember that, in some cases, you may require an employee to produce a medical certificate stating that she is fit to work (Act respecting labour standards, ss. 81.8 and 81.9);
- plan to reinstate the employee in her former position, with the same benefits, when she returns to work (Act respecting labour standards, s. 81.15.1).

With regard to a parental leave, you must:

- determine whether the employee meets the eligibility criteria (Act respecting labour standards, s. 81.10);
- check, with the employee, if he wishes to avail himself of the parental leave, confirm the duration thereof, where applicable, as well as when he will be leaving and when he expects to return to work (Act respecting labour standards, ss. 81.11 to 81.14);
- remember that you must reinstate the employee in his former position with the same benefits at the end of a parental leave (Act respecting labour standards, s. 81.15.1).

As for the psychological harassment⁽¹⁾, you must:

- see to it that the employee's work environment is free from psychological harassment (Act respecting labour standards, ss. 81.18 and 81.19);
- take reasonable steps to ensure that the employee's right in the field of psychological harassment is respected (Act respecting labour standards, s. 81.19);
- remember that the foregoing provisions and the related recourses for sections 123.7, 123.15 and 123.16 are deemed to form an integral part of every collective agreement (Act respecting labour standards, s. 81.20);
- remember that an employee referred to in any collective agreement must exercise the recourses provided for therein, insofar as such a recourse exists for him (Act respecting labour standards, s. 81.20).

⁽¹⁾ Provisions in force on June 1, 2004.



When an Employee Leaves or is Dismissed

If one of your employees resigns or you cancel the contract of employment of an employee, you must apply certain standards and procedures in order to comply with the Act respecting labour standards.

You must:

- issue the employee a work certificate if he asks for one (Act respecting labour standards, s. 84);
- give the employee written notice, within a certain time limit, if you are dismissing him, laying him off permanently or are laying him off for a period of six months or more (Act respecting labour standards, ss. 82 to 83.2);
- give the notices within the required time periods before making a collective dismissal (Act respecting labour standards, ss. 84.0.4 to 84.0.7 and 84.0.13);
- pay the employee, when he leaves, a severance indemnity to compensate for the paid annual leave to which he is entitled and from which he has not benefitted (Act respecting labour standards, s. 76);
- remember that, in certain cases, you may not dismiss, suspend or transfer an employee or practice discrimination or take reprisals against him (Act respecting labour standards, ss. 122, 122.1 and 123.1);
- remember that an employee who is credited with two years of uninterrupted service may file a complaint with the Commission des normes du travail if he feels that he has been dismissed without good and sufficient cause (Act respecting labour standards, s. 124);
- remember that an employee who believes that he was the victim of psychological harassment can file a complaint with the Commission des normes du travail⁽¹⁾ (Act respecting labour standards, ss. 123.6 and 123.7);
- remember that complaints for a prohibited practice, psychological harassment⁽¹⁾ and a dismissal not made for good and sufficient cause may be heard by the Commission des relations du travail (Act respecting labour standards, ss. 123.4, 123.9, 123.12 and 126);
- remember that an employee can be represented before the Commission des relations du travail by the Commission des normes du travail in cases involving complaints related to a prohibited practice, psychological harassment⁽¹⁾ and a dismissal not made for good and sufficient cause (Act respecting labour standards, ss. 123.5, 123.13 and 126.1).

⁽¹⁾ Provisions in force on June 1, 2004.

An Act respecting labour standards

Part II

- **P**RESENTATION
- **A**CT RESPECTING LABOUR
STANDARDS

PRESENTATION

The Act respecting labour standards was assented to on June 22, 1979. It was then amended several times and occasionally with the sole purpose of ensuring some concordance with various pieces of legislation.

The Act respecting labour standards entered into force on April 16, 1980 with the exception of section 75, which entered into force on April 1, 1981, and a few provisions mentioned as “not in force” in this document. These provisions will enter into force on the date or dates that will be determined by government proclamation.

The Act respecting labour standards was amended by the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80) assented to on December 19, 2002. The version that we are presenting takes into account the amendments that were made to the Act and that are indicated by a grey line.

CHAPTER N-1.1

ACT RESPECTING LABOUR STANDARDS

CHAPTER 1

DEFINITIONS

Interpretation	1. In this Act, unless the context indicates a different meaning,
“delivery”	(1) “ delivery ” means the natural or the lawfully, medically induced end of a pregnancy by child-birth, whether or not the child is viable;
“Commission”	(2) “ Commission ” means the Commission des normes du travail established under section 4;
“spouse”	(3) “ spouse ” means either of two persons who - are married or in a civil union and cohabiting; - 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; - are of opposite sex or the same sex and have been living together in a de facto union for one year or more;
“agreement”	(4) “ agreement ” means an individual contract of employment, a collective agreement within the meaning of paragraph e of section 1 of the Labour Code (chapter C-27) or any other agreement relating to conditions of employment, including a Government regulation giving effect thereto;
“decree”	(5) “ decree ” means a decree adopted under the Act respecting collective agreement decrees (chapter D-2);
“domestic”	(6) “ domestic ” means an employee in the employ of a natural person whose main function is the performance of domestic duties in the dwelling of that person, including an employee whose main function is to take care of or provide care to a child or to a sick, handicapped or aged person and to perform domestic duties in the dwelling that are not directly related to the immediate needs of the person in question;
“employer”	(7) “ employer ” means any person who has work done by an employee;
“Minister”	(8) “ Minister ” means the Minister of Labour;
“wages”	(9) “ wages ” means a remuneration in currency and benefits having a pecuniary value due for the work or services performed by an employee;
“employee”	(10) “ employee ” means a person who works for an employer and who is entitled to a wage; this word also includes a worker who is a party to a contract, under which he or she - undertakes to perform specified work for a person within the scope and in accordance with the methods and means determined by that person; - undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and - keeps, as remuneration, the amount remaining to him or her from the sum he or she has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract;
“week”	(11) “ week ” means a period of seven consecutive days from midnight at the beginning of a particular day to midnight at the end of the seventh day;
“uninterrupted service”	(12) “ uninterrupted service ” means 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.

1979, c. 45, s. 1; 1981, c. 9, s. 34; 1982, c. 53, s. 57; 1990, c. 73, s. 1; 1992, c. 44, s. 81; 1994, c. 12, s. 49; 1996, c. 29, s. 43, subp. 18; 1999, c. 14, s. 15; 2002, c. 6, s. 144.

CHAPTER II

SCOPE

Applicability	2. This Act applies to the employee regardless of where he works. It also applies: (1) to the employee who performs work both in Québec and outside Québec for an employer whose residence, domicile, undertaking, head office or office is in Québec; (2) to the employee domiciled or resident in Québec who performs work outside Québec for an employer contemplated in paragraph 1; (3) <i>(Paragraph repealed)</i>.
Is binding on the state	This Act is binding on the state.

1979, c. 45, s. 2; 1990, c. 73, s. 2; 1999, c. 40, s. 196; 2002, c. 80, s. 1.

Applicability	3. This act does not apply: (1) <i>(Paragraph repealed)</i>. (2) to an employee whose exclusive duty, in a dwelling, is to take care of or provide care to a child or to a sick, handicapped or aged person, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if that work does not serve to procure profit to the employer, subject to any regulation made under the second paragraph of section 90; (3) to an employee governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), except the standards prescribed by sections 81.1 to 81.17 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I and II of Chapter V, and Chapter VII; (4) to the employee contemplated in subparagraphs i, ii and iii of paragraph 10 of section 1 if the Government, by regulation pursuant to another act, establishes the remuneration of that employee or the tarif that is applicable to him; (5) to a student who works during the school year in an establishment selected by an educational institution pursuant to a job induction programme approved by the ministère de l'Éducation or the ministère de l'Enseignement supérieur et de la Science; (6) to senior managerial personnel, except the standards prescribed by sections 81.1 to 81.17 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I and II of Chapter V, and Chapter VII. (IN FORCE UNTIL MAY 31, 2004)
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1979, c. 45, s. 3; 1980, c. 5, s. 1; 1985, c. 21, s. 74; 1986, c. 89, s. 50; 1988, c. 41, s. 88; 1990, c. 73, s. 3; 1992, c. 68, s. 157; 1993, c. 51, s. 43; 1994, c. 16, s. 50.

Applicability	3. This act does not apply: (1) <i>(Paragraph repealed)</i>. (2) to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, if the employee's duty is performed on an occasional basis, unless the work serves to procure profit to the employer, or if the employee's duty is performed solely within the context of assistance to family or community help; (3) to an employee governed by the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), except the standards prescribed by sections 79.7, 79.8, 81.1 to 81.20 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII; (4) to the employee contemplated in subparagraphs i, ii and iii of paragraph 10 of section 1 if the Government, by regulation pursuant to another act, establishes the remuneration of that employee or the tarif that is applicable to him;
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SECTION 3.1

(5) to a student who works during the school year in an establishment selected by an educational institution pursuant to a job induction programme approved by the ministère de l'Éducation or the ministère de l'Enseignement supérieur et de la Science;

(6) to senior managerial personnel, except the standards prescribed by sections 79.7, 79.8, 81.1 to 81.20 and, where they relate to any of those standards, the second, third and fourth paragraphs of section 74, paragraph 6 of section 89, Division IX of Chapter IV, Divisions I, II and II.1 of Chapter V, and Chapter VII.

(IN FORCE ON JUNE 1, 2004)

1979, c. 45, s. 3; 1980, c. 5, s. 1; 1985, c. 21, s. 74; 1986, c. 89, s. 50; 1988, c. 41, s. 88; 1990, c. 73, s. 3; 1992, c. 68, s. 157; 1993, c. 51, s. 43; 1994, c. 16, s. 50; 2002, c. 80, s. 2.

Applicability to the
Government

3.1. Notwithstanding sections 2 and 3, Division VI.1 of Chapter IV and sections 122.1 and 123.1 apply to all employees and to all employers.

(IN FORCE UNTIL MAY 31, 2004)

1982, c. 12, s. 1; 1990, c. 73, s. 4.

Applicability to the
Government

3.1. Notwithstanding section 3, Divisions V.2 and VI.1 of Chapter IV, sections 122.1 and 123.1 and Division II.1 of Chapter V apply to all employees and to all employers.

(IN FORCE ON JUNE 1, 2004)

1982, c. 12, s. 1; 1990, c. 73, s. 4; 2002, c. 80, s. 3.

CHAPTER III

THE COMMISSION

Establishment	4. A body is established under the name of “Commission des normes du travail”. 1979, c. 45, s. 4.
Functions	5. The Commission shall supervise the implementation and application of labour standards. It shall, in particular, exercise the following functions: (1) inform the population on matters dealing with labour standards; (1.1) inform employees and employers of their rights and obligations under this Act; (2) supervise the application of labour standards and, where necessary, transmit its recommendations to the Minister; (3) receive complaints from employees and indemnify them to the extent provided in this act and the regulations; (4) <i>(Paragraph repealed)</i>. (5) endeavour to bring about agreement between employers and employees as to their disagreements in relation to the application of this Act and the regulations. 1979, c. 45, s. 5; 1990, c. 73, s. 5; 2002, c. 80, s. 4.
Powers	6. The Commission is a legal person. 1979, c. 45, s. 6; 1999, c. 40, s. 196.
Agreements with government department or body	6.1. The Commission may enter into agreements, according to law, with a government department or body for the purposes of the Acts and regulations under its administration. 1994, c. 46, s. 1. 6.2. <i>(Section repealed)</i>. 1997, c. 2, s. 1; 2001, c. 26, s. 138; O.C. 1314-2002.
Head office	7. The Commission has its head office at the place determined by the Government; a notice of the location or of any change of location of the head office is published in the <i>Gazette officielle du Québec</i>.
Sittings	The Commission may hold its sittings at any place in Québec. 1979, c. 45, s. 7.
Members	8. The Commission is composed of not more than 13 members, appointed by the Government, including a chairman and at least one person from each of the following groups: (1) non-unionized employees; (2) unionized employees; (3) employers from the big business sector; (4) employers from the small and medium-sized business sector; (5) employers from the cooperative sector; (6) women; (7) young people; (8) family; (9) cultural communities.

SECTION 9

These nine members shall be appointed after consultation with associations or bodies representative of their respective groups.

Members, excluding the chairman, must be drawn equally from the employee sector and the employer sector.

1979, c. 45, s. 8; 1990, c. 73, s. 6.

Term of office **9.** The chairman of the Commission is appointed for a term of not over five years. The other members are appointed for a term of not over three years.

1979, c. 45, s. 9.

Chairman **10.** The chairman holds office on a full-time basis. He presides at meetings of the Commission.

Administration He is also the director general of the Commission and, in that capacity, is responsible for the administration and direction of the Commission within the scope of its regulations.

1979, c. 45, s. 10.

10.1. The chairman is assisted by two vice-chairmen in the performance of his duties under the second paragraph of section 10.

1992, c. 26, s. 1; 1999, c. 52, s. 1.

10.2. The vice-chairmen are appointed for not more than five years by the Government. They hold office on a full-time basis.

Replacement The chairman or, failing the chairman, the Minister shall appoint one of the vice-chairmen to replace the chairman in the performance of all of the chairman's duties where the latter is absent or unable to act.

1992, c. 26, s. 1; 1999, c. 52, s. 2.

Delegation **11.** The Commission may generally or specially authorize a person to exercise the powers conferred upon it by this act.

1979, c. 45, s. 11.

Office continued **12.** A member of the Commission or a vice-chairman remains in office at the expiry of his term until he is replaced or reappointed.

1979, c. 45, s. 12; 1992, c. 26, s. 2; 1999, c. 52, s. 3.

Member replaced **13.** If a member of the Commission or a vice-chairman does not complete his term of office, the Government shall appoint a person to replace him for the remainder of his term.

1979, c. 45, s. 13; 1992, c. 26, s. 3; 1999, c. 52, s. 4.

14. (*Section repealed*).

1979, c. 45, s. 14; 1992, c. 26, s. 4.

Meetings	15. The Commission shall meet at least once every three months. 1979, c. 45, s. 15.
Quorum	16. The majority of the members including the chairman are a quorum of the Commission.
Decisions	Decisions are taken by the majority of votes; in the case of a tie-vote, the chairman has a casting vote. 1979, c. 45, s. 16.
Decision signed	17. A decision signed by all the members has the same value as if it had been taken at a regular meeting. 1979, c. 45, s. 17.
Authenticity of the minutes	18. Minutes of the sittings of the Commission approved by the latter are authentic, as are copies or extracts certified true by the chairman, a vice-chairman or the secretary of the Commission. 1979, c. 45, s. 18; 1992, c. 26, s. 5; 1999, c. 52, s. 5.
Conditions of employment	19. The Government shall determine, as the case may be, the conditions of employment, salaries, additional salaries, allowances and indemnities or social benefits to which the chairman, the other members and the vice-chairmen of the Commission are entitled. 1979, c. 45, s. 19; 1992, c. 26, s. 6; 1999, c. 52, s. 6.
Secretary and personnel	20. The secretary and the members of the personnel of the Commission are appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1). 1979, c. 45, s. 20; 1983, c. 55, s. 161.
Expenses	21. The expenses of the Commission, including the salaries, allowances and indemnities or social benefits of the vice-chairmen of the Commission, of its secretary, of its members and of its personnel, are paid out of its revenues. 1979, c. 45, s. 21; 1992, c. 26, s. 7; 1999, c. 52, s. 7.
Immunity	22. A member of the Commission or a vice-chairman may not be prosecuted by reason of an act done in good faith in the performance of his duties.
Extraordinary recourses	Except on a question of jurisdiction, no recourse provided for in articles 33 and 834 to 846 of the Code of Civil Procedure (chapter C-25) may be exercised nor any injunction granted against the Commission or against a member or a vice-chairman of the Commission acting in their official capacity. 1979, c. 45, s. 22; 1992, c. 26, s. 8; 1999, c. 52, s. 8.
Writ annulled	23. A judge of the Court of Appeal may, on a motion, summarily annul any writ, order or injunction issued or granted contrary to section 22. 1979, c. 45, s. 23; 1979, c. 37, s. 43.

Conflict of interest	24. The chairman and the vice-chairmen shall not, under pain of forfeiture of office, have any direct or indirect interest in an undertaking putting their personal interest in conflict with that of the Commission. However, such forfeiture is not incurred if such an interest devolves to them by succession or gift, provided they renounce or dispose of it with all possible dispatch.
Interest disclosed	Any member of the Commission, other than the chairman, who has a direct or indirect interest in an undertaking must, on pain of forfeiture of office, disclose it in writing to the other members of the Commission and refrain from participating in any decision in connection with the undertaking in which he has that interest. 1979, c. 45, s. 24; 1994, c. 26, s. 9; 1999, c. 52, s. 9.
Fiscal period	25. The fiscal period of the Commission ends on 31 March each year. 1979, c. 45, s. 25.
Annual report	26. Not later than six months after the end of its fiscal period, the Commission must remit to the Minister a report of its activities for that fiscal period; this report must contain all the information the Minister may require.
Information to Minister	The Commission must furnish to the Minister any other information he may require on its operations. 1979, c. 45, s. 26, 1990, c. 73, s. 7.
Tabling	27. The Minister shall table the report of the Commission before the National Assembly, if it is in session, within thirty days of receiving it; if he receives it while it is not sitting, he shall table it within thirty days of the opening of the next session or resumption, as the case may be. 1979, c. 45, s. 27.
Audit	28. The books and accounts of the Commission shall be audited each year by the Auditor General and, in addition, every time the Government so orders.
Report Regulations	The report of the Auditor General must accompany the annual report of the Commission. 1979, c. 45, s. 28.
	28.1. The Commission des normes du travail shall contribute to the fund of the Commission des relations du travail referred to in section 137.62 of the Labour Code (chapter C-27) to provide for expenses incurred by the Commission in relation to proceedings brought before the Commission under Divisions II and III of Chapter V of this Act. The amount and terms and conditions of payment of the contribution of the Commission des normes du travail shall be determined by the Government after consultation with the Commission by the Minister. 2001, c. 26, s. 139; O.C. 1262-2002.
	29. The Commission may, by regulation: (1) adopt rules of internal management; (2) establish committees to examine such matters as it may determine; (3) require an employer or a category of employers it indicates to have a system for the registration of all work governed by the Commission or to keep a register for the entry of the surname, given name, residence and employment of each of his employees, the time

at which the work was begun, interrupted, resumed and finished every day, the nature of the work, the wage paid for it and the mode and time of payment, and any other information deemed useful in the application of this act or the regulations;

(3.1) require an employer or every employer of a category of clothing industry employers it indicates who would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, to transmit to the Commission, in accordance with the procedure and frequency and during the period it determines, a report containing the particulars required under paragraph 3 it indicates and any other information deemed useful in the application of this Act or the regulations;

(4) *(Paragraph repealed).*

(5) *(Paragraph repealed).*

(6) determine the nature of the claims that give entitlement to the payments it is authorized to make under section 112, the conditions of eligibility for these payments, the amount of these payments and the terms and conditions of payment of such amounts to the employee; **(NOT IN FORCE)***

(7) fix the rates, not exceeding 1%, of the contribution provided for in section 39.0.2.

1979, c. 45, s. 29; 1983, c. 43, s. 9; 1990, c. 73, s. 8; 1994, c. 46, s. 2; 1999, c. 57, s. 1; 2002, c. 80, s. 5.

** Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).*

29.1. *(Section repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

29.2. *(Section repealed).*

1990, c. 73, s. 9; 1994, c. 46, s. 3.

30. *(Section repealed).*

1979, c. 45, s. 30; 1986, c. 89, s. 50; 1988, c. 84, s. 700; 1990, c. 73, s. 10; 1992, c. 21, s. 192; 1994, c. 23, s. 23; 1994, c. 46, s. 3.

Coming into force **31.** The regulations contemplated in paragraphs 1 and 2 of section 29 shall be transmitted to the Minister and come into force on the approval of the Government.

1979, c. 45, s. 31.

Approval **32.** The regulations contemplated in paragraphs 3 to 7 of section 29 are transmitted to the Minister and submitted to the approval of the Government.

1979, c. 45, s. 32; 1994, c. 46, s. 4.

33. *(Section repealed).*

1979, c. 45, s. 33; 1997, c. 72, s. 1.

34. *(Section repealed).*

1979, c. 45, s. 34; 1997, c. 72, s. 1.

Approval of regulation **35.** The Government may approve a regulation made under paragraphs 3 to 7 of section 29 with or without amendment.

1979, c. 45, s. 35; 1997, c. 72, s. 2.

36. *(Section repealed).*

1979, c. 45, s. 36; 1997, c. 72, s. 3.

37. *(Section repealed).*

1979, c. 45, s. 37; 1997, c. 72, s. 3.

38. *(Section repealed).*

1979, c. 45, s. 38; 1997, c. 72, s. 3.

Powers of the Commission

- 39.** The Commission may
- (1) ascertain the wage paid to an employee by his employer;
 - (2) establish forms to be used by employers and employees;
 - (3) establish or fill out the certificate of employment provided for in section 84 when the employer refuses or neglects to do so;
 - (4) collect or receive the amounts owing to an employee under this act or a regulation and remit them to him;
 - (5) accept on behalf of an employee, with his consent, or on behalf of a group of employees who are parties to a claim, with the consent of the majority of them, partial payment of the amounts owed to the employee or group of employees by the employer;
 - (6) pay the amount it considers to be due by an employer to an employee under this Act or a regulation up to the minimum wage, taking into account, where such is the case, the increases provided for therein; **(NOT IN FORCE)***
 - (7) *(Paragraph repealed).*
 - (8) institute in its own name and on behalf of an employee, where such is the case, proceedings to recover amounts due by the employer under this act or a regulation, notwithstanding any act to the contrary, any opposition or any express or implied waiver by the employee and without having to justify an assignment of debt of the employee;
 - (9) intervene in its own name and on behalf of an employee, where such is the case, in proceedings relating to the insolvency of the employer;
 - (10) intervene at any time in an action relating to the application of this Act, except Chapter III.1, or a regulation;
 - (11) authorize a mode of payment of wages other than that provided for in section 42;
 - (12) authorize staggered working hours on a basis other than a weekly basis on the conditions provided for in section 53.
 - (13) prepare and disseminate information documents on labour standards and make the documents available to any interested person or body, in particular employers and employees;
 - (14) require an employer to transmit to employees any information document concerning labour standards furnished to the employer by the Commission and to post the document in a prominent place easily accessible to all employees or to disseminate the contents of the document;
 - (15) where it considers it necessary, indicate to the employer the manner in which the employer is required to transmit, post or disseminate an information document it furnishes to the employer.

1979, c. 45, s. 39; 1990, c. 73, s. 11; 1994, c. 46, s. 5; 2002, c. 80, s. 6.

* Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).

CHAPTER III.1 CONTRIBUTIONS

DIVISION 1 INTERPRETATION

Interpretation **39.0.1.** In this chapter, unless the context indicates otherwise,

“**employer subject to contribution**” means any person who pays a remuneration subject to contribution, except the following entities:

- (1) metropolitan communities;
- (2) municipalities;
- (3) public transit authorities mentioned in section 1 of the Act respecting public transit authorities (2001, chapter 23), amended by section 1 of chapter 66 of the statutes of 2001;
- (4) school boards;
- (5) the Conseil scolaire de l’Île de Montréal;
- (6) *fabriques*;
- (7) corporations of trustees for the erection of churches;
- (8) charitable institutions or bodies whose object is to assist, gratuitously and directly, natural persons in need;
- (9) religious institutions;
- (10) educational institutions;
- (11) day care centres;
- (12) the Commission de la construction du Québec;
- (13) parity committees constituted under the Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- (14) the Government and its departments and the bodies and persons whose personnel must, by law, be appointed and remunerated in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) or the capital stock of which belongs entirely to the Government;
- (15) any body established by an Act of the National Assembly or by a decision of the Government, the Conseil du trésor or a minister and whose operating appropriations are taken out of the consolidated revenue fund, appear in whole or in part in the budgetary estimates tabled before the National Assembly or are wholly financed by way of a transfer from one of the government departments;
- (16) the Lieutenant-Governor, the National Assembly and any person appointed by the National Assembly to an office which is under the jurisdiction of the National Assembly;

“**remuneration**” means, where the employee is an employee within the meaning of section 1 of the Taxation Act (R.S.Q., chapter I-3), the income computed according to the provisions of Chapters I and II of Title II of Book III of Part I of the Taxation Act, except sections 43.3 and 58.0.1 of the said Act and section 58.1 thereof where it refers to amounts required to be included in such computation under sections 979.9 to 979.11 of the said Act, and, where the employee is not such an employee, his wages. The expression also includes amounts paid as indemnity in lieu of notice and upon termination of a contract of employment;

“**remuneration subject to contribution**” means remuneration paid to an employee except

- (1) remuneration paid to an employee under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- (2) remuneration paid to a domestic;
- (2.1) remuneration paid to an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person’s dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer;

(IN FORCE ON JUNE 1, 2004)

(3) remuneration paid by an employer governed by a decree in respect of remuneration subject to contribution by a parity committee;

(4) remuneration paid by an institution, a regional council or a foster family respectively referred to in subparagraphs *a*, *f* and *o* of the first paragraph of section 1 of the Act respecting health services and social services for Cree Native persons (R.S.Q., chapter S-5), proportionately to the amounts of money they receive under that Act;

(5) remuneration paid by an institution, a regional board or a family-type resource referred to in the Act respecting health services and social services (R.S.Q., chapter S-4.2), proportionately to the amounts of money they receive under that Act;

(6) 50% of the remuneration earned by an employee with the help of a truck, tractor, loader, skidder or other heavy equipment of the same nature, furnished by the employee and at his own expense;

(7) the amount by which the total remuneration paid to an employee for the year or the amount determined under paragraph 6 where it applies in respect of the employee exceeds an amount equal to the Maximum Yearly Insurable Earnings determined for the year under section 66 of the Act respecting industrial accidents and occupational diseases (R.S.Q., chapter A-3.001);

(8) remuneration paid to an employee wholly exempt from the application of this Act under section 3.

For the purposes of this chapter, the following rules apply:

(1) any reference in this chapter to wages, remuneration or remuneration subject to contribution that an employer pays or has paid is a reference to wages, remuneration or remuneration subject to contribution that the employer pays, allocates, grants or awards or has paid, allocated, granted or awarded;

(2) an employee is deemed to work in Québec when the establishment of the employer where the employee reports for work is situated in Québec or, if the employee is not required to report for work at an establishment of his employer, when the establishment of the employer from which he receives his remuneration is situated in Québec. The word “establishment” includes an establishment within the meaning of Chapter III of Title II of Book I of Part I of the Taxation Act;

(3) an employee who reports for work at an establishment of his employer,

(a) in respect of remuneration subject to contribution that is not described in subparagraph *b*, means an employee who reports for work at that establishment for his regular pay period to which the remuneration subject to contribution relates; and

(b) in respect of remuneration subject to contribution that is paid as a premium, an increase with retroactive effect or a vacation pay, that is deemed to be paid under section 979.3 of the Taxation Act or that does not relate to a regular pay period of the employee, means an employee who ordinarily reports for work at that establishment;

(4) where, during a regular pay period of an employee, the employee reports for work at an establishment of his employer situated in Québec and at an establishment of his employer situated outside Québec, the employee is deemed for that period, in respect of remuneration subject to contribution that is not described in subparagraph *b* of subparagraph 3,

(a) except where subparagraph *b* applies, to report for work only at the establishment situated in Québec;

(b) to report for work only at the establishment situated outside Québec where, during that period, he reports for work mainly at such an establishment of his employer;

(5) where an employee ordinarily reports for work at an establishment of his employer situated in Québec and at an establishment of his employer situated outside Québec, the employee is deemed, in respect of remuneration subject to contribution described in subparagraph *b* of subparagraph 3, to ordinarily report for work only at the establishment situated in Québec;

(6) where an employee is not required to report for work at an establishment of his employer and where his remuneration is not paid from such an establishment situated in Québec, that employee is deemed to report for work at an establishment of his employer situated in Québec for a pay period if, in reference to the place where he mainly reports for work, the place where he mainly performs his duties, the establishment from where the

employee is supervised, the nature of the duties performed by the employee or any other similar criterion, it may reasonably be considered that the employee for that pay period is an employee of that establishment;

(7) where an employee of an establishment, situated elsewhere than in Québec, of an employer supplies a service in Québec to another employer that is not the employer of the employee, or for the benefit of such other employer, an amount that may reasonably be considered to be the remuneration earned by the employee to supply the service is deemed to be remuneration paid by the other employer, in the pay period during which the remuneration is paid to the employee, to an employee of the other employer who reports for work at an establishment of that other employer situated in Québec where

- (a) at the time the service is supplied, the other employer has an establishment situated in Québec;
- (b) the service supplied by the employee
 - i. is performed by the employee in the ordinary performance of his duties with his employer,
 - ii. is supplied to or for the benefit of the other employer in the course of regular and ongoing activities of an enterprise carried on by that other employer, and
 - iii. is in the nature of the services supplied by employees of employers carrying on the same type of enterprise as the enterprise referred to in subparagraph ii; and
- (c) the amount is not otherwise included in remuneration subject to contribution paid by the other employer that is determined for the purposes of this chapter;

(8) subparagraph 7 does not apply in respect of a pay period of any other employer referred to therein if the Minister of Revenue is of the opinion that a reduction in the contribution payable under this chapter by the employers referred to in that subparagraph 7 is not one of the objectives or anticipated results arising from the making or maintaining in force of

- (a) the agreement pursuant to which the service is supplied by the employee referred to in that subparagraph 7 to or for the benefit of the other employer; or
- (b) any other agreement affecting the amount of remuneration subject to contribution paid by the other employer in the pay period for the purposes of this chapter and where the Minister of Revenue considers the agreement to be related to the agreement for the supply of services referred to in subparagraph a.

1994, c. 46, s. 6; 1995, c. 63, s. 280; 1996, c. 2, s. 744; 1997, c. 85, s. 362; 1999, c. 4, s. 196; 2000, c. 56, s. 218; 2002, c. 80, s. 7; 2003, c. 2, s. 303.

DIVISION II

CONTRIBUTIONS AND PAYMENTS

Supplementary
contribution

39.0.2. Every employer subject to contribution shall, in respect of a calendar year, pay to the Minister of Revenue a contribution equal to the product obtained by multiplying by the rate fixed by regulation made under paragraph 7 of section 29 the remuneration subject to contribution paid by the employer in the year and the remuneration the employer is deemed to pay in respect of the year under the second paragraph of section 979.3 and section 1019.7 of the Taxation Act (chapter I-3) to his employee working in Québec and, except to the extent that it is otherwise referred to in this section, the portion referred to in section 43.2 of that Act of any contribution, together with the related tax, that the employer pays to the administrator of a multi-employer insurance plan, within the meaning of section 43.1 of the said Act in respect of such an employee who receives the remuneration subject to contribution.

Every employer subject to contribution who would be governed by a decree referred to in the third paragraph, had the decree not expired, shall, in respect of a calendar year, pay to the Minister of Revenue a supplementary contribution equal to the product obtained by multiplying, by the rate fixed for that purpose by a regulation under paragraph 7 of section 29, that portion of any amount referred to in the first paragraph on which the employer is required to pay the contribution provided for therein and which, had the decree

not expired, would come under paragraph 3 of the definition of “remuneration subject to contribution” in the first paragraph of section 39.0.1.

Decrees referred to

The decrees referred to in the second paragraph are

- (1) the Decree respecting the men’s and boys’ shirt industry (R.R.Q., 1981, c. D-2, r.11);
- (2) the Decree respecting the women’s clothing industry (R.R.Q., 1981, c. D-2, r.26);
- (3) the Decree respecting the men’s clothing industry (R.R.Q., 1981, c. D-2, r.27);
- (4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

For the purposes of this chapter, the contribution of an employer subject to contribution means the contribution payable under the first paragraph and, where applicable, the contribution payable under the second paragraph.

1994, c. 46, s. 6; 1995, c. 63, s. 281; 1997, c. 85, s. 363; 1999, c. 57, s. 2.

Payment

39.0.3. Payment to the Minister of Revenue of the contribution provided for in section 39.0.2 in respect of a calendar year shall be made on or before the day on which the employer subject to contribution must file the return provided for in Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r. 1) in respect of the payments required under section 1015 of the Taxation Act (chapter I-3) in relation to the wages paid by him in that year.

The employer shall forward his payment to the Minister of Revenue, together with the prescribed form.

1994, c. 46, s. 6; 1997, c. 14, s. 313.

Filing of
a statement

39.0.4. An employer subject to contribution shall file each year a statement in prescribed form in respect of all remuneration subject to contribution on which he is required to pay a contribution under section 39.0.2. Title XXVII of the Regulation respecting the Taxation Act (R.R.Q., 1981, chapter I-3, r. 1), with the necessary modifications, applies to the statement.

1994, c. 46, s. 6; 1995, c. 63, s. 282.

DIVISION III MISCELLANEOUS PROVISIONS

Remittance of
contributions

39.0.5. The Minister of Revenue shall remit, each year, to the Commission the sums he is required to collect as contribution under section 39.0.2, after deduction of the refunds and collection expenses agreed upon.

1994, c. 46, s. 6.

Fiscal law

39.0.6. This chapter constitutes a fiscal law within the meaning of the Act respecting the Ministère du Revenu.

The provisions applicable under this section take precedence over the provisions of sections 115 and 144 of this Act.

1994, c. 46, s. 6.

CHAPTER IV
LABOUR STANDARDS

DIVISION I
WAGES

39.1. (Section repealed).

1990, c. 73, s. 12; 1999, c. 40, s. 196; 2002, c. 80, s. 8.

Minimum wage **40.** The minimum wage payable to an employee shall be determined by regulation of the Government.

An employee is entitled to be paid a wage that is at least equivalent to the minimum wage.

1979, c. 45, s. 40; 2002, c. 80, s. 9.

40.1. Section 40 does not apply to an apprentice who participates in an apprenticeship scheme established under the Act to foster the development of manpower training (chapter D-7.1).

The minimum wage payable to such an employee is the wage determined in his respect pursuant to a regulation under that Act.

1997, c. 20, s. 15; O.C. 128-98.

Benefit having pecuniary value **41.** No benefit having pecuniary value may be taken into account in computing the minimum wage.

1979, c. 45, s. 41.

41.1. 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 works less hours each week.

The first paragraph does not apply to an employee remunerated at a rate of pay which is more than twice the rate of the minimum wage.

1990, c. 73, s. 13.

Payment in cash **42.** Wages must be paid in cash in a sealed envelope or by cheque. The payment may be made by bank transfer if so provided in a written agreement or a decree.

Presumption 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 the two working days following its issue.

1979, c. 45, s. 42; 1980, c. 5, s. 2.

Payment at regular intervals **43.** Wages must be paid at regular intervals of not over sixteen days, or one month in the case of managerial personnel or of workers contemplated in subparagraphs i, ii, and iii of paragraph 10 of section 1. However, any amount in excess of the regular wages, such as a bonus or premium for overtime, earned during the week preceding payment of the wages may be paid with the subsequent regular payment or, where that is the case, at the time prescribed by a particular provision of a collective agreement or decree.

Exception Notwithstanding the first paragraph, an employer may pay an employee within one month following the commencement of his employment.

1979, c. 45, s. 43; 1990, c. 73, s. 14.

Direct payment	44. 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.
Payment to a third person	The wages of an employee may also, at his written request, be remitted to a third person. 1979, c. 45, s. 44.
Statutory holiday	45. If the usual day of payment of wages falls on a general statutory holiday, the wages are paid to the employee on the working day preceding that day. 1979, c. 45, s. 45.
Pay sheet	46. 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 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 prevailing rate; (6) the number of hours of overtime paid or replaced by a leave with the applicable premium; (7) the nature and amount of the bonuses, indemnities, allowances or commissions that are being paid; (8) the wage 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; (12) the amount of the tips reported by the employee pursuant to section 1019.4 of the Taxation Act (chapter I-3); (13) the amount of the tips he has attributed to the employee under section 42.11 of the Taxation Act.
Exemption	The Government, by regulation, may require any other particular it deems pertinent. It may also exempt a category of employers from the application of any of the above particulars. 1979, c. 45, s. 46; 1983, c. 43, s. 10; 1990, c. 73, s. 15; 1997, c. 85, s. 364.
Signing formality	47. 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. 1979, c. 45, s. 47.
Acceptance of a pay sheet	48. 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. 1979, c. 45, s. 48.
Deductions from wages	49. 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.

Deduction revoked 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.

1979, c. 45, s. 49; 1989, c. 38, s. 274, 2002, c. 80, s. 10.

Gratuity **50.** 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.

Gratuity collected by employer 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.

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

Computation of indemnity However, an indemnity provided for in any of sections 58, 62, 74, 76, 80, 81, 81.1 and 83 is computed, in the case of an employee who is an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1979, c. 45, s. 50; 1983, c. 43, s. 11; 1997, c. 85, s. 365; 2002, c. 80, s. 11.

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

1997, c. 85, s. 366; 2002, c. 80, s. 12.

50.2. No employer may refuse to receive a written report made pursuant to section 1019.4 of the Taxation Act (chapter I-3).

1997, c. 85, s. 366.

Room and board **51.** The maximum amount that an employer may require for room and board from one of his employees is that which is fixed by regulation of the Government.

1979, c. 45, s. 51.

51.0.1. Notwithstanding section 51, an employer may not require an amount for room and board from a domestic who is housed or takes meals in the employer's residence.

1997, c. 72, s. 4.

51.1. No employer may, directly or indirectly, be reimbursed by an employer for the contribution provided for in Chapter III.1.

1994, c. 46, s. 7.

DIVISION II
HOURS OF WORK

Workweek **52.** For the purposes of computing overtime, the regular workweek is 40 hours except in the cases where it is fixed by regulation of the Government.
(Paragraph repealed).

1979, c. 45, s. 52; 1997, c. 45, s. 1; 2002, c. 80, s. 13.

Transitional measures of the Act to amend the Act respecting labour standards as regards the duration of a regular workweek

2. Every provision relating to the duration of a regular work week contained in a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or an arbitration award in lieu thereof that is in force or is expired on 19 June 1997 shall continue to have effect, even if the provision departs from the provisions of the second paragraph of section 52 of the Act respecting labour standards enacted by section 1 of this Act, until

(1) the date on which the right to strike or to lock out is exercised where the collective agreement or arbitration award does not contain a clause ensuring the maintenance of conditions of employment as provided for in section 59 of the Labour Code,

(2) the date occurring one year after the date of expiration of the collective agreement or the arbitration award if it is in force on 19 June 1997 or, as the case may be, 19 June 1998 if the collective agreement or arbitration award is expired on 19 June 1997,

(3) the date of the arbitration award or, as the case may be, of the new arbitration award,

(4) the date of coming into force of the collective agreement, determined pursuant to section 72 of the Labour Code or, as the case may be, the date of coming into force of the new collective agreement, or

(5) 1 October 2002,
whichever occurs first.

3. Every provision relating to the duration of a regular work week contained in a collective agreement decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) that is in force on 19 June 1997 shall continue to have effect, even if the provision departs from the provisions of the second paragraph of section 52 of the Act respecting labour standards enacted by section 1 of this Act, until the amendment or repeal of the decree or, as the case may be, until the expiration of the decree pursuant to section 37 or 38 of the Act to amend the Act respecting collective agreement decrees (1996, chapter 71).

1997, c. 45, ss. 2, 3.

Staggering of working-hours **53.** An employer may, with the authorization of the Commission, stagger the working-hours of his employees on a basis other than a weekly basis, provided that the average of the working-hours is equivalent to the norm provided in the Act or the regulations.

Staggering of working-hours A collective agreement or a decree may provide, on the same conditions, without the authorization provided for under the first paragraph being necessary, for the staggering of working hours on a basis other than a weekly basis.

1979, c. 45, s. 53.

Application of workweek **54.** The number of hours of the regular workweek determined in section 52 does not apply, as regards the computing of overtime hours for the purpose of the increase in the usual hourly wage, to the following employees:

(1) (Paragraph repealed).

(2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization;

- (3) the managerial personnel of an undertaking;
 - (4) an employee who works outside an establishment whose working-hours cannot be controlled;
 - (5) an employee assigned to canning, packaging and freezing fruit and vegetables during the harvesting period;
 - (6) an employee of a fishing, fish processing or fish canning industry;
 - (7) a farm worker;
 - (8) *(Paragraph repealed)*.
 - (9) an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, unless the work serves to procure profit to the employer.
- (IN FORCE ON JUNE 1, 2004)**

However, the Government may, by regulation, prescribe the number of hours it determines as the regular workweek for the categories of employees mentioned in subparagraphs 2, 5 to 7 and 9 of the first paragraph.

1979, c. 45, s. 54; 1986, c. 95, s. 202; 1990, c. 73, s. 16; 1999, c. 40, s. 196; 2002, c. 80, s. 14.

Overtime work **55.** Any work performed in addition to the regular work-week entails a premium of 50% of the prevailing hourly wage paid to the employee except premiums computed on an hourly basis.

Notwithstanding the first paragraph, the employer may, at the request of the employee or in the cases provided for by a collective agreement or decree, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50%.

Subject to a provision of a collective agreement or decree, the leave must be taken during the 12 months following the overtime at a date agreed 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.

1979, c. 45, s. 55; 1990, c. 73, s. 17.

Annual leave and statutory general holidays **56.** For the purposes of computing overtime, annual leave and statutory general holidays with pay are counted as days of work.

1979, c. 45, s. 56.

Presumption **57.** An employee is deemed to be at work

- (1) while available to the employer at the place of employment and required to wait for work to be assigned;
- (2) subject to section 79, during the break periods granted by the employer;
- (3) when travel is required by the employer;
- (4) during any trial period or training required by the employer.

1979, c. 45, s. 57; 2002, c. 80, s. 15.

Indemnity **58.** An employee who reports for 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 three consecutive hours, except in the case of a fortuitous event, is entitled, to an indemnity equal to three hours' wages at the prevailing hourly rate except where the application of section 55 entitles him to a greater amount.

Exception This provision does not apply in the case where the nature of the work or the conditions of its execution require the employee to be present several times in the same day, for less than three hours each time, such as that of a school crossing guard or a bus driver.

Exception Neither does it apply where the nature of the work or the conditions of execution are such that it is ordinarily completed within a three hour period, such as the work of a school-crossing guard or usher.

1979, c. 45, s. 58.

Coffee break **59.** *(Section repealed).*

1979, c. 45, s. 59; 2002, c. 80, s. 16.

59.0.1. An employee may refuse to work

(1) more than four hours after regular daily working hours or more than fourteen working hours per twenty-four hour period, whichever period is the shortest or, for an employee whose daily working hours are flexible or noncontinuous, more than twelve working hours per twenty-four hour period;

(2) subject to section 53, more than fifty working hours per week or, for an employee working in an isolated area or carrying out work in the James Bay territory, more than sixty working hours per week.

This section does not apply where there is a danger to the life, health or safety of employees or the population, where there is a risk of destruction or serious deterioration of movable or immovable property or in any other case of superior force, or if the refusal is inconsistent with the employee's professional code of ethics.

2002, c. 80, s. 17.

DIVISION III

STATUTORY GENERAL HOLIDAYS AND NON-WORKING DAYS WITH PAY

59.1. This division does not apply to an employee who, under a collective agreement or decree, is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number of days to which employees to whom this division applies are entitled, nor to an employee in the same establishment who is entitled to a number of non-working days with pay, in addition to the National Holiday, equal to or greater than the number stated in the collective agreement or decree.

However, notwithstanding any provision contrary to the collective agreement or decree, the indemnity for a non-working day with pay shall be computed, in the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.

1990, c. 73, s. 18; 2002, c. 80, s. 18.

Statutory general holidays **60.** The following days are statutory general holidays:

- (1) 1 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 December.

1979, c. 45, s. 60; 1990, c. 73, s. 18; 1992, c. 26, s. 10; 1995, c. 16, s. 1; 2002, c. 80, s. 19.

Editor's note: For the National Holiday leave, please refer to part III dealing with the National Holiday Act.

61. (Section repealed).

1979, c. 45, s. 61; 1990, c. 73, s. 19.

Indemnity

62. For each statutory general holiday, the employer must pay the employee an indemnity equal to 1/20 of the wages earned during the four 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 1/60 of the wages earned during the twelve complete weeks of pay preceding the week of the holiday.

1979, c. 45, s. 62; 1990, c. 73, s. 20; 2002, c. 80, s. 20.

Compensatory holiday

63. If an employee must work on one of the days indicated in section 60, the employer, in addition to paying to the employee working on that general holiday the wages for the work done, must pay to such employee the indemnity provided for in section 62, or grant him a compensatory holiday of one day. In this case, the holiday must be taken within three weeks before or after that day, unless a collective agreement or a decree provides for a longer period.

1979, c. 45, s. 63; 1981, c. 23, s. 55.

Compensatory holiday

64. If an employee is on annual leave on one of the holidays contemplated in section 60, the employer shall pay him the indemnity provided for in section 62 or grant him a compensatory holiday of one day on a date agreed upon between the employer and the employee or fixed by a collective agreement or a decree.

1979, c. 45, s. 64.

Employee beneficiary

65. To benefit from a statutory general holiday, an employee must not have been absent from work without the employer's authorization or without valid cause on the working day preceding or on the working day following the holiday.

1979, c. 45, s. 65; 1990, c. 73, s. 21; 2002, c. 80, s. 21.

DIVISION IV

ANNUAL LEAVE WITH PAY

**Entitlement to annual leave
Reference year**

66. The reference year is a period of twelve 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 unless an agreement or decree fixes a different starting date for that period.

1979, c. 45, s. 66.

**Less than one year
of uninterrupted
service**

67. 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 two weeks.

1979, c. 45, s. 67.

One year of
uninterrupted
service

68. 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 two consecutive weeks.

1979, c. 45, s. 68; 1990, c. 73, s. 22.

68.1. An employee to whom section 68 applies is also entitled, if he applies therefor, to an additional annual leave without pay equal to the number of days required to increase his annual leave to three weeks.

Such additional leave need not follow immediately a leave under section 68 and, notwithstanding sections 71 and 73, it may not be divided, or be replaced by a compensatory indemnity.

1997, c. 10, s. 1

Five years of
uninterrupted
service

69. An employee who, at the end of a reference year, is credited with five years of uninterrupted service with the same employer, is entitled to an annual leave for a minimum duration of three consecutive weeks.

1979, c. 45, s. 69; 1990, c. 73, s. 23.

Annual leave

70. The annual leave must be taken within twelve months following the end of the reference year, except where a collective agreement or a decree allows it to be deferred until the following 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 twelve 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.

Insurance period
continued

Notwithstanding any contrary clause of a collective agreement, decree or contract, 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.

1979, c. 45, s. 70; 1980, c. 5, s. 4; 2002, c. 80, s. 22.

Division of annual
leave

71. The annual leave may be divided into two 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.

Notwithstanding section 69, any employer who, before 29 March 1995, closed his establishment for the period of annual leave, may divide the annual leave of an employee referred to in that section into two periods, one being the closing period. One of those periods must, however, last for a minimum of two consecutive weeks.

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

Exception

A leave not exceeding one week shall not be divided.

1979, c. 45, s. 71; 1982, c. 58, s. 57; 1990, c. 73, s. 24; 1995, c. 16, s. 2.

Special
provision

71.1. Notwithstanding sections 68, 69 and 71, a collective agreement or a decree may include a clause providing for, or prohibiting, the division of an annual leave into two or more periods.

1995, c. 16, s. 3.

Date of leave known	72. An employee is entitled to know the date of his annual leave at least four weeks in advance. 1979, c. 45, s. 72.
Prohibition	73. Employers are prohibited from replacing a leave contemplated in section 67, 68 or 69 by a compensatory indemnity, unless a special provision is contained in a collective agreement or decree.
Compensatory indemnity	At the request of the employee, the third week of leave may, however, be replaced by a compensatory indemnity if the establishment closes for two weeks on the occasion of the annual leave. 1979, c. 45, s. 73; 1982, c. 58, s. 58.
Annual leave indemnity	74. The indemnity relating to annual leave of the employee contemplated in sections 67 and 68 is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee contemplated in section 69, the indemnity is equal to 6% of the gross wages of the employee during the reference year.
Days of absence	Should an employee be absent owing to sickness or accident or on maternity 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 or three times the weekly average of the wage earned during the period of work. An employee contemplated in section 67 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account. The Government may, by regulation, determine a higher indemnity than that provided for in this section for an employee on maternity leave. Notwithstanding the second and third paragraphs, the annual leave indemnity shall 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 mentioned in the second paragraph. 1979, c. 45, s. 74; 1980, c. 5, s. 5; 1983, c. 22, s. 103; 1990, c. 73, s. 25, s. 71.
<i>Editor's note: This section continues to apply until the date of the entry into force of section 9 of the Act respecting parental insurance (2001, c. 9), namely on the date that will be set by the government.</i>	
Annual leave indemnity	74. The indemnity relating to annual leave of the employee contemplated in sections 67 and 68 is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee contemplated in section 69, the indemnity is equal to 6% of the gross wages of the employee during the reference year.
Days of absence	Should an employee be absent owing to sickness or accident or 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 or three times the weekly average of the wage earned during the period of work. An employee contemplated in section 67 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account. The Government may, by regulation, determine a higher indemnity than that provided for in this section for an employee on maternity or paternity* leave. Notwithstanding the second and third paragraphs, the annual leave indemnity shall 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 mentioned in the second paragraph. 1979, c. 45, s. 74; 1980, c. 5, s. 5; 1983, c. 22, s. 103; 1990, c. 73, s. 25, s. 71; 2002, c. 80, s. 23.

**Editor's note: The amendments made to this section by the Act to amend the Act respecting Labour Standards and other legislative provisions (2002, c. 80) are not in force. They will apply on the same date as section 9 of the Act respecting parental insurance (2001, c. 9), namely on the date that will be set by the government.*

SECTION 74.1

74.1. No employer may reduce the annual leave of an employee referred to in section 41.1, 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.

1990, c. 73, s. 26.

Payment of the indemnity **75.** Subject to a provision of a collective agreement or decree, the indemnity pertaining to the annual leave of an employee must be paid to him in a lump sum before the beginning of the leave.

However, in the case of a farm worker hired on a daily basis, the indemnity may be added to his wages and be paid in the same manner.

1979, c. 45, s. 75; 1990, c. 73, s. 27; 2002, c. 80, s. 24.

Contract of employment cancelled **76.** If a contract of employment is cancelled before the employee is able to benefit by all the days of leave to which he is entitled, the employee shall receive, in addition to the compensatory indemnity determined in accordance with section 74 and attaching to the fraction of the leave that he did not enjoy, an indemnity equal to 4% or 6%, as the case may be, of the gross wages earned during the current reference year.

1979, c. 45, s. 76.

Persons exempted from leave **77.** Sections 66 to 76 do not apply to the following persons:
(1) *(Paragraph repealed)*.
(2) a student employed in a vacation camp or in a social or community non-profit organization such as a recreational organization;
(3) a real estate agent within the meaning of the Real Estate Brokerage Act (chapter C-73.1), entirely remunerated on commission;
(4) a representative of a dealer or adviser within the meaning of section 149 of the Securities Act (chapter V-1.1), entirely remunerated by commission;
(5) a representative within the meaning of the Act respecting the distribution of financial products and services (1998, chapter 37) remunerated entirely by commission;
(6) *(Paragraph repealed)*.
(7) a trainee within the framework of a vocational training programme recognized by law.

However, the Government may, by regulation, render all or some of the provisions of sections 66 to 76 applicable to the employees described in subparagraph 2 of the first paragraph.

1979, c. 45, s. 77; 1980, c. 5, s. 6; 1982, c. 58, s. 59; 1986, c. 95, s. 203; 1990, c. 73, s. 28; 1989, c. 48, s. 251; 1991, c. 37, s. 173; 1998, c. 37, s. 529; 2002, c. 80, s. 25.

DIVISION V REST PERIODS

Weekly rest **78.** Subject to the application of paragraph 12 of section 39 or of section 53, an employee is entitled to a weekly minimum rest period of 32 consecutive hours.

Farm worker In the case of a farm worker, that day of rest may be postponed to the following week if the employee consents thereto.

1979, c. 45, s. 78; 2002, c. 80, s. 26.

Rest period	79. Unless otherwise provided in a collective agreement or a decree, the employer must grant to an employee a rest period of thirty minutes, without pay, for meals, for a period of five consecutive hours of work.
Remunerated period	That period shall be remunerated if the employee is not authorized to leave his work station.

1979, c. 45, s. 79.

DIVISION V.0.1

ABSENCES OWING TO SICKNESS OR ACCIDENT

79.1. 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 (chapter A-3.001).

2002, c. 80, s. 27.

79.2. An employee must advise the employer as soon as possible of an absence from work and give the reasons therefor.

2002, c. 80, s. 27.

79.3. 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, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during an absence owing to sickness or accident.

2002, c. 80, s. 27.

79.4. At the end of the absence owing to sickness or accident, 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.

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.

2002, c. 80, s. 27.

79.5. 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.

2002, c. 80, s. 27.

79.6. 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.

2002, c. 80, s. 27.

DIVISION V.I

FAMILY OR PARENTAL LEAVE AND ABSENCES

79.7. 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.

2002, c. 80, s. 29.

79.8. 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 12 weeks over a period of 12 months where he must stay with his child, spouse, the child of his spouse, his father, mother, 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 shall end at the latest 104 weeks after the beginning thereof.

The first paragraph of section 79.3, the first paragraph of section 79.4 and sections 79.5 and 79.6 apply, with the necessary modifications, to the employee's absence.

2002, c. 80, s. 29.

Absence from
work

80. An employee may be absent from work for one day without reduction of wages by reason of the death or the funeral of his consort, his child or the child of his consort, or of his father, mother, brother or sister. He may also be absent from work, without pay, for four more days on such occasion.

1979, c. 45, s. 80; 1990, c. 73, s. 31; 2002, c. 80, s. 30.

80.1. An employee may be absent from work for one day, without pay, by reason of the death or the 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 consort.

1990, c. 73, s. 32.

80.2. In the circumstances referred to in section 80 or 80.1, the employee must advise his employer of his absence as soon as possible.

1990, c. 73, s. 32.

Absence from
work
Absence from
work

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

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

The employee must advise his or her employer of his or her absence not less than one week in advance.

1979, c. 45, s. 81; 1990, c. 73, s. 33; 2002, c. 6, s. 145.

81.1. An employee may be absent from work for five days at 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 two days of absence shall be remunerated if the employee is credited with sixty days of uninterrupted service.

This leave may be divided into days at the request of the employee. It may not be taken more than fifteen days after the child arrives at the residence of its father or mother or after the termination of pregnancy.

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

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

1990, c. 73, s. 34; 2002, c. 80, s. 31.

81.2. An employee may be absent for five days per year, without pay, to fulfil obligations relating to the care, health or education of his minor child, in cases where his presence is required due to unforeseeable circumstances or circumstances beyond his control. He must have taken all reasonable steps within his power to assume these obligations otherwise and to limit the duration of the leave.

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

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

1990, c. 73, s. 34.

Editor's note: This section has become inoperative due to the adoption of section 79.7.

81.2. An employee is entitled to a paternity leave of not more than five consecutive weeks, without pay, on the birth of his child.

The paternity leave shall not begin before the week of the birth of the child and shall not end later than 52 weeks after the week of the birth.

(NOT IN FORCE)*

1990, c. 73, s. 34; 2002, c. 80, s. 32.

** Editor's note: This section will enter into force on the same date as section 9 of the Act respecting parental insurance (2001, c. 9), namely on the date that will be set by the government.*

81.3. 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 carried out by a midwife.

She shall advise her employer as soon as possible of the time at which she will be absent.

1990, c. 73, s. 34; 1999, c. 24, s. 21.

81.4. A pregnant employee is entitled to a maternity leave without pay of not more than 18 consecutive weeks unless, at her request, the employer consents to a longer maternity leave.

The employee may spread the maternity leave as she wishes before or after the expected date of delivery. However, where the maternity leave begins on the week of

delivery, that week shall not be taken into account in calculating the maximum period of 18 consecutive weeks.

1990, c. 73, s. 34; 2002, c. 80, s. 33.

81.4.1. If the delivery takes place after the expected date, the employee is entitled to at least two weeks of maternity leave after the delivery.

2002, c. 80, s. 34.

81.5. The maternity leave shall not begin before the sixteenth week preceding the expected date of delivery and shall not end later than 18 weeks after the week of delivery.

Where the child is hospitalized during the maternity leave, the leave may be suspended, following an agreement with the employer, during the hospitalization.

In addition, an employee who sends to the employer, before the expiry date of her maternity leave, a notice accompanied with a medical certificate attesting that the state of health of the employee or of her child requires it, is entitled to an extension of the maternity leave for the duration indicated in the medical certificate.

1990, c. 73, s. 34; 2002, c. 80, s. 35.

81.5.1. Where there is a risk of termination of pregnancy or a risk to the health of the mother or the unborn child, caused by the pregnancy and requiring a work stoppage, the employee is entitled to a special maternity leave, without pay, for the duration indicated in the medical certificate attesting the existing risk and indicating the expected date of delivery.

The leave is, where applicable, deemed to be the maternity leave provided for in section 81.4 from the beginning of the fourth week preceding the expected date of delivery.

2002, c. 80, s. 36.

81.5.2. Where there is termination of pregnancy before the beginning of the twentieth week preceding the expected date of delivery, the employee is entitled to a special maternity leave, without pay, for a period of no longer than three weeks, unless a medical certificate attests that the employee needs an extended leave.

If the termination of pregnancy occurs in or after the twentieth week, the employee is entitled to a maternity leave without pay of a maximum duration of 18 consecutive weeks beginning from the week of the event.

2002, c. 80, s. 36.

81.5.3. In the case of a termination of pregnancy or a premature birth, the employee must, as soon as possible, give written notice to the employer informing the employer of the event and the expected date of her return to work, accompanied with a medical certificate attesting to the event.

2002, c. 80, s. 36.

81.6. The maternity leave may be taken after giving written notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. The notice must be accompanied with a medical certificate attesting to the pregnancy and the expected date of delivery. Where applicable, the medical certificate may be replaced by a written report signed by a midwife.

The notice may be of less than three weeks if the medical certificate attests that the employee needs to stop working within a shorter time.

1990, c. 73, s. 34; 1999, c. 24, s. 22.

81.7. (Section repealed).

1990, c. 73, s. 34; 2002, c. 80, s. 37.

81.8. From the sixth week preceding the expected date of delivery, the employer may, in writing, require a pregnant employee who is still at work to produce a medical certificate attesting that she is fit to work.

If the employee refuses or neglects to produce the certificate within eight days, the employer may oblige her to take her maternity leave immediately by sending her a written notice to that effect giving reasons.

1990, c. 73, s. 34.

81.9. Notwithstanding the notice provided for in section 81.6, the employee may return to work before the expiry of her maternity leave. However, the employer may require a medical certificate from an employee who returns to work within the two weeks following delivery, attesting to the fact that she is fit to work.

1990, c. 73, s. 34; 2002, c. 80, s. 38.

81.10. The father and the mother of a newborn child, and a person who adopts a minor child, are entitled to parental leave without pay of not more than 52 consecutive weeks.

This section does not apply to an employee who adopts the child of his consort.

1990, c. 73, s. 34; 1997, c. 10, s. 2; 2002, c. 80, s. 39.

81.11. Parental leave may not begin before the week the child is born or, in the case of adoption, the week the child is entrusted to the employee within the framework of an adoption procedure or the week the employee leaves his work to go to a place outside Québec in order that the child be entrusted to him. It shall end not later than 70 weeks after the birth or, in the case of adoption, 70 weeks after the child was entrusted to the employee.

However, in the cases and subject to the conditions prescribed by regulation of the Government, parental leave may end at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee.

1990, c. 73, s. 34; 1997, c. 10, s. 3; 2002, c. 80, s. 40.

81.12. Parental leave may be taken after giving notice of not less than three weeks to the employer, stating the date on which the leave will begin and the date on which the employee will return to work. However, the notice may be shorter if the employee must stay with the newborn child or newly adopted child, or with the mother, because of the state of health of the child or of the mother.

1990, c. 73, s. 34; 2002, c. 80, s. 41.

81.13. An employee may return to work before the date stated in the notice given pursuant to section 81.6 or 81.12, provided he has given the employer written notice of not less than three weeks of the new date on which he will return to work.

If the employer consents thereto, the employee may return to work on a part-time basis or intermittently during the parental leave.

1990, c. 73, s. 34; 2002, c. 80, s. 42.

SECTION 81.14

81.14. An employee who does not report to work on the date stated in the notice given to the employer is presumed to have resigned.

1990, c. 73, s. 34; 2002, c. 80, s. 43.

81.15. 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, subject to regular payment of the contributions payable under those plans, the usual part of which is paid by the employer.

The Government shall determine, by regulation, the other advantages available to an employee during maternity, paternity or parental leave.

1990, c. 73, s. 34; 2002, c. 80, s. 44.

81.15.1. At the end of a maternity, paternity or parental leave, 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.

2002, c. 80, s. 44.

81.16. *(Section repealed).*

1990, c. 73, s. 34; 2002, c. 80, s. 45.

81.17. Sections 79.5 and 79.6 apply to a maternity, paternity or parental leave, with the necessary modifications.

1990, c. 73, s. 34; 2002, c. 80, s. 46.

DIVISION V.2

PSYCHOLOGICAL HARASSMENT

81.18. For the purposes of this Act, "psychological harassment" means any vexatious behaviour in the form of repeated and hostile or unwanted conduct, verbal comments, actions or gestures, that affects an employee's dignity or psychological or physical integrity and that results in a harmful work environment for the employee.

A single serious incidence of such behaviour that has a lasting harmful effect on an employee may also constitute psychological harassment.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 47.

81.19. Every employee has a right to a work environment free from psychological harassment.

Employers must take reasonable action to prevent psychological harassment and, whenever they become aware of such behaviour, to put a stop to it.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 47.

81.20. The provisions of sections 81.18, 81.19, 123.7, 123.15 and 123.16, with the necessary modifications, are deemed to be an integral part of every collective agreement. An employee covered by such an agreement must exercise the recourses provided for in the agreement, insofar as any such recourse is available to employees under the agreement.

At any time before the case is taken under advisement, a joint application may be made by the parties to such an agreement to the Minister for the appointment of a person to act as a mediator.

The provisions referred to in the first paragraph are deemed to form part of the conditions of employment of every employee appointed under the Public Service Act (chapter F-3.1.1) who is not governed by a collective agreement. Such an employee must exercise the applicable recourse before the Commission de la fonction publique according to the rules of procedure established pursuant to that Act. The Commission de la fonction publique exercises for that purpose the powers provided for in sections 123.15 and 123.16 of this Act.

The third paragraph also applies to the members and officers of bodies.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 47.

DIVISION VI

NOTICE OF TERMINATION OF EMPLOYMENT OR LAYOFF, AND WORK CERTIFICATE

82. The employer must give written notice to an employee before terminating his contract of employment or laying him off for six months or more.

The notice shall be of one week if the employee is credited with less than one year of uninterrupted service, two weeks if he is credited with one year to five years of uninterrupted service, four weeks if he is credited with five years to ten years of uninterrupted service and eight weeks if he is credited with ten years or more of uninterrupted service.

A 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 six months each year due to the influence of the seasons.

This section does not deprive an employee of a right granted to him under another Act.

1979, c. 45, s. 82; 1980, c. 5, s. 7; 1990, c. 73, s. 36; 1999, c. 40, s. 196.

82.1. Section 82 does not apply to an employee

- (1) who has less than three 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.

1990, c. 73, s. 36.

83. An employer who does not give the notice prescribed by section 82, or who gives insufficient notice, 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.

The 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 six months, or at the end of a period of six months after a layoff of indeterminate length, or a layoff expected to last less than six months but which exceeds that period.

The indemnity to be paid to an employee remunerated in whole or in part by commission is established from the average of his weekly wage, calculated from the complete periods of pay in the three months preceding the termination of his employment or his layoff.

1979, c. 45, s. 83; 1990, c. 73, s. 36; 2002, c. 80, s. 48.

SECTION 83.1

83.1. In the case of an employee who, under a collective agreement, is entitled to recall privileges for more than six months, the employer is bound to pay the compensatory indemnity only from the first of the following dates:

- (1) the expiry of the recall privileges of the employee;
- (2) one year after layoff.

An employee referred to in the first paragraph shall not be entitled to the compensatory indemnity

(1) if he is recalled before the date on which his employer is bound to pay the indemnity and if subsequently he works for a period equal to or longer than that of the notice prescribed by section 82;

- (2) if he is not recalled owing to a fortuitous event.

1990, c. 73, s. 36.

83.2. The Government may, by regulation, determine standards which vary from those provided for in sections 82 to 83.1 in respect of employees governed by the Public Service Act (chapter F-3.1.1) who, without being permanent employees, are entitled to recall privileges by virtue of their conditions of employment.

1990, c. 73, s. 36.

Work certificate **84.** At the expiry of the contract of employment, an employee may require his employer to issue to him a work certificate in which the following information, and only the following information, is set forth: the nature and the duration of his employment, the dates on which his employment began and terminated, and the name and address of the employer. The certificate shall not carry any mention of the quality of the work or the conduct of the employee.

1979, c. 45, s. 84.

DIVISION VI.0.1

NOTICE OF COLLECTIVE DISMISSAL

84.0.1. The termination of employment by the employer, including a layoff for a period of six months or more, involving not fewer than 10 employees of the same establishment in the course of two consecutive months constitutes a collective dismissal governed by this division.

2002, c. 80, s. 49.

84.0.2. The following employees are not considered to be employees affected by a collective dismissal:

- (1) an employee who has less than three months of uninterrupted service;
- (2) an employee whose contract for a fixed term or for a specific undertaking expires;
- (3) an employee to whom section 83 of the Public Service Act (chapter F-3.1.1) applies;
- (4) an employee who has committed a serious fault;
- (5) an employee referred to in section 3.

2002, c. 80, s. 49.

84.0.3. This division does not apply

- (1) to the layoff of employees for an indeterminate period, but in fact less than six months;
- (2) in respect of an establishment whose activities are seasonal or intermittent;

(3) in respect of an establishment affected by a strike or lock-out within the meaning of the Labour Code (chapter C-27).

2002, c. 80, s. 49.

84.0.4. Every employer shall, before making a collective dismissal for technological or economic reasons, give notice to the Minister of Employment and Social Solidarity within the following minimum periods:

- (1) 8 weeks, where the number of employees affected by the dismissal is at least equal to 10 and less than 100;
- (2) 12 weeks, where the number of employees affected by the dismissal is at least equal to 100 and less than 300;
- (3) 16 weeks, where the number of employees affected by the dismissal is at least equal to 300.

An employer that gives the notice referred to in the first paragraph is not exempted from giving the notice required by section 82.

2002, c. 80, s. 49.

84.0.5. In the case of a superior force or where an unforeseeable event prevents an employer from respecting the time periods for giving notice set out in section 84.0.4, the employer shall give the Minister a notice of collective dismissal as soon as the employer is in a position to do so.

2002, c. 80, s. 49.

84.0.6. An employer must transmit a copy of the notice of collective dismissal to the Commission and the certified association representing the employees affected by the dismissal. The employer must post the notice in a conspicuous and readily accessible place in the establishment concerned.

2002, c. 80, s. 49.

84.0.7. The notice of collective dismissal must be transmitted to the Minister at the place determined by regulation and contain the prescribed information.

2002, c. 80, s. 49.

84.0.8. During the time period set out in section 84.0.4, an employer may not change the wages of an employee affected by the collective dismissal or, where applicable, the group insurance and pension plans recognized in the employee's place of employment without the written consent of that employee or the certified association representing the employee.

2002, c. 80, s. 49.

84.0.9. At the request of the Minister, the employer and the certified association or, in the absence of such an association, the representatives chosen by the employees affected by the collective dismissal, must, without delay, participate in the establishment of a reclassification assistance committee and collaborate in carrying out the committee's mission.

The committee shall consist of an equal number of representatives of each party or of the number of representatives agreed on by the parties. Each party has one vote only.

2002, c. 80, s. 49.

84.0.10. The mission of the reclassification assistance committee is to provide the employees affected by the collective dismissal with any form of assistance agreed on by the parties to minimize the impact of the dismissal and facilitate the maintenance or re-entry on the labour market of those employees.

The committee is responsible, in particular, for evaluating the situation and needs of the employees affected by the dismissal, developing a reclassification plan to facilitate the maintenance or re-entry on the labour market of those employees and seeing to the implementation of the plan.

2002, c. 80, s. 49.

84.0.11. The financial contribution of the employer to the operating costs of the reclassification assistance committee and to the reclassification activities shall be agreed on by the employer and the Minister.

Failing an agreement, the financial contribution of the employer shall be an amount determined by regulation of the Government, per employee affected by the collective dismissal.

If the employer fails to make the financial contribution, it may be claimed by the Minister before the competent court.

2002, c. 80, s. 49.

84.0.12. On request, the Minister may, on the conditions the Minister determines, after giving the interested parties an opportunity to present observations, exempt an employer from the application of all or part of the provisions of sections 84.0.9 to 84.0.11, if the employer, in the establishment concerned by the collective dismissal, offers reclassification assistance measures to the employees affected by the dismissal that are equivalent or surpass the measures provided for in this division.

2002, c. 80, s. 49.

84.0.13. An employer who does not give the notice prescribed by section 84.0.4 or who gives insufficient notice must pay to each dismissed employee an indemnity equal to the employee's regular wages, excluding overtime, for a period equal to the time period or remainder of the time period within which the employer was required to give notice.

The indemnity must be paid at the time of the dismissal or at the end of a period of six months after a layoff of indeterminate length or a layoff expected to last less than six months but which exceeds that period.

An employer who is in one of the situations described in section 84.0.5 is, however, not required to pay an indemnity.

2002, c. 80, s. 49.

84.0.14. No employee may cumulate the indemnities provided for in sections 83 and 84.0.13. However, an employee shall receive the greater of the indemnities to which the employee is entitled.

2002, c. 80, s. 49.

84.0.15. Sections 84.0.9 to 84.0.12 do not apply where the number of employees affected by the dismissal is less than 50.

2002, c. 80, s. 49.

DIVISION VI.1

RETIREMENT

Voluntary retirement **84.1.** An employee is entitled to continue to work notwithstanding the fact that he has reached or passed the age or number of years of service at which he should retire pursuant to a general law or special act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer.

Dismissal, suspension, transfer However, and subject to section 122.1, such right does not prevent an employer or his agent from dismissing, suspending or transferring such an employee for good and sufficient cause.

1982, c. 12, s. 2.

DIVISION VI.2

WORK PERFORMED BY CHILDREN

Prohibition **84.2.** No employer may have work performed by a child that is disproportionate to the child's capacity, or that is likely to be detrimental to the child's education, health or physical or moral development.

1997, c. 72, s. 5; 1999, c. 52, s. 11.

Child under the age of 14 **84.3.** No employer may have work performed by a child under the age of 14 years without first obtaining the written consent of the holder of parental authority or the tutor.

Consent The employer must preserve the written consent as if it were an entry required to be made in the registration system or register referred to in paragraph 3 of section 29.

1997, c. 72, s. 5; 1999, c. 52, s. 11.

School hours **84.4.** No employer may have work performed during school hours by a child subject to compulsory school attendance.

1999, c. 52, s. 11.

Working hours **84.5.** An employer who has work performed by a child subject to compulsory school attendance must ensure that the child's work is scheduled so that the child is able to attend school during school hours.

1999, c. 52, s. 11.

Exception **84.6.** No employer may have work performed by a child between 11 p.m. on any given day and 6 a.m. on the following day, except in the case of a child no longer subject to compulsory school attendance, in the case of newspaper deliveries, or in any other case determined by regulation of the Government.

1999, c. 52, s. 11; O.C. 814-2000.

Exception **84.7.** An employer who has work performed by a child must schedule the work so that, having regard to the location of the child's family residence, the child may be at the family residence between 11 p.m. on any given day and 6 a.m. on the following day, except in

the case of a child no longer subject to compulsory school attendance or in the cases, circumstances or periods or under the conditions determined by regulation of the Government.

1999, c. 52, s. 11; O.C. 814-2000.

DIVISION VII

MISCELLANEOUS OTHER LABOUR STANDARDS

Special clothing

85. An employer that requires the wearing of special clothing must supply it free of charge to an employee who is paid the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and must at least be equivalent to the minimum wage that does not apply to a particular class of employees.

The employer cannot require an amount of money from an employee for the purchase, use or upkeep of special clothing if that would cause the employee to receive less than the minimum wage. In the case of an employee referred to in section 42.11 or 1019.4 of the Taxation Act, the minimum wage is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4, and the amount of money required from the employer cannot be such that the employee receives less than the minimum wage that does not apply to a particular class of employees.

The employer cannot require an employee to pay for special clothing that identifies the employee as an employee of the employer's establishment. In addition, the employer cannot require an employee to purchase clothing or accessories that are items in the employer's trade.

1979, c. 45, s. 85; 1990, c. 73, s. 37; 2002, c. 80, s. 50.

85.1. Where an employer requires the use of material, equipment, raw materials or merchandise in the performance of a contract, the employer must furnish them free of charge to an employee who is paid the minimum wage.

The employer cannot require an amount of money from an employee for the purchase, use or maintenance of material, equipment, raw materials or merchandise if the payment would cause the employee to receive less than the minimum wage.

The employer cannot require an amount of money from an employee to pay for expenses related to the operations and mandatory employment-related costs of the enterprise.

2002, c. 80, s. 51.

85.2. 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.

2002, c. 80, s. 51.

Premiums, indemnities

86. *(Section repealed).*

1979, c. 45, s. 86; 2002, c. 80, s. 52.

86.1. An employee is entitled to retain the status of employee where the changes made by the employer to the mode of operation of the enterprise do not change that status into that of a contractor without employee status.

Where the employee is in disagreement with the employer regarding the consequences of the changes on the status of the employee, the employee may file a complaint in writing with the Commission des normes du travail. On receipt of the complaint, the Commission

shall make an inquiry and the first paragraph of section 102 and sections 103, 104 and 106 to 110 shall apply, with the necessary modifications.

If the Commission refuses to take action following a complaint, the employee may, within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.

At the end of the inquiry, if the Commission agrees to take action, it shall refer the complaint without delay to the Commission des relations du travail for it to rule on the consequences of the changes on the status of the employee.

The Commission des relations du travail shall render its decision within 60 days of the filing of the complaint at its offices.

1979, c. 45, s. 86; 2002, c. 80, s. 53.

Information on
labour standards

87. The employer must transmit to the employee any information document concerning labour standards furnished by the Commission.

The employer must also, at the request of the Commission and according to its directions, transmit to the employee, post or disseminate any document the Commission furnishes to the employer concerning labour standards.

1979, c. 45, s. 87; 1990, c. 73, s. 38; 2002, c. 80, s. 54.

DIVISION VII.1 **DIFFERENCES IN TREATMENT**

No contravening
condition

87.1. No agreement or decree may, with respect to a matter covered by a labour standard that is prescribed by Divisions I to VI and VII of this chapter and is applicable to an employee, operate to apply to the employee, solely on the basis of the employee's hiring date, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.

No contravening
condition

The same applies in respect of a matter corresponding to any of the matters referred to in the first paragraph where a labour standard pertaining to that matter has been fixed by regulation.

(IN FORCE UNTIL MAY 31, 2004)

1999, c. 85, s. 2.

No contravening
condition

87.1. No agreement or decree may, with respect to a matter covered by a labour standard that is prescribed by Divisions I to **V.1**, VI and VII of this chapter and is applicable to an employee, operate to apply to the employee, solely on the basis of the employee's hiring date, a condition of employment less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.

No contravening
condition

The same applies in respect of a matter corresponding to any of the matters referred to in the first paragraph where a labour standard pertaining to that matter has been fixed by regulation.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 55.

87.2. A condition of employment based on seniority or years of service does not contravene section 87.1.

1999, c. 85, s. 2.

Amalgamation or
reorganization of
an enterprise

87.3. The conditions of employment applied to an employee pursuant to a special arrangement for the handicapped and the conditions of employment applied temporarily to an employee following a reclassification or demotion, an amalgamation of enterprises

or an internal reorganization in an enterprise shall be disregarded for the purposes of section 87.1.

Taking into consideration

The wages and wage rules temporarily applied to an employee to prevent the employee from being disadvantaged owing to the employee's integration into a new wage rate, a wage scale whose range has been modified or a new wage scale shall also be disregarded, provided that

(1) the wage rate or wage scale is established to be applicable, subject to the situations referred to in the first paragraph, to all employees performing the same tasks in the same establishment; and

(2) the difference between the wage applied to the employee and the rate or scale established to be applicable to all such employees is progressively eliminated within a reasonable period of time.

1999, c. 85, s. 2.

Transitional provisions of the Act respecting labour standards as regards differences in treatment

5. In the case of a collective agreement within the meaning of the Labour Code (R.S.Q., chapter C-27) or an arbitration award in lieu thereof, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force, after 29 February 2000, of a first collective agreement for a certified group of employees, of a new collective agreement or of an arbitration award in lieu thereof.

6. In the case of an agreement within the meaning of the Act respecting labour standards, other than agreements referred to in section 5 of this Act, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act has effect from 1 July 2000, unless the agreement is binding on an employee in a group of employees certified under the Labour Code and for which a first collective agreement within the meaning of that Code has not been made and is therefore not in force; in the latter case, Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from the date of coming into force of the first collective agreement or of an arbitration award in lieu thereof.

7. In the case of a decree within the meaning of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), Division VII.1 of Chapter IV of the Act respecting labour standards enacted by section 2 of this Act and the amendment made to section 102 of the Act respecting labour standards by section 3 of this Act have effect from 1 January 2001.

8. For the purposes of sections 5 and 6 of this Act, the date of coming into force of a collective agreement is the date determined pursuant to section 72 of the Labour Code.

1999, c. 85, s. 5 to 8.

**DIVISION VIII
REGULATIONS**

Regulations

88. The Government may make regulations exempting such category or categories of employees as it may designate from the whole or a part of the application of Division I of Chapter IV, for such time and on such conditions as it may fix, namely, managerial personnel, employees on commission, employees engaged in logging operations, saw mills and public works, caretakers, employees who receive gratuities or tips, employees contemplated by subparagraphs i, ii and iii of paragraph 10 of section 1, students employed in a vacation camp or in a social or community non-profit organization, such as a recreational organization, and trainees under a programme of vocational training or induction recognized by law.

(Paragraph repealed).

Different standards The Government may also, as the case may be, fix standards different from those provided in Division I of Chapter IV for the employees contemplated in the first paragraph.

1979, c. 45, s. 88; 1990, c. 73, s. 39; 2002, c. 80, s. 56.

Regulations **89.** The Government, by regulation, may fix labour standards respecting the following matters:

(1) the minimum wage, which may be established on a time basis, a production basis or any other basis;

(2) pay sheets;

(3) the maximum amount that may be required of an employee for bed and board;

(4) the standard workweek of employees, particularly that of:

a) (Subparagraph repealed).

b) various classes of caretakers;

c) employees engaged in the retail food trade;

d) employees engaged in logging operations;

e) employees working in saw mills;

f) employees working at public works;

g) employees working in an isolated area that is inaccessible by motor road and not connected up to the road network of Québec by any regular transport system;

h) various categories of workers carrying out work in the James Bay territory under the authority of Hydro-Québec, the Société d'énergie de la Baie James or the Société de développement de la Baie James;

i) the categories of employees listed in subparagraphs 2, 6 and 7 of the first paragraph of section 54;

(5) *(Paragraph repealed).*

(6) the other benefits an employee may receive during an absence owing to sickness or accident, a maternity, paternity* or parental leave, which may vary according to the nature of the leave or, where applicable, its length;

(6.1) the cases in which and conditions on which a parental leave may terminate at the latest 104 weeks after the birth or, in the case of adoption, 104 weeks after the child was entrusted to the employee;*

(6.2) the procedure for transmission of the notice of collective dismissal and the information it must contain;

(6.3) the amount of the employer's financial contribution to the operating costs of the reclassification assistance committee and to the reclassification activities;

(7) *(Paragraph repealed).*

(8) *(Paragraph repealed).*

1979, c. 45, s. 89; 1980, c. 11, s. 127; 1981, c. 23, s. 56; 1983, c. 15, s. 1; 1990, c. 73, s. 40; 2002, c. 80, s. 57.

** Editor's note: Subsections (6) and (6.1) are in force, except with respect to the paternity leave. The provisions relating to the paternity leave will enter into force on the same date as section 9 of the Act respecting parental insurance (2001, c. 9), namely on the date that will be set by the government.*

89.1. The Government may, by regulation, determine cases in which a prohibition under section 84.6 is not applicable.

It may also, in the same manner, determine cases, circumstances, periods or conditions in or under which the obligation imposed by section 84.7 is not applicable.

1997, c. 72, s. 6; 1999, c. 52, s. 12; O.C. 814-2000.

Regulations **90.** The Government may, by regulation, wholly or partly exempt certain establishments or categories of establishments for physical, mental or social re-education from this Act and the regulations and, as the case may be, fix labour standards applicable to the persons working in them.

SECTION 90.1

(Paragraph repealed).

1979, c. 45, s. 90; 1990, c. 73, s. 41; 2002, c. 80, s. 58.

Exceptions **90.1.** The Government may, by regulation, exempt certain categories of employees or employers from the application of Division VI.1 and section 122.1.

Regulation A regulation made under the first paragraph may be made to have effect on a date not over six months prior to the date on which it is made.

1982, c. 12, s. 3.

Different standards **91.** The standards contemplated in sections 88 to 90 may vary according to the field of activity and the type of work.

Residence They may also vary according to whether or not an employee resides with his employer.

1979, c. 45, s. 91; 1980, c. 5, s. 8; 1981, c. 23, s. 57; 1990, c. 73, s. 42.

Provisions applicable **92.** *(Section repealed).*

1979, c. 45, s. 92; 1997, c. 72, s. 7.

DIVISION VIII.1

LABOUR STANDARDS IN THE CLOTHING INDUSTRY

Responsibilities **92.1.** After consulting with the most representative employees' and employers' associations in the clothing industry, the Government may, by regulation, in respect of all employers and employees in the clothing industry that would be covered by a decree referred to in the third paragraph of section 39.0.2 had the decree not expired, fix labour standards respecting the following matters:

(1) the minimum wage, which may be established on a time basis, a production basis or any other basis;

(2) the standard workweek;

(3) paid statutory general holidays and the indemnity relating to such holidays, which may be established on a production basis or any other basis;

(4) the duration of an employee's annual leave, established according to the employee's uninterrupted service with the same employer, and the division of an indemnity relating to the leave;

(5) the duration of the meal period, with or without pay;

(6) the number of days during which an employee may be absent, with or without pay, for family events referred to in section 80 and 80.1.

The regulation may also include any provision similar to the provisions appearing in Divisions I to V.I of Chapter IV in respect of any matter covered by the regulation.

Applicable provisions For the purposes of this Act, sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

1999, c. 57, s. 3; 2001, c. 47, s. 1.

92.2. *(Section repealed).*

1999, c. 57, s. 3; 2001, c. 47, s. 2.

Monitoring program **92.3.** The Commission shall establish a specific program for the monitoring of compliance with the labour standards applicable in the clothing industry.

1999, c. 57, s. 3; 2001, c. 47, s. 3.

92.4. (Section repealed).

1999, c. 57, s. 3; 2001, c. 47, s. 4.

Extract from transitional provisions of the Act respecting the conditions of employment in certain sectors of the clothing industry and amending the Act respecting labour standards

5. The following collective agreement decrees are extended until 30 June 2000:

- (1) the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r.11);
- (2) the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26);
- (3) the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27);
- (4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

6. The Decree respecting the women's clothing industry is amended by striking out

- (1) section 8.02, effective 1 March 2000;
- (2) section 8.03, effective 11 March 2000.

7. Notwithstanding the expiry of the Decree respecting the women's clothing industry, an employee to whom an employer has credited sums as compulsory annual vacation pay between 1 March 1999 and 29 February 2000 is entitled to payment during the year 2000 of annual vacation pay equal to 8% of the monthly earnings reported in respect of the employee, for that period, to the joint committee responsible for monitoring and ensuring compliance with the decree, provided the vacation indemnities have been collected as provided in section 8.03 of the decree.

The joint committee shall pay to such an employee, not later than 8 July 2000, vacation pay equal to 6% of those earnings, and, not later than 8 December 2000, the Commission des normes du travail shall pay to the employee vacation pay equal to 2% of the same earnings.

In the case of the death of such an employee, the payments may be made at any time, upon request, to the employee's heirs.

8. Every employer bound in November 1999 by the Decree respecting the women's clothing industry must send to the joint committee referred to in section 7 at the same time as its monthly pay report, on the tenth day of each month for the preceding month, a sum equal to 1.85% of the gross wages earned by each employee covered by the decree for the period from 1 March 2000 to 30 June 2000, to finance the deficit arising from the compulsory annual vacation provided for in the decree.

For the same purpose and for the period from 1 July 2000 to 28 February 2001, every employer referred to in the first paragraph must also send to the Commission des normes du travail, on the tenth day of each month for the preceding month, a sum equal to 1.85% of the gross wages earned by each employee who would have been covered by the Decree respecting the women's clothing industry had the decree not expired.

For the purposes of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) and the Act respecting labour standards, the obligations imposed by this section are deemed to be obligations imposed by the Decree respecting the women's clothing industry and the Act respecting labour standards, respectively.

For the purposes of applying the first paragraph and the Regulation respecting the monthly report of the Ladies' Clothing Joint Commission (O.C. 359-93 dated 17 March 1993) in respect of an employer referred to in that paragraph, the Decree respecting the women's clothing industry is deemed to subsist until 11 July 2000.

1999, c. 57, s. 5 to 8.

DIVISION IX
EFFECT OF LABOUR STANDARDS

Standards of public order Provision null	93. Subject to any exception allowed by this Act, the labour standards contained in this Act and the regulations are of public order. In an agreement or decree, any provision that contravenes a labour standard or that is inferior thereto is absolutely null. 1979, c. 45, s. 93; 1999, c. 40, s. 196.
More advantageous condition of employment	94. Notwithstanding section 93, an agreement or a decree may grant an employee a more advantageous condition of employment than required in a standard prescribed by this Act or the regulations. 1979, c. 45, s. 94; 1980, c. 5, s. 9.
Subcontractor	95. An employer who enters into a contract with a subcontractor, directly or through an intermediary, is responsible jointly and severally with that subcontractor and that intermediary for the pecuniary obligations fixed by this Act or the regulations. 1979, c. 45, s. 95; 1994, c. 46, s. 8.
Alienation of an undertaking	96. The alienation or concession of the whole or a part of an undertaking does not invalidate any civil claim arising from the application of this Act or a regulation which is not paid at the time of such alienation or concession. The former employer and the new employer are bound jointly and severally in respect of that claim. 1979, c. 45, s. 96; 2002, c. 80, s. 59.
Alienation of an undertaking	97. The alienation or concession in whole or in part of the undertaking, or the modification of its juridical structure, namely by amalgamation, division or otherwise, does not affect the continuity of the application of the labour standards. 1979, c. 45, s. 97.

CHAPTER V RECOURSES

DIVISION I CIVIL RECOURSES

- Claim of wages **98.** Where the employer fails to pay to an employee the wage owing to him, the Commission, on behalf of that employee, may claim the unpaid wage from that employer.
- 1979, c. 45, s. 98; 1990, c. 73, s. 43.
- Claim of other benefits **99.** Where the employer fails to pay the other pecuniary benefits resulting from the application of this Act or a regulation, the Commission may claim these benefits on the basis of the usual hourly wage of the employee and his gratuities or tips declared and attributed under sections 42.11 and 1019.4 of the Taxation Act (chapter I-3).
- 1979, c. 45, s. 99; 1983, c. 43, s. 12; 2002, c. 80, s. 60.
- Recourse exercised by employee **100.** (*Section repealed*).
- 1979, c. 45, s. 100; 1990, c. 73, s. 44.
- Settlement of a claim null **101.** Any settlement of a claim between an employer and an employee which involves a reduction of the amount claimed is absolutely null.
- 1979, c. 45, s. 101; 1999, c. 40, s. 196.
- Complaint **102.** Subject to sections 123 and 123.1, an employee who believes that one of his rights under this Act or a regulation has been violated may file a complaint in writing with the Commission. Such a complaint may also be filed on behalf of an employee who consents thereto in writing by a non-profit organization dedicated to the defence of employees' rights.
- Employee subject to collective agreement or decree If an employee is subject to a collective agreement or a decree, the complainant must then prove to the Commission that he has exhausted his recourses arising out of that agreement or that decree, unless the complaint concerns a condition of employment prohibited by section 87.1; in the latter case, the complainant must prove to the Commission that he has not exercised such recourses or that, having exercised them, he discontinued proceedings before a final decision was rendered.
- 1979, c. 45, s. 102; 1982, c. 12, s. 4; 1990, c. 73, s. 45; 1999, c. 85, s. 3.
- Identity of an employee **103.** The Commission shall not, during the inquiry, disclose the identity of an employee by or on behalf of whom a complaint has been filed, unless the latter consents to it.
- 1979, c. 45, s. 103; 1990, c. 73, s. 46.
- Inquiry **104.** On receipt of a complaint, the Commission shall make an inquiry with due dispatch.
- 1979, c. 45, s. 104.
- Inquiry **105.** The Commission may also make an inquiry of its own initiative.
- 1979, c. 45, s. 105.

Frivolous complaint	106. The Commission may refuse to proceed with an inquiry if it finds that the complaint is frivolous or made in bad faith. 1979, c. 45, s. 106.
Refusal to inquire	107. Where the Commission refuses to proceed with an inquiry under section 106 or where it finds that the complaint is groundless, it shall give notice of its decision to the complainant by registered or certified mail, giving the reasons therefor and informing him of his right to apply for a review of the decision. 1979, c. 45, s. 107; 1990, c. 73, s. 47; 1992, c. 26, s. 11.
Review of a decision	107.1. The complainant may, within 30 days of receiving the decision referred to in section 107, apply in writing for a review thereof. The Commission must render a final decision by registered or certified mail within 30 days of receiving the application from the complainant. 1990, c. 73, s. 48; 1992, c. 26, s. 12.
Powers of inquiry	108. The Commission, or any person it may designate generally or specially for that purpose, is vested, for the purposes of an inquiry contemplated in sections 104 and 105, with the powers and immunity granted to commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to impose imprisonment.
Person authorized to inquire	The Commission may authorize a person generally or specially to inquire into a matter relating to this act or a regulation. Such person must, upon request, present a certificate of his authority signed by the chairman. 1979, c. 45, s. 108.
Inquiry	109. In proceeding with an inquiry, the Commission or any person designated by it for such purpose may: (1) enter at any reasonable time any place of work or establishment of an employer and make an inspection thereof; such inspection may include the examination of registers, books, accounts, vouchers and other documents; (2) require any information regarding the application of this Act or a regulation, and the production of any document related thereto. 1979, c. 45, s. 109.
Probative value	110. A document contemplated in section 109 which has been examined by the Commission or a person designated by it, or which has been produced to either of them, may be copied or photocopied. Any copy or photocopy of such document certified true to the original by the chairman or that person is admissible as evidence and has the same probative value as the original. 1979, c. 45, s. 110.
Putting in default	111. Where, following an inquiry, the Commission considers that an amount of money is due to an employee in accordance with this Act or the regulations, it shall put the employer in default to pay such amount to the Commission within twenty days of the mailing of such putting in default by registered or certified mail.
Copy to employee	The Commission shall at the same time send a notice to the employee indicating the amount claimed on his behalf. 1979, c. 45, s. 111; 1990, c. 73, s. 49; 1992, c. 26, s. 13.

Amount paid to employee	112. If the employer fails to pay such amount within the time fixed in section 111, the Commission may, of its own authority in the cases provided by regulation made under paragraph 6 of section 29, pay the amount to the employee to the extent provided for in paragraph 6 of section 39.
Subrogation	The Commission is thereupon substituted in all the rights of the employee up to the amount thus paid. (NOT IN FORCE)*
	1979, c. 45, s. 112.
	<i>*Editor's note: This provision will come into force on the date to be fixed by proclamation of the Government (1979, c. 45, s. 171).</i>
Recourse exercised by Commission	113. The Commission may take the appropriate action on behalf of the employee at the expiry of the time provided for in section 111. The Commission may also exercise the recourses available to an employee against the directors of a legal person.
	1979, c. 45, s. 113; 1990, c. 73, s. 50; 1992, c. 26, s. 14.
Lump sum	114. Where it exercises the recourses provided for in sections 112 and 113, the Commission may claim, in addition to the amount due under this act or a regulation, an amount equal to 20% of such amount. This additional amount of 20% belongs entirely to the Commission.
Rate of interest	The amount due to the employee bears interest at the rate fixed under section 28 of the Act respecting the ministère du Revenu (chapter M-31), from the putting in default contemplated in section 111.
	1979, c. 45, s. 114; 1990, c. 73, s. 51.
Prescription	115. A civil action brought under this Act or a regulation is prescribed by one year from each due date.
Logging operations	This prescription runs only from 1 May following the date of execution of the work in respect of employees engaged in logging operations.
	1979, c. 45, s. 115.
Prescription interrupted	116. A notice of inquiry sent by the Commission to the employer by registered or certified mail suspends prescription in respect of all his employees for six months from the date of mailing.
	1979, c. 45, s. 116; 1990, c. 73, s. 52; 1992, c. 26, s. 15.
	117. (Section repealed).
	1979, c. 45, s. 117; 1994, c. 46, s. 9.
Fraud	118. In the case of a false entry in the required register, or in the system of registration, or of a secret rebate or any other fraud, prescription runs against the Commission's recourses only from the date on which the Commission becomes aware of the fraud.
	1979, c. 45, s. 118.

Recourses joined **119.** The recourses of several employees against the same employer or against the directors of the same legal person may be joined in the same suit, whether it is instituted by the employees or by the Commission, and the total amount claimed determines the jurisdiction of the court, both in first instance and in appeal.

1979, c. 45, s. 119; 1992, c. 26, s. 16.

119.1. All proceedings brought before the civil courts under this Act constitute matters which must be heard and decided by preference.

1990, c. 73, s. 53.

Amount remitted to the Commission **120.** After being put in default by the Commission, an employer cannot validly discharge the amounts forming the object of the claim except by remitting them to the Commission. This provision does not apply in the case of an action brought by the employee himself.

1979, c. 45, s. 120.

Amount remitted to the employee **121.** Subject to the section 112 and to the first paragraph of section 114, the Commission shall remit to the employee the amount it collects by exercising his recourse.

Deduction At the request of the Minister of Employment and Security, the Commission shall deduct from that amount the benefits paid to the employee or his family under the Act respecting income security (chapter S-3.1.1) and which may be recovered under section 35 of the said act. The Commission shall remit the amount thus deducted to the Minister of Employment and Security.

1979, c. 45, s. 121; 1988, c. 51, s. 120; 1992, c. 44, s. 81; 1994, c. 12, s. 50; 1997, c. 63, s. 128, subp. 14.

DIVISION II

RECOURSE AGAINST PROHIBITED PRACTICES

Dismissal prohibited **122.** No employer or his agent may dismiss, suspend or transfer an employee, practise discrimination or take reprisals against him, or impose any other sanction upon him:

(1) on the ground that such employee has exercised one of his rights, other than the right contemplated in section 84.1, under this act or a regulation;

(1.1) on the ground that an inquiry is being conducted by the Commission in an establishment of the employer;

(2) on the ground that such employee has given information to the Commission or one of its representatives on the application of the labour standards or that he has given evidence in a proceeding related thereto;

(3) on the ground that a seizure by garnishment has been or may be effected against such employee;

(3.1) on the ground that such employee is a debtor of support subject to the Act to facilitate the payment of support (1995, chapter 18);

(4) on the ground that such employee is pregnant;

(5) for the purpose of evading the application of this act or a regulation;

(6) on the ground that the employee has refused to work beyond his regular hours of work because his presence was required 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, even though he had taken the reasonable steps within his power to assume those obligations otherwise.

Pregnant employee transferred An employer must of his own initiative transfer a pregnant employee if her conditions of employment are physically dangerous to her or her unborn child. The employee may refuse the transfer by presenting a medical certificate attesting that her conditions of employment are not dangerous as alleged.

1979, c. 45, s. 122; 1980, c. 5, s. 10; 1982, c. 12, s. 5; 1990, c. 73, s. 55; 1995, c. 18, s. 95; 2002, c. 80, s. 61.

Prohibited practices **122.1.** No employer or his agent may dismiss, suspend or retire an employee, practice discrimination or take reprisals against him on the ground that he has reached or passed the age or the number of years of service at which he should retire pursuant to a general law or special act applicable to him, pursuant to the retirement plan to which he contributes, pursuant to the collective agreement, the arbitration award in lieu thereof or the decree governing him, or pursuant to the common practice of his employer.

1982, c. 12, s. 6; 2002, c. 80, s. 62.

Absence by reason of illness or accident **122.2.** (Section repealed).

1990, c. 73, s. 56; 2002, c. 80, s. 63.

123. An employee who believes he has been the victim of a practice prohibited by section 122 and who wishes to assert his rights must do so before the Commission des normes du travail within 45 days of the occurrence of the practice complained of.

If the complaint is filed within that time to the Commission des relations du travail, failure to file the complaint with the Commission des normes du travail cannot be invoked against the complainant.

1979, c. 45, s. 123; 1990, c. 73, s. 57; 1999, c. 40, s. 196; 2001, c. 26, s. 140; O.C. 1314-2002; 2002, c. 80, s. 64.

Complaint **123.1.** Section 123 applies to every employee who believes that he has been dismissed, suspended or retired on the ground set forth in section 122.1.

Filing However, the time limit to file such a complaint is then increased to ninety days.

1982, c. 12, s. 7; 2001, c. 26, s. 141; O.C. 1314-2002; 2002, c. 80, s. 65.

123.2. The presumption resulting from the application of the second paragraph of section 123.4 shall continue to apply for not less than 20 weeks after the employee has returned to work at the end of a maternity or paternity* leave or parental leave.

1990, c. 73, s. 58; 2002, c. 80, s. 66.

**Editor's note: The amendments made to this section by the Act to amend the Act respecting Labour Standards and other legislative provisions (2002, c. 80) are in force, except with respect to the paternity leave. The provisions pertaining to the paternity leave will enter into force on the same date as section 9 of the Act respecting parental insurance (2001, c. 9), namely on the date that will be set by the government.*

123.3. The Commission, with the agreement of the parties, may appoint a person who shall endeavour to settle the complaint to the satisfaction to the parties.

Only a person who has not already acted in the matter in question in another capacity may be appointed for this purpose by the Commission.

Any verbal or written information gathered by the person appointed under the first paragraph must remain confidential. He may not be compelled to divulge anything that has been revealed to him or that has come to his knowledge in the performance of his duties, or to produce before a court or before any body or person fulfilling a judicial or quasi-judicial function any document made or obtained in the performance of his duties, except

in penal matters, where the court considers that such proof is necessary for a full and complete defence. Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have a right of access to any such document.

1990, c. 73, s. 58; 1992, c. 61, s. 416.

123.4. If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail shall, without delay, refer the complaint to the Commission des relations du travail.

The provisions of the Labour Code (chapter C-27) applicable to a remedy relating to the exercise by an employee of a right arising out of that Code apply, with the necessary modifications.

The Commission des relations du travail may not, however, order the reinstatement of a domestic or person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in the employer's dwelling.

2002, c. 80, s. 67.

123.5. The Commission may, in any proceeding relating to this division, represent an employee who is not a member of a group of employees covered by a certification pursuant to the Labour Code (chapter C-27).

2002, c. 80, s. 67.

DIVISION II.1

RECOURSE AGAINST PSYCHOLOGICAL HARASSMENT

123.6. An employee who believes he has been the victim of psychological harassment may file a complaint in writing with the Commission. Such a complaint may also be filed by a non-profit organization dedicated to the defence of employees' rights on behalf of one or more employees who consent thereto in writing.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.7. Any complaint concerning psychological harassment must be filed within 90 days of the last incidence of the offending behaviour.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.8. On receipt of a complaint, the Commission shall make an inquiry with due dispatch.

Sections 103 to 110 shall apply to the inquiry, with the necessary modifications.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.9. If the Commission refuses to take action following a complaint, the employee or, if applicable, the organization with the employee's written consent, may within 30 days of the Commission's decision under section 107 or 107.1, make a written request to the Commission for the referral of the complaint to the Commission des relations du travail.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.10. The Commission may, at any time, during the inquiry and with the agreement of the parties, request the Minister to appoint a person to act as a mediator. The Commission may, at the request of the employee, assist and advise the employee during mediation.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.11. If the employee is still bound to the employer by a contract of employment, the employee is deemed to be at work during mediation sessions.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.12. At the end of the inquiry, if no settlement is reached between the parties and the Commission agrees to pursue the complaint, it shall refer the complaint without delay to the Commission des relations du travail.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.13. The Commission des normes du travail may represent an employee in a proceeding under this division before the Commission des relations du travail.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.14. The provisions of the Labour Code (chapter C-27) relating to the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, except sections 15 to 19, as well as section 100.12 of that Code apply, with the necessary modifications.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.15. If the Commission des relations du travail considers that the employee has been the victim of psychological harassment and that the employer has failed to fulfil the obligations imposed on employers under section 81.19, it may render any decision it believes fair and reasonable, taking into account all the circumstances of the matter, including

- (1) ordering the employer to reinstate the employee;
- (2) ordering the employer to pay the employee an indemnity up to a maximum equivalent to wages lost;
- (3) ordering the employer to take reasonable action to put a stop to the harassment;
- (4) ordering the employer to pay punitive and moral damages to the employee;
- (5) ordering the employer to pay the employee an indemnity for loss of employment;
- (6) ordering the employer to pay for the psychological support needed by the employee for a reasonable period of time determined by the Commission;

(7) ordering the modification of the disciplinary record of the employee.
(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

123.16. Paragraphs 2, 4 and 6 of section 123.15 do not apply to a period during which the employee is suffering from an employment injury within the meaning of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) that results from psychological harassment.

Where the Commission des relations du travail considers it probable that, pursuant to section 123.15, the psychological harassment entailed an employment injury for the employee, it shall reserve its decision with regard to paragraphs 2, 4 and 6.

(IN FORCE ON JUNE 1, 2004)

2002, c. 80, s. 68.

DIVISION III

RECOURSE AGAINST DISMISSALS NOT MADE FOR GOOD AND SUFFICIENT CAUSE

Complaint of
dismissal

124. An employee credited with two years of uninterrupted service in the same enterprise who believes that he has not been dismissed for a good and sufficient cause may present his complaint in writing to the Commission des normes du travail or mail it to the address of the Commission des normes du travail within 45 days of his dismissal, except where a remedial procedure, other than a recourse in damages, is provided elsewhere in this act, in another act or in an agreement.

If the complaint is filed with the Commission des relations du travail within this period, failure to have presented it to the Commission des normes du travail cannot be set up against the complainant.

1979, c. 45, s. 124; 1990, c. 73, s. 59; 2001, c. 26, s. 142; O.C. 1314-2002; 2002, c. 80, s. 69.

Mediation

125. Upon receiving the complaint, the Commission des normes du travail may, with the agreement of the parties, appoint a person who shall endeavour to settle the complaint to the satisfaction of the interested parties. The second and third paragraphs of section 123.3 apply for the purposes of this section.

Reasons for
dismissal

The Commission des normes du travail may require from the employer a writing containing the reasons for dismissing the employee. It must provide a copy of this writing to the employee, on demand.

1979, c. 45, s. 125; 1990, c. 73, s. 60; 2001, c. 26, s. 143; O.C. 1314-2002.

Complaint deferred to
the Commission des
relations du travail

126. If no settlement is reached following receipt of the complaint by the Commission des normes du travail, the Commission des normes du travail shall, without delay, refer the complaint to the Commission des relations du travail.

1979, c. 45, s. 126; 1983, c. 22, s. 104; 1990, c. 73, s. 61; 2001, c. 26, s. 144; O.C. 1314-2002; 2002, c. 80, s. 70.

126.1. The Commission des normes du travail may, in a proceeding under this division, represent an employee who does not belong to a group of employees to which certification has been granted under the Labour Code.

1997, c. 2, s. 2; 2001, c. 26, s. 145; O.C. 1314-2002.

Provisions applicable **127.** The provisions of the Labour Code (chapter CV-27) respecting the Commission des relations du travail, its commissioners, their decisions and the exercise of their jurisdiction, and section 100.12 of the said Code apply, adapted as required, except sections 15 to 19.

1979, c. 45, s. 127; 1990, c. 73, s. 61; 2001, c. 26, s. 146; O.C. 1314-2002.

Powers of the Commission des relations du travail **128.** Where the Commission des relations du travail considers that the employee has been dismissed without good and sufficient cause, the Commission may:

- (1) order the employer to reinstate the employee;
- (2) order the employer to pay to the employee an indemnity up to a maximum equivalent to the wage he would normally have earned had he not been dismissed;
- (3) render any other decision the Commission believes fair and reasonable, taking into account all the circumstances of the matter.

Domestic However, in the case of a domestic or a person whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, the Commission des relations du travail may only order the payment to the employee of an indemnity corresponding to the wage and other benefits of which he was deprived due to dismissal.

1979, c. 45, s. 128; 1981, c. 23, s. 58; 1983, c. 22, s. 104; 1990, c. 73, s. 62; 2001, c. 26, s. 147; O.C. 1314-2002; 2002, c. 80, s. 71.

129. *(Section repealed).*

1979, c. 45, s. 129; 1990, c. 73, s. 63; 2001, c. 26, s. 148; O.C. 1314-2002.

Delay **130.** The decision of the Commission des relations du travail under this division is without appeal. It shall bind both the employer and the employee.

1979, c. 45, s. 130; 1990, c. 73, s. 64; 2001, c. 26, s. 148; O.C. 1314-2002.

131. The Commission des relations du travail shall send forthwith a true copy of its decision to the Commission.

1979, c. 45, s. 131; 1990, c. 73, s. 64; 2001, c. 26, s. 150; O.C. 1314-2002.

132. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 132; 1990, c. 73, s. 64.

133. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 133; 1990, c. 73, s. 64.

134. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 134; 1990, c. 73, s. 64.

135. *(Section replaced by sections 130 and 131, since June 1, 1991).*

1979, c. 45, s. 135; 1990, c. 73, s. 64.

CHAPTER VI
BANKRUPTCY

Compensation to
employee **136.** *(Section repealed).*
1979, c. 45, s. 136; 2002, c. 80, s. 72.

Bankruptcy **137.** *(Section repealed).*
1979, c. 45, s. 137; 1999, c. 40, s. 196; 2002, c. 80, s. 72.

Subrogation **138.** *(Section repealed).*
1979, c. 45, s. 138; 2002, c. 80, s. 72.

CHAPTER VII

PENAL PROVISIONS

- Offence and penalty **139.** Every employer is guilty of an offence and liable to a fine of \$600 to \$1,200 and, for any subsequent conviction, to a fine of \$1,200 to \$6,000, who:
- (1) knowingly destroys, alters or falsifies:
 - a) a register;
 - b) the registration system;
 - c) a document dealing with the carrying out of this act or a regulation;
 - (2) fails, neglects or refuses to keep a document contemplated in paragraph 1.

1979, c. 45, s. 139; 1986, c. 58, s. 65; 1990, c. 4, s. 609; 1991, c. 33, s. 87; 1997, c. 85, s. 367.

- Offence and penalty **140.** Every employer* is guilty of an offence and liable to a fine of \$600 to \$1,200 and, for any subsequent conviction, to a fine of \$1,200 to \$6,000, who:
- (1) hinders in any way the Commission or any person authorized by it in the discharge of their duties;
 - (2) deceives them by concealment or false declaration;
 - (3) refuses to give them any information or document they are entitled to obtain under this Act;
 - (4) conceals a document or anything related to an inquiry;
 - (5) is a party to an agreement stipulating conditions of employment inferior to labour standards determined under this act or the regulations; or
 - (6) contravenes any other provision of this act or the regulations.

1979, c. 45, s. 140; 1986, c. 58, s. 66; 1990, c. 4, s. 610; 1991, c. 33, s. 88; 1997, c. 85, s. 368.

** Editor's note: However, the first paragraph of the French version of this section indicates:*

« **140.** Commet une infraction et est passible d'une amende de 600 \$ à 1 200 \$ et, pour toute récidive, d'une amende de 1 200 \$ à 6 000 \$, quiconque : »

- Complicity **141.** Every person who attempts to commit an offence contemplated in sections 139 and 140, or aids or incites another person to commit an offence against this act or a regulation, is guilty of an offence and liable to the penalties provided for such offence.

1979, c. 45, s. 141.

141.1. Every employer who does not give the notice required by section 84.0.4, or who gives insufficient notice, is guilty of an offence and is liable to a fine of \$1,500 for each week or part of a week of failure to comply or late compliance.

The fines collected pursuant to the first paragraph shall be paid into the labour market development fund established under section 58 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (chapter M-15.001).

2002, c. 80, s. 73.

- Legal person **142.** Where a legal person commits an offence, every officer, director, employee or agent of that legal person who has prescribed or authorized the perpetration of the offence or agreed or was a party thereto, is deemed to be a party to the offence.

1979, c. 45, s. 142; 1999, c. 40, s. 196.

143. *(Section repealed).*

1979, c. 45, s. 143; 1990, c. 4, s. 611; 1992, c. 61, s. 418.

Prescription **144.** Penal proceedings for an offence under a provision of this Act shall be prescribed by one year from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than five years have elapsed from the commission of the offence.

1979, c. 45, s. 144; 1992, c. 61, s. 419.

145. *(Section repealed).*

1979, c. 45, s. 145; 1992, c. 61, s. 420.

Evidence permitted **146.** No evidence shall be permitted in view of establishing that any action or suit contemplated by this act was brought following upon the complaint of an informer, or of discovering the identity of an informer.

1979, c. 45, s. 146.

Interpretation **147.** The Commission may designate from among the members of its personnel the persons who shall be entrusted with the carrying out of this Act.

1979, c. 45, s. 147; 1990, c. 4 s. 612; 1992, c. 61, s. 421.

CHAPTER VIII

MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS

148. *(Section omitted).*

1979, c. 45, s. 148.

Interpretation **149.** In any act, regulation, ordinance or proclamation and in any order in council, contract or other document, any reference to the Minimum Wage Act is deemed to be a reference to this Act or to the equivalent provision of this Act.

1979, c. 45, s. 149.

150. *(Section omitted).*

1979, c. 45, s. 150.

Regulation continued in force **151.** Every regulation made and every resolution adopted by the Commission du salaire minimum remains in force, except where it is inconsistent with this Act, until it is repealed, amended or replaced by a regulation or resolution of the Commission des normes du travail.

1979, c. 45, s. 151.

Ordinances continued in force **152.** Ordinances adopted by the Commission du salaire minimum concerning matters which may be the object of a regulation under sections 88 and 89 remain in force, in respect of matters that can be regulated, until they are repealed, amended or replaced by a regulation made under the said sections. Such ordinances have, for the purposes of this Act, the same value and effect as a regulation made under this Act.

Exception Notwithstanding section 52, an employee contemplated in subparagraph *b* of paragraph 4 of section 89 shall have a standard workweek only from the coming into force of the regulation fixing it.

1979, c. 45, s. 152.

Succession **153.** The Commission des normes du travail succeeds the Commission du salaire minimum and, for that purpose, acquires the rights and assumes the liabilities of that body.

1979, c. 45, s. 153.

Matters continued **154.** Every matter pending before the Commission du salaire minimum and every case not yet prescribed under the Minimum Wage Act (chapter S-1) at the time the latter is replaced, is continued and decided without continuance of suit, in accordance with this Act, by the Commission des normes du travail.

1979, c. 45, s. 154.

Secretary and personnel of the Commission **155.** The secretary and the members of the personnel of the Commission du salaire minimum in office on 15 April 1980 become, without other formality, the secretary and the members of the personnel of the Commission des normes du travail.

1979, c. 45, s. 155.

Part-time commissioner **156.** Notwithstanding section 8, a commissioner of the Commission du salaire minimum who becomes a part-time member of the Commission des normes du travail may, by giving notice to the Commission administrative des régimes de retraite et d'assurances, continue to contribute to the pension plan applicable to him on the basis of the salary he would receive if he held office on a full-time basis.

1979, c. 45, s. 156; 1983, c. 24, s. 88.

Effect of a collective agreement **157.** Except in respect of what concerns minimum wage and maternity leave, which applies from 16 April 1980, a collective agreement in force pursuant to the Labour Code (chapter C-27) on 16 April 1980 continues to have effect until the date of its expiry, even where it fails to include one or another of the labour standards adopted under this Act or where any of its provisions is contrary to any of such standards.

Effect of a collective agreement Decree The same rule applies to a collective agreement negotiated in accordance with the Labour Code and signed within ninety days after 16 April 1980 and to a decree passed, prolonged or renewed within the same period of time.

The first paragraph applies, *mutatis mutandis*, to a decree in force on 16 April 1980 until the date of its expiry, prolongation or renewal.

1979, c. 45, s. 157; 1980, c. 5, s. 11.

Applicability **158.** This Act applies to employees who exercise functions that were not subject to an order adopted pursuant to the Minimum Wage Act (chapter S-1) from the coming into force of the regulations made under the second paragraph of section 88 and paragraph 4 of section 89 respecting them.

Maternity leave However, the provisions relating to maternity leave apply from 16 April 1980.

1979, c. 45, s. 158.

Minimum conditions of employment **158.1.** The Government may, by regulation, determine minimum conditions of employment respecting the matters listed in section 92.1 applicable, until the coming into force of a regulation made under that section but for a period not exceeding 42 months beginning on 1 July 2000, to employees who perform work which, had it been performed before that date, would have been within the fields of activity covered by one of the decrees listed in the third paragraph of section 39.0.2. The minimum conditions of employment respecting the matters listed in subparagraphs 1, 2 and 4 of the first paragraph of section 92.1 may vary according to the factors specified for those matters in any of such decrees. In addition, the hours of the standard workweek may be distributed as provided for in any of such decrees.

Harmonization of conditions The Gouvernement may also, by regulation, prescribe any provision it considers expedient in order to harmonize the minimum conditions of employment applicable to the employees where such conditions vary from one decree to another, in particular a variation in the duration of the reference year provided for in section 66, as well as any provision similar to the provisions appearing in Divisions I to V.1 of Chapter IV in respect of any matter covered by the regulation.

Applicable provisions For the purposes of this Act, the minimum conditions of employment determined under this section are deemed to be labour standards, and sections 63 to 66, 71.1, 73, 75 to 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

1999, c. 57, s. 4; 2001, c. 47, s. 5.

Recourse to the arbitrator **158.2.** Where the nature of the work performed by an employee gives rise to a difficulty in the application of the minimum conditions of employment determined under section 158.1, the Commission may refer the difficulty to a single arbitrator as if it were a case of double coverage under the Act respecting collective agreement decrees (chapter D-2), and the provisions of sections 11.4 to 11.9 of that Act apply, with the necessary modifications.

1999, c. 57, s. 4.

158.3. Subject to paragraph 2 of section 3 and unless the work serves to procure profit to the employer, the provisions of this Act, in respect of an employee whose exclusive duty is to take care of or provide care to a child or to a sick, handicapped or aged person, in that person's dwelling, including, where so required, the performance of domestic duties that are directly related to the immediate needs of that person, apply from 1 June 2004.

Notwithstanding the first paragraph, the Government may, before 1 June 2004, fix by regulation the minimum wage payable to that employee, which may vary according to the situation of the employee or of the employer, or according to the nature of the care. The regulation may also, where applicable, provide for a gradual increase of that minimum wage, which must attain the minimum wage payable to the other employees to whom this Act applies not later than 30 June 2006.

The Government may also, by regulation, prescribe rules that apply to payment to that employee of indemnities relating to statutory general holidays with pay and annual leave.

2002, c. 80, s. 74.

159. *(This provision amends c. C-25, s. 294.1).*

1979, c. 45, s. 159.

160. *(This provision amends c. D-2, s. 16).*

1979, c. 45, s. 160.

161. *(This provision amends c. D-2, s. 26).*

1979, c. 45, s. 161.

162. *(Section omitted).*

1979, c. 45, s. 162.

163. *(Section omitted).*

1979, c. 45, s. 163.

164. *(Section omitted).*

1979, c. 45, s. 164.

165. *(This provision amends c. E-15, ss. 13, 16).*

1979, c. 45, s. 165.

166. *(This provision amends c. F-1.1, ss. 4-6, 9, 17.1-17.2).*

1979, c. 45, s. 166.

167. *(This provision amends c. M-33, ss. 5.1-5.2).*

1979, c. 45, s. 167.

168. *(This provision amends c. M-33, schedule 1).*

1979, c. 45, s. 168.

Amounts required

169. The Government may authorize the minister of Finance to pay or advance to the Commission the sums necessary to pay the salaries, allowances and indemnities or social benefits of the secretary of the Commission and of its members and personnel and the other expenses necessary for the application of this Act. To repay these sums, the Commission must pay the minister of Finance out of its revenue.

1979, c. 45, s. 169.

Minister
responsible

170. The Minister is responsible for the administration of this Act, except Chapter III.1 which is under the administration of the Minister of Revenue and sections 84.0.1 to 84.0.7 and 84.0.9 to 84.0.12, which are under the administration of the Minister of Employment and Social Solidarity.

1979, c. 45, s. 170; 1994, c. 46, s. 10; 2002, c. 80, s. 75.

Effect

170.1. Sections 33 to 38 and 88 to 92 have effect from 20 March 1980.

1980, c. 5, s. 14.

171. *(Section omitted).*

1979, c. 45, s. 171.

172. *(This section ceased to be in force on April 17, 1987).*

1982, c. 21, s. 1; U.K., 1982, c. 11, schedule B, part I, s. 33.

**Miscellaneous, transitional and final provisions of an Act to amend the Act
respecting labour standards and other legislative provisions (2002, chapter 80)**

86. The Regulation respecting the notice of collective dismissal (R.R.Q., 1981, c. F-5, r.1) remains in force until it is replaced by a regulation made under section 89 of the Act respecting labour standards (R.S.Q., chapter N-1.1).

2002, c. 80, s. 86.

87. In any other Act, in any regulation, order in council, order, agreement, contract or other document, unless the context indicates otherwise and with the necessary modifications, any reference to the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) as regards a collective dismissal is a reference to the corresponding provision of Division VI.0.1 of Chapter IV of the Act respecting labour standards (R.S.Q., chapter N-1.1).

2002, c. 80, s. 87.

Regulations adopted under the Act respecting labour standards

Part III

- **REGULATION RESPECTING LABOUR STANDARDS**
- **REGULATION EXEMPTING CERTAIN CATEGORIES OF EMPLOYEES AND EMPLOYERS FROM DIVISION VI.I AND FROM SECTION 122.1 OF THE ACT RESPECTING LABOUR STANDARDS**
- **ORDER RESPECTING THE RETAIL FOOD TRADE**
- **REGULATION EXCLUDING THE ESTABLISHMENTS SUBJECT TO SECTION 90 OF THE ACT RESPECTING LABOUR STANDARDS**
- **REGULATION RESPECTING A REGISTRATION SYSTEM OR THE KEEPING OF A REGISTER AND REPORT TRANSMISSAL**
- **REGULATION RESPECTING CONTRIBUTION RATES**
- **REGULATION RESPECTING MINIMUM LABOUR STANDARDS IN CERTAIN SECTORS OF THE CLOTHING INDUSTRY**

REGULATION RESPECTING LABOUR STANDARDS

Act respecting labour standards
(S.Q., 1979, c. 45, s. 88, 89 and 91; after revision: R.S.Q., c. N-1.1)

This Regulation was passed by the government under Order in council 873-81, on March 11, 1981. It came into force on April 1, 1981. A revised version then came into force on August 1, 1982 and on June 26, 2003. To increase the minimum wage rates, this version of the Regulation was amended on several occasions by various decrees.

DIVISION I

DEFINITIONS AND INTERPRETATION

1. In this Regulation, unless the context requires otherwise, the following mean:

“remote area”: an area that is inaccessible by a passable road and where no regular transport system connects it to the Québec road network;

“forestry operation”:

- (1) an enterprise engaged in felling, stripping, cutting into lengths, transporting and loading wood on trucks, boats or railroad cars; mills or establishments where sawing or hewing are carried out exclusively for forestry operations, save for work involved in the transformation of wood once it leaves the forest;
- (2) an enterprise carrying out in the forest the construction and maintenance of roads, camps, locks, pillars, loading and floating facilities;
- (3) an enterprise carrying out works to enhance, clear, reforest, drain and irrigate forest land;
- (4) an enterprise to float logs;
- (5) an enterprise to protect forests;
- (6) an enterprise engaged in clearing for the purpose of constructing roads, highways, dams, transmission lines or any similar work in the forest;
- (7) an enterprise of a jobber, contractor, subcontractor or an intermediary who carries out his activities in the forest for the benefit of one of the enterprises mentioned above;
- (8) an enterprise of a lessee who leased the exclusive rights to hunt and fish part of the territory in the public land;
- (9) an enterprise of an association mandated by the minister of Recreation, Fish and Game in order to manage the wildlife on public land;
- (10) an enterprise of a hunting and fishing outfitter;

“employee who receives gratuities or tips”: an employee who ordinarily receives gratuities or tips and who works

- (a) in an establishment that offers lodging to tourists in return for payment, including a campground;
- (b) in a place where alcoholic beverages are sold for consumption on the premises;
- (c) for an enterprise that sells, delivers or serves meals to be eaten off the premises; or
- (d) in a restaurant, except if it is a place where the main activity consists in the providing of food services to customers who order or choose the items at a service counter and who pay before eating.

“sawmill”: establishment where one of the following operations is carried out: sawing, cutting up, planing and all related operations such as drying, piling and delivery, but not including assembly;

“public works”: construction or engineering works of all types not governed by the Act respecting labour relations in the construction industry (R.S.Q., c. R-20), carried out on behalf of one or several government departments, or on the behalf of any commission or corporation directly under the authority of one of these departments;

“works on the territory of the James Bay region”: works carried out on the territory of the James Bay region and realized under the charge of Hydro-Québec, the Société d’énergie de la Baie James or the Société de développement de la Baie James.

R.R.Q., 1981, c. N-1.1, r.3, s. 1; S.Q. 1986, c. 89, s. 50; O.C. 1288-90, s. 1; O.C. 638-2003, s. 1.

DIVISION II

MINIMUM WAGE

2. The minimum wage established in this Division does not apply to the following employees:

- (1) student employed in a non-profit organization having social or community purposes, such as a vacation camp or a recreational organization;
- (2) trainee under a programme of vocational training recognized by law;
- (3) trainee under a programme of vocational integration under section 61 of the Act to secure the handicapped in the exercise of their rights (R.S.Q., c. E-20.1);
- (4) employee entirely on commission who works in a commercial undertaking outside the establishment and whose working hours cannot be controlled;
- (5) *(Paragraph repealed)*.
- (6) an employee assigned mainly to non-mechanized operations relating to the picking of processing vegetables or fruit.

R.R.Q., 1981, c. N-1.1, r.3, s. 2; O.C. 638-2003, s. 2.

3. Except to the extent provided for in section 4, the minimum wage* payable to an employee is:

- (1) \$7.20 per hour, from 1 October 2002 to 31 January 2003; and
- (2) \$7.30 per hour, as of 1 February 2003.

R.R.Q., 1981, c. N-1.1, r.3, s. 3; O.C. 1394-86, s. 1; O.C. 1340-87, s. 1; O.C. 1316-88, s. 2; O.C. 1468-89, s. 2; O.C. 1288-90, s. 2; O.C. 1201-91, s. 1; O.C. 1292-92, s. 1; O.C. 1237-93, s. 1; O.C. 1375-94, s. 1; O.C. 1209-95, s. 1; O.C. 1150-96, s. 1; O.C. 1224-96, s. 1; O.C. 1193-97, s. 1; O.C. 1148-98, s. 1; O.C. 1457-2000, s. 1; O.C. 959-2002, s. 1; O.C. 638-2003, s. 3.

** Editor’s note: The minimum wage rates are subject to change. You can check their validity by contacting the Commission des normes du travail.*

4. The minimum wage* payable to an employee who receives gratuities or tips is:

- (1) \$6.45 per hour, from 1 October 2002 to 31 January 2003; and
- (2) \$6.55 per hour, as of 1 February 2003.

R.R.Q., 1981, c. N-1.1, r.3, s. 4; O.C. 1394-86, s. 1; O.C. 1340-87, s. 2; O.C. 1316-88, s. 2; O.C. 1468-89, s. 2; O.C. 1288-90, s. 3; O.C. 1201-91, s. 2; O.C. 1292-92, s. 2; O.C. 1237-93, s. 2; O.C. 1375-94, s. 2; O.C. 1209-95, s. 2; O.C. 1150-96, s. 2; O.C. 1224-96, s. 2; O.C. 1193-97, s. 2; O.C. 1148-98, s. 2; O.C. 1457-2000, s. 2; O.C. 959-2002, s. 2; O.C. 638-2003, s. 4.

** Editor’s note: The minimum wage rates are subject to change. You can check their validity by contacting the Commission des normes du travail.*

5. *(Section repealed)*.

R.R.Q., 1981, c. N-1.1, r.3, s. 5; O.C. 1394-86, s. 1; O.C. 1340-87, s. 3; O.C. 1316-88, s. 3; O.C. 1468-89, s. 3; O.C. 1288-90, s. 4; O.C. 1201-91, s. 3; O.C. 1292-92, s. 3; O.C. 1237-93, s. 3; O.C. 1375-94, s. 3; O.C. 1209-95, s. 3; O.C. 1150-96, s. 3; O.C. 1224-96, s. 3; O.C. 1193-97, s. 3; O.C. 1148-98, s. 3; O.C. 1457-2000, s. 3; O.C. 959-2002, s. 3; O.C. 638-2003, s. 5.

DIVISION III

MAXIMUM AMOUNT TO BE PAID BY EMPLOYEES FOR ROOM AND MEALS

6. When working conditions oblige the employee to reside or to take his meals in the employer's establishment or residence, the maximum amount* he can charge an employee for a room and meals or the one or the other is:

- (1) \$1.50 per meal up to \$20.00 per week;
- (2) \$20.00 per week for the room;
- (3) \$40.00 per week for a room and meals.

R.R.Q., 1981, c. N-1.1, r.3, s. 6; O.C. 1292-92, s. 4; O.C. 1892-96, s. 1; O.C. 1224-96, s. 1.

** Editor's note: These rates are effective November 1, 1996 and are subject to change. You can check their validity by calling the Commission des normes du travail.*

This provision does not apply to a domestic who resides with his employer under section 51.0.1 of the Act respecting labour standards.

7. Section 6 does not apply to an employee who works in an establishment subject to subparagraph a of the first paragraph of section 1 of the Act respecting health services and social services (R.S.Q., c. S-5).

R.R.Q., 1981, c. N-1.1, r.3, s. 7.

DIVISION IV

STANDARD WORKWEEK

8. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 8; O.C. 1209-95, s. 4; O.C. 1193-97, s. 4; O.C. 638-2003, s. 5.

9. The standard workweek of the watchman who guards a property for an enterprise supplying a surveillance service is 44 hours.

The standard workweek for any other watchman is 60 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 9.

10. The standard workweek for an employee working in a forestry operation is 47 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 10.

11. The standard workweek for an employee working in a sawmill is 47 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 11.

12. The standard workweek for an employee working in a remote area is 55 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 12.

13. The standard workweek of the employee who works on the James Bay territory is 55 hours.

R.R.Q., 1981, c. N-1.1, r.3, s. 13.

DIVISION V
PAID STATUTORY HOLIDAYS

14. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 14; O.C. 638-2003, s. 5.

DIVISION VI
MATERNITY LEAVE

Subsection 1. Eligibility

15. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 15; O.C. 638-2003, s. 5.

16. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 16; O.C. 638-2003, s. 5.

Subsection 2. Term of leave

17. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 17; O.C. 638-2003, s. 5.

18. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 18; O.C. 638-2003, s. 5.

19. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 19; O.C. 638-2003, s. 5.

20. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 20; O.C. 638-2003, s. 5.

21. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 21; O.C. 638-2003, s. 5.

22. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 22; O.C. 959-2002, s. 4; O.C. 638-2003, s. 5.

23. (Section repealed).

R.R.Q., 1981, c. N-1.1, r.3, s. 23; O.C. 638-2003, s. 5.

Subsection 3. Notice

24. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 24; O.C. 638-2003, s. 5.

25. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 25; O.C. 638-2003, s. 5.

26. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 26; O.C. 638-2003, s. 5.

27. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 27; O.C. 638-2003, s. 5.

28. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 28; O.C. 638-2003, s. 5.

Subsection 4. Return to work

29. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 29; O.C. 638-2003, s. 5.

30. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 30; O.C. 638-2003, s. 5.

31. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 31; O.C. 638-2003, s. 5.

32. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 32; O.C. 638-2003, s. 5.

33. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 33; O.C. 638-2003, s. 5.

34. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 34; O.C. 638-2003, s. 5.

35. *(Section repealed).*

R.R.Q., 1981, c. N-1.1, r.3, s. 35; O.C. 638-2003, s. 5.

DIVISION VI.0.1

NOTICE OF COLLECTIVE DISMISSAL

35.0.1. The notice of collective dismissal that must be given by the employer to the Minister in accordance with section 84.0.4 of the Act respecting labour standards must be sent by mail to the Ministère de l'Emploi, de la Solidarité sociale et de la Famille, Direction générale des opérations d'Emploi-Québec.

The notice of collective dismissal has effect from the date on which it is mailed.

O.C. 638-2003, s. 6.

35.0.2. The notice of collective dismissal must contain

- (1) the name and address of the employer or establishment concerned;
- (2) the sector of activity;
- (3) the names and addresses of the associations of employees, where applicable;
- (4) the reason for the collective dismissal;
- (5) the date anticipated for the collective dismissal; and
- (6) the number of employees likely to be affected by the collective dismissal.

O.C. 638-2003, s. 6.

DIVISION VI.1

NIGHT-TIME WORK BY CHILDREN

35.1. The prohibition against employing a child to work between 11 p.m. on any given day and 6 a.m. on the following day does not apply to work that is creation or interpretation in the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials.

O.C. 815-2000, s. 1.

35.2. The requirement that an employer schedule a child's working hours so that, having regard to the location of the child's family residence, the child may be at that residence between 11 p.m. on any given day and 6 a.m. on the following day does not apply in the following cases, circumstances, periods or conditions:

- (1) creation or interpretation in the following fields of artistic endeavour: the performing arts including theatre, opera, music, dance and variety entertainment, the making of films and records and other sound recordings, dubbing and the recording of commercials; and
- (2) work for a social or community organization, such as a summer camp or a recreational organization, if the working conditions involve lodging at the employer's establishment, provided the child is not required to attend school on the following day.

O.C. 815-2000, s. 1.

DIVISION VII

TEMPORARY AND FINAL PROVISIONS

36. (*Section repealed*).

R.R.Q., 1981, c. N-1.1, r.3, s. 36; O.C. 1394-86, s. 2.

37. (*Section repealed*).

R.R.Q., 1981, c. N-1.1, r.3, s. 37; O.C. 1394-86, s. 2.

38. (*Section omitted*).

R.R.Q., 1981, c. N-1.1, r.3, s. 38; O.C. 1394-86, s. 3; O.C. 1468-89, s. 4.

39. (*Section repealed*).

R.R.Q., 1981, c. N-1.1, r.3, s. 39; O.C. 1394-86, s. 4.

**REGULATION EXEMPTING CERTAIN CATEGORIES OF EMPLOYEES AND
EMPLOYERS FROM DIVISION VI.1 AND FROM SECTION 122.1
OF THE ACT RESPECTING LABOUR STANDARDS**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 90.1; after revision: R.S.Q., c. N-1.1)

This Regulation was approved on December 6, 1983, under Order in council 2566-83. It came into force on December 28, 1983.

1. Is exempt from Division VI.1 of the Act respecting labour standards (R.S.Q., c. N-1.1):
 - (1) an employee who works exclusively as a fireman;
 - (2) an employee who is a member of the Sûreté du Québec;
 - (3) an employee who takes an early retirement because of health reasons, accumulated holidays or for any other reason before the date on which division VI.1 of the act comes into force in his case.
2. The employer of an employee governed by section 1 is exempt from section 122.1 of the Act respecting labour standards with respect to the said employee.
3. This regulation will come into effect on the date of its publication in the *Gazette officielle du Québec*. (In force on December 28, 1983)

ORDER RESPECTING THE RETAIL FOOD TRADE

Act respecting labour standards
(S.Q., 1979, c. 45; after revision: R.S.Q., c. N-1.1)

Ordinance n° 14, 1973, was approved on March 7, 1973, under Order in council 783-73. It came into force on March 14, 1973. It was further amended by Orders in council 2202-73, 4221-76, 1802-77, 4255-77, 1957-78, 3041-78, 349-80, 755-80 and 873-81. The following is the consolidated version which came into force on August 1, 1982.

DIVISION I INTERPRETATION

1. Definitions: In this order, the following words mean:

(a) **“retail food trade establishment”**: any establishment whose main activity, according to the Commission des normes du travail is the retail sale of food stuffs for consumption off the premises.

However, the words “retail food trade establishment” do not mean establishments restricted to the sale of dairy products, pastry, biscuits, candy and chocolate, and coldcuts;

(b) **“Region I”**: the Island of Montréal, Île Jésus, Île Perrot, Île Bizard, Île Saint-Paul, Île Bigras, Île des Soeurs and the municipalities located within a 10 mile radius of the limits of the Island of Montréal.

L'Assomption, l'Épiphanie, Saint-Paul-l'Ermite, Repentigny, Charlemagne, Saint-Charles-de-Lachenaie, Saint-Maurice, Bois-des-Filion, Rosemère, Lorraine, Saint-Eustache, Dorion, Vaudreuil, Pointe-des-Cascades, the Indian Reservation, Verchères, Varennes, Boucherville, Longueuil, Saint-Lambert, Greenfield Park, Brossard, Sainte-Catherine-d'Alexandrie-de-Laprairie, Saint-Hubert, Saint-Bruno, Chambly, Lemoyne, La Prairie, Candiac, Châteauguay, Châteauguay-Centre, Saint-Isidore, Saint-Constant, Léry, Maple Grove, Beauharnois, Melocheville, Terrebonne, Sainte-Thérèse, Sainte-Thérèse-Ouest, Mercier, Deux-Montagnes, Delson, Mascouche, Pincourt, Oka, Saint-Joseph-du-Lac, Pointe-Calumet and Sainte-Marthe-sur-le-Lac; and the electoral districts of Jean-Talon, Louis-Hébert, Limoilou, Saint-Sauveur, Chauveau, Lévis and Montmorency, as also the town of Bélair and the municipalities of Val Saint-Michel, Saint-Charles, Saint-Étienne-de-Beaumont and Saint-Augustin-de-Desmaures;

(c) **“Region II”**: the cities and towns of Chicoutimi, Chicoutimi-Nord, Saint-Jean-Eudes, Rivière-du-Moulin, Port-Alfred, Bagotville and the area within a 10 mile radius of their limits; and the cities and towns of Jonquière, Kénogami, Arvida and a 5 mile radius of their limits.

R.R.Q., 1981, c. N-1.1, r.1, s. 1.

DIVISION II JURISDICTION

2. Employee governed: This order governs employees subject to the Act respecting labour standards (S.Q., 1979, c. 45; after revision: R.S.Q. N-1.1) and their employers in all retail food trade establishments in Regions I and II.

R.R.Q., 1981, c. N-1.1, r.1, s. 2.

3. Exclusion: Section 4 does not apply to watchmen.

R.R.Q., 1981, c. N-1.1, r.1, s. 3.

DIVISION III
GENERAL PROVISION

4. Standard workweek: The standard workweek of the employees governed by this order consists of 40 hours.

R.R.Q., 1981, c. N-1.1, r.1, s. 4, c. N-1.1, r.2.

**REGULATION EXCLUDING THE ESTABLISHMENTS SUBJECT TO SECTION 90
OF THE ACT RESPECTING LABOUR STANDARDS**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 90; after revision: R.S.Q., c. N-1.1)

This Regulation was adopted on March 20, 1980, under Order in council 756-80. It came into force on April 16, 1980. The following is the consolidated version which came into force on August 1, 1982.

- 1.** The establishments within the meaning of subparagraph *a* of the first paragraph of section 1 of the Act respecting health services and social services (R.S.Q., c. S-5) are wholly exempted of the application of the Act respecting labour standards and its regulations with respect to the recipients within the meaning of subparagraph *p* of the first paragraph of section 1 of the Act respecting health services and social services, who work in them for their physical, mental or social re-education.

R.R.Q., 1981, c. N-1.1, r. 2, s. 1, c. N-1.1, r. 3.

**REGULATION RESPECTING A REGISTRATION SYSTEM
OR THE KEEPING OF A REGISTER AND REPORT TRANSMISSAL**

Act respecting labour standards
(S.Q., 1979, c. 45, s. 29, par. 3; after revision R.S.Q., c. N-1.1)

This Regulation was approved on June 19, 1980, under Order in council 1915-80. It came into force on July 9, 1980. A revised version then came into force on August 1, 1982. This Regulation was amended by Order in council 901-99, which came into force on August 14, 1999, and by Order in council 679-2000, which came into force on July 1, 2000.

1. An employer shall establish a registration system or keep a register in which are shown for each employee, his complete name, residence and social insurance number, his employment and the date the employee begins to work for the employer as well as the following particulars, as the case may be, for each pay period:

- (a) the number of hours of work per day;
- (b) the total number of hours of work per week;
- (c) the number of overtime hours paid or compensated for by a day off with the applicable premium;
- (d) the number of days of work per week;
- (e) the wage rate;
- (f) the nature and amount of premiums, indemnities, allowances or commissions paid;
- (g) the amount of gross wages;
- (h) the nature and amount of deductions made;
- (i) the amount of net wages paid to the employee;
- (j) the work period corresponding to payment;
- (k) the date of payment;
- (l) the reference year;
- (m) the duration of the annual vacation;
- (n) the departure date of the annual vacation with pay;
- (o) the date on which the employee was entitled to a general holiday with pay or to another day of holiday, including the compensatory holidays for general holidays with pay;
- (p) the amount of the tips reported by the employee in accordance with section 1019.4 of the Taxation Act (R.S.Q., c. I-3) enacted by section 242 of Chapter 85 of the Statutes of 1997;
- (q) the amount of the tips attributed to the employee by the employer under section 42.11 of the Taxation Act enacted by section 44 of Chapter 85 of the Statutes of 1997;
- (r) in the case of an employee under 18 years of age, his date of birth.

R.R.Q., 1981, c. N-1.1, r.6, s. 1; O.C. 901-99, s. 1; O.C. 679-2000, s. 2.

1.1. Section 1 does not apply in respect of an employer in the clothing industry that, had it not expired, would be subject to the Decree respecting the men's and boy's shirt industry (R.R.Q., 1981, c. D-2, r.11), the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26), the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27) or the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

Notwithstanding the foregoing, any employer referred to in the first paragraph shall keep a registration system or a register containing the information required in paragraph *r* of section 1 and, depending on its sector of activity, the information provided for in Schedule I.

O.C. 679-2000, s. 3.

2. The system of registration or register for a given year shall be kept during a 3-year period.

R.R.Q., 1981, c. N-1.1, r. 6, s. 2.

3. Any employer referred to in section 1.1 shall transmit to the Commission des normes du travail, for the period running from 1 July 2000 to 31 December 2003, a monthly report in writing, indicating for each employee:

- (1) the surname, given name, address and social insurance number;
- (2) the classification or qualification;
- (3) for each week, the number of regular working hours, the overtime and the total number of hours;
- (4) the total of the weekly and monthly gains;
- (5) the hourly rate; and
- (6) the indemnities paid for holidays, as severance pay, for annual vacation and any other indemnity or benefit with a financial value.

The report shall be transmitted for the preceding month no later than on the 10th of each month. It shall nevertheless be transmitted even if no work was performed.

O.C. 679-2000, s. 4; O.C. 693-2002, s. 1.

SCHEDULE I (S. 1.1)
OF THE REGULATION RESPECTING A REGISTRATION SYSTEM
OR THE KEEPING OF A REGISTER AND REPORT TRANSMISSAL

DIVISION I

INFORMATION REQUIRED FROM AN EMPLOYER THAT, HAD IT NOT EXPIRED, WOULD BE COVERED BY THE DECREE RESPECTING THE MEN'S AND BOY'S SHIRT INDUSTRY (R.R.Q., 1981, c. D-2, r.11)
OR THE DECREE RESPECTING THE LEATHER GLOVE INDUSTRY (R.R.Q., 1981, c. D-2, r.32)

Subparagrah 1. For each employee and each pay period:

- (1) his surname, given name, address, social insurance number, the identification and nature of his employment and the first date of service with that employer;
- (2) the number of working hours per day and, for each day, the exact time at which the work was begun, interrupted, resumed and finished;
- (3) the total number of hours worked per week;
- (4) the overtime;
- (5) the number of work days per week;
- (6) the wage rate;
- (7) the nature and amount of the premiums, severance pay and other allowances or commissions paid;
- (8) the gross wage;
- (9) the nature and amount of the deductions;
- (10) the net wage;
- (11) the working period corresponding to the payment;
- (12) the date of payment;
- (13) the reference year;
- (14) the duration of the vacation;
- (15) the date on which he goes on his annual paid vacation; and
- (16) the date on which the employee was granted a paid statutory general holiday or another holiday, including compensatory holidays related to paid statutory general holidays.

Subparagrah 2. Other information:

- (1) an employer that, had it not expired, would be covered by the Decree respecting the leather glove industry and that entrusts work to home workers shall enter the following information in the register:
 - (a) the surname, given name and address of each home worker;
 - (b) the date on which the work is delivered to each home worker;
 - (c) the kind of work, the description and quantity of clothes to be prepared by each home worker;
and
 - (d) the piece rate paid to each home worker;
- (2) where a single shop prepares clothes included and not included in the scope of the Decree respecting the men's and boy's shirt industry or the scope of the Decree respecting the leather glove industry, the employer shall keep separate registers containing the information required in Subdivision I, both for included and excluded clothes, unless the employer grants the conditions of employment imposed by regulation to all production workers;
- (3) the employer shall register each of his employees, including home workers, within 5 days of the hiring date by completing an employee's registration card containing: his surname, given name, address, age, experience in the industry, with respect to each employment held and his current classification;

The registration card shall bear the signature of the employer and of the employee and shall be received by the Commission within 5 days of the hiring date. The employer shall ask the Commission for the required registration cards;

(4) an employer that, had it not expired, would be covered by the Decree respecting the leather glove industry and that wishes to have work performed at home shall enter the following information in the register:

- (a) his surname, given name and address or, in the case of a partnership, those of the partners or, in the case of a legal person, those of its officers or designated agents;
- (b) his principal place of business;
- (c) the surnames, given names and places of business of the owners of the merchandise from whom the employer accepts work to be performed at home;
- (d) a written document from each owner of merchandise attesting that he entrusts the employer with work to be performed at home;

(5) where work is entrusted to a home worker, his employer shall file with the Commission a sample of each garment design and shall complete a working form stating the garment design, quantity and price paid for each clothing garment design to be prepared; furthermore, each piece of clothing shall identify the owner of the merchandise;

(6) an employer that has work performed by a contractor shall enter in his register the following information: the garment design, the description, quantity and price paid to the contractor for each garment design, as well as any trade mark used; and

(7) the contracting employer shall enter the following information for each employer providing him with work: the garment design, the description, quantity and price paid to him for each garment design, as well as any trade mark used.

DIVISION II

INFORMATION REQUIRED FROM AN EMPLOYER THAT, HAD IT NOT EXPIRED, WOULD BE COVERED BY THE DECREE RESPECTING THE WOMEN'S CLOTHING INDUSTRY (R.R.Q., 1981, c. D-2, r.26)

Subparagrah 1. For each employee and each pay period:

- (1) his surname, given name, address, social insurance number, his qualification or classification, the exact time at which the work was begun, interrupted, resumed and finished each day, the nature of the work and the wage paid, with the mode and time of payment;
- (2) the annual vacation, the holidays and the severance pay, with the following details:
 - (a) the first date of service with the employer;
 - (b) the duration of his annual vacation;
 - (c) the scheduled date of his going on vacation;
 - (d) the amount paid for his annual vacation and the date of payment;
 - (e) the amount paid for each holiday; and
 - (f) the amount paid as severance pay.

Subparagrah 2. Other information

(1) with respect to work entrusted to home workers, the register shall contain the following information:

- (a) the surname, given name and address of each home worker;
- (b) the delivery date of the work;
- (c) the kind of work, the description and quantity of clothes to be prepared; and
- (d) the piece rate for the home work determined in accordance with the regulatory provisions;

(2) where a single shop prepares clothes included and not included in the scope of the Decree respecting the women's clothing industry prescribed by regulation, the employer shall keep separate registers containing the information required in Subdivision I, both for included and excluded clothes, unless the employer grants the conditions of employment imposed by regulation to all production workers;

(3) the employer shall register each of his employees, including home workers, within 3 days of the hiring date by completing an employee's registration card containing: his surname, given name, address, social insurance number, age, experience in the industry with respect to each employment held and his current classification;

The registration card shall bear the signature of the employer and of the employee and must be received by the Commission des normes du travail within 3 days of the hiring date of the employee;

(4) an employer that wishes to have work performed at home shall enter the following information in the register:

- (a) his surname, given name and address or, in the case of a partnership, those of the partners or, in the case of a legal person, those of its officers or designated agents;
- (b) his principal place of business;
- (c) the surnames, given names and places of business of all the owners of the merchandise from whom the employer accepts work to be performed at home; and
- (d) a written document from each owner of merchandise attesting that he entrusts the employer with work to be performed at home;

(5) where work is entrusted to a home worker, his employer shall file with the Commission a sample of each garment design and shall complete a working form stating the garment design, quantity and price paid for each garment design to be prepared; furthermore, each piece of clothing shall identify the owner of the merchandise;

(6) an employer that has work performed by a contractor shall enter in his register the following information:
the garment design, the description, quantity and price paid to the contractor for each garment design, as well as any trade mark used;

(7) the contracting employer shall enter the following information for each employer providing him with work: the garment design, description and price paid to him for each garment design, as well as any trade mark used; and

(8) any employer who carries out for others work included in the scope of the Decree respecting the women's clothing industry prescribed by regulation or has it carried out shall record on a form the following particulars:

- (a) the name, address and phone number of the firm that gave or received work;
- (b) the dates when work was received or given, completed or sent back; and
- (c) the cutting sheet number and the identification number of the merchandise owner, the style, type, quantity and amount paid for each garment.

The form shall be submitted to the Commission on or before the 10th of each month and cover the preceding month, even if no work was carried out.

DIVISION III

INFORMATION REQUIRED FROM AN EMPLOYER WHO, HAD IT NOT EXPIRED, WOULD BE COVERED BY THE DECREE RESPECTING THE MEN'S CLOTHING INDUSTRY (R.R.Q., 1981, c. D-2, r.27)

Subparagrah 1. For each employee and each pay period:

(1) his surname, given name, address, social insurance number, the nature of his work, his qualification and the first date of service with that employer;

(2) the number of working hours per day and, for each day, the exact time at which work was begun, interrupted, resumed and finished;

(3) the total number of hours worked per week;

(4) the overtime;

(5) the number of work days per week;

(6) the wage rate;

(7) the nature and amount of the premiums, severance pay and other allowances or commissions paid;

(8) the gross wage;

(9) the nature and amount of the deductions made;

(10) the net wage;

(11) the working period corresponding to the payment;

(12) the date of payment;

(13) the reference year;

(14) the duration of the vacation;

(15) the date on which he goes on his annual paid vacation; and

(16) the date on which the employee took a paid statutory general holiday or another holiday, including compensatory holidays related to paid statutory general holidays.

Subparagrah 2. Other information:

(1) where a single shop prepares clothes included and not included in the scope of the Decree respecting men's clothing industry prescribed by regulation, the employer shall keep separate registers containing the information required in Subdivision I, both for included and excluded clothes, unless the employer grants the conditions of employment imposed by regulation to all production workers;

(2) the employer shall send in writing to the Commission the names and addresses of the contractors to whom he entrusted work within 5 days of awarding the contract.

REGULATION RESPECTING CONTRIBUTION RATES

Act respecting labour standards
(R.S.Q., c. N-1.1, s. 29, par. 7, s. 39.0.2; 1999, c. 57, s. 1 and 2)

This Regulation was approved by the government, by virtue of Order in council 680-2000, on June 1, 2000. It entered into force on July 1, 2000.
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1. The contribution rate provided for in the first paragraph of section 39.0.2 of the Act respecting labour standards (R.S.Q., c. N-1.1) is 0.08%.
2. The supplementary contribution rate provided for in the second paragraph of section 39.0.2 of that Act, amended by section 2 of chapter 57 of the Statutes of 1999, is 0.12%.
3. This Regulation replaces the Regulation respecting the levy under the Act respecting labour standards (R.R.Q., 1981, c. N-1.1, r.4).

REGULATION RESPECTING MINIMUM LABOUR STANDARDS IN CERTAIN SECTORS OF THE CLOTHING INDUSTRY

Act respecting labour standards
(R.S.Q., c. N-1.1, s. 158; 1999, c. 57, s. 4)

This Regulation was approved by the government, by virtue of Order in council 678-2000, on June 1, 2000. The minimum labour standards are applicable during a period of not more than 18 months beginning on July 1, 2000. Assented to on December 18, 2001, Bill 26 extends by 24 months the application of the labour standards, namely until December 31, 2003.

CHAPTER I GENERAL

1. This Regulation applies to employees who perform work which, on 30 June 2000, would have been governed by one of the following decrees whose scopes appear in Schedule I:

- (1) the Decree respecting the men's and boys' shirt industry (R.R.Q., 1981, c. D-2, r.11);
- (2) the Decree respecting the women's clothing industry (R.R.Q., 1981, c. D-2, r.26);
- (3) the Decree respecting the men's clothing industry (R.R.Q., 1981, c. D-2, r.27);
- (4) the Decree respecting the leather glove industry (R.R.Q., 1981, c. D-2, r.32).

2. For the purposes of this Regulation, in the men's and boys' shirt industry, the following expressions mean:

(1) “**divider**”: an employee whose work consists in dividing the cuts of all materials used in the manufacture of garments and bundling them according to quantities and sizes; (*assortisseur*)

(2) “**section head**”: an employee who directly assists the foreman in the performance of his duties; (*chef de section*)

(3) “**shirts**”: garments covering the upper part of the body, with a collar and no body lining, worn generally with or without underwear, and with a full or partial front opening. These garments may be designed to be worn inside or outside pants; (*chemises*)

(4) “**cutter**”: an employee who cuts, by means of shears, electric knife or otherwise, according to recognized practices, all materials used in the manufacture of garments but who does not make markers; (*coupeur*)

(5) “**cutter with die**”: an employee who, according to recognized practices, and by means of cutting equipment (clicker), cuts all materials used in the manufacture of garments; (*coupeur à la matrice*)

(6) “**hand-knife cutter**”: an employee who cuts by hand with a short knife, according to recognized practices, all materials, trimmings and linings used in the manufacture of garments; (*coupeur au couteau à la main*)

(7) “**spreader**”: an employee who, in preparation for the cutter's work, spreads out materials used in the manufacture of garments; (*étaleur*)

(8) “**examiner**”: an employee who performs the work of inspecting part of or a completed garment for faults in workmanship or who performs the operations of thread clipping or other necessary work for the completion of the garment; (*examineur*)

(9) “**general hand**”: an employee who performs the work of shipping, receiving, sweeping, or any other occupation not defined in this section; (*manœuvre d'atelier*)

(10) **“marker”**: an employee who makes markers, according to recognized practices, on paper or on materials used in the manufacture of garments; (*marqueur*)

(11) **“operator”**: an employee who performs, by ordinary 2-needle or more sewing machines, according to recognized practices, the operation of sewing together, in part or in whole, any garment once it has been cut. This term also includes sample makers, repair makers and the operators working on machines called “special machines” such as: taping, overlock, button-sewer, buttonhole, tucking, buttonmaking, snap-fastening button, overcasting seams; or the operators who are able to and actually perform one or more of the operations, by sewing machines and according to recognized practices, which make up the sewing of garments; (*opérateur*)

(12) **“unskilled worker”**: an employee who performs miscellaneous factory work incidental to the manufacture of all garments, such as carrying bundles of merchandise to operators, pressers or examiners and stamping, bundling, packing and wrapping, or helping the spreader, as well as any other employee whose trade has not been defined in this section and who performs work or an operation which, on 30 June 2000, would have been governed by the Decree respecting the men’s and boys’ shirt industry; (*ouvrier non spécialisé*)

(13) **“folder”**: an employee who performs the work, in part or in whole, of folding garments; (*plieur*)

(14) **“presser”**: an employee who performs the work, in part or in whole, of ironing or pressing garments; (*presseur*)

(15) **“pyjamas”**: a garment usually worn to sleep including garments described as sleepers and whose legs are extended to completely cover the feet; (*pyjamas*)

(16) **“knitted fabrics”**: knitted fabrics of a construction of 28 gauge or more, that is, 15 vertical stitches or more per 2 centimetres. (*tissus tricotés*)

The word “garment”, wherever it appears in the provisions of the first paragraph, refers to a garment governed by the Decree respecting the men’s and boys’ shirt industry.

3. For the purposes of this Regulation, in the women’s clothing industry, the following expressions mean:

(1) **“general hand”**: an employee who performs any operation incidental to the manufacturing of a garment, such as thread cutting, glueing, cleaning or fusing; (*aide à toutes mains*)

(2) **“assistant presser”**: an employee who opens or presses seams or who does part pressing or any other incidental pressing required for the sewing of garments, except where the employee is governed by paragraph 18; (*aide-presseur*)

(3) **“clothing”**: the preparing, making and production of clothes or parts thereof; (*confection*)

(4) **“sample maker”**: an employee who performs the work of an operator in the making of a sample or prototype; (*confectionneur d’échantillons*)

(5) **“cutter, Class 1”**: an employee who grades sizes, who makes markers or does both in whichever way, including with a computer. He may also perform the work of the cutter, Class 2, the piler or the spreader; (*coupeur, classe 1*)

(6) **“cutter, Class 2”**: an employee who cuts by shears, machine, knife or otherwise the material or goods used in the manufacture of garments. He may also perform the work of the piler or the spreader. He may produce markers or make markers on trimming only, in whichever way, including with a computer; (*coupeur, classe 2*)

(7) **“piler”**: an employee who stacks knitted blanks before giving them to the cutter; (*empileur*)

(8) **“spreader”**: an employee who spreads the material for the cutter when such material is intended for the making of garments other than capes, coats, suits, pantsuits or blazers; (*étableur*)

(9) “**examiner**”: an employee who inspects finished garments to ascertain any defects; (*examineur*)

(10) “**baster**”: an employee who does basting by hand or by machine; (*faufilleur*)

(11) “**finisher**”: an employee who pins and sews fur trimmings by hand, performs operations on a garment after the assembling, by affixing or sewing by hand, details, trimmings or accessories, snap fasteners, buttons, clasps, ties, belts, loops, buckles, eyelets or hems, or does by hand any other work required to complete the garment; (*finisseur*)

(12) “**section operator**”: an employee who uses an automatic or semi-automatic sewing machine or special machine, to close seams on one or several parts of a garment or a lining; (*opérateur à la section*)

(13) “**operator for leather garments**”: an employee who uses a standard sewing machine, a multiple-needle machine or a special machine to close seams, in whole or in part, on a leather garment; (*opérateur affecté aux vêtements de cuir*)

(14) “**special machine operator**”: an employee who uses any special machines for tucking, shirring, buttonhole making, hem-stitching, button sewing, pinking, hemming, snap fastening, bottom felling and bottom cutting; (*opérateur de machine spéciale*)

(15) “**operator for whole garments**”: an employee, other than a section work operator, who uses a sewing machine, a special machine or a multiple-needle machine to close all the seams of a garment; (*opérateur de vêtement au complet*)

(16) “**blank**”: knitted material with at least one finished edge destined to be cut and sewn into a whole garment or part thereof; (*panneau de tricot*)

(17) “**presser**”: an employee who performs the pressing of a sewn garment, with an iron or a steam press. He may also perform the work of the assistant presser or the under presser; (*presseur*)

(18) “**under presser**”: an employee who presses seams, sleeves and lining of capes, coats, suits, pantsuits and blazers, so that the garment is ready for the finisher; (*presseur de dessous*)

(19) “**separator**”: an employee who affixes tickets or separates or bundles the several parts of the garment after they are cut by the cutter; (*séparateur*)

(20) “**marker**”: the drawing and layout of patterns on paper or on any material before cutting such material. (*tracé*)

The word “garment”, wherever it appears in the provisions of the first paragraph, refers to a garment governed by the Decree respecting the women’s clothing industry.

4. For the purposes of this Regulation, in the men’s clothing industry, the following expressions mean:

(1) “**operating the Soabar machine**”: this means operating the Soabar machine or making, printing, stapling or sewing on labels; (*manoeuvrer la machine Soabar*)

(2) “**operating an automatic sewing machine**”: this operation consists in feeding an automatic sewing machine which has its own sewing cycle and where the employee does not have to guide the part to be sewn; (*manoeuvrer une machine à coudre automatique*)

(3) “**marking patterns on paper or cloth**”: this operation consists in marking the outline of patterns with a pen or pencil, once the patterns have been spread out by the marker, or cutting the material or leather with a knife; (*marquer les patrons sur papier ou tissu*)

(4) “**boys’ pants**”: pants designed and made for wear by boys age 7 to 18 years and whose waist measurement does not exceed 78 centimetres or, in the case of chubby or husky boys, 84 centimetres. In addition to the waist measurement, the label attached to boys’ pants must show either the age, or size, to clearly indicate that these pants are made for boys; (*pantalons de garçons*)

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- (5) **“general hand or floor help”**: (*travail d’ordre général ou de commissionnaire*)
- (a) **“men’s and boys’ clothing”**: this operation consists in tying up lots, distributing patterns or carrying out any minor operations not classified otherwise in a cutting room, a factory, a warehouse, a department for receiving or shipping merchandise; (*vêtements pour hommes et garçons*)
 - (b) **“jean clothing and children’s clothing”**: this operation consists in tying up lots, distributing patterns or carrying out any minor operations not classified otherwise in a cutting room; (*vêtements-jeans et vêtements d’enfants*)
- (6) **“children’s clothing”**: overcoats, cloaks, short jackets and coats of all types: (*vêtements d’enfants*)
- (a) for boys size 4 up to size 6X;
 - (b) for girls size 4 up to size 16. Size 16 must not exceed the body measurements established by the standard sizes program for children called the Canada Standard Size Specifications approved by the Canadian General Standards Board, for measurements applying to girls age 4 to 16 years;
- (7) **“jean clothing”**: jean trousers, jean jackets, jean vests, made as follows: (*vêtements-jeans*)
- (a) they are made of denim or any other material whose cotton content is at least 65%;
 - (b) the inner or outer seams for the legs and the seat seam of jean trousers are made with a closed double seam machine;
 - (c) the waistband for jean trousers is a continuous band and the belt loops are sewn on its outer face;
 - (d) the outer seams for jean jackets and jean vests are made with a closed double seam machine;
 - (e) the waistband and wristbands for jean jackets are sewn with a banding machine;
- (8) **“military garments”**: any working or combat jackets, vests or trousers made for military personnel under a contract resulting from a call for tenders by Public Works and Government Services Canada; (*vêtements militaires*)
- (9) **“men’s and boys’ clothing”**: (*vêtements pour hommes et garçons*)
- (a) overcoats, suits, jackets, vests, trousers, raincoats, car coats, suburban coats, storm coats, duffle coats, parkas, anoraks, ski jackets, golf jackets, sports vests, windbreakers and all similar garments;
 - (b) leather garments (natural and synthetic);
 - (c) military garments.
5. For the purposes of this Regulation, in the leather glove industry, the following expressions mean:
- (1) **“general hand”**: an employee who brings garments or parts of garments to the examiner, operator or presser, or who is assigned to any other work for which there is no other classification provided for in Table I of Division I of Schedule V; (*aide à toutes mains*)
- (2) **“cutter, Class A”**: an employee who spreads, lays out or cuts leather, grades sizes or makes or reproduces markers on leather; (*coupeur, classe A*)
- (3) **“cutter, Class B”**: an employee who performs the work of a cutter on any material other than leather used in the manufacture of garments; (*coupeur, Classe B*)
- (4) **“examiner”**: an employee who inspects garments or their parts, cuts threads, cleans or polishes these garments, or performs any other work necessary for the completion of the garment; (*examineur*)
- (5) **“shipper”**: an employee who ties up bundles, wraps or packs up garments, checks or prepares orders or dispatches shipments to their destination; (*expéditionnaire*)
- (6) **“labourer”**: an employee assigned to the handling or receiving of merchandise or to the sweeping of the shop; (*manoeuvre*)

(7) “**operator**”: an employee who, with a sewing machine, sews together parts of a garment or who repairs garments or is assigned to an operation performed by means of one of the special machines used in the manufacture of garments; (*opérateur*)

(8) “**turner**”: employee assigned to the turning of garments; (*retourneur*)

The word “garment”, wherever it appears in the provisions of the first paragraph, refers to a garment governed by the Decree respecting the leather glove industry.

6. For the purposes of this Regulation:

(1) the reference year for the year 2000 shall be a period of 12 consecutive months from 1 June 1999 to 31 May 2000, except for the women’s clothing industry, where it shall be from 1 March 1999 to 29 February 2000;

(2) the reference year for the year 2001 shall be a period of 11 consecutive months from 1 June 2000 to 30 April 2001, except for the women’s clothing industry, where it shall be a period of 14 consecutive months from 1 March 2000 to 30 April 2001.

CHAPTER II
MINIMUM WAGE

DIVISION I
MEN’S AND BOYS’ SHIRT INDUSTRY

7. An employee earning an hourly rate or a piecework rate who performs work which, on 30 June 2000, would have been governed by the Decree respecting the men’s and boys’ shirt industry, shall receive the equivalent minimum hourly wage that appears in the tables in Schedule II.

8. An employee shall be entitled to the increases provided for in the applicable progression period until he reaches the minimum hourly rate for the occupational category to which he belongs.

An employee who is promoted to an occupational category with a minimum hourly rate higher than his former occupational category shall continue, from the date on which he takes on his new job, to be entitled to the increases provided for in the applicable progression period. Notwithstanding the foregoing, the increases shall be calculated on the basis of the hourly rate paid to the employee and shall be applied for the time required to reach the minimum hourly rate of the new occupational category.

An employee who is demoted to an occupational category with a minimum hourly rate that is lower than the rate for the category to which he belonged may be paid according to the minimum hourly rate of the occupational category to which he is demoted.

9. An employee’s experience is defined as the sum of the hours worked for an employer in an occupational category referred to in this Division. An employee’s experience is cumulative.

Experience acquired previously with a given employer shall be recognized by another employer in the industry referred to in this Division for the purposes of computing the employee’s experience.

10. An employee who is paid on a piecework basis is entitled to receive a wage at least equal to the wage he would receive if he were paid at the minimum hourly rates determined in Schedule II.

DIVISION II
WOMEN’S CLOTHING INDUSTRY

Subsection 1. Employment in an establishment

11. An employee earning an hourly rate or a piecework rate who performs work which, on 30 June 2000, would have been governed by the Decree respecting the women’s clothing industry, shall receive the equivalent minimum hourly wage that appears in the tables in Schedule III.

12. An employee who has worked 250 hours in the industry referred to in this Division is deemed to have worked 250 hours in any craft in that industry.

13. The piecework rate that was paid for similar work immediately before a wage increase shall not be reduced;

An employer who changes his method of payment from the hourly rate to the piecework rate shall grant the hourly increase based on the hourly rate paid before the method of payment was changed if the employee returns to the hourly method of payment.

Subsection 2. Work at home

14. The manufacture of garments done in a domicile, a residence, a dwelling, and all outbuildings constitutes home work.

15. The home worker is paid on a piecework basis. The piecework rate is determined by taking, from among the rates verified, the lowest piecework rate paid for comparable garments in establishments and increasing this rate by 10%.

In addition to his piecework wages, the home worker shall receive an amount equal to 732% of such wages.

16. The employer may determine the piecework rate payable to a home worker only in those cases where a similar garment has been made in his shop, or in the shop of the owner of the merchandise, under normal conditions and production quantities by regular employees who were not specifically chosen.

17. Where the same garment has been made in the employer's shop or in the shop of the owner of the merchandise during the 12 preceding months, and the entire sewing of the garment was done by one employee paid on a piecework basis, the home worker shall receive the piecework rate the employer pays to the shop employee, plus 10%.

18. Where the same garment has been made in the employer's shop or in the shop of the owner of the merchandise during the 12 preceding months, and the sewing of the garment was done by more than one pieceworker, the home worker shall receive the sum of the piecework rates paid to all the shop pieceworkers who worked on the making of the garment, minus the piecework rates paid for those operations which are not done by the home worker, plus 30%.

19. It is prohibited for an employer to give home work to shop employees who already work in the employer's establishment.

20. An employer shall pay the home worker in cash or by cheque for any work done at the time he takes delivery of the merchandise.

21. An employer shall supply all thread and the sample of the garment to be made, deliver to the home worker's dwelling all goods to be produced and take delivery of any completed garments and pay for transportation costs.

22. A home worker may be required to redo the work if it is not done to the employer's satisfaction. Where the employer has the work redone by another worker, he may not charge that cost to the home worker who did the original work.

DIVISION III

MEN'S CLOTHING INDUSTRY

23. An employee who performs work which, on 30 June 2000, would have been governed by the Decree respecting the men's clothing industry, shall receive in a regular workweek, according to the operation and class of operation or, with respect to an apprentice, the number of months of employment, the equivalent minimum hourly wage that appears in the tables in Schedule IV.

24. The wage for an apprentice shall be increased to the minimum hourly rate prescribed for his class of operation.

When an employer hires an employee with previous experience in the industry referred to in this Division, he shall pay him at least the minimum hourly rate corresponding to his experience in comparable or similar operations.

An employee who is earning the minimum hourly rate prescribed for his work and who is assigned to other work which entails a higher minimum hourly rate shall be entitled to continue to be paid at least the same hourly rate for the first four months of the new work. At the end of this four-month period, his rate shall then be increased to the rate set out in the table of apprentice wages closest to his current rate and every four months thereafter, until the prescribed minimum hourly rate for his new work is reached.

For the purposes of this section, an apprentice is an employee who is learning a trade or an operation or who is promoted to an operation in the establishment for which the minimum hourly rate is higher than the one corresponding to the work previously performed.

25. An employee who is paid on a piecework basis is entitled to receive a wage at least equal to the wage he would receive if he were paid at the minimum hourly rates determined in Schedule IV.

DIVISION IV

LEATHER GLOVE INDUSTRY

26. An employee who performs work which, on 30 June 2000, would have been governed by the Decree respecting the leather glove industry, shall receive the equivalent minimum hourly wage that appears in the tables in Schedule V.

27. An employee shall be entitled to the increases provided for in the progression period until the minimum hourly rate for the occupational category to which he belongs is reached.

Where an employee is promoted to an occupational category for which the minimum hourly rate is higher than the rate for the occupational category to which he belonged, he shall continue, from the date he begins his new occupation, to be entitled to the increases provided for in the progression period. Increases shall be calculated on the basis of the employee's hourly rate and shall apply until the minimum hourly rate of the new category is reached.

Where an employee is demoted to an occupational category for which the minimum hourly rate is lower than the rate for the occupational category to which he belonged, the employer may pay him the minimum hourly rate for the category to which he is demoted.

28. An employee's experience is defined as the sum of the periods of uninterrupted service with an employer, in an occupational category in the industry referred to in this Division. Experience is accumulated only if it was acquired during the preceding 60 months, and is recognized only after 6 months of uninterrupted service.

The experience acquired in a category is valid for the purposes of computing experience in any other category in the industry referred to in this Division.

CHAPTER III

STANDARD WORKWEEK

DIVISION I

MEN'S AND BOYS' SHIRT INDUSTRY

29. The standard workweek is 36.5 hours scheduled as follows:

(1) first shift: the standard workday is 7.5 hours from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:30 p.m. on Monday to Thursday, and 6.5 hours from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 3:30 p.m. on Friday, with a one-hour lunch period between 12:00 p.m. and 1:00 p.m.;

(2) second shift: the standard workday is 7.5 hours on Monday to Thursday and 6.5 hours on Friday. It may not be scheduled to begin before 4:00 p.m. on Monday to Thursday or before 1:00 p.m. on Friday, with a half-hour break for the evening meal.

30. Employees working the second shift shall be entitled to a premium of 5% in addition to their regular wage or piecework rate. The premium is paid as a separate item in or on the pay envelope or sheet. The premium shall be included in computing the payment of paid statutory holidays and annual vacation but shall not be included in the general average after one year.

31. Following a majority vote of employees and their written consent or the written consent of the union representing them, an employer may change the work schedule referred to in paragraph 1 of section 29, on the following conditions:

- (1) the standard workday is scheduled between 7:00 a.m. and 5:00 p.m.;
- (2) the standard workweek does not exceed 36.5 hours and the standard workday does not exceed 8 hours;
- (3) the one-hour lunch period takes place at the same time for all the employees of one employer.

DIVISION II

WOMEN'S CLOTHING INDUSTRY

32. The standard workweek is 39 hours scheduled from Monday to Friday. The working hours in a standard workweek are scheduled as follows:

(1) first shift: the standard workday is 8 hours scheduled between 7:00 a.m. and 5:00 p.m. on Monday, Tuesday, Wednesday and Thursday, and 7 hours scheduled between 7:00 a.m. and 4:00 p.m. on Friday, with a one-hour lunch break between 12:00 p.m. and 1:00 p.m.;

(2) second shift: the standard workday is 8 hours from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 12:00 a.m. on Monday, Tuesday, Wednesday and Thursday, and 7 hours, from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 11:00 p.m. on Friday, with a half-hour break for the evening meal.

33. An employee assigned to the second shift shall be entitled to a premium of \$0.50 per hour. The premium shall be included in computing the payment of statutory holidays, paid annual vacation and overtime.

34. An employer may schedule differently the standard workweek and workdays referred to in paragraph 1 of section 32, on the following conditions:

- (1) the standard workday does not exceed 9 consecutive hours between 7:00 a.m. and 6:00 p.m., with a meal break;
- (2) the meal break of at least one half-hour takes place no later than five hours after the start of the standard workday;
- (3) following a majority vote of the employees, there is a written consent by the employees or the union representing them;
- (4) the work schedule for the standard day and week is the same for all employees.

DIVISION III

MEN'S CLOTHING INDUSTRY

Subsection 1. Men's and boys' clothing

35. The standard workweek is 39 hours scheduled as follows:

(1) first shift: the standard workday is 8 hours, from 7:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. on Monday, Tuesday, Wednesday, Thursday and on Friday, 7 hours, from 7:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m., with a lunch break from 12:00 p.m. to 1:00 p.m.;

(2) second shift: the standard workday is 8 hours, from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 12:00 a.m. on Monday, Tuesday, Wednesday and Thursday and on Friday, 7 hours, from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 11:00 p.m., with a half-hour break for the evening meal.

36. The standard workday is 8 hours on Monday, Tuesday, Wednesday and Thursday and 7 hours on Friday for warehouse and shipping and receiving employees in the manufacturing of men's and boys' clothing.

Subsection 2. Children's clothing

37. The standard workweek is 40 hours scheduled as follows:

(1) first shift: the standard workday is 8 hours, from 7:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, with a one-hour lunch break between 12:00 p.m. and 1:00 p.m.;

(2) second shift: the standard workday is 8 hours, from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 12:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, with a half-hour break for the evening meal.

Subsection 3. Jean clothing

38. The standard workweek is 40 hours scheduled as follows:

(1) first shift: the standard workday is 8 hours, from 7:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. on Monday, Tuesday, Wednesday, Thursday and Friday, with a one-hour lunch break between 12:00 p.m. and 1:00 p.m.

(2) second shift: the standard workday is 8 hours, from 3:30 p.m. to 7:30 p.m. and from 8:00 p.m. to 12:00 a.m. on Monday, Tuesday, Wednesday, Thursday and Friday, with a half-hour break for the evening meal;

(3) third shift: the standard workday is 7.5 hours, from 0:01 a.m. to 4:00 a.m. and from 4:30 a.m. to 8 a.m. on Tuesday, Wednesday, Thursday, Friday and Saturday, with a half-hour meal break.

Where there is no third shift, the employer may schedule the standard workday of the second eight-hour shift to 1:00 a.m., with a half-hour break for the evening meal.

Subsection 4. Embroidery, washing or drying operations

39. In an establishment where three shifts are in operation in accordance with section 38, the employer may set up weekend shifts according to the following schedule:

(1) first weekend shift: the standard workday begins at the end of the third shift on Saturday and lasts 8 hours;

(2) second weekend shift: the standard workday begins at the end of the first weekend shift, and lasts 8 hours;

(3) third weekend shift: the standard workday begins at the end of the second weekend shift, ends before the first shift on Monday and lasts 8 hours.

Subsection 5. General

40. Second or third shift employees and weekend shift employees shall be entitled to a \$0.25 premium for each regular hour and to \$0.375 for each hour of overtime. The payment of the premium shall be indicated separately in the registration system or register referred to in paragraph 3 of section 29 of the Act respecting labour standards (R.S.Q., c. N-1.1). The premium shall be included in the calculation of holiday pay and annual vacation pay, but not in the regular wage rate.

For the purposes of this section, an employee's regular wage rate is the hourly rate appearing in the tables in Schedule IV or the hourly rate or piecework rate agreed with the employer provided that the rate equals or exceeds the minimum rate appearing in the tables in Schedule IV.

41. An employer may schedule differently the standard workday referred to in paragraph 1 of section 38, on the following conditions:

(1) the standard workday is 8.5 hours on Monday, Tuesday, Wednesday, and Thursday and 6 hours on Friday, with a one-hour meal break;

(2) the standard workday on Friday ends at the latest at 3:00 p.m.;

(3) following a majority vote of the employees, there is written consent by the employees or the union representing them.

DIVISION IV
LEATHER GLOVE INDUSTRY

42. The standard workweek is 40 hours and shall be scheduled over 5 days, from Monday to Friday.

43. The standard workday is 8 hours scheduled between 8:00 a.m. and 5:00 p.m. with a one-hour lunch break between 12:00 p.m. and 1:00 p.m.

44. An employer may change the work schedule provided for in section 43, on condition that the standard workday does not exceed 8 hours.

45. An employer may set up a second or third shift on the following conditions:

- (1) the employees on any other shift may work all the hours of the standard workweek;
- (2) the shiftwork may not exceed the number of hours in the standard workday or workweek;
- (3) the standard workday hours of a shift may not be scheduled over more than 9 hours;
- (4) the employer grants a one-hour meal period at the end of the first half of the standard workday;

(5) the standard workweek for a shift may not be scheduled over more than five consecutive 24-hour periods, from Monday to Friday, in the case of the first shift, and must end at the latest at 8:00 a.m. on Saturday, in the case of the second or third shift.

46. A second or third shift employee shall be entitled to a premium of \$0.15 for each hour of the standard workday included between 4:00 p.m. and 12:00 a.m. and \$0.18 for each hour worked between 12:00 a.m. and 8:00 a.m.; the premiums shall be included in the computing of regular earnings.

For the purposes of this section, an employee's regular earnings are all employee earnings but do not include any additional amount that may have been paid to him under section 3.1 of Schedule V.

CHAPTER IV
PAID STATUTORY GENERAL HOLIDAYS

47. The 24th of June is a paid statutory general holiday, in accordance with the National Holiday Act (R.S.Q., c. F-1.1).

The following are paid statutory general holidays:

- (1) January 1st;
- (2) January 2;
- (3) Good Friday;
- (4) Easter Monday;
- (5) Fête de Dollard or Victoria Day;
- (6) July 1st;
- (7) the first Monday in September;
- (8) the second Monday in October;
- (9) December 25.

48. For the purpose of computing the payment of statutory holidays referred to in the second paragraph of section 47, one day's pay means:

(1) for hourly paid employees: the employee's hourly wage rate multiplied by the number of hours in the standard workday that the employee would normally have worked on the day the statutory holiday falls or is observed;

(2) for piece rate employees: the employee's average hourly wage multiplied by the number of hours in the standard workday that the employee would normally have worked on the day the statutory holiday falls or is observed.

The average hourly wage shall be determined for each employee by dividing the actual earnings of such employee during the 4 weeks immediately prior to the week in which the statutory holiday falls by the actual number of regular and overtime hours worked. Actual earnings include all increases in effect but do not include overtime premiums.

An employee's statutory holiday pay computed in accordance with the first paragraph shall be at least equal to the payment prescribed under section 62 of the Act respecting labour standards. Should the amount payable to an employee computed in accordance with the first paragraph be less than the payment under section 62 of the Act, the employee shall be paid in accordance with section 62 of the Act.

49. Where 2 January falls on a Saturday or Sunday, an employee is entitled to a compensation as though the holiday were observed on a Monday.

CHAPTER V

PAID ANNUAL VACATION

50. An employee who, at the end of the reference year, has completed less than one year of uninterrupted service with the same employer is entitled to an uninterrupted annual vacation the duration of which is equal to one day for each month of uninterrupted service, up to a maximum of two weeks, granted consecutively.

An employee who, at the end of the reference year, has completed one year of uninterrupted service with the same employer is entitled to two consecutive weeks of annual vacation.

An employee who, at the end of the reference year, has completed three years of uninterrupted service with the same employer is entitled to a third week of annual vacation.

51. The paid annual vacation is granted during the period which begins the week including the national holiday, 24 June, and ends at the end of the second full week of August of the current year.

However, the third week of annual vacation may be taken the week before or after the year-end holiday.

Notwithstanding the first and second paragraphs, warehouse or receiving and shipping employees may take their annual vacation upon agreement between the employer and the employee, during the twelve-month period following the reference year in which they became entitled to such annual vacation.

52. The annual vacation pay is 4% of the employee's gross earnings during the reference period if the employee is entitled to two weeks' vacation or less and 6% of the employee's gross earnings if entitled to three weeks' vacation.

53. Where an employee has, on 24 December, one year of uninterrupted service, the employee is entitled to the year-end holiday.

54. The year-end holiday begins on 26 December and ends on 31 December.

However, warehouse and shipping and receiving employees may be entitled to the year-end holiday, where there is an agreement between the employer and employee, between 3 January and 30 June of the year following the year-end holiday.

55. An employee who is entitled to the year-end holiday shall be paid 2% of his total gross wages for the 12 months ending with the pay period closest to 30 November and preceding the holiday.

The employee shall be given his year-end holiday pay not later than with the last regular pay prior to Christmas Day.

CHAPTER VI

MEAL PERIODS

56. An employee working the first shift is entitled to an unpaid one-hour meal period.
57. An employee working the second or third shift is entitled to an unpaid half-hour meal period.
58. An employee working the weekend shift, scheduled in accordance with section 39, is entitled to a paid thirty-minute meal period after four consecutive hours of work.

CHAPTER VII

LEAVE FOR FAMILY EVENTS

59. An employee may be absent from work for one day, without reduction of wages, by reason of the death or funeral of his spouse, of his child or the child of his spouse, or of his father, mother, brother or sister. He may also be absent from work for three additional days on such occasion, but his employer is not required to pay him for those days.

An employee may be absent from work for one day by reason of the death or funeral of his son-in-law, daughter-in-law, grandparent, grandchild, or of his spouse's father, mother, brother or sister, but his employer is not required to pay him for that day.

An employee shall give notice of his absence as soon as possible.

60. An employee who has one year or more of uninterrupted service with the same employer may be absent from work for three consecutive days, without reduction of wages, by reason of the death or funeral of his spouse, of his child, of his father, mother, brother or sister. He may also be absent from work for one additional day on such occasion, but his employer is not required to pay him for that day.

An employee who has one year or more of uninterrupted service with the same employer may be absent from work, without reduction of wages, on the day of the funeral of one of his grandparents and of his spouse's father or mother.

An employee shall give notice of his absence as soon as possible.

61. The day's wage shall be computed in accordance with section 48.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

62. In the women's clothing industry, the holiday and vacation pay paid to an employee during the year 2000 under section 7 of the Act respecting the conditions of employment in certain sectors of the clothing industry and amending the Act respecting labour standards (1999, c. 57) are deemed to be both the annual vacation pay for the reference year applicable for the year 2000, paid to that employee in accordance with section 52, and the year-end holiday pay for the year 2000 paid to that employee in accordance with section 55.

SCHEDULES

OF THE REGULATION RESPECTING MINIMUM LABOUR STANDARDS IN CERTAIN SECTORS OF THE CLOTHING INDUSTRY

SCHEDULE I (s. 1)

SCOPE OF THE DECREES

DIVISION 1

DECREE RESPECTING THE MEN'S AND BOYS' SHIRT INDUSTRY

1. The Decree governs the manufacturing industry, that is, the preparation, manufacture and production in whole or in part of shirts and pyjamas for men and boys, of all kinds and regardless of their designation; it also applies to ladies' and girls' mannish tailored shirts and pyjamas whose style, patterns and materials, as well as the manufacturing operations, are the same as those used in the manufacture of shirts and pyjamas for men and boys.

These garments or parts of garments may be made of woven or knitted fabric or of any other kind of material.

2. The work referred to in this Decree includes the work of all persons performing any or many of the principal operations of and incidental or related to the manufacturing or producing of the above shirts or garments, whether the said operations are defined or not, whether the said operations are performed completely or in part by the same employer or by several employers, whether they are performed completely or in part in one or several trade plants, private, industrial, commercial or other establishments.

Such operations may or may not constitute the principal business of the employer or be accessory or complementary to any other business or enterprise and the said shirts and garments may or may not be manufactured or produced for the purpose of sale to other consumers or for the exclusive use of the employer.

3. The Decree applies to every employer who is manufacturer, retailer, contractor, subcontractor, distributor or intermediary and who manufactures, or has manufactured, under section 2, in his own establishment or elsewhere in Québec, garments or parts of garments referred to in section 1.

4. The Decree does not apply to:

- (a) articles and garments which are governed by another decree;
- (b) infants' and children's clothes or garments smaller than size 2 years;
- (c) boxer shorts and underwear.

DIVISION 2

DECREE RESPECTING THE WOMEN'S CLOTHING INDUSTRY

1. The Decree governs the manufacture of the following garments or parts thereof for women: capes, coats, suits, pantsuits, blazers, raincoats, parkas, duffle coats (*canadiennes*), ski garments, dresses, ensembles, lounge wear, dressing gowns, kimonos, uniforms, dust smocks, smocks, blouses, bodices, dusters, sportswear, beach wear, play suits, bathing suits, sweaters, skirts, pants, shorts, jackets, whether such garments are a whole or part of a set, and all other similar garments, made of any type of material.

2. The Decree applies to every employer who is manufacturer, retailer, contractor, subcontractor, distributor or intermediary and who manufactures, or has manufactured, directly or indirectly, in his factory or elsewhere in Québec, the garments or parts of garments referred to in section 1.

3. The Decree does not apply to:

(1) capes, coats, suits, parkas, Eskimo suits, windbreakers, vests and jackets of all types for girls from size 0 to size 16 inclusively. Size 16 shall not exceed the body measurements determined by the Canada Standard Size Specifications program for standard sizes in children's garments approved by the Canadian General Standards Board, that is: 82 centimetre chest, 67.1 centimetre waist and 85 centimetre hips where the garments are manufactured under the following conditions, proof of which rests with the employers, that is:

- (a) the children's garments must be entirely manufactured according to the same method of production used in the men's and boys' clothing industry;
- (b) the employer must not be a manufacturer, contractor or subcontractor manufacturing mainly women's clothing above size 16;
- (c) the children's garments must not be manufactured with the intention of or for the purpose of directly or indirectly evading the provisions of the Decree;

(2) garments made of vulcanized, natural or synthetic rubber;

(3) work referred to in this industry as trimmings, shirring, edging or embroidery where such work is not intended for one of the garments made by this manufacturer;

(4) the tailor who produces only garments made to measure for individual customers and that are not destined for sale to stores or for sale by wholesale intermediaries;

(5) an employee who is engaged in knitting operations, from spinning to the underpressing of blanks;

(6) an employee who joins or finishes garments by means of a looping machine;

(7) an employee who is engaged in the production of fully tailored knitted garments, which require no other cutting for assembling than slits;

(8) garments for girls not larger than size 6 as determined by the Canada Standard Size Specifications program for standard sizes in children's garments approved by the Canadian General Standards Board, that is, 62 centimetre chest, 53.9 centimetre waist and 60 centimetre hips;

(9) the manufacture of bathrobes, dressing gowns and kimonos made of material weighing at least 270 grams per square metre;

(10) knitted garments covering the upper part of the body that have an unravelable knitted edge not exceeding 68 centimetres in length where the material used has been knitted in the manufacturer's shop as blanks;

(11) garments manufactured exclusively of handwoven fibres, and where each garment must be cut individually;

(12) the manufacture of jean clothing referred to in the Decree respecting the men's clothing industry;

(13) the shipping of manufactured garments;

(14) fur garments;

(15) designer clothes.

DIVISION 3

DECREE RESPECTING THE MEN'S CLOTHING INDUSTRY

1. The Decree governs the manufacture, in whole or in part, of men's and boys' clothing over size 6, jean clothing over size 6 for both sexes and children's clothing.

The Decree also governs employees working as general hand or floor help in a warehouse or receiving and shipping department for men's and boys' clothing. It does not govern the employee mainly assigned to delivery by truck.

The expressions "boys' pants", "general hand or floor help", "children's clothing", "jean clothing", "military garments" and "men's and boys' clothing" referred to in paragraphs 4 to 9 of section 4 of this Regulation are included in the scope of this Decree.

2. This Decree does not govern the manufacture of:

(1) overalls, coveralls, combination overalls and overpants;

(2) pants and shorts to be worn by players in team sports;

(3) vulcanized rubber garments;

(4) windbreakers, snowsuits, ski suits and anoraks for girls;

(5) shirts, pyjamas, underwear, bathing suits and bathrobes;

(6) sweaters, unlined knitted garments, pants and shorts made of fleece material;

(7) pants and jeans for children up to size 6;

(8) suits that are exclusively custom-made by merchant-tailors, in their own shop and according to individual sizes, measurements and specifications of specific customers, provided that no more than 5 employees, including the cutter, carry out all the operations.

DIVISION 4
DECREE RESPECTING THE LEATHER GLOVE
INDUSTRY

1. The Decree governs the glove-making industry, that is, the preparation, manufacture and production, in whole or in part, of gloves, mittens or mitts of all kinds and all designations, made of leather or leather combined with any other material, as well as the operations incidental thereto.

However, “clute” gloves, the cotton part of which is greater than the leather part, are excluded.

SCHEDULE II (s. 7)

MINIMUM WAGE IN THE MEN’S AND BOYS’ SHIRT INDUSTRY

DIVISION 1

TABLE 1 – EMPLOYEES ASSIGNED TO THE MANUFACTURE OF GARMENTS, EXCEPT FOR PYJAMAS AND KNITTED GARMENTS, AND PAID ON AN HOURLY OR PIECEWORK BASIS

1.1. The minimum hourly rate payable to employees who manufacture garments, except for pyjamas and knitted garments and who are paid on an hourly or piecework basis, is established in the following table, per occupational category, as of the date indicated therein.

An employee shall be paid at the minimum hourly rate corresponding to the employee’s occupational category, as soon as the required hours in the progression period provided for in section 3.1 have been completed.

Occupational category	As of 2000 07 01
1. Unskilled worker	\$9.30
2. Operator, presser, folder and examiner	\$9.30
3. Divider and section head	\$9.35
4. General hand and spreader	\$10.32
5. Cutter with die (clicker)	\$10.65
6. Cutter	\$11.40
7. Hand-knife cutter and marker	\$11.52

DIVISION 2

Table 2 – EMPLOYEES ASSIGNED TO THE MANUFACTURE OF PYJAMAS AND WHO ARE PAID ON AN HOURLY OR A PIECEWORK BASIS

2.1. The minimum hourly rate payable to employees who manufacture pyjamas and who are paid on an hourly or a piecework basis, is established in the following table, per occupational category, as of the date indicated therein.

An employee shall be paid at the minimum hourly rate corresponding to the employee’s occupational category, as soon as the required hours in the progression period provided for in section 3.1 have been completed.

Occupational category	As of 2000 07 01
1. Unskilled worker	\$8.38
2. Operator, presser, folder and examiner	\$8.38
3. Divider	\$8.43
4. Section head	\$9.35
5. General hand	\$9.30
6. Spreader	\$10.32
7. Cutter with die (clicker)	\$10.65
8. Cutter	\$11.40
9. Hand-knife cutter and marker	\$11.52

DIVISION 3

Table 3 – PROGRESSION PERIOD

3.1. An employee who belongs to a category listed in sections 1.1 and 2.1 is entitled to the following increases to the minimum hourly wage, based on the number of hours worked as of the date indicated therein.

	As of 2000 07 01
From 0 to 750 hours	\$0.00
From 751 to 1 500 hours	\$1.80
From 1 501 to 2 250 hours	\$3.45
From 2 251 to 3 000 hours	\$4.15
From 3 001 to 3 750 hours	\$4.85
From 3 751 to 4 000 hours	\$5.55

The expression “minimum hourly wage” means the minimum wage payable to the employee for the standard workweek hours in accordance with the Regulation respecting labour standards (R.R.Q., 1981, c. N-1.1, r.3), as it reads at the time of its application.

DIVISION 4

Table 4 – EMPLOYEES ASSIGNED TO THE MANUFACTURE OF KNITTED GARMENTS AND WHO ARE PAID ON AN HOURLY OR PIECEWORK BASIS

4.1. The minimum hourly rate payable to employees who manufacture knitted garments and who are paid on an hourly or a piecework basis, is established in the following table, per occupational category, as of the date indicated therein.

An employee shall be paid at the minimum hourly rate corresponding to the employee’s occupational category, as soon as the required semesters in the progression period provided for in section 5.1 have been completed.

Occupational category	As of 2000 07 01
1. Unskilled worker, operator, presser, folder and examiner	Minimum hourly wage
2. Divider and section head	Minimum hourly wage
3. General hand and spreader	\$7.36
4. Cutter with die (clicker) and cutter	\$7.67
5. Hand-knife cutter and marker	\$7.77

DIVISION 5

Table 5 – PROGRESSION PERIOD

5.1. An employee who belongs to an occupational category listed in section 4.1 is entitled, according to the semester and as of the date indicated in the following table, to the minimum hourly wage increased by the amounts provided for hereafter:

	As of 2000 07 01
1st semester	\$0.00
2nd semester	\$0.75
3rd semester	\$2.80

4th semester	\$3.25
5th semester	\$3.70
6th semester	\$4.15
7th semester	\$4.65

DIVISION 6

AVERAGE HOURLY RATE

6.1. The average hourly rate for employees in category 2, referred to in sections 1.1 and 2.1, with 1 500 hours' experience or more in the men's and boys' shirt industry, is established by adding the following amounts:

- (1) the minimum hourly rate;
- (2) the additional amount provided for in section 7.1;
- (3) \$0.15 per hour.

The general hourly average for employees with 1 500 hours' experience or more is computed monthly by each plant and is obtained by dividing the current total earnings by the total hours worked for each employee.

Where the average hourly rate for employees in occupational category 2, referred to in sections 1.1 and 2.1, is not equal to the general hourly average provided for in this Division, each of the aforementioned employees shall be paid the difference for each hour worked during that month.

Any claim under this section must be made by the 15th day of the following month.

For the purposes of this section, an employee's current earnings are the employee's regular earnings, plus the additional amount referred to in section 7.1. An employee's regular earnings are:

- (1) for an employee paid on an hourly or other basis, the wage rates paid or payable to the employee, plus all adjustments and increases payable under agreements between the employee and the employer or otherwise payable, whether or not they exceed the minimum rates under sections 1.1, 2.1, 3.1, 4.1 and 5.1, but they do not include the additional amount referred to in section 7.1;
- (2) for an employee paid on a piecework basis, the piecework wage according to the employer's system, plus all adjustments and increases payable under agreements between the employee and the employer or otherwise payable, but they do not include the additional amount referred to in section 7.1.

DIVISION 7

ADDITIONAL AMOUNT

7.1. All employees, whether they are paid on an hourly, weekly, piecework basis or otherwise, receives for each hour worked over and above their regular earnings, an additional amount of at least \$0.10 per hour after six months of uninterrupted service with the same employer.

DIVISION 8

CHILDREN'S CLOTHING

8.1. The minimum hourly rates provided for in sections 1.1, 2.1, 3.1, 4.1 and 5.1 and the general hourly average provided for in section 6.1 shall be reduced by 10% for all employees within the scope of the Decree respecting the men's and boys' shirt industry, for as long as they are assigned to the manufacturing or production of children's clothing smaller than size 6X, provided that the employer keeps a record of such work, indicating the exact number of hours, the hourly rate or piece rate, paid or due, for each working day or week. In no case, however, shall the minimum hourly rates be lower than the minimum hourly wage.

SCHEDULE III (s. 11)

MINIMUM WAGE IN THE WOMEN'S CLOTHING INDUSTRY

Table 1 – MINIMUM HOURLY RATES AS OF 1 JULY 2000

Trade	Code	Scale	Hourly rate	Piece rate
General hand	10		Minimum hourly wage	\$7.05
Assistant presser - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - from 1 751 hours	19	Minimum hourly wage \$7.42 \$8.39	\$9.37	\$9.52
Sample maker	28		\$9.37	\$9.52
Cutter, Class 1	01		\$12.67	
Cutter, Class 2 - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - 1 751 to 2 125 hours - 2 126 to 2 500 hours - from 2 501 hours	02	Minimum hourly wage \$7.42 \$8.39 \$9.37 \$10.97	\$12.30	
Piler - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - from 1 751 hours	09	Minimum hourly wage \$7.42 \$8.39	\$8.59	\$8.74
Spreader - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - 1 751 to 2 125 hours - 2 126 to 2 500 hours - from 2 501 hours	13	Minimum hourly wage \$7.42 \$8.39 \$9.37 \$10.97	\$11.33	\$11.48
Examiner - first 1 000 hours - from 1 001 hours	11	Minimum hourly wage	\$7.03	\$7.18
Baster - first 1 000 hours - 1 001 to 1 375 hours - from 1 376 hours	07	Minimum hourly wage \$7.16	\$7.88	\$8.03
Finisher - first 1 000 hours - 1 001 to 1 375 hours - from 1 376 hours	22	Minimum hourly wage \$7.16	\$7.88	\$8.03
Operator for leather garments - first 1 000 hours - 1 001 to 1 375 hours - from 1 376 hours	20	Minimum hourly wage \$7.42	\$9.10	\$9.25
Section operator - first 1 000 hours - 1 001 to 1 375 hours - from 1 376 hours	16	Minimum hourly wage \$7.42	\$9.10	\$9.25
Special machine operator - first 1 000 hours - 1 001 to 1 375 hours - from 1 376 hours	14	Minimum hourly wage \$7.42	\$8.76	\$8.91
Operator for whole garments - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - from 1 751 hours	15	Minimum hourly wage \$7.42 \$8.39	\$9.37	\$9.52
Presser - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - 1 751 to 2 125 hours - from 2 126 hours	17	Minimum hourly wage \$7.42 \$8.39 \$9.37	\$10.97	\$11.12
Under presser - first 1 000 hours - 1 001 to 1 375 hours - 1 376 to 1 750 hours - 1 751 to 2 125 hours - from 2 126 hours	18	Minimum hourly wage \$7.42 \$8.39 \$9.37	\$10.05	\$10.20
Separator - first 1 000 hours - from 1 001 hours	12	Minimum hourly wage	\$7.03	\$7.18

SCHEDULE IV (s. 23)

MINIMUM WAGE IN THE MEN'S CLOTHING INDUSTRY

DIVISION 1

CLASSIFICATION OF OPERATIONS AND WAGE SCALE

Subsection 1.1. Table 1 – Men's and boys' clothing

Part I -Minimum hourly rates for operations performed in the manufacture of men's and boys' clothing

Classification of operations described
in Part II of this Table

Wage scale

Class	As of 2000 07 01
A	\$11.85
B	\$10.25
C	\$8.40
D	\$7.75
E	\$6.95

Part II - Classification of operations performed in the manufacture of men's and boys' clothing

- (1) Men and boys' clothing
(1.1) Cutting and trimming operations

Class
A Marking patterns on paper or cloth. Marking or cutting body or sleeve linings.
B Cutting by hand or electric shears. Marking or cutting with shears or knife trimmings other than body or sleeve linings. Operating automatic cutting machine.
C Piling. Operating die-cutting equipment. Cutting undercollars. Matching parts to be cut.
E Operating Soabar machine. Sorting. Operating photocopier. General hand or floor help.

- (2) Men's and boys' clothing excluding trousers
(2.1) Pressing operations

Class
B Finish presser: an employee who performs the pressing of a fully sewn garment, with a hand iron or a steam press machine.
C Toppresser: an employee who presses garments with an automatic steam pressing machine or using a dummy, or presses military garments with a steam press machine.
Under presser: an employee who opens or presses seams, parts or any other pressing required for the sewing of the garment or does the smoothing of the lining after the garment has been pressed by the finish presser.
E Attaching pads to shoulders with an automatic steam machine.

(2.2) Machine operations

Class

- C Employees performing any of the following operations: sewing on sleeves. Taping edges. Sewing edges of garments. Making pockets, which includes: sewing on beesoms, flaps, welts or appliqués. Stitching edges of fronts. Operating die-cutting equipment. Joining fronts, vees, sides, shoulders, bottoms or backs. Tacking pockets, which includes: closing opening and tacking corners. Tacking trim corners with zigzag stitch machine. Felling with Durkopp or A.M.F. type machines. Making or stitching fly fronts. Making linings, which includes: making or tacking pockets, sewing lining to facing, side seams, backs, yokes, vees, shoulder seams, or sewing sleeve lining to body. Sewing topcollar to undercollar. Basting which includes: edges, gorges, bottoms, fronts, canvas, facings, linings, armholes, shoulder seams, topcollar or undercollar to neck. Trimming and tacking armholes. Sewing gorges or undercollar to neck or to lining. Raising seams. Making samples. Sewing sleeves to body before side seams are closed. Closing coat shell to shell. Making general repairs. Sewing or stitching zipper to front or side of body. Sewing or stitching front or back yokes. Operating feed-off arm machine.
- D (a) employees performing any other operation not listed in classes C and E;
(b) employees performing any operation on military garments, except the operations listed in class E;
(c) operating an automatic sewing machine.
- E Operating Soabar machine. Stapling canvas or facings. Basting opening of pockets. Making ticket pockets. Making or sewing on armhole shields. Gathering shoulder head. Shirring canvas. Tacking hangers or cuffs. Making loops or imitation buttonholes. Closing pockets, sewing around bag when performed as a separate operation after pocket has been tacked. Turning and creasing parts by die machine. Setting hooks, eyelets, rivets or snaps. Threading or cutting zippers. Trimming or pinking bottoms. Sewing labels or tickets. Operations performed on military garments: sewing inside pockets, making flaps, collars, wristbands or epaulets; sewing patch pockets which have been previously creased with die machine, making general repairs, making button holes; sewing buttons; bar tacking.

(2.3) Hand operations

Class

- C Fitting, sorting, matching and cutting with shears or electric knife garment parts or linings to be sewn which have been blocked by the cutter or the trimmer. Basting or stitching edges of body or other parts of garment. Underbasting of facing to front. Shaping. Basting topcollar. Examining general tailoring and busheling. Basting canvas, facing, lining, pleats, yokes or vents. Trimming and tacking armholes. Basting undercollar or topcollar to neck or topcollar to undercollar. Preparing armholes: basting lining or cloth, shoulder seams or crease of lining.
- D Employees performing any other operation not enumerated in classes C and E.
- E Sewing on labels or tickets. Thread marking or chalking. Pulling basting or cleaning. Marking buttons. Separating, numbering, sorting or assembling cut parts to be sewn. Turning garments or small parts. Trimming canvas, linings or small parts. Tacking fronts for shaping. Examining military garments. Fusing by automatic machine. General hand or floor help.

- (3) Trousers
(3.1) Machine, hand and pressing operations

Class

- C Making pockets, which includes: sewing on beesoms, welts, flaps, patches or tabs and sewing second stitch on back pocket. Tacking pockets, which includes: positioning pocket, closing opening of pocket and tacking corners on regular or slant-type pockets. Seaming or raising seams on inside or outside leg seams or sewing seat seam. Stitching lining or waistband. Sewing lining to waistband. Sewing braid. Sewing cloth or elastic waistband on trousers. Operating the feed-off arm machine or die-cutting equipment. Stitching flies. Making repairs by machine. Fitting and separating. Pressing legs or top of trousers.
- D (a) employees performing any other operation not listed in classes C and E;
(b) underpressing: employees who open or press seams, parts or any other pressing required for the assembling of trousers;
(c) employees performing the following operations defined in class C, on boys' trousers: making pockets, tacking pockets, seaming, stitching lining, sewing lining, sewing waistband or stitching flies;
(d) operating an automatic sewing machine.
- E Operating Soabar machine. Sewing buttons, labels or tickets. Making loops. Setting hooks and eyelets. Threading or cutting zippers. Separating, sorting, pairing, numbering or chalking. Turning and creasing parts by die machine. Trimming or pinking bottoms. Cleaning or brushing. Fusing by automatic machine. General hand or floor help.

Subsection 1.2. Table 2 – Children's clothing

Part I - Minimum hourly rates for operations performed in the manufacture of children's clothing

Classification of operations described in Part II of this Table

Wage scale

Class	As of 2000 07 01
AY	\$10.57
BY	\$9.71
CY	\$8.55
DY	\$7.90
EY	\$7.10

Part II - Classification of operations performed in the manufacture of children's clothing

Class

- AY Tracing outline of patterns on paper or cloth. Toppressing with steam press machine.
- BY Marking or cutting linings or trimmings.
- CY Piling. Underpressing or steam blowing. Making samples or general repairs. Sewing on sleeves or collars. Sewing facings to fronts.
- DY Joining or raising seams on outer-shell of garment. Basting or stitching edges of fronts or small pieces. Making collars or sleeves. Operating felling machine, automatic welt-pocket machine, double-needle machine, automatic long seamer machine or photomarking machine. Making buttonholes or eyelets. Sewing zipper to fronts, facing or lining. Sewing fur to collar or sleeves. Sewing sleeves to body before side seams are closed. Sewing sleeve bottom, tape or canvas to fronts. Making or tacking pockets. Making linings or closing bottom of garments. Trimming and tacking armholes.

EY Making trimmings, undercollars, hoods, loops or small parts. Marking buttons or buttonholes. Sewing buttons, labels, piping, ribbons or pads. Trimming or turning garments or small parts. Examining, hand finishing, cleaning or brushing garments. Operating Soabar machine. Separating or thread marking. Bar tacking or serging. Tacking pads, loops or buttonholes. Taping shoulders or armholes. Fusing by automatic machine. General hand or floor help.

Subsection 1.3. Table 3 – Jean clothing

Part I - Minimum hourly rates for operations performed in the manufacture of jean clothing

Classification of operations described
in Part II of this Table

Wage scale

Class	As of 2000 07 01
AJ	\$9.55
BJ	\$7.60
CJ	\$7.35
DJ	\$7.15
EJ	Minimum hourly wage

Part II -Classification of operations performed in the manufacture of jean clothing

(1) Cutting and trimming operations

Class
AJ Marking patterns on paper or cloth.
BJ Piling. Operating automatic cutting machine or photomarking machine.
EJ Operating Soabar machine. Sorting. Numbering. General hand or floor help.

(2) Pressing operations

Class
BJ Pressing a completely sewn garment by steam press or on dummy.

(3) Machine and hand operations

Class
CJ Joining by safety stitch machine. Making or tacking pockets by plain machine. Sewing side pockets by folder or automatic sewing machine. Sewing patch pockets or elastic waistband. Sewing waistband by special banding machine. Sewing zipper. Stitching down flies. Operating welt-pocket machine or double-needle machine. Stitching down front edges. Sewing garment form or facing to front. Making general repairs. Closing garment shell to shell. Sewing on sleeves. Joining or raising outer parts of garment. Making linings. Making, raising or sewing collars, wristbands, epaulettes or small parts. Making sleeves. Making or sewing flies. Making trimmings, pleats or corners of waistbands. Preparing or closing pockets. Operating the feed-off arm machine. Making samples.
DJ With a special machine, serging, felling, hemming, making buttonholes, loops or bar tacking. Sewing buttons or labels. Underpressing or steam blowing.
EJ Cutting threads, cleaning, sorting or examining. Operating Soabar machine. Setting rivets or snaps. Operating washing, drying or embroidering machines. General hand or floor help.

DIVISION 2
TABLE OF APPRENTICE WAGES

Scale	As of 2000 07 01
First 12 months	Minimum hourly wage
13 to 16 months	\$6.95
17 to 20 months	\$7.75
21 to 24 months	\$8.40
25 to 28 months	\$9.30
29 to 32 months	\$10.55
From 33 months	\$11.85

SCHEDULE V (s. 26)

MINIMUM WAGE IN THE LEATHER GLOVE INDUSTRY

Table 1 – MINIMUM HOURLY RATES

1.1. The minimum hourly rate is determined by zone and as of 1 July 2000 for each occupational category listed below.

The employee shall be paid at the minimum hourly rate corresponding to the employee's occupational category as soon as the required months of service in the progression period have been completed.

Occupational category	Zone I	Zone II
(1) general hand, examiner, operator	\$9.58	\$9.38
(2) labourer	\$10.13	\$9.93
(3) cutter, Class B, shipper	\$10.28	\$10.08
(4) turner	\$10.43	\$10.18
(5) presser	\$10.48	\$10.23
(6) cutter, Class A	\$10.53	\$10.28

1.2. For the purposes of section 1.1, zones I and II shall be as follows:

(1) **Zone I:** the administrative region 06 includes the territory described and defined under Order in Council 2000-87 dated 22 December 1987, amended by Orders in Council 1399-88 dated 14 September 1988, 1389-89, dated 23 August 1989, 965-97 dated 30 July 1997 and 1437-99 dated 15 December 1999;

(2) **Zone II:** the total Québec territory less the territory referred to in Zone I.

DIVISION 2

Table 2 – PROGRESSION PERIOD

2.1. The progression period is a wage scale applicable during the period between the time the employee is integrated into an occupational category provided for in Table 1 of Division I and the time the minimum hourly rate for that category is reached.

An employee who belongs to one of the occupational categories listed in section 1.1 is entitled, according to the months worked and as of 1 July 2000, to the minimum hourly wage increased by the amounts in the following table. After the first increase, the amounts prescribed shall be added to the employee's increased hourly rate.

(1)	from the 4th month	\$0.25
(2)	from the 7th month	\$0.50
(3)	from the 10th month	\$0.50
(4)	from the 13th month	\$0.50

(5)	from the 16th month	\$0.50
(6)	from the 19th month	\$0.50
(7)	from the 22nd month	\$0.50
(8)	from the 25th month	\$0.50
(9)	from the 28th month	\$0.50
(10)	from the 31st month	\$0.50

The expression “minimum hourly wage” means the minimum wage payable to the employee for the hours in a standard workweek according to the Regulation respecting labour standards as it reads at the time of its application.

DIVISION 3

ADDITIONAL AMOUNT

3.1. An employee who has completed three months of uninterrupted service with the same employer shall receive, for each hour of work and for all hours paid with respect to statutory holidays or annual vacation, an additional amount of \$0.16.

National Holiday Act

Part IV

- PRESENTATION
- NATIONAL HOLIDAY ACT

PRESENTATION

The National Holiday Act was assented to and came into force on June 8, 1978. It was subsequently amended on various occasions. Sometimes, the sole purpose of the amendments was to ensure a certain conformity with the various pieces of legislation.

The National Holiday Act was amended by the Act to amend the Act respecting labour standards and other legislative provisions (2002, c. 80) assented to on December 19, 2002. The version that we are presenting takes into account the amendments that were made to the Act and that are indicated by a grey line.

CHAPTER F-1.1 NATIONAL HOLIDAY ACT

National Holiday	1. The 24th of June, St. John the Baptist Day, is the National Holiday. 1978, c. 5, s. 1.
Statutory public holiday 25th of June	2. The 24th of June is a statutory public holiday. Where the date indicated in the first paragraph falls on a Sunday, the 25th of June is a public holiday for the purposes of application of sections 4 to 6. 1978, c. 5, s. 2; 1984, c. 27, s. 64; 1990, c. 73, s. 67. 3. <i>(Section repealed).</i> 1978, c. 5, s. 3; 1990, c. 73, s. 68.
Indemnity	4. The employer must pay to the employee an indemnity equal to 1/20 of the wages earned during the four complete weeks of pay preceding the week of 24 June, excluding overtime. However, the indemnity paid to an employee remunerated in whole or in part by commission must be equal to 1/60 of the wages earned during the 12 complete weeks of pay preceding the week of 24 June. However, in the case of an employee who is an employee referred to in section 42.11 or 1019.4 of the Taxation Act (chapter I-3), the indemnity is computed on the basis of the wages increased by the tips attributed under that section 42.11 or reported under that section 1019.4.
Employee remunerated by commission	<i>(Paragraph repealed).</i> 1978, c. 5, s. 4; 1979, c. 45, s. 166; 1983, c. 43, s. 6; 1990, c. 73, s. 69; 1997, c. 85, s. 29; 2002, c. 80, s. 79.
Compensatory holiday	5. In any establishment or service where, by reason of the nature of its activities, work is not interrupted on the 24th of June, the employer, in addition to paying to the employee working on the 24th of June the wages for the work done, must pay to such employee an indemnity provided for in section 4, or grant him a compensatory holiday of one day. In the latter case, the holiday must be taken on the working day preceding or following the 24th of June. 1978, c. 5, s. 5; 1979, c. 45, s. 166.
Compensatory holiday	6. Every employer must grant a compensatory holiday of a duration equivalent to a holiday regular day of work where the 24th of June falls on a day that is not a regular working day for the employee.
Compensatory holiday	Where the employee is remunerated on a time basis or on the basis of production or on any other basis, the employer must grant him a compensatory holiday or pay him the indemnity provided for in section 4.
Compensatory holiday	The compensatory holiday must, in all cases, be taken the working day preceding or following the 24th of June. However, if, at that time, the employee is on annual leave, the holiday is taken at a date agreed upon by the employer and the employee. 1978, c. 5, s. 6; 1979, c. 45, s. 166; 1984, c. 27, s. 65.

Exception	7. (Section repealed). 1978, c. 5, s. 7; 2002, c. 80, s. 80.
Public statute Interpretation	8. This Act is a public statute. However, it shall not be construed in such a manner as to prohibit an agreement involving, for the employee, (a) an indemnity greater than those provided for in sections 4, 5 and 6, or a compensatory holiday longer than those provided for in sections 5 and 6; or (b) <i>(Subparagraph repealed).</i> 1978, c. 5, s. 8; 2002, c. 80, s. 81.
Offence and penalty Provisions applicable	9. Any person who fails to comply with any provision of this Act is guilty of an offence and is liable to a fine of \$325 to \$700. Sections 139 to 147 of the Act respecting labour standards (R.S.Q., chapter N-1.1) apply, <i>mutatis mutandis</i>. 1978, c. 5, s. 9; 1979, c. 45, s. 166; 1986, c. 58, s. 37; 1990, c. 4, s. 421; 1992, c. 26, s. 17. 10. (Section omitted). 1978, c. 5, s. 10. 11. (This provision amends c. C-25, s. 6). 1978, c. 5, s. 11. 12. (This provision amends c. I-16, s. 61). 1978, c. 5, s. 12. 13. (This provision amends c. E-3, s. 2). 1978, c. 5, s. 13. 14. (This provision amends c. C-27, s. 151.1). 1978, c. 5, s. 14. 15. (This provision amends c. H-2, s. 2). 1978, c. 5, s. 15.

Collective agreement	16. Any provision respecting 24 June contained in a collective agreement in force under the Labour Code at 8 June 1978 continues to have effect until the expiry of that collective agreement.
Decree	The same rule applies in the case of a decree in force under the Act respecting collective agreement decrees or the Act respecting labour relations in the construction industry at 8 June 1978. 1978, c. 5, s. 16.
Applicability	17. This Act applies to the Government and to the Government departments and agencies. 1978, c. 5, s. 17.
Provisions applicable	17.1. For the application of this Act, section 5 and sections 98 to 123 of the Act respecting labour standards apply, <i>mutatis mutandis</i> . 1979, c. 45, s. 166.
Minister responsible	17.2. The Minister of Labour is responsible for the application of this Act. 1979, c. 45, s. 166; 1981, c. 9, s. 34; 1982, c. 53, s. 57; 1994, c. 12, s. 42; 1996, c. 29, s. 43.
Coming into force	18. This Act comes into force on the day of its sanction. 1978, c. 5, s. 18.
Exception	19. This Act shall operate notwithstanding the provisions of sections 2 and 7 to 15 of the Constitution Act, 1982 (Schedule B of the Canada Act, chapter 11 in the 1982 volume of the Acts of the Parliament of the United Kingdom). 1982, c. 21, s. 1.

Part V

- **LEGEND**

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LEGEND

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