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# NATIONAL ASSEMBLY

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FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 891

**An Act to amend the Act respecting  
labour standards in order to amend the  
minimum wage setting and review  
procedure**

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**Introduction**

**Introduced by  
Mr. Gabriel Nadeau-Dubois  
Member for Gouin**

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## **EXPLANATORY NOTES**

*This bill prescribes that the minimum wage is to be set by the National Assembly. It amends the Act respecting labour standards to replace the section providing that the minimum wage is to be set by government regulation by provisions prescribing the minimum wage setting and review procedure to be used by the National Assembly.*

*A committee composed of Ministère du Travail personnel must submit a report to the Minister of Labour proposing the factors to be considered in setting the minimum wage rates for the next three years. The Minister then tables the report in the National Assembly.*

*Under the bill, the competent committee of the National Assembly must hold public consultations on the committee's report, then hold a debate of at least 10 hours, and finally, table a final report in the National Assembly in which the committee recommends the minimum wage rates and their increases for the next three years. The National Assembly then votes on the report.*

*No later than 31 March each year, the Ministère du Travail must submit an analysis of the current minimum wage's impact on the labour market, employees' living conditions and social disparities. The competent committee of the National Assembly considers the impact analysis and may recommend that the National Assembly increase the minimum wage rates.*

## **LEGISLATION AMENDED BY THIS BILL:**

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Automobile Insurance Act (chapter A-25);
- Act respecting labour standards (chapter N-1.1).

## **REGULATIONS AMENDED BY THIS BILL:**

- Regulation respecting social stabilization and economic stabilization programs (chapter A-3.001, r. 14);
- Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1);
- Regulation respecting legal aid (chapter A-14, r. 2);
- Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act (chapter A-25, r. 7);
- Regulation respecting labour standards (chapter N-1.1, r. 3);
- Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4);
- Regulation respecting the implementation of the Agreement on the professional dance training program (chapter S-2.1, r. 30.1);
- Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse (chapter S-2.1, r. 32);
- Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Monde pour la jeunesse (chapter S-2.1, r. 33.1).



## Bill 891

### AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS IN ORDER TO AMEND THE MINIMUM WAGE SETTING AND REVIEW PROCEDURE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### ACT RESPECTING LABOUR STANDARDS

**1.** Section 40 of the Act respecting labour standards (chapter N-1.1) is replaced by the following sections:

**“40.** The National Assembly shall set the minimum wage in accordance with the procedure set out in sections 40.1 and 40.2. It shall, for that purpose, establish a general minimum wage rate and rates for specific employee categories and sectors. The rates may be established on a time basis, a production basis or any other basis.

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

**“40.1.** Not later than three years after its latest report was tabled, a committee composed of members of the personnel of the Ministère du Travail shall submit a report to the Minister proposing the factors to be considered in setting the minimum wage rates for the next three years. The Minister shall table the report in the National Assembly within 15 days after receiving it or, if the Assembly is not sitting, within 15 days of resumption.

After the report is tabled in the National Assembly, the competent committee of the Assembly shall hold public consultations on it, followed by a debate of at least 10 hours on the minimum wage rates for the next three years.

Following the debate, the competent committee shall table a final report in the National Assembly in which it shall recommend the minimum wage rates and their increases for the next three years. The final report shall be tabled within 90 days after the committee’s report.

During Deferred Divisions of the sitting following the day the final report was tabled, the National Assembly shall vote on the report. No debate on the report or amendment to it shall be receivable.

The minimum wage rates recommended in the final report come into force once the report has been adopted or on the date recommended in it. Adoption of the final report also sets the minimum wage rate increases for the three years following its adoption.

If the National Assembly does not adopt the final report, the competent committee of the Assembly shall hold another debate of at least 10 hours. After the debate and not later than the 30th day after the vote on the final report, the competent committee shall table a new report in the Assembly, which shall vote on it.

**“40.2.** Not later than 31 March each year, the Ministère du Travail shall submit an analysis to the Minister of the current minimum wage’s impact on the labour market, employees’ living conditions and social disparities. The Minister shall table the impact analysis in the National Assembly within 15 days after receiving it or, if the Assembly is not sitting, within 15 days of resumption.

If the minimum wage setting procedure described in section 40.1 is not underway and more than a year has passed since the National Assembly adopted a report under the fourth or sixth paragraph of that section, the competent committee shall consider the impact analysis and, within 60 days after it was tabled, shall table a study on the impact analysis in the Assembly in which the committee recommends that the minimum wage rates be increased, if it considers it necessary.

If the competent committee recommends an increase to the minimum wage rates, the National Assembly shall vote on the recommendations of the impact analysis study during Deferred Divisions of the sitting following the day the study was tabled. No debate on the report or amendment to it shall be receivable.

The minimum wage rate increase recommended in the impact analysis study comes into force once the National Assembly adopts the recommendations or on the date specified in the recommendations.”

**2.** Section 88 of the Act is amended by adding the following sentence at the end of the first paragraph: “It may not, however, set a minimum wage rate separate from those determined by the National Assembly.”

**3.** Section 89 of the Act is amended by striking out paragraph 1.

**4.** Section 92.1 of the Act is amended by striking out subparagraph 1 of the first paragraph.

## OTHER AMENDING PROVISIONS

### ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

**5.** Section 6 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing the second paragraph by the following paragraph:

“In the case of a worker having no remunerated employment or for whose employment no minimum wage is fixed by regulation, the Commission shall apply the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the workweek referred to in section 52 of that Act, on the day they are to be applied.”

### AUTOMOBILE INSURANCE ACT

**6.** Section 51 of the Automobile Insurance Act (chapter A-25) is amended by replacing the second paragraph by the following paragraph:

“Subject to sections 40, 43, 55 and 56, the income replacement indemnity of a victim who, at the time of the accident, held a regular full-time employment, or of a victim for whom the Société determines an employment from the one hundred and eighty-first day following the accident, in accordance with section 45, shall not be less, however, than the indemnity that would be computed on the basis of a gross annual income determined on the basis of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and, except in the case of a part-time employment, of the regular workweek as referred to in section 52 of that Act, on the day they are to be applied.”

### REGULATION RESPECTING SOCIAL STABILIZATION AND ECONOMIC STABILIZATION PROGRAMS

**7.** Section 2 of the Regulation respecting social stabilization and economic stabilization programs (chapter A-3.001, r. 14) is amended by replacing the second paragraph by the following paragraph:

“For the purposes of sections 10 and 19, the Commission shall apply the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the regular work week referred to in section 52 of that Act and its regulations.”

## REGULATION RESPECTING FINANCIAL ASSISTANCE FOR EDUCATION EXPENSES

**8.** Section 74 of the Regulation respecting financial assistance for education expenses (chapter A-13.3, r. 1) is amended by replacing the first paragraph by the following paragraph:

“A borrower is in a precarious financial situation if the borrower’s income referred to in Schedules I and II is less, on a monthly basis, than the amount obtained by multiplying the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) by 160.21, if the borrower expects his or her income to remain such for the following 5 months.”

## REGULATION RESPECTING LEGAL AID

**9.** Section 21.0.2 of the Regulation respecting legal aid (chapter A-14, r. 2) is amended by replacing the first paragraph by the following paragraph:

“When the general minimum wage rate set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) is increased, the maximum annual income levels provided for in paragraph 1 of section 18 and section 20 and the income provided for in section 21 are increased by the same percentage as the percentage of increase in the general minimum wage rate.”

## REGULATION RESPECTING THE DETERMINATION OF INCOME AND EMPLOYMENT AND THE PAYMENT OF THE INDEMNITY IN SECTION 83.30 OF THE ACT

**10.** Schedule I to the Regulation respecting the determination of income and employment and the payment of the indemnity in section 83.30 of the Act (chapter A-25, r. 7) is amended by replacing paragraph 6 by the following paragraph:

“(6) However, notwithstanding the result of the application of the adjustment factors according to the method indicated in this Schedule, the presumed gross income must never be less than the annual gross income determined on the basis of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and, unless it is part-time employment, the normal workweek referred to in section 52 of that Act, on the day they are to be applied.”

**11.** Section 4 of Schedule III to the Regulation is replaced by the following section:

“4. Notwithstanding section 2, the gross income of a victim for whom the Société determines employment under section 48 of the Automobile Insurance Act (chapter A-25) cannot be lower than gross income determined on the basis



of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1).”

#### REGULATION RESPECTING LABOUR STANDARDS

**12.** Sections 3 to 4.1 of the Regulation respecting labour standards (chapter N-1.1, r. 3) are repealed.

#### REGULATION RESPECTING LABOUR STANDARDS SPECIFIC TO CERTAIN SECTORS OF THE CLOTHING INDUSTRY

**13.** Section 3 of the Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4) is repealed.

#### REGULATION RESPECTING THE IMPLEMENTATION OF THE AGREEMENT ON THE PROFESSIONAL DANCE TRAINING PROGRAM

**14.** Section 5.3 of Schedule I to the Regulation respecting the implementation of the Agreement on the professional dance training program (chapter S-2.1, r. 30.1) is replaced by the following section:

“5.3. For the purpose of calculating the income replacement indemnity, the worker’s gross annual employment income is that determined on the basis of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the regular workweek referred to in section 52 of that Act, on the day they are to be applied when the injury appears.”

#### REGULATION RESPECTING THE IMPLEMENTATION OF THE AGREEMENT REGARDING THE PROGRAMS OF THE OFFICE FRANCO-QUÉBÉCOIS POUR LA JEUNESSE

**15.** Section 5.3 of Schedule I to the Regulation respecting the implementation of the Agreement regarding the programs of the Office franco-québécois pour la jeunesse (chapter S-2.1, r. 32) is replaced by the following section:

“5.3. For the purpose of calculating the income replacement indemnity, the trainee’s gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the unemployment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or is a self-employed worker not registered with the Commission, that determined on the basis of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the regular workweek referred to in section 52 of that Act, on the day they are to be applied when the injury appears.”

REGULATION RESPECTING THE IMPLEMENTATION OF THE  
AGREEMENT REGARDING THE PROGRAMS OF THE OFFICE  
QUÉBEC-MONDE POUR LA JEUNESSE

**16.** Section 5.3 of Schedule I to the Regulation respecting the implementation of the Agreement regarding the programs of the Office Québec-Monde pour la jeunesse (chapter S-2.1, r. 33.1) is replaced by the following section:

“5.3. For the purpose of calculating the income replacement indemnity, the trainee’s gross annual employment income is, as the case may be, that which the trainee derives from the remunerated employment the trainee has at the time the employment injury appears, that which corresponds to the employment insurance benefits received, that for which the trainee is registered with the Commission or, if the trainee is unemployed or a self-employed worker not registered with the Commission, that determined on the basis of the general minimum wage set by the National Assembly under sections 40 to 40.2 of the Act respecting labour standards (chapter N-1.1) and the regular workweek referred to in section 52 of that Act, on the day they are to be applied when the injury appears.”

TRANSITIONAL AND FINAL PROVISIONS

**17.** The committee established under the first paragraph of section 40.1 of the Act respecting labour standards (chapter N-1.1), enacted by section 1, must submit its first report within six months of the coming into force of this Act.

**18.** Until the National Assembly has determined the minimum wage rates for the first time and they have come into force, the minimum wage rates provided for in sections 3 to 4.1 of the Regulation respecting labour standards (chapter N-1.1, r. 3) and section 3 of the Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4) continue to apply and may be amended by government regulation.

**19.** This Act comes into force on *(insert the date of assent to this Act)*.



