



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 999

**An Act to amend the Act respecting
labour standards to improve minimum
conditions of employment and promote
work-family balance**

Introduction

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

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EXPLANATORY NOTES

This bill amends the Act respecting labour standards to improve various minimum conditions of employment set out in that Act and promote work-family balance.

Under a provision introduced by the bill, employees are entitled to know their work schedule at least seven days in advance and may refuse to work as soon as the number of hours to be worked exceeds their regular daily working hours.

The bill adds two statutory general holidays, namely, 8 March and 1 May, and grants a compensatory holiday if the statutory holidays 1 January or 25 December fall on a day on which an employee does not normally work.

The bill also increases the annual leave with pay to which employees are entitled. Thus, employees credited with less than one year of uninterrupted service with the same employer are entitled to an annual leave determined at the rate of two working days for each month of uninterrupted service, for a total duration not exceeding three weeks. Under the bill, employees are also entitled to a minimum annual leave of three consecutive weeks if they are credited with one year of uninterrupted service and to four consecutive weeks for two years of uninterrupted service.

The bill also amends the provision that employees may be absent from work to fulfil obligations relating to the care, health or education of their child or their spouse's child, or because of the state of health of their spouse, father, mother, brother, sister or one of their grandparent, making this leave remunerated.

Lastly, the bill prohibits clauses involving differences in treatment with regard to supplemental pension plans or group insurance plans for employees performing the same tasks in the same establishment.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting labour standards (chapter N-1.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4).

Bill 999

AN ACT TO AMEND THE ACT RESPECTING LABOUR STANDARDS TO IMPROVE MINIMUM CONDITIONS OF EMPLOYMENT AND PROMOTE WORK-FAMILY BALANCE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING LABOUR STANDARDS

1. The heading of Division II of Chapter IV of the Act respecting labour standards (chapter N-1.1) is amended by adding “AND WORK SCHEDULE” after “HOURS OF WORK”.

2. Section 59.0.1 of the Act is amended by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) more than his regular daily working hours or, for an employee whose daily working hours are flexible or non-continuous, more than 12 working hours per 24 hour period;”.

3. The Act is amended by inserting the following section after section 59.0.1:

“**59.0.2.** An employee is entitled to know his work schedule at least seven days in advance.”

4. Section 60 of the Act is replaced by the following section:

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

- (1) 1 January;
- (2) 8 March;
- (3) Good Friday or Easter Monday, at the employer’s choice;
- (4) 1 May;
- (5) the Monday preceding 25 May;
- (6) 1 July or, if it falls on a Sunday, 2 July;
- (7) the first Monday in September;

(8) the second Monday in October;

(9) 25 December.”

5. The Act is amended by inserting the following section after section 63:

“63.1. If 1 January or 25 December falls on a day that is not an employee’s regular working day, the employer must grant him a compensatory holiday equal to a regular working day.

If the employee is remunerated on a time basis, a production basis or any other basis, the employer must grant him a compensatory holiday or pay him the indemnity provided for in section 62.

The compensatory holiday must, in all cases, be taken on the working day preceding or following 1 January or 25 December.”

6. Section 67 of the Act is amended by replacing “one working day for each month of uninterrupted service, for a total leave not exceeding two weeks” by “two working days for each month of uninterrupted service, for a total leave not exceeding three weeks”.

7. Section 68 of the Act is amended by replacing “two” by “three”.

8. Section 68.1 of the Act is amended by replacing “three” in the first paragraph by “four”.

9. Section 69 of the Act is amended by replacing “five” by “two” and “three” by “four”.

10. Section 73 of the Act is amended by replacing “third” in the second paragraph by “fourth”.

11. Section 74 of the Act is amended

(1) by replacing the first paragraph by the following paragraph:

“The indemnity relating to the annual leave of an employee who, at the end of a reference year, is credited with less than five years of uninterrupted service with the same employer is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee who, at the end of a reference year, is credited with five years of uninterrupted service with the same employer, the indemnity is equal to 6% of the gross wages of the employee during the reference year.”;

(2) by replacing “two weeks” in the second paragraph by “three weeks”.

12. Section 79.7 of the Act is amended by replacing “without pay” in the first paragraph by “with remuneration”.

13. The Act is amended by inserting the following section after section 87.3:

“87.4. No agreement or decree may operate to apply to an employee, solely on the basis of the employee’s hiring date, a supplemental pension plan, group insurance plan or social benefit less advantageous than that which is applicable to other employees performing the same tasks in the same establishment.”

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

14. Section 5 of the Regulation respecting labour standards specific to certain sectors of the clothing industry (chapter N-1.1, r. 4) is replaced by the following section:

“5. The following days are statutory general holidays:

- (1) 1 January;
- (2) 2 January;
- (3) 8 March;
- (4) Good Friday;
- (5) Easter Monday;
- (6) 1 May;
- (7) the Monday preceding 25 May;
- (8) 1 July or, if it falls on a Sunday, 2 July;
- (9) the first Monday in September;
- (10) the second Monday in October;
- (11) 25 December.”

15. Section 6 of the Regulation is amended by replacing “1 working day for each month of uninterrupted service, for a total leave not exceeding 2 weeks” by “2 working days for each month of uninterrupted service, for a total leave not exceeding 3 weeks”.

16. Section 7 of the Regulation is amended by replacing “3 weeks, 2 of which are consecutive weeks” by “3 consecutive weeks”.

17. Section 8 of the Regulation is amended by replacing

(1) “3 years” by “2 years”; and

(2) “4 weeks, 3 of which are consecutive weeks” by “4 consecutive weeks”.

18. Section 9 of the Regulation is amended by replacing “2 weeks, at least 3 weeks or at least 4 weeks” by “3 weeks, at least 3 weeks or at least 4 weeks”.

FINAL PROVISION

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