



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-SIXTH LEGISLATURE

Bill 47

**An Act respecting the conditions of
employment in certain sectors of the
clothing industry and amending the
Act respecting labour standards**

Introduction

**Introduced by
Madam Diane Lemieux
Minister of Labour**

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EXPLANATORY NOTES

This bill extends the term of the collective agreement decrees in force in four sectors of the clothing industry to 31 December 1999. After that date, the Government may prescribe, by regulation, minimum labour standards applicable to those sectors of the clothing industry for a transition period not exceeding two years.

After the two-year transition period, the Government may prescribe labour standards that will be applicable to the four sectors of the clothing industry presently covered by the collective agreement decrees. The standards may relate to the minimum wage, the standard workweek, statutory holidays, annual leave, meal periods and leave for family events.

In addition, the bill provides that the Commission des normes du travail must establish a specific program for the monitoring of the clothing industry and that the Commission must consult a representative body in that respect. For the purposes of the program, the Commission is empowered to impose an additional contribution on employers in the clothing industry.

Lastly, the bill includes provisions designed to finance the deficit of the vacation fund in the women's clothing industry.

Bill 47

AN ACT RESPECTING THE CONDITIONS OF EMPLOYMENT IN CERTAIN SECTORS OF THE CLOTHING INDUSTRY AND AMENDING THE ACT RESPECTING LABOUR STANDARDS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING LABOUR STANDARDS

1. Section 29 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by replacing “the rate” in the first line of paragraph 7 by “the rates”.
2. Section 39.0.2 of the said Act, replaced by section 363 of chapter 85 of the statutes of 1997, is amended by adding the following paragraphs at the end:

“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.

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.”

3. The said Act is amended by inserting the following division after section 92:

“DIVISION VIII.1

“LABOUR STANDARDS IN THE CLOTHING INDUSTRY

“92.1. 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 and 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 sections 80 and 80.1.

For the purposes of this Act, sections 63 to 66, 71.1, 73, 76, 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first paragraph, with the necessary modifications.

“92.2. To establish the labour standards referred to in section 92.1, the Minister may consult a body the Minister considers to be representative.

“92.3. The Commission shall establish a specific program for the monitoring of compliance with the labour standards applicable in the clothing industry and, in that respect, shall consult the body considered to be representative by the Minister under section 92.2.

“92.4. The body considered to be representative may, on its own initiative, propose to the Minister standards to be established under section 92.1 and propose to the Commission intervention priorities regarding the monitoring of the clothing industry.”

4. The said Act is amended by inserting the following sections after section 158:

“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 two years beginning on 1 January 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 and 2 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.

The Government 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.

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, 76, 77 and 80.2 shall be read with reference to the provisions prescribed pursuant to the first and second paragraphs, with the necessary modifications.

“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.”

TRANSITIONAL AND FINAL PROVISIONS

5. The following collective agreement decrees are extended until 31 December 1999:

(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 July 1999;

(2) section 8.03, effective 11 July 1999.

7. The joint committee responsible for monitoring and ensuring compliance with the Decree respecting the women's clothing industry shall pay, before 1 January 2000, to each employee covered by the decree, an amount equal to 7.75% of the employee's gross wages earned during the period from 1 March 1999 to 30 June 1999, as compulsory annual vacation pay, provided the vacation indemnities have been collected as provided in section 8.03 of the decree.

8. Every employer bound on 28 February 1999 by the Decree respecting the women's clothing industry must send to the joint committee referred to in section 7, on the tenth day of each month for the preceding month, a sum equal to 5.1% of the gross wages earned by each employee covered by the decree for the period from 1 July 1999 to 31 October 1999, to finance the deficit arising from the compulsory annual vacation provided for in the decree.

For the purposes of the Act respecting collective agreement decrees (R.S.Q., chapter D-2), the obligation imposed by this section is deemed to be an obligation imposed by the decree.

9. The funds kept in trust by the joint committee referred to in section 7 for the compulsory annual vacation provided for in the Decree respecting the women's clothing industry and the sums collected pursuant to section 8 shall be allocated exclusively to the vacation pay for July and December 1999 and to the compulsory annual vacation pay provided for in section 7 and shall continue, notwithstanding subparagraph *o* of the second paragraph of section 22 of the Act respecting collective agreement decrees, to be kept in trust by the joint committee.

10. The Commission des normes du travail shall assume, from 1 January 2000, the obligations of the joint committee referred to in section 7 with respect to the compulsory annual vacation pay which, before that date, was provided for in the Decree respecting the women's clothing industry. On that date, the funds kept in trust and referred to in section 9 become funds kept in trust by the Commission for vacation pay. For that same purpose, the Minister of Labour shall allocate, out of the remaining property referred to in section 27 of the Act respecting collective agreement decrees, the sums required to provide for vacation pay if the funds kept in trust by the Commission are insufficient.

11. The employees of a joint committee responsible for monitoring and ensuring compliance with a decree referred to in section 5 who, on (*insert here the date of introduction of this Act*), were assigned to inspection activities and

who are covered by a decision of the Conseil du trésor shall become employees of the Commission des normes du travail, subject to the terms and conditions provided for in the decision. The employees transferred are deemed to have been appointed in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1) and shall be remunerated accordingly.

The Conseil du trésor may determine rules, standards or policies with respect to the classification, the determination of salary rates, permanent tenure or any other condition of employment applicable to employees transferred under the first paragraph.

12. The Minister of Labour shall, not later than 30 June 2004, report to the Government on the application of section 92.1 of the Act respecting labour standards, enacted by section 3 of this Act. The report shall be prepared in collaboration with the Minister of Industry and Trade.

The report shall be tabled in the National Assembly by the Minister of Labour within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption.

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