

**Decree respecting the automotive services industry in the Montréal region**

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

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

WHEREAS, pursuant to the collective agreement decrees (R.S.Q., c. D-2), the contracting parties hereafter mentioned have submitted to the Minister of Labour a request to render obligatory the collective labour agreement entered into between:

on the one part:

L'Association des services de l'automobile du Québec **Enc.;**

R.R.Q., 1981, c. D-2, r. 46; O.C. 1693-82, s. 1

The Québec Automobile Machine Shop Association;

The Automobile Industries Association of Canada;

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

R.R.Q., 1981, c. D-2, r. 46; O.C. 1693-82, s. 1

The Specialized Garage Operators Association Inc.;

Association des spécialistes de pneus du Québec;

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

L'Association de stationnement de Montreal;

O.C. 1283-82, s. 1

and, on the other part:

La Fraternité Canadienne des cheminots, employes de transport et autres ouvriers, local 511 de Montréal;

Centrale des Unions indépendantes de l'industrie de l'automobile;

SOURCE	Union		
EFF.	98	06	24
TERM.	98	12	31
NO. OF EMPLOYEES	15570		
NO. D'EMPLOYÉS	CB		

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Syndicat des Employes de Garages du Montréal-Métropolitain (CSD);

O.C. 1714-94, s. 1

for the employers and the employees of the industry and the trades concerned, according to the conditions described in the Quebec Official Gazette of 31 December 1949;

WHEREAS the said agreement ~~has~~ acquired a preponderant significance and importance for the establishing of working conditions in the industry and the trades concerned and in the territorial jurisdiction indicated in the said request;

WHEREAS the Act has been duly observed as regards the publication of notices;

WHEREAS the objections set forth have been considered in pursuance of the Act;

IT IS **ORDERED**, therefore, upon the recommendation of the Minister of Labour:

R.R.Q., 1981, c. D-2, r. 46; O.C. 1283-82, s. 1; O.C. 1693-82, s. 1; **S.Q., 1982, c. 53**

THAT the said request be accepted pursuant to the act respecting collective agreement decrees, with however, the following new provisions to be substituted for the conditions described in the Quebec Official Gazette of 31 December 1949.

## 1.00. Definitions

1.01. For the purposes of this Decree, the following expressions mean:

(a) "apprentice": any employee ~~learning~~ one of the ~~trades~~ for which the parity committee delivers a competency certificate;

(b) "**artisan**": any person **working** on his **own** account, alone or in partnership, **and** who performs for others any work governed by the **Decree**;

(c) "motor vehicle jockey": **any** employee whose **work** consists primarily in driving, **moving** and parking motor vehicles;

(d) "parts man": **any** employee whose **work** primarily involves handling, receiving, shipping, delivering, classifying or selling parts, accessories or tires for motor vehicles to garages, service stations or to other establishments whose activities are subject to the Decree;

(e) "journeyman": any employee whose work involves primarily maintenance, tests, inspections, repairs, modifications or other work of the same nature, necessary or useful for the good working of motor vehicles, and who has been qualified by the parity committee for one or more of the following trades respecting the automobile industry: bodyman, electrician, general mechanic, painter, upholsterer, diagnostic man, trim **man**, alignment and suspension man, brakes mechanic, automatic transmission mechanic;

(f) "wrecking mechanic": any employee whose work primarily involves the dismantling of motor vehicles for the purpose of selling or **storing** the parts;

(g) "watchman": any employee whose duties are primarily to guard or to clean the business premises or the establishment;

(h) "washer": any employee whose work primarily involves washing, cleaning, wiping and polishing motor vehicles or parts, **by** hand or with **any** machine for **this** purpose;

(i) "brake mechanic": any employee whose main duty is to see **that** everything pertaining to the proper functioning of brakes be in **good** order. Before he may be classified as brake mechanic, the employee is required to complete 2 years' apprenticeship **as** apprentice mechanic, and he will then be eligible to take the examinations prepared by the **parity** committee;

(j) "automatic transmission mechanic": any **journeyman** whose work primarily involves **repairing** automatic transmissions;

(k) "specialized operator": **any** employee who restores or retools motor vehicle parts or accessories without mounting these parts on the vehicle, when these **parts** are sold with a guarantee, the specialized operator **may** examine **them** once installed in the motor vehicle, when they have been returned because of defect;

(l) "pump attendant": **any** employee whose work primarily involves the sale of gasoline or lubricants, and surveillance of **selfservice** pumps. He **may** also perform other minor services such **as** checking the liquid level in batteries **and** radiators, cleaning windshields and checking tire pressure;

(m) "trim man": any journeyman whose main duty is to install safety belts; perform minor welding; perform minor paint touch-ups; replace, adjust **and** put up window and seat regulators that are manually or electrically operated; adjust and repair locks in general; adjust the tops **of** convertible vehicles and repair the mechanism thereof; locate and eliminate body noises; locate and eliminate water and dust infiltration; perform alignments on doors and windows; install and align **body** mouldings; adjust **windows, doors, fenders, hoods** and ~~trunk~~ doors; install minor accessories on the vehicle required by the customer; install or remove radios on vehicles; remove or install the rear defroster; remove the mirror control and remove the windshield wipers, **etc.;**

(n) "alignment and suspension man": any journeyman **whose** work **primarily** involves repairs concerning alignment and suspension of motor vehicles;

(o) "serviceman": employee ~~whose~~ work consists primarily in performing one or several of the following duties:

- i. lubricating motor vehicles;
- ii. changing or repairing tires;
- iii. installing batteries, belts, hoses, windshield wipers, headlights, filters, mufflers, **shock** absorbers, spark **plugs or all minor** motor vehicle accessories;
- iv. applying antirust compounds;
- v. towing;
- vi. giving break-down emergency services;
- vii. **transporting** customers.

This employee may also perform one **or** several of the following duties:

- i. selling gasoline, lubricants or other products **of the same** kind;
- ii. selling tires, batteries, belts, hoses, windshield wipers, **headlights**, filters, mufflers, shock absorbers, spark plugs or all **minor** motor vehicle accessories;

iii. **washing** or moving motor vehicles;

iv. cleaning his employer's establishment and the area around it;

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R.R.Q., 1981, c. D-2, r. 46, s. 1.01, par. o; O.C. 296-92, s. 3

(p) "part-time employee": employee who is hired as pump attendant, serviceman, washer or motor vehicle jockey for no more than 25 hours per week;

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R.R.Q., 1981, c. D-2, r. 46, s. 1.01, par. p; O.C. 1693-82, s. 2; O.C. 296-92, s. 3

(q) "regular hourly rate": hourly wage actually paid by the employer or the professional employer to an employee during regular working hours; such wage rate shall never be inferior to the minimum wage rate established by the Decree;

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R.R.Q., 1981, c. D-2, r. 46, s. 1.01, par. q; O.C. 296-92, s. 3

(r) motor vehicle": a motor vehicle within the meaning of the Highway Safety Code (R.S.Q., c. C-24.2); excluded from motor vehicles are the moped and *the* motorcycle within the meaning of section 4 of the code, all-terrain vehicles **within** the meaning of **section 1** of the Regulation respecting all-terrain vehicles approved by Order in Council 58-88 of 13 **January** 1988, the snow mobile **within** the meaning of section 1 of the Regulation respecting snowmobiles (R.R.Q., 1981, c. C-24, r.21) and any other vehicle for use **off public** roads owing to their nature, purpose or the operation of **a law**;

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R.R.Q., 1981, c. D-2, r. 46, s. 1.01, par. r; O.C. 632-98, s. 1

(s) "~~truck~~ driver, delivery ~~man~~ or messenger": employee in an establishment where work governed by the ~~Decree~~ is carried out, whose work consists primarily in delivering parts, accessories or tires for motor vehicles;

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O.C. 296-92, s. 3

(t) "warehouseman or receiver and shipper": employee whose work consists primarily in receiving, storing, classifying, shipping or packing parts, accessories or tires for motor vehicles;

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O.C. 296-92, s. 3

(u) "consort": a **man** and a woman who

(i) are married and cohabiting;

(ii) are living together as husband and wife and are **the** father and **the** mother of the same child;

(iii) have been living together as husband **and** wife for at least one year;

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O.C. 296-92, s. 3

(v) "continuous service": uninterrupted period during which an employee is bound to his employer by **a** work contract, even if the carrying out of the contract has been interrupted without the contract being cancelled, and the **period during** which fixed-duration contracts follow one **another** without **an** interruption that would allow, given **the circumstances**, to conclude that the contract has been cancelled;

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R.R.Q., 1981, c. D-2, r. 46, s. 612; O.C. 296-92, s. 3

(w) "heavy road vehicle": a road vehicle, the net **mass** of which is 4 500 kg or more;

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O.C. 632-98, s. 1

(x) "combination of **road** vehicles": a combination of vehicles consisting of **a** heavy motorized road vehicle drawing a trailer, a semi-trailer or a detachable axle.

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O.C. 632-98, s. 1

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R.R.Q., 1981, c. D-2, r. 46, s. 1.01; O.C. 1693-82, s. 2; S.Q., 1981, c. 7, s. 536; O.C. 296-92, s. 3; O.C. 632-98, s. 1

## 2.00. Jurisdiction

### 2.01. Industrial and professional jurisdictions:

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01; O.C. 296-92, s. 4

(1) The Decree applies to the following works:

(a) repairing, modifying or inspecting motor vehicles, parts or accessories;

(b) dismantling motor vehicles in whole or in part;

(c) restoring, retooling and repairing, or **any** other work of the same **kind**, performed on parts, accessories or tires of motor vehicles as well as their installation on these vehicles;

(d) selling gasoline or lubricants or any other product of the same type for motor vehicles where, in the establishment where such work is performed, work mentioned in paragraph (a), (b), (c), (g), (h) or (i) is also performed;

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 1-d; O.C. 355-96, s. 1

(e) washing, waxing or cleaning ~~motor~~ vehicles where, in the establishment where such work is performed, ~~work~~ mentioned in paragraph (a), (b), (c), (g), (h) or (i) is also performed;

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 1-e; O.C. 355-96, s. 1

(f) **guarding** or maintaining **an** establishment governed by the Decree;

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O.C. 296-92, s. 4

(g) towing motor vehicles or giving breakdown services;

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 1-f; O.C. 296-92, s. 4

(h) selling parts, accessories or tires for motor vehicles to garages, service stations or to any other establishment whose activities are governed by the Decree;

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 1-f; O.C. 296-92, s. 4

(i) storing motor vehicles on a parking lot.

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O.C. 355-96, s. 1

(2) Exclusions: The Decree does not apply to:

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 2; O.C. 296-92, s. 4

(a) work under subsection 1 when performed exclusively for **the** personal needs or service of the employer or when performed exclusively on agricultural **machinery**; however, such work performed on motor vehicles intended to be **rented** out or already rented out to **an** individual or a corporation, on a short or long term basis, is not considered as being performed for the personal needs or service of the employer;

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R.R.Q., 1981, c. D-2, r. 46, s. 2.01, ss. 2-a; O.C. 296-92, s. 4

(b) vulcanizing.

**2.02. Territorial jurisdiction:** This Decree applies to **the** employees plying their trade and to the employers having their establishment on **the** island of Montréal and **the** Island of St-Paul (commonly called Nun's Island), Ile Jesus, Ile Bizard, Ile Perrot and the municipalities of Varennes, Boucherville, Longueuil, Saint-Lambert, Lemoyne, Brossard, Greenfield Park, Laflèche, Saint-Hubert, Laprairie, Candiac, Châteauguay, Châteauguay ~~Centre~~, Delson, Saint-Constant, Sainte-Catherine d'Alexandrie, Dorion, Vaudreuil, Notre-Dame, the Indian Reservation of Kahnawake.

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R.R.Q., 1981, c. D-2, r. 46, s. 2.02; O.C. 296-92, s. 5

### **3.00. Working hours**

**3.01.** The standard working hours in each establishment are those **fixed one week** in advance by the employer for one standard day of work.



3.02. For the apprentice, ~~journeyman~~, wrecking mechanic, brake mechanic, automatic transmission mechanic, specialized operator, trim man, alignment and suspension man, the standard workweek consists of 42½ working hours scheduled from **Monday** to Friday,

3.03. For the parts man, ~~the~~ counter clerk, the warehouseman or receiver and shipper, the truck driver, delivery ~~man~~ or messenger, the standard workweek consists of 42½ hours scheduled from Monday to Friday.

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R.R.Q., 1981, c. D-2, r. 46, s. 3.03; O.C. 296-92, s. 6

3.04. For the carjockey, ~~washer~~, pump attendant and serviceman, the standard workweek consists of 44 working hours scheduled from Monday to Saturday.

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R.R.Q., 1981, c. D-2, r. 46, s. 3.04; O.C. 1693-82, s. 3; ~~Erratum~~, 1982

3.05. For the watchman, the standard workweek consists of 44 hours scheduled over 6 days.

For the watchman whose work consists exclusively in guarding the premises, the standard workweek consists of 54 hours scheduled over 6 days.

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R.R.Q., 1981, c. D-2, r. 46, s. 3.05; O.C. 296-92, s. 7

3.05.1. Despite sections 3.01 to 3.05, the **standard** workweek for **all** employees of **an** employer shall not exceed 40 hours scheduled over 6 consecutive ~~days when~~ work mentioned in paragraph a of c of subsection 1 of section 2.01 ~~is performed~~ on or related to heavy road vehicles or combinations of road vehicles. The standard workday shall not exceed 10 hours scheduled over no more than 11 consecutive hours.

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O.C. 632-98, s. 2

3.05.2. Sections 3.06 and 3.10, **subparagraph** (2) of ~~section 4.01~~, section 4.02, the first paragraph of section 4.04 and section 4.05 shall not apply to employees mentioned in section 3.05.1.

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O.C. 632-98, s. 2

**3.06.** The employer may organize more than one work shift on the following conditions:

- (a) the duration of the standard workweek is the same for each shift;
- (b) the employer grants the employee a 10-minute rest period with pay during the first half of his standard workday and another one during the second half;
- (c) the employer gives a prior notice to the parity committee about the setting up of every new work shift.

**3.07.** The employee may demand up to one hour off without wage to take his meal and no employer may leave an employee work for more than 5 hours between meals.

This period is paid if the employee is not authorized to leave the work position.

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R.R.Q., 1981, c. D-2, r. 46, s. 3.07; O.C. 1693-82, s. 4; O.C. 296-92, s. 8

**3.08.** A 10-minute rest period with pay is granted to the employee each morning and afternoon, on the work premises.

**3.09.** An employee called upon to work in the morning or at the beginning of the first part of the hours scheduled for his shift by the employer, is entitled, except in case of a fortuitous event, to a compensation corresponding to the number of hours scheduled for the morning or for the first part of the hours of his shift, provided he is present and available and accepts to perform any work which he may be required to do. This section also applies to hours scheduled in the afternoon or in the second part of the hours of any shift.

The employee mentioned in section 3.05.1, who is called to work at the request of his employer or during the standard workday and who works less than 3 consecutive hours, shall be entitled, except in case of a fortuitous event, to a compensation equal to 3 hours at his regular hourly wage, increased, if applicable, due to the application of section 4.00.

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R.R.Q., 1981, c. D-2, r. 46, s. 3.09; O.C. 296-92, s. 9; O.C. 632-98, s. 3

**3.10.** An employee is considered as a night worker when the major part of the standard working hours of his shift are scheduled between 18 h and 7 h. The regular hourly rate shall ~~then~~ be increased by 0,25 \$ per hour.

**3.11.** The number of working hours during any week, for **any** employee subject to this Decree, shall never exceed 66 hours worked including overtime.

#### **4.00. Overtime**

**4.01.** (1) Hours worked over **and** above the standard workday or workweek are paid at time and a half **the** standard hourly rate.

(2) For journeymen and apprentices whose major part of the hours of **the** standard workday are performed between 7 h to **18 h**; **the** hours performed between 18 h and 7 h **are** paid **at** time and a half the standard **hourly** rate.

**4.02.** Double time shall be paid for any work performed on Sundays.

**4.03.** Time and a half shall be paid for any work performed on a general holiday prescribed in sections 5.01 and 5.06, in addition to any holiday pay for this day provided for in section 5.05 or in section **5.06**.

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R.R.Q., 1981, c. D-2, r. 46, s. 4.03; O.C. 296-92, s. 10

**4.04.** For the serviceman, watchman, pump attendant, washer and motor vehicle jockey, the employer may pay only the regular hourly rate for each **hour** worked on Sundays, provided that in **the** 6 days preceding or following **this day**, the employee **has** a compensatory holiday.

For the serviceman, watchman, pump attendant, washer and motor vehicle jockey, the employer may **pay only the** regular hourly rate for each hour worked on a general holiday prescribed in section 5.01, provided that in the **6 days** preceding or following this holiday, the **employee** has **a** compensatory holiday including the holiday pay for **this** day.

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R.R.Q., 1981, c. D-2, r. 46, s. 4.04; O.C. 296-92, s. 10

4.05. Work performed by a part-time employee on Sundays is paid at the regular hourly rate for the first 9 hours and at time and a half for any further hours.

Work performed by a part-time employee on a general holiday prescribed in sections 5.01 and 5.06 is paid at the regular hourly rate for the first 9 hours and at time and a half for any further hours, in addition to the holiday pay for this day provided for in section 5.05 or to a one-day compensatory holiday, which shall be taken during the 3 weeks preceding or following the holiday. In the case of the National Holiday, the compensatory holiday shall be taken on the working day preceding or following June 24.

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R.R.Q., 1981, c. D-2, r. 46, s. 4.05; O.C. 296-92, s. 10

4.06. The employer may, at the request of the employee, replace the payment of overtime by paid leave equivalent to the overtime worked plus 50 % or 100 % as the case may be.

This leave must be taken during the 12 months following the overtime worked, at a date agreed upon by 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.

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O.C. 296-92, s. 11

## 5.00. Paid general holidays

5.01. The following days are general holidays with pay, notwithstanding the day of the week on which they fall: New Year's Day, Good Friday or Easter Monday, Dollard Day, 1 July, Labour Day, Thanksgiving Day and Christmas Day.

The employer also grants each of his employees as general holidays with pay, either the day before or the day after Christmas Day and New Year's Day, or half a day before and half a day after such days.

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R.R.Q., 1981, c. D-2, r. 46, s. 5.01; O.C. 296-92, s. 12

**5.02.** When 1 July falls on a Tuesday, a Wednesday or a Thursday, this holiday is changed to the preceding Monday and when it falls on a Friday, a Saturday or a Sunday, it is postponed to the Monday following 1 July.

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R.R.Q., 1981, c. D-2, r. 46, s. 5.02; O.C. 296-92, s. 12

**5.02.1.** When the celebration of a holiday is established by proclamation of the Government of Canada or the Government of Québec authorities, the general holiday with pay is observed at the date thus established.

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R.R.Q., 1981, c. D-2, r. 46, s. 5.02; O.C. 296-92, s. 12

**5.03.** When **an** employer is bound by a special collective agreement, he may grant general holidays other than those provided in section 5.01, provided he grants his employees at least the same number of holidays.

**5.04.** To be entitled to a general holiday prescribed in section 5.01, **an** employee shall have worked the last working day which precedes the holiday and the first working day which follows, except if he is **absent** for **serious reasons** such as **the** death of his father, mother, consort or child or for illness certified **by** a doctor's certificate or **as** authorized **by** **his** employer.

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R.R.Q., 1981, c. D-2, r. 46, s. 5.04; O.C. 296-92, s. 13

**5.05.** The employee receives for each general holiday prescribed in section 5.01, **a** remuneration equal to a standard **working** day's pay.

For the serviceman, watchman, motor vehicle jockey, washer and pump attendant, the remuneration **cannot be** inferior to **8 times** the regular hourly rate, for each holiday.

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R.R.Q., 1981, c. D-2, r. 46, s. 5.05; O.C. 296-92, s. 13

**5.06.** St. John the Baptist Day is **a statutory** paid holiday, in accordance with the National Holiday Act (R.S.Q., c. F-1.1).

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O.C. 296-92, s. 14

## **6.00. Annual vacation with pay**

6.01. The qualifying period extends from 1 May of the preceding year to 30 April of the current year.

6.02. The employee who, on 1 May, has completed less ~~than~~ one year of continuous service with the same employer, has an uninterrupted annual vacation equivalent to as many days as he has months of service up to a maximum duration of 2 weeks. The pay for this vacation is 4% of the employee's earnings earned during the qualifying period.

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R.R.Q., 1981, c. D-2, r. 46, s. 6.02; O.C. 296-92, s. 15

6.03. The employee who, on 1 May, ~~has~~ completed one year of continuous service with the same employer, ~~has~~ a vacation for a minimal duration of ~~2~~ uninterrupted weeks. The pay for this vacation is 4% of the employee's earnings earned during the qualifying period.

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R.R.Q., 1981, c. D-2, r. 46, s. 6.03; O.C. 296-92, s. 16

6.04. The employee who, on 1 May, has ~~8~~ years of ~~continuous~~ service with the same employer, has a vacation of a ~~minimum~~ duration of ~~3 weeks~~; ~~2~~ of these ~~weeks~~ are continuous. The vacation pay is equal to 6% of the employee's earnings during the qualifying period.

The requested length of uninterrupted service specified in the first paragraph is 7 years as of 1 January 1993, 6 years as of 1 January 1994 and 5 years as of 1 January 1995.

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

6.05. The employee who, on 1 May, has ~~18~~ years of continuous service with the same employer, has a vacation of a ~~minimum~~ duration of ~~4 weeks~~; ~~2~~ of these ~~weeks~~ are continuous. The vacation pay is equal to 8% of the employee's earnings during the qualifying period.

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

**6.06.** Unless there exists a contrary agreement between an employee and his employer, the first and second weeks of the annual vacation are taken between 1 May and 1 November. The annual leave is divided into different periods where so requested by the employee, unless the employer closes his establishment for the annual leave period, as the case may be.

The vacation period of one week or less cannot be divided.

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

**6.07.** Employees receive their annual vacation pay in one payment at the beginning of the vacation,

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R.R.Q., 1981, c. D-2, r. 46, s. 6.07; O.C. 1693-82, s. 7

**6.08.** When an employee leaves his employment, he receives the vacation pay to which he is entitled for the period preceding 1 May, if not yet taken, in addition to the pay owing to ~~him~~ for the period since this date.

**6.09.** *An* employee is entitled to know the date of his annual vacation at least 4 weeks in advance.

Employees shall notify the employer as to their preferences for **annual** vacation at least 4 weeks in advance.

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O.C. 1693-82, s. 8

**6.10.** The employer is forbidden to replace the vacation provided for in sections 6.02 to 6.05 by a monetary compensation.

Upon request, the third or the fourth ~~week~~ of vacation ~~may~~ be replaced by a monetary compensation if the establishment closes its doors for 2 weeks for the **annual** vacation.

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O.C. 1693-82, s. 8; O.C. 296-92, s. 20

6.11. If an employee is absent because of sickness or an accident or is on a maternity leave during the qualifying year and this absence has the effect of reducing the annual vacation pay, he is then entitled to wages equal, as the case may be, to 2, 3 or 4 times the weekly average of wages earned during the period worked. Employees governed by section 6.02 whose annual vacation is inferior to 2 weeks are entitled to this amount as a proportion of any vacation days cumulated.

Notwithstanding the first paragraph, 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 first paragraph.

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O.C. 1693-82, s. 8; O.C. 296-92, s. 21

**6.12. "Continuous service": replaced by s. 1.01, par. v**

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O.C. 1693-82, s. 8; O.C. 296-92, s. 22

**7.00. Wages**

7.01. Minimum hourly wage rates are the following:

<b>Occupations</b>	<b>As of 26 March 1992</b>
1° apprentice:	
1st semester	5,55
2nd semester	6,50
2nd year	7,50
3rd year	8,50
2° motor vehicle jockey and watchman	6,15
3° truck driver, delivery <del>man</del> or messenger:	
1st year	6,00
2nd year	6,50
4° warehouseman or receiver and shipper:	
Class A	7,00
Class B	6,50



Occupations	As of 26 March 1992
5° counter clerk;	
Class A	8,75
Class B	8,00
Class C	7,50
Class D	7,00
6" parts man:	
Class A	8,75
Class B	8,00
Class C	7,50
Class D	7,00
7° journeyman:	
First Class	13,50
Second Class	11,96
Third Class	10,77
8° wrecking mechanic	9,00
9° washer	6,00
10° brake mechanic	9,00
11° specialized operators:	
- employees in charge of the complete assembly or completion work of <del>motors</del> and in charge of the final test:	
internal combustion engine	7,87
diesel engine	8,56
- employees in charge of verifying, classifying and assembling parts of the motor, of the transmission, or of both	7,44
- reboring and holing machine operator	7,44
- manifold, flywheel and other systems of the same kind grinding machine operator	6,75

Occupations	As of 26 March 1992
- brake drum grinder, brake shoe and clutch rebuilder	6,00
- employees in charge of dismantling, cleaning, washing parts or motors, or in charge of other work unlisted previously	6,00
- specialized operator in training during the first 12 months	6,00
- piston finishing, pin fitting and rod bearing machine operator	7,44
12° pump attendant	5,55
13° alignment and suspension man and automatic transmission mechanic:	
First Class	13,50
Second Class	11,96
Third Class	10,77
14° serviceman:	
1st year	6,10
2nd year	7,10
thereafter	7,15.

R.R.Q., 1981, c. D-2, r. 46, s. 7.01; O.C. 1693-82, s. 9; O.C. 296-92, s. 23

**7.02.** Employees shall be paid in cash or by cheque in a sealed envelope once a week **and** no later than Friday. The following particulars shall appear on the pay envelope or on a separate earnings statement:

- 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 regular 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.

---

R.R.Q., 1981, c. D-2, r. 46, s. 7.02; O.C. 296-92, s. 23

**7.03.** However, subject to the other provisions of **this** Division, **and after** having given notice thereof in writing to the parity committee, any employer may pay his employees every 15 days provided:

- (a) he utilizes a computerized data processing system;
- (b) only part of his personnel is subject to **this** Decree.

**7.04.** Any employee regularly asked to occupy **many** occupations is paid at **the** highest wage rate applying to one of **the** said occupations.

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R.R.Q., 1981, c. D-2, r. 46, s. 7.04; O.C. 296-92, s. 24

**7.05.** Flat rate; The employee's wage can be a flat rate. However, it shall be at least equivalent to the wage he would receive if it was calculated according to his minimum regular hourly rate in the Decree.

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R.R.Q., 1981, c. D-2, r. 46, s. 7.05; O.C. 1693-82, s. 10; O.C. 296-92, s. 25

7.06. 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, a decree or a compulsory supplemental retirement plan or when authorized by a document signed by the employee.

The employee may at any time revoke that authorization, except where it pertains to membership in a group insurance plan, or a supplemental pension plan. The employer shall remit the sums so withheld to their intended receiver.

---

O.C. 296-92, s. 26

7.07. For the purposes of this Decree, any labour contract, understanding, agreement concluded between employer and employee is illegal and considered null and void **if** the aforesaid provides for the payment of a commission, bonus or work premium, in addition to the basic hourly rate or to replace the wage, unless the employer pays to the employee the regular hourly rate provided for in the Decree before paying **any** such commission, bonus or work premium.

---

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

7.08. When **paying** wages, no signature, except the one attesting that the amount remitted to the employee is the amount of net wages on the earnings statement, may be required.

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O.C. 1693-82, s. 12

7.09. Acceptance by the employee of the earnings statement does not mean that he renounces payment, in whole or in part; of the wages owed him.

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O.C. 1693-82, s. 12

## 8.00. Miscellaneous provisions

8.01. **Work accident:** When **an** employee **is** a victim of a **work** accident **and** is absent from work to receive treatments, the employer pays him for the hours **lost** that **day**.

If other treatments are necessary thereafter, and received during working hours, the employer pays for the lost wage up to 2 hours for each absence, if these hours are not covered by the Workmen's Compensation Act (R.S.Q., c. A-3).

**8.02.** Uniforms: The employer shall supply and have cleaned at his expense the uniforms and work clothing that he requires his employees to wear. However, uniforms remain the property of the **employer.**

**8.03.** An employee whose wage rate is higher than the rate provided for in the Decree for his occupation level continues to receive this higher rate and no reduction in his wages may take place.

An employee who is assigned temporarily to a lower wage-rate occupation is paid his regular hourly rate.

**An** employee who is assigned permanently from a skilled occupation to an unskilled occupation receives the wage rate pertaining to his new occupation.

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

**8.04.** If an employer dismisses **an** employee for any reason whatsoever **and** then rehires him in the same occupation within 6 months of the dismissal, he pays **to** this employee at least the rate of wages which he was paying **him** at the moment the employee was dismissed.

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R.R.Q., 1981, c. D-2, r. 46, s. 8.04; O.C. 296-92, s. 28

**8.05.** The only provisions of **the** Decree applying to the part-time employee **are** contained in Divisions 1.00 and 2.00, in sections 3.07, 3.08, 3.10, 4.05, 5.06, in Divisions 6.00 and 7.00 and in sections 8.01 to 8.04 and 8.08 to 8.12.

Division 5.00 applies to part-time employees **when** a general holiday prescribed by section 5.01 falls on a working day for such employees.

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R.R.Q., 1981, c. D-2, r. 46, s. 8.05; O.C. 296-92, s. 28

**8.06.** An employee may be absent **from** work for **3** days, Without reduction of wages, by reason of the death or funeral of **his** father, **mother**, consort, **his** child or **the** child of **his** consort. He **may** also be absent from work, without pay, for one more day on such occasion.

**An** employee may be absent from work for one day, without reduction of wages, by reason of the death or the funeral of his brother or sister. He may also be absent from work, without pay, for 3 more days on such occasion.

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.

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R.R.Q., 1981, c. D-2, r. 46, ss. **8.06 and 8.07**; O.C. 296-92, s. 28

**8.07.** In the circumstances referred to in section 8.06, the employee must advise his employer of his absence as soon as possible.

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R.R.Q., 1981, c. D-2, r. 46, s. **8.08**; O.C. 296-92, s. **28**

**8.08.** The employer must give written notice to an employee before terminating his contract of employment or laying him off for 6 months or more.

**This notice shall be of** one week if the employee is credited **with** less than one year of uninterrupted service, 2 weeks if he is credited with one year to **5 years** of uninterrupted service, 4 weeks if he is credited with 5 years to **years** of uninterrupted service and 8 weeks if he is credited with 10 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 null, except in the case of employment that usually lasts for not more **than 6 months** each year due to the influence of the seasons.

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O.C. 296-92, s. **28**

**8.09.** Section 8.08 does not apply to **an** employee:

- 1° who has less than 3 months of uninterrupted service;
- 2° whose contract for a **fixed** term or for a specific undertaking expires;
- 3° who has committed a serious fault;

4° for whom the end of the contract of employment or the layoff is a result of a fortuitous event.

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O.C. 296-92, s. 28

**8.10.** An employer who does not give the notice prescribed by section 8.08, 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 6 months, or at the end of a period of 6 months after a layoff of indeterminate length, or a layoff expected to last less than 6 months but which exceeds **that** period.

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O.C. 296-92, s. 28

**8.11. 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.

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O.C. 296-92, s. 28

**8.12.** Notwithstanding any other provision of **the** Decree, the employer shall grant the employee conditions at least equal to those provided for in the Act respecting labour standards (R.S.Q., c. N-1.1) or in **any** other act that might amend or **replace** it subsequently.

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O.C. 296-92, s. 28

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**9.00. Parts and accessories Division**

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R.R.Q., 1981, c. D-2, r. 46, D. 9.00; O.C. 296-92, s. 29

**9.01.** Counter clerks and parts men **are** classed **A** once they have completed 2 years as counter clerks or parts men, Class B, in the sale or distribution of parts, accessories or tires for motor vehicles.

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R.R.Q., 1981, c. D-2, r. 46, s. 9.02; O.C. 296-92, s. 29

**9.02.** Counter clerks and parts men are classed B once they have completed 2 years as counter clerks or parts men, Class C, in the sale or distribution of parts, accessories or tires for motor vehicles.

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

**9.03.** Counter clerks **and** parts **men** are classed **C** once they have completed **2 years** as counter clerks or parts men, Class D, in the sale and distribution of parts, accessories or tires for motor vehicles.

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R.R.Q., 1981, c. D-2 r. 46, s. 9.04; O.C. 296-92, s. 29

**9.04.** Counter clerks and parts men are classed D from the moment they are assigned to this occupation.

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R.R.Q., 1981, c. D-2, r. 46, s. 9.05; O.C. 296-92, s. 29

**9.05.** Warehousemen or receivers and shippers are classed B during **the** first **2 years** they are assigned to this occupation; they are classed **A** thereafter.

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R.R.Q., 1981, c. D-2, r. 46, s. 9.06; O.C. 296-92, s. 29

**10.00. Conditions of admission and qualification, and [prorata] of apprentices**

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





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

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

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

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

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

**10.06.** For each trade in which **an** employer employs journeymen, first and second class, this employer shall be entitled to accept a maximum of 2 apprentices per 3 journeymen of first or second class. If there is but one or 2 journeymen, first or **second** class in a trade, **the** employer shall be entitled to hire 1 apprentice in this trade.

Apprentices work **the same** hours **and** in the same building **as** journeymen.

## **11.00. Term of the Decree**

**11.01.** The Decree remains in force until 31 December 1998.

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R.R.Q., 1981, c. D-2, r. 46, s. 11.02; S.Q. 1982, c. 53; O.C. 1501-90, s. 1; O.C. 1426-91, s. 1; O.C. 296-92, s. 30; O.C. 426-93, s. 1; O.C. 305-94, s. 1; O.C. 235-95, s. 1; O.C. 272-96, s. 1; O.C. 632-98, s. 4; O.C. 757-98, s. 1

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**R.R.Q., 1981, c. D-2, r. 46**

O.C. 1283-82, 1982 G.O. 2, 82-06-16, 1736, suppl. **455**; eff. 82-06-16

O.C. 1693-82, 1982 G.O. 2, 82-07-28, 1991, suppl. 456; eff. 82-07-28

O.C. 1501-90, 1990 G.O. 2, 90-10-31, 2606; eff. 90-10-31

O.C. 1426-91, 1991 G.O. 2, **91-10-30, 4186**; eff. 91-10-16

O.C. 296-92, 1992 G.O. 2, 92-03-11, 1108; eff. 92-03-26

O.C. 426-93, 1993 G.O. 2, 93-03-31, 1920; eff. 93-03-24

O.C. 305-94, 1994 G.O. 2, 94-03-16, 1183; eff. 94-03-16

O.C. 1714-94, 1994 G.O. 2, 94-12-21, 4636; eff. 95-01-05

O.C. 235-95, 1995 G.O. 2, **95-03-08, 792**; eff. 95-03-08

O.C. 272-96, 1996 G.O. 2, 96-03-13, 1877; eff. 96-03-13

O.C. 355-96, 1996 G.O. 2, 96-04-03, 1699; eff. 96-04-18

O.C. 632-98, 1998 G.O. 2, **98-05-20, 2010**; eff. 98-05-20

O.C. 757-98, 1998 G.O. 2, 98-06-17, 2216; **eff. 98-06-22**

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**For information:**

**Comité paritaire de l'industrie de l'automobile  
de Montreal et du district**

300, Léo-Pariseau, **Bur.** 1400

C.P. 1087

Montreal (Québec)

H2W 2P4

Telephone: (514) 288-3003

Fax.: (514) 288-2984

n° de fichier : 1040803.F

Bulletin - Négociation collective, juillet 1998 — automne 1998 Gazette du travail (pratiques innovatrices)

La Corporation des concessionnaires d'automobiles de Montreal Inc., Montreal et les environs (Quebec)

Syndicat national de l'automobile, de l'aérospatiale, du transport et des autres travailleurs et travailleuses du Canada (CTC)  
(15 570 employés)

La Corporation des concessionnaires d'automobiles de la région de Quebec, Quebec et les environs (Quebec)

Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD)  
(6 470 employés)

La Corporation des concessionnaires d'automobiles du Saguenay-Lac-St-Jean, région du Saguenay-Lac-Saint-Jean (Quebec)

Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD)  
(2 330 employés)

*Trois décrets prolongés de 6 mois, le 3 juin 1998, en vertu de la Loi sur les décrets de conventions collectives et en vigueur du 24 juin 1998 au 31 décembre 1998.*

Le nombre d'employés couverts par les conventions collectives à la base de ces décrets est respectivement de 1 000 pour Montréal, 900 pour Québec et 680 pour le Saguenay-Lac-Saint-Jean.

#### **Salaires**

En vigueur le	24 juin 1998 (Montreal)	24 juin 1998 (Québec)	24 juin 1998 (Saguenay-Lac-Saint-Jean)
Rajustements généraux	0 %	0 %	0 %
Taux horaires			
Commis ou préposé aux pièces*	7,50 \$	7,40 \$	7,37 \$
Apprenti 4 <sup>e</sup> année (3 <sup>e</sup> année pour Montreal)	8,50 \$	8,24 \$	10,10 \$
Compagnon, 1 <sup>re</sup> classe ou classe A	13,50 \$	11,17 \$	13,41 \$

\* Classe C pour Montreal, 4<sup>e</sup> année pour Québec et 2<sup>e</sup> année pour le Saguenay-Lac-Saint-Jean.

#### **Durée du travail**

Région de Montreal : 42 ½ heures par semaine; chasseur de véhicules automobiles, préposé au service, pompiste, laveur et gardien, 44 heures par semaine; employé de bureau, 37 ½ heures par semaine (aucune modification).

Région de Québec : 40 heures par semaine; préposé au service, préposé de station-service, pompiste et

*N° de fichier :1040803.F*

*Bulletin - Négociation collective, juillet 1998 — automne 1998 Gazette du travail (pratiques innovatrices)*

gardien, 44 heures par semaine; employé de bureau, 37 ½ heures par semaine (aucune modification).

Région du Saguenay-Lac-Saint-Jean :compagnon, apprenti et démonteur, 40 heures par semaine; autres employés, 42 ½ heures par semaine (aucune modification).

**Jours fériés payés**

10 jours (aucune modification).

**Congé annuel payé**

Région de **Montreal** :2 semaines après 1 an, 3 après 8 ans et 4 après 18 ans (aucune modification).

Région de Québec :2 semaines après 1 an, 3 après 8 ans et 4 après 20 ans (aucune modification).

Région du Saguenay-Lac-Saint-Jean :2 semaines après 1 an, 3 après 5 ans et 4 après 15 ans (aucune modification).

La Corporation des concessionnaires d'automobile de Montréal Inc., Montreal and area, Quebec  
 National Automobile, Aerospace, Transportation and General Workers Union of Canada (CLC)  
 (15,570 customer service employees)

Quebec Area Automobile Dealers Corporation, Quebec City and area, Quebec  
 Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD)  
 (6,470 customer service employees)

La Corporation des concessionnaires d'automobile du Saguenay-Lac-St-Jean, Saguenay-Lac-St-Jean and area, Quebec  
 Fédération démocratique de la métallurgie, des mines et des produits chimiques (CSD)  
 (2,330 customer service employees)

*Three decrees extended by 6 months under the Act Respecting Collective Agreement Decrees on June 3, 1998, effective from June 24, 1998 to December 31, 1998.*

The collective agreements that form the basis of these decrees cover 1,000 employees in Montreal, 900 in Quebec City and 680 in Saguenay-Lac-Saint-Jean, respectively.

**Wages:**

Effective	June 24/98 (Montreal)	June 24/98 (Quebec City)	June 24/98 (Saguenay-Lac-Saint-Jean)
General Adjustment	0.0%	0.0%	0.0%
Hourly Rates			
Parts Clerk*	\$7.50	\$7.40	\$7.37
Apprentice 4th year (3rd year for Montreal)	\$8.50	\$8.24	\$10.10
Journeyman 1st Class or Class A	\$13.50	\$11.17	\$13.41

\* Class C for Montreal, 4th year for Quebec City and 2nd year for Saguenay-Lac-Saint-Jean.

**Hours of Work**

Montreal Area - 42½ hours per week; car jockey, service attendant, gas pump attendant, car washer and watchman, 44 hours per week; office employee, 37½ hours per week (unchanged).

Quebec City Area - 40 hours per week; service attendant, service station attendant, gas pump attendant and watchman, 44 hours per week; office employee, 37½ hours per week (unchanged).

50A  
1

34  
42.5

RR  
11/8/98

Saguenay-Lac-Saint-Jean Area - Journeyman, apprentice and dismantler, 40 hours per week; other employees, 42½ hours per week (unchanged).

53  
/10

**Paid Holidays:**

10 days (unchanged).

**Paid Vacation:**

Montreal Area - 2 weeks earned after 1 year, 3 after 8 and 4 after 18 (unchanged).

- 2  
8 - 3  
18 - 4

Quebec City Area - 2 weeks earned after 1 year, 3 after 8 and 4 after 20 (unchanged).

Saguenay-Lac-Saint-Jean Area - 2 weeks earned after 1 year, 3 after 5 and 4 after 15 (unchanged).

Text-id :1040803

- 1040803 F 1 Corporation des concessionnaires automobiles de Montreal inc.
- 1040803 F 2 Syndicat national de l'automobile, de l'aérospatiale, du transport et des autres travailleurs et travailleuses du Canada
- 1040803 F 3 employés rémunérés à l'heure
- 1040803 E 1 Corporation des concessionnaires automobiles de Montreal inc.
- 1040803 E 2 National Automobile, Aerospace, Transportation and General Workers Union of Canada
- 1040803 E 3 hourly rated employees

- 1040703 F 1 Corporation des concessionnaires d'automobiles de Quebec
- 1040703 F 2 Fédération démocratique de la métallurgie, des mines et des produits chimiques
- 1040703 F 3 mécaniciens
- 1040703 F 3 service à la clientèle
- 1040703 E 1 Quebec Area Automobile Dealers Corporation
- 1040703 E 2 Fédération démocratique de la métallurgie, des mines et des produits chimiques
- 1040703 E 3 mechanics
- 1040703 E 3 customer service

- 1040903 F 1 Corp. des concessionnaires d'automobiles du Saguenay-Lac-St-Jean
- 1040903 F 2 Fédération démocratique de la métallurgie, des mines et des produits chimiques
- 1040903 F 3 mécaniciens
- 1040903 F 3 service à la clientèle
- 1040903 E 1 Corp. des concessionnaires d'automobiles du Saguenay-Lac-St-Jean
- 1040903 E 2 Fédération démocratique de la métallurgie, des mines et des produits chimiques
- 1040903 E 3 mechanics
- 1040903 E 3 customer service

<b>JURISDICTION</b>	ENTREE EN VIGEUR CONVENTION: 1998/06/24	DATE RÈGLEMENT: 1998/06/03
FÉD	EXPIRATION CONVENTION: 1998/12/31	ENTRÉE EN VIGEUR SALAIRE: 1998/06/24
PROV X	NB. D'EMPLOYÉS: 15570	DATE RÉOUVERTURE SALAIRE:
LRTFP		STADE DE RÈGLEMENT: OTH
		DURÉE NÉGOCIATIONS: 1

Emplacement: **Montréal, Que.**

**IVC:**                     AUCUNE     SUPPRIMÉE     ACTIVE     INACTIVE

COMMENTAIRES:

**EMPLOI:**                    **Commis aux pièces (Classe C)**

HORAIRE DE TRAVAIL:			42.5					
TAUX DE BASE PRÉCÉDENT:			0.000			+ MONTANT IVC INTÉGRÉ: (0.000) = 0.000		
DATE	TAUX	%	DATE	TAUX	%	DATE	TAUX	%

\*\*\* INFORMATION IVC PRÉCÉDENT \*\*\*

IVC FLOTTANTE REPORTÉE

INTÉGRATION IVC FLOTTANTE REORTÉE

(0, Nouvelle)

DATE	TAUX	DATE	TAUX	DATE	TAUX	DATE	TAUX	DATE	TAUX
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\*\*\* INFORMATION IVC ACTUELLE \*\*\*

BASE IPC

# CALCULS

BASE COMP.