Draft Regulation

Act respecting collective agreement decrees
(chapter D-2)

Security guards
— Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister has received an application from the contracting parties to amend the Decree respecting security guards (chapter D-2, r. 1) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the draft Decree to amend the Decree respecting security guards, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree proposes to authorize staggered working hours if certain conditions are met, to review the provisions regarding the group registered retirement savings plan, in particular by increasing the employer's mandatory contribution to the plan, and to grant one additional day of leave with pay for an employee's wedding or entry into a de facto union. The draft Decree also amends the definition of "casual employee A-04" and clarifies certain notions or provisions in the Decree to facilitate their interpretation, in particular those relating to sick leave. Lastly, the draft Decree specifies the rules applicable to the renewal of an employee's uniform and to the returning of the uniform at the end of employment.

The regulatory impact analysis shows that the amendments proposed by the draft Decree may have a minor impact on enterprises subject to the Decree.

Further information on the draft Decree may be obtained by contacting Karine Lajeunesse, Direction des politiques du travail, Ministère du Travail, 425, rue Jacques-Parizeau, 5e étage, Québec (Québec) G1R 4Z1; telephone: 581 628-8934, extension 80211 or 1 888-628-8934, extension 80211 (toll free); email: karine.lajeunesse@travail.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within the 45-day period to the Minister of Labour, 200, chemin Sainte-Foy, 6e étage, Québec (Québec) G1R 5S1; email: ministre@travail.gouv.qc.ca.

JEAN BOULET
Minister of Labour

Decree to amend the Decree respecting security guards

Act respecting collective agreement decrees
(chapter D-2, s. 4, 1st par., s. 6, 1st par. and s. 6.1, 1st par.)

1. The Decree respecting security guards (chapter D-2, r. 1) is amended in section 1.01

(1) by inserting the following after paragraph 2.2:

"(2.3) "parity committee": the Comité paritaire des agents de sécurité; ";

(2) by inserting the following after paragraph 3:

"(3.1) "funeral": religious or civil ceremony held to pay the last honours to a person whose death has been officially recognized;";

(3) by inserting the following after subparagraph *c* of paragraph 17:

"(*d*) to work during a pandemic while holding a licence issued by the Bureau de la sécurité privée, other than a regular licence.";

(4) by replacing "or on foot" in subparagraph *f* of paragraph 20 by ", on foot or on horseback".

2. Section 3.01.1 is replaced by the following:

"**3.01.1.** A collective agreement may provide for the staggering of working hours on a basis other than a weekly basis, provided the average number of working hours is equivalent to the number of hours of the standard workweek.

An employer may also stagger the working hours of employees on a basis other than a weekly basis if the following conditions are met:

(1) the purpose of the schedule is not to avoid the payment of overtime hours;

(2) the employer has obtained the agreement of the employees concerned;

(3) the schedule grants the employee another type of benefit to compensate for the loss of payment of overtime hours;

(4) the employer carries on activities in special conditions;

(5) the schedule concerns a specific contract;

(6) the average number of working hours is equivalent to the number of hours of the standard workweek;

(7) working hours are scheduled over a maximum period of 4 weeks;

(8) the duration of the schedule must not exceed 1 year;

(9) the employer has forwarded a written notice to the Parity Committee at least 60 days before the implementation of the schedule.

A staggered period may be changed or renewed by the employer on its expiry on the same conditions as those provided for in the previous paragraph.".

3. Sections 4.1.01 to 4.1.04 are replaced by the following:

"**4.1.01.** The parity committee administers a group registered retirement savings plan (collective RRSP) for the benefit of eligible employees.

The plan chosen by the parity committee is the Fonds de solidarité des travailleurs du Québec (F.T.Q.) (Fonds de solidarité FTQ), which acts as trustee in respect of the amounts entrusted to it by the committee parity.

4.1.02. An employee who has the status of regular A-01 employee or part-time A-02 employee is eligible for the collective RRSP to which the employer is required to contribute. Any other employee who wishes to contribute to the plan voluntarily is also eligible.

4.1.03. An employee who has reached 71 years of age or does not meet the eligibility criteria established by the trustee or by a law governing the trustee's activities is not eligible for the collective RRSP.

4.1.04. An eligible employee who wishes to receive benefits under the collective RRSP is required to become a member of the collective RRSP by completing the enrolment form for the plan chosen by the parity committee.

4.1.05. The employer must send each employee, upon their hiring, the information document and the enrolment form for the collective RRSP, which are provided by the trustee and approved by the Autorité des marchés financiers.

The documents are sent in paper or electronic format, as the employee chooses.

The employer also informs employees of the eligibility requirements for the collective RRSP, encourages them to quickly complete the enrolment form for the plan chosen by the parity committee, and assists them if needed.

The employer must keep proof that the documents were sent to the employee and that the employer's obligation to inform was fulfilled. In the absence of such proof, the employee is presumed to have completed the enrolment form on the date on which the employee acquired the status of regular A-01 employee or part-time A-02 employee.

4.1.06. The employer is required to contribute to the collective RRSP administered by the parity committee only for eligible employees who have the status of regular A-01 employee or part-time A-02 employee, as soon as those employees become members of the plan chosen by the parity committee.

The mandatory contribution of the employer is $0.20 per hour worked to an eligible employee referred to in the first paragraph. That mandatory contribution is paid on behalf of the employee as benefit.

If the presumption provided in the fourth paragraph of section 4.1.05 applies, the employer is required to retroactively pay to the parity committee the mandatory contributions owed as of the date on which the employee acquired the status of regular A-01 employee or part-time A-02 employee, as the case may be. The parity committee gives the amount so received to the trustee for the benefit of the employee.

4.1.07. The collective RRSP is made up of the mandatory contributions of the employer and the voluntary contributions of eligible employees.

4.1.08. An eligible employee is not required to contribute financially to the collective RRSP.

4.1.09. The employer must send to the parity committee, not later than the 15th day of each month, the employer's contribution to the group RRSP for the preceding month, along with any voluntary contribution by the employee, if applicable.

4.1.10. The employer must pay employees who are ineligible for the collective RRSP under section 4.1.03 an amount equivalent to the mandatory contribution provided for in the second paragraph of section 4.1.06 to compensate for the loss of that benefit.".

4. Section 5.01 is amended by replacing "4 December 2019" in the third paragraph by "(*insert the date of coming into force of this Decree*)".

5. Section 7.01 is amended

(1) by inserting "or following" after "preceding" in paragraph 2;

(2) in paragraph 4

(*a*) by replacing "1 day" by "2 days";

(*b*) by inserting ", and the day preceding or following that day" after "on his wedding day or day of the de facto union".

6. Section 7.02 is replaced by the following:

"**7.02.** Regular A-01 employees accumulate in leave, for an absence due to sickness or accident, an amount equal to 2% of their wages for hours worked during the reference year from 1 November to 31 October, including the compensation for holidays and P-4 and P-12 premiums. The employer must inform regular A-01 employees of the amount they have accumulated in leave, not later than the 30 November following the end of the reference year.

A regular A-01 employee who is absent during the year following the reference year for a reason provided for in the first paragraph receives the equivalent in wages of the number of hours scheduled for each day of absence up to the amount accumulated during the reference year. Two days of absence for a reason provided for in section 79.7 or 79.1 of the Act respecting labour standards (chapter N-1.1) are taken from the amount accumulated in leave.

Despite the second paragraph, a regular A-01 employee must have accumulated the equivalent in wages of a full day for that day to be paid. If that is not the case, the Act respecting labour standards applies to the employee. The same applies to an employee who has not acquired the status of regular A-01.

The balance of the amount accumulated in leave, if any, is paid to a regular A-01 employee not later than 10 December of the year immediately following the end of the year where the employee could have taken a day of leave with pay.

A regular A-01 employee whose employment ends is entitled to payment of the balance of the amount accumulated that the employee could have taken as leave with pay during the current year, but is not entitled to the percentage of the wages earned during the current year where employment ends.

Despite the foregoing, where there is a change in employer and the regular A-01 employee is hired on the same workplace by the new employer and the employee has performed an average of 30 hours of work between 1 November and the date of the end of employment, the balance of the amount accumulated in leave, if any, that the employee could have taken during the current year, as well as the percentage of the wages earned during the current year where the change in employer occurs, is paid by the former employer at the time of the employee's departure.".

7. Section 8.02 is amended by inserting the following after the fifth paragraph:

"During the annual renewal, the employee must return to the employer any used part of the uniform that the employee wishes to have replaced. An employee who fails to do so may not require new uniform parts.

At the time employment ends, the employee must return to the employer every part of the uniform and the equipment provided by the employer.".

8. Section 9.01 is amended by replacing "2 July 2022" and "2022" by "4 July 2027" and "2027" respectively.

9. This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

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