

chapter D-2, r. 12

Decree respecting the installation of petroleum equipment

Act respecting collective agreement decrees
(chapter D-2, ss. 2 and 6).

WHEREAS, pursuant to the Act respecting collective agreement decrees (chapter D-2), the contracting parties hereafter mentioned have petitioned the Minister of Labour, Manpower and Income Security to render obligatory the collective labour agreement entered into between:

on the one part:

l'Association des Entrepreneurs pétroliers du Québec Inc.;

and, on the other part:

United Steelworkers;

for the employers, artisans and employees of the trades and occupations concerned, according to the conditions described in the *Québec Official Gazette* of 12 November 1975;

WHEREAS the provisions of the said agreement have acquired a preponderant significance and importance towards the establishment of working conditions in the trades and occupations concerned and in the territorial jurisdiction indicated in the petition;

WHEREAS the objections set forth have been duly concerned as required by the Act;

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

IT IS ORDERED, therefore, upon the recommendation of the Minister of Labour, Manpower and Income Security:

THAT the said petition be accepted in pursuance of the Act respecting collective agreement decrees.

R.R.Q., 1981, c. D-2, r. 33; O.C. 553-89, s. 1; O.C. 425-95, s. 1; O.C. 405-2013, s. 1.

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DIVISION 1.00

DEFINITIONS

1.01. In this Decree, unless otherwise indicated, the following expressions mean:

(1) “equipment”: tanks, piping, pumps, meters, safety devices, leakage detection devices, compressors, elevators, oil interceptors, waste oil tanks as well as their parts and accessories, intended for:

(a) the operation of an establishment where motor vehicles are kept, maintained or repaired;

(b) the operation of an establishment or filling centre where a petroleum product or its derivatives are sold, distributed, exchanged in bulk or stored liquid;

(c) to tanks of tank trucks used for the transport of petroleum products or their liquid derivatives and related parts and accessories;

(2) “installation”: all operations required for dismantling or setting up and for activating equipment, including excavation, backfilling, cement and welding framework as well as the construction of pump islands and the compressor base-plate;

(2.1) “service”: the maintenance, inspection, alteration, connection, adjustment, replacement, restoration, repair, welding and checking of equipment on site;

(3) “crew leader”: employee who fills the requirements of Class A for any trade and who is appointed by the employer to manage and supervise a group of employees while performing work and whose supervisory functions are not provided for in the definition of classifications;

(4) “service mechanic”: employee who is a service attendant on a regular basis;

(5) “shop mechanic”: employee who regularly inspects, verifies, maintains, adjusts, repairs, restores, modifies, assembles, installs and welds equipment in the shop;

(6) “installation mechanic”: employee who is an installation attendant on a regular basis;

(7) “tank-truck mechanic”: employee who regularly inspects, verifies, maintains, adjusts, repairs, restores, modifies, assembles, installs and welds equipment on tank-trucks;

(8) *(paragraph revoked)*;

(9) “classes”: each of the trades includes 3 classes determined as follows:

i. Class A: employee who can perform autonomously all duties provided for in the definition of the trade, including the reading of plans and drawings, the determination of work to be performed and needs to do so;

ii. Class B: employee who will perform under supervision all duties provided for in the definition of the trade;

iii. Class C: employee who will perform a portion of the duties provided for in the definition of the trade;

(10) “working day”: day included in the employee’s workweek;

(11) “spouse” means either of 2 persons who

(a) are married or in a civil union and cohabiting;

(b) being of opposite sex or the same sex are living together in a de facto union and are the father and mother of the same child;

(c) are of opposite sex or the same sex and have been living together in a de facto union for 1 year or more;

(12) “labourer”: employee who is chiefly engaged in unskilled work such as handling material, participating in excavation, backfilling and cement framework and assisting the mechanic in his functions; this word also includes the employee who is learning the trades of service mechanic, shop mechanic, installation mechanic and tank-truck mechanic;

(13) “student”: employee who usually attends school and whose duration of employment does not exceed 65 working days per year;

(14) “uninterrupted service”: the 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.

R.R.Q., 1981, c. D-2, r. 33, s. 1.01; O.C. 1258-84, s. 1; O.C. 1636-88, s. 1; O.C. 1577-90, s. 1; O.C. 769-92, s. 1; O.C. 770-96, s. 1; O.C. 1152-99, s. 1; O.C. 1341-2001, s. 1; O.C. 655-2003, s. 1; O.C. 351-2006, s. 1; O.C. 1168-2009, s. 1.

DIVISION 2.00

JURISDICTION

2.01. Industrial: This Decree applies to the following work when performed for others: the installation, modification, assembly, repair, replacement, dismantling, maintenance, verification or inspection of equipment as well as the removal and flushing of soil contaminated by a petroleum product and its derivatives liquid.

R.R.Q., 1981, c. D-2, r. 33, s. 2.01; O.C. 425-95, s. 2; O.C. 1341-2001, s. 2; O.C. 655-2003, s. 2.

2.02. Territorial: This Decree applies to the entire territory of Québec.

R.R.Q., 1981, c. D-2, r. 33, s. 2.02.

2.03. (Revoked).

R.R.Q., 1981, c. D-2, r. 33, s. 2.0; O.C. 1258-84, s. 2; O.C. 769-92, s. 2; O.C. 1152-99, s. 2.

DIVISION 3.00

HOURS OF WORK

3.01. The standard workweek consists of 40 hours scheduled from Monday through Friday.

However, the employer may, after reaching an agreement with the employees, establish a regular workweek of 4 consecutive days, from Monday to Friday, consisting of 10 hours per day.

R.R.Q., 1981, c. D-2, r. 33, s. 3.01; O.C. 655-2003, s. 3.

3.02. The regular workday is 8 hours or, where applicable, 10 hours, scheduled as follows:

(1) for installation employees: between 6 :30 a.m. and 7 :00 p.m., with 1 hour off without pay for the noon meal;

(2) for service employees: between 7 :30 a.m. and 7 :30 p.m., with 1 hour off without pay for the noon meal;

(3) for all other employees: between 7 :00 a.m. and 7 :00 p.m., with 1 hour off without pay for the noon meal.

R.R.Q., 1981, c. D-2, r. 33, s. 3.02; O.C. 1341-2001, s. 3; O.C. 655-2003, s. 4.

3.03. During the hours of the standard workday, time spent by the employee travelling from the employer's establishment to the job site and back again, and between job sites is part of the standard workday.

R.R.Q., 1981, c. D-2, r. 33, s. 3.03; O.C. 1636-88, s. 2.

3.04. In addition to the hours of the regular workday, time spent by the employee travelling from the employer's establishment to the job site and back again, and between job sites, is paid time and a half. This increase also applies to any travelling done on Saturdays, Sundays or general holidays.

An employee is not paid for the time spent travelling between his or her residence and the employer's establishment when the employee uses a vehicle owned by the employer.

The employer may ask an employee to go directly to the job site if the distance between the employee's residence and the job site is less than that between the employee's residence and the employer's establishment. In such a case, the employee's regular workday begins when the employee begins to work on the job site.

Where the employee must reside away from home, the employee is not paid for the time spent travelling between the room and board location and the job site if the job site is 20 km or less from the room and board location.

R.R.Q., 1981, c. D-2, r. 33, s. 3.04; O.C. 1636-88, s. 2; O.C. 1152-99, s. 3; O.C. 1341-2001, s. 4; O.C. 655-2003, s. 5; O.C. 351-2006, s. 2; O.C. 1000-2019, s. 1.

3.04.01. Travelling expenses are reimbursed to the employee according to section 7.01, unless provided otherwise by the employer.

O.C. 1636-88, s. 2.

3.05. The employer may organize a second or third shift provided that there is regular daily work for the employees each day and provided that each shift carries out work started by the preceding shift.

R.R.Q., 1981, c. D-2, r. 33, s. 3.05.

3.06. When the double shift is in effect, the standard workday of the first shift remains as stipulated in section 3.02 and the hours of the regular workday of the second shift must be scheduled over 8 hours. The regular workday of the second shift must begin as soon as possible after the end of the regular workday of the first shift, and the employer must notify the parity committee in advance of the date when the double shift system begins and the hour when the regular workday of the second shift begins.

R.R.Q., 1981, c. D-2, r. 33, s. 3.06; O.C. 655-2003, s. 6.

3.07. When the double or triple shift is in effect, the employee is entitled to half an hour off with pay for a meal and the regular workday hours are scheduled as follows:

- (1) 1st shift: from 8 :00 a.m. to 4 :00 p.m., Monday to Friday;
- (2) 2nd shift: from 4 :00 p.m. to 12 :00 a.m., Monday to Friday; and
- (3) 3rd shift: from 12 :00 a.m. to 8 :00 a.m., Tuesday to Friday.

R.R.Q., 1981, c. D-2, r. 33, s. 3.07; O.C. 769-92, s. 4; O.C. 655-2003, s. 6.

3.08. (1) The employee is entitled to 15 minutes off with pay in the middle of each halfday of work;

(2) An employee who works overtime at least 4 consecutive hours in addition to his regular workday is entitled, for his meal break, to half an hour with pay at the base rate during the 4 preceding hours.

R.R.Q., 1981, c. D-2, r. 33, s. 3.08; O.C. 769-92, s. 5; O.C. 1152-99, s. 4; O.C. 351-2006, s. 3.

3.09. An employee may require a rest period of at least 10 hours per 24-hour period, except when public health or safety is threatened.

R.R.Q., 1981, c. D-2, r. 33, s. 3.09; O.C. 769-92, s. 6; O.C. 1168-2009, s. 2; O.C. 405-2013, s. 2.

3.10. Shift premium: An installation employee working on the second or third shift is paid an hourly premium of 1 \$.

R.R.Q., 1981, c. D-2, r. 33, s. 3.10; O.C. 1577-90, s. 2; O.C. 769-92, s. 7; O.C. 1341-2001, s. 5; O.C. 655-2003, s. 7.

3.11. The employee who arrives on the job site without having been informed to the contrary before the end of the preceding standard working day is entitled to an indemnity equal to 4 hours at his base rate.

R.R.Q., 1981, c. D-2, r. 33, s. 3.11; O.C. 1152-99, s. 5.

3.12. Section 3.11 does not apply when an event outside of the employer's control prevents him from having work performed covered by the Decree.

R.R.Q., 1981, c. D-2, r. 33, s. 3.12; O.C. 1152-99, s. 5.

DIVISION 4.00

OVERTIME HOURS

4.01. Hours worked over and above the standard workday or workweek are overtime hours.

R.R.Q., 1981, c. D-2, r. 33, s. 4.01.

4.02. The first 4 hours worked over and above the regular workday and the first 4 hours worked on Saturday are paid time and a half.

R.R.Q., 1981, c. D-2, r. 33, s. 4.02; O.C. 1577-90, s. 3; O.C. 1341-2001, s. 6; O.C. 708-2004, s. 1.

4.03. Except for the hours worked as provided for in section 3.04, overtime hours worked on Sunday and on holidays as well as hours worked over and above those specified in section 4.02 are paid double time.

Hours worked on a holiday also entitle employees to indemnity for that holiday as provided for in section 6.03.

R.R.Q., 1981, c. D-2, r. 33, s. 4.03; O.C. 1577-90, s. 3; O.C. 1341-2001, s. 6.

4.04. The increase in wage for overtime hours does not apply to the shift differential but this differential continues to be payable to the employee during his standard workday.

R.R.Q., 1981, c. D-2, r. 33, s. 4.04.

4.05. When an employee is called back to work after his or her regular workday, that employee is entitled to be paid double time.

R.R.Q., 1981, c. D-2, r. 33, s. 4.05; O.C. 1152-99, s. 6; O.C. 1341-2001, s. 7.

4.05.1. An employee who reports to work at his place of employment at the express demand of his employer and who works fewer than 3 consecutive hours, except in the case of a fortuitous event, is entitled to an indemnity equal to 3 hours' wages at the prevailing hourly rate, except where the application of sections 4.02, 4.03 or 4.05 provides him with a higher amount.

The first paragraph does not apply where the nature of the work or the conditions of execution require the employee to be present several times in the same day, for less than 3 hours each time.

O.C. 1341-2001, s. 7.

4.06. The employer may not require an employee to work overtime, unless the employer is of the opinion that the emergency of the work warrants it.

No penalty may be imposed on an employee who refuses to work overtime, unless the employer demonstrates that the overtime was necessary to do urgent work.

O.C. 405-2013, s. 3.

DIVISION 5.00

GENERAL HOLIDAY WITH PAY

5.01. The 24th of June is a statutory general holiday under the National Holiday Act (chapter F-1-1).

R.R.Q., 1981, c. D-2, r. 33, s. 5.01; O.C. 1258-84, s. 3; O.C. 769-92, s. 8; O.C. 1341-2001, s. 8.

5.02. The following are general holidays with pay and are paid according to the provisions of section 6.03: 1 and 2 January, Good Friday, National Patriots' Day, 1 July, Labour Day, Thanksgiving, 24, 25, 26 and 31 December.

O.C. 1258-84, s. 3; O.C. 1636-88, s. 3; O.C. 769-92, s. 8; O.C. 770-96, s. 2; O.C. 1341-2001, s. 9; O.C. 736-2005, s. 1.

5.03. *(Revoked).*

O.C. 1636-88, s. 3; O.C. 769-92, s. 9; O.C. 770-96, s. 3.

5.04. If any of the general holidays with pay provided in section 5.02 falls on a Saturday or Sunday, such holiday is then transferred to the working day preceding or following the general holiday with pay.

O.C. 1636-88, s. 3.

5.05. *(Revoked).*

O.C. 1636-88, s. 3; O.C. 770-96, s. 3.

5.06. *(Revoked).*

O.C. 1636-88, s. 3; O.C. 770-96, s. 3.

5.07. *(Revoked).*

O.C. 1577-90, s. 4; O.C. 769-92, s. 10; O.C. 770-96, s. 3.

DIVISION 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.

R.R.Q., 1981, c. D-2, r. 33, s. 6.01; O.C. 366-82, s. 1.

6.02. According to the period of uninterrupted service accumulated on 30 April of the qualifying year, an employee is entitled to the following annual vacation:

Uninterrupted service	Annual vacation
Less than 1 year	1 day per month up to a maximum of 10 days
at least 1 year but less than 3 years	2 weeks
at least 3 years but less than 15 years	3 weeks
15 years or more	4 weeks

R.R.Q., 1981, c. D-2, r. 33, s. 6.02; O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 769-92, s. 11; O.C. 770-96, s. 4; O.C. 677-2021, s. 1.

6.03. At each pay period, the employer credits each employee with an indemnity for statutory general holidays equal to 4.4% of the wages earned during that period and with an annual leave indemnity equal to 7.16% of the wages.

Despite the foregoing, the annual leave indemnity of an employee who has 10 years of service, on 30 April, with the same employer, is 7.56% of the wages.

R.R.Q., 1981, c. D-2, r. 33, s. 6.03; O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 770-96, s. 4; O.C. 462-2000, s. 1; O.C. 1341-2001, s. 10; O.C. 1168-2009, s. 3; O.C. 405-2013, s. 4; O.C. 677-2021, s. 2.

6.03.1. Employer's obligations: The employer includes the amounts provided for in section 6.03 in his monthly report and pays those indemnities at the same time as his contributions to the parity committee.

O.C. 462-2000, s. 1; O.C. 1341-2001, s. 11; O.C. 1168-2009, s. 3.

6.03.2. Payment of the indemnities: Each employee receives the indemnities for his annual vacation and his general holidays in 2 instalments.

O.C. 462-2000, s. 1.

6.03.3. The Comité paritaire pays the first instalment by cheque mailed to the last known address of the employee before 30 June. Such instalment applies to the indemnities due for the period extending from 1 July to 31 December of the preceding year.

O.C. 462-2000, s. 1.

6.03.4. The Comité paritaire pays the second instalment by cheque mailed to the last known address of the employee before 30 November. Such instalment applies to the indemnities due for the period extending from 1 January to 30 June of the current year.

O.C. 462-2000, s. 1.

6.03.5. Exception: However, on the death of an employee or in the event that an employee definitely quits his employment, the Comité paritaire may, at any time, claim the indemnities for the annual vacation and general holidays due to the employee.

O.C. 462-2000, s. 1.

6.04. An employee has the right to know the date of his annual vacation at least 4 weeks in advance.

R.R.Q., 1981, c. D-2, r. 33, s. 6.04; O.C. 366-82, s. 1; O.C. 1636-88, s. 4.

6.04.1. Employees usually working the entire year must indicate, in writing, their choice of vacation, before 1 April of the current year. The employer must post, no later than the 21 May following, a list showing the employees' names and the vacation period they have chosen.

O.C. 351-2006, s. 4.

6.05. An annual leave of 2 weeks or less shall not be replaced by a monetary compensation. However, the third or fourth week of vacation may, upon the employee's request, be replaced by a monetary compensation.

R.R.Q., 1981, c. D-2, r. 33, s. 6.05; O.C. 366-82, s. 1; O.C. 1636-88, s. 4.

6.06. If an employee is absent because of sickness, accident or maternity leave during the reference year and this absence reduces his annual vacation pay, he is then entitled to an equivalent compensation based on the base rate that he would have earned if he had not been absent. The employee whose annual vacation is inferior to 2 weeks, is entitled to this compensation in proportion to the days of vacation he has accumulated.

To determine the indemnity for that holiday, the employer shall:

- (1) calculate the average weekly wage earned by the employee during the period worked;
- (2) count the number of weeks that he would have normally worked;
- (3) multiply the average weekly wage earned by the number of weeks of paid annual vacation to which the employee is entitled;
- (4) multiply the amount established in subparagraph 3 by the number of weeks counted in subparagraph 2 and divide that amount by 52.

Despite the foregoing, the indemnity for the annual vacation shall not exceed the indemnity to which the employee would have been entitled if he had not been absent.

O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 769-92, s. 12; O.C. 1152-99, s. 7.

6.07. *(Revoked).*

O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 770-96, s. 5.

6.08. *(Revoked).*

O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 770-96, s. 5.

6.09. An employee who is entitled to more than 3 weeks of annual vacation shall not however be away from work for more than 3 consecutive weeks on annual leave.

O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 351-2006, s. 5.

6.10. The employer may shut down for the 2 weeks of the construction workers' summer vacation, as determined in the collective agreements applicable to the construction industry.

During that period, however, the employer may keep up to 50% of the employees on the job according to their seniority.

O.C. 366-82, s. 1; O.C. 1636-88, s. 4; O.C. 405-2013, s. 5.

6.11. The employees shall set the dates of their annual vacation during the month of April.

O.C. 366-82, s. 1; O.C. 1258-84, s. 4; O.C. 1636-88, s. 4.

6.12. *(Revoked).*

O.C. 366-82, s. 1; O.C. 553-89, s. 3; O.C. 769-92, s. 13.

DIVISION 7.00

TRANSPORTATION, ROOM AND BOARD

7.01. When an employee uses his own vehicle, at the request of his employer, he receives a minimum compensation of \$0.49 per kilometre.

R.R.Q., 1981, c. D-2, r. 33, s. 7.01; O.C. 1577-90, s. 5; O.C. 1168-2009, s. 4; O.C. 1000-2019, s. 2.

7.02. When the employee must reside away from home, his employer reimburses all the reasonable expenses of his employee for transportation, room and board.

R.R.Q., 1981, c. D-2, r. 33, s. 7.02.

7.03. The employer pays separately from the employee's wages, any allowances for transportation and stopover and within 7 days after receiving the employee's statement of expenses.

R.R.Q., 1981, c. D-2, r. 33, s. 7.03.

7.04. When an employee is absent from work on a working day or on the working day preceding or following a holiday or on an inclement day, the employer is not obliged to pay him for the expenses incurred the day he was absent, the holiday or the inclement day, unless otherwise agreed upon with the person concerned.

R.R.Q., 1981, c. D-2, r. 33, s. 7.04.

7.05. An employee who usually works in the shop and must work away from the shop without prior notice without returning to the shop to eat, is entitled to an amount of \$14 for the noonday meal and of \$16 for the evening meal if the employee works after 7:00 p.m.

O.C. 655-2003, s. 8; O.C. 351-2006, s. 6; O.C. 1168-2009, s. 5.

DIVISION 8.00

MISCELLANEOUS LEAVES AND ADVANCE NOTICE

8.01. No employee shall be laid off or subject to discriminatory or disciplinary measures for taking advantage of any special leave granted under this Division.

R.R.Q., 1981, c. D-2, r. 33, s. 8.01; O.C. 366-82, s. 2; O.C. 1636-88, s. 5.

8.02. The employee is entitled to a leave of absence on a working day or on a day not paid otherwise, in the following cases:

(1) on the occasion of the death of his or her spouse, child or child of his or her spouse, of his or her father or mother: 5 consecutive days with pay, including the day of the funeral;

(2) *(paragraph revoked)*;

(3) *(paragraph revoked)*;

(4) on the occasion of the death of his brother or sister: 2 days with pay, including the day of the funeral and the day before; on this occasion, the employee is also entitled to 3 additional days without pay;

(5) on the occasion of the death of his father-in-law, his daughter-in-law, brother-in-law, sister-in-law, grandfather or grandmother or his consort's grandparents: 1 day with pay, that is the day of the funeral;

(6) on the occasion of the death of his son-in-law, his daughter-in-law or one of his grandchildren: 1 day without pay;

(7) on the occasion of the birth of his child, the adoption of a child or a termination of pregnancy in or after the twentieth week of pregnancy: 5 days, including 2 days with pay and 3 days without pay if the employee is credited with 60 days of uninterrupted service. This leave may be divided into days at the request of the employee. It may not be taken more than 15 days after the child arrives at the residence of its father or mother or, if such is the case, the termination of pregnancy. The employee must advise his employer of his absence as soon as possible. However, an employee who adopts the child of his spouse may be absent from work for only 2 days, without pay;

(8) on the occasion of his wedding or civil union: 1 day with pay, the day of the wedding or of his civil union;

(9) the employee may also be absent from work without pay on the day of the wedding or civil union of one of his children, his father, mother, brother, sister or a child of his spouse.

R.R.Q., 1981, c. D-2, r. 33, s. 8.02; O.C. 366-82, s. 2; O.C. 1636-88, s. 5; O.C. 769-92, s. 14; O.C. 655-2003, s. 9; O.C. 736-2005, s. 2.

8.03. Maternity leave: An employee is entitled to maternity leave provided for in the Act respecting labour standards (chapter N-1.1) or in any further law that could amend or replace it.

O.C. 366-82, s. 2; O.C. 769-92, s. 15.

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

The notice shall be of 1 week if the employee is credited with less than 1 year of uninterrupted service, 2 weeks if he is credited with 1 year to 5 years of uninterrupted service, 4 weeks if he is credited with 5 years to 10 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.

This section does not deprive an employee of a right granted to him under another Act.

(2) Subsection 1 does not apply to an employee:

(a) who has less than 3 months of uninterrupted service;

(b) whose contract for a fixed term or for a specific undertaking expires;

(c) who has committed a serious fault;

(d) for whom the end of the contract of employment or the layoff is a result of a fortuitous event.

(3) An employer who does not give the notice prescribed by subsection 1, or who gives insufficient notice, must pay the employee a compensatory indemnity equal to his base rate 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.

O.C. 366-82, s. 2; O.C. 769-92, s. 16; O.C. 1152-99, s. 8.

DIVISION 9.00

WAGES

9.01. (1) The minimum hourly rate payable to a service mechanic, an installation mechanic, a shop mechanic and a tank-truck mechanic is established as follows for each class of employment:

Class of employment	As of 26 May 2021	As of 1 January 2022	As of 31 December 2022
A	\$35.62	\$36.51	\$37.42
B	\$30.24	\$31.00	\$31.78
C	\$26.07	\$26.72	\$27.39

(2) A labourer is paid according to the number of hours accumulated since the date of hiring. The minimum hourly rate payable is established as follows:

Labourer	As of 26 May 2021	As of 1 January 2022	As of 31 December 2022
Starting	\$22.42	\$22.98	\$23.56
After 2,000 hours	\$22.96	\$23.53	\$24.12
After 4,000 hours	\$23.58	\$24.17	\$24.77
After 6,000 hours	\$24.36	\$24.97	\$25.59

(3) The minimum hourly rate payable to a student is established as follows:

Student	As of 26 May 2021	As of 1 January 2022	As of 31 December 2022
	\$17.27	\$17.70	\$18.14

(4) For every 4 employees governed by this Decree in his employ, the employer has 1 employee governed by this Decree and paid at the Class A rate.

For the purposes of paragraph 4, the multiple of 4 is deemed to be reached as soon as the number of employees reaches a number lower than 1 below the multiple of 4, as shown in the following table:

Number of Employees Governing by This Decree	Number of Paid at Class A Rate
3	1
7	2
11	3
15	4

(5) An allowance of \$0.05 for safety boots is included in the minimum hourly rate in force as of 18 November 2009.

R.R.Q., 1981, c. D-2, r. 33, s. 9.01; O.C. 366-82, s. 3; O.C. 1436-82, s. 1; O.C. 2178-83, s. 1; Erratum, 1983 G.O. 2, 3832; O.C. 767-85, s. 1; O.C. 1636-88, s. 6; O.C. 1577-90, s. 6; O.C. 769-92, s. 17; O.C. 1296-93, s. 1; Erratum, 1993 G.O. 2, 6025; O.C. 770-96, s. 6; O.C. 1152-99, s. 9; O.C. 1341-2001, s. 12; O.C. 655-2003, s. 10; O.C. 351-2006, s. 7; O.C. 1168-2009, s. 6; O.C. 33-2011, s. 1; O.C. 405-2013, s. 6; O.C. 1000-2019, s. 3; O.C. 677-2021, s. 3.

9.02. Pay sheet: The employer must remit to the employee, together with his wages, a pay sheet containing sufficient information to enable the employee to verify the computation of his wages. That pay sheet must include, in particular, the following information, where applicable:

- (1) the name of the employer;
- (2) the 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 employee's base rate;
- (6) the number of hours of overtime paid with the applicable premium;
- (7) the nature and amount of the bonuses, indemnities, allowances or commissions that are being paid;
- (8) the employee's base 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. 33, s. 9.02; O.C. 769-92, s. 18; O.C. 1152-99, s. 10.

9.03. Special provision: An employee other than a polyvalent employee who is assigned to a higher paid category shall receive the wage for such employment during the time he is assigned to such category. No

reduction in wages shall be made when the employee is temporarily requested to perform work paid at a lower wage rate.

R.R.Q., 1981, c. D-2, r. 33, s. 9.03.

9.04. Every employee who is available to receive service calls outside regular working hours receives a lump sum of \$100.00 per week, whether or not the employee receives calls, in addition to the wage applicable for the hours worked to respond to any call.

O.C. 677-2021, s. 4.

DIVISION 10.00

MISCELLANEOUS PROVISIONS

10.01. The employer supplies, free of charge, all pneumatic or motor tools, all the tools necessary for cutting or welding, and any other tool that, according to the requirements of the trade, is generally supplied by the employer. He also supplies all tools and work clothes to the employee working with corrosive chemical products.

R.R.Q., 1981, c. D-2, r. 33, s. 10.01.

10.02. The employer is not allowed to rent tools to the employee and he shall supply free of charge tool sharpening to the employee.

R.R.Q., 1981, c. D-2, r. 33, s. 10.02.

10.03. The employer pays annually to his employees an increase equal to the percentage of the cost of living increase exceeding 4%. The cost of living increase is based on the average of the Canadian Consumer Index for Canada published by Statistics Canada for the preceding 1 January to 31 December.

This increase shall be paid to the employee within the 3 weeks following the official publication of the Cost of Living Index.

R.R.Q., 1981, c. D-2, r. 33, s. 10.03; O.C. 351-2006, s. 8.

10.04. The following are deemed to be hours worked:

(1) the hours during which the employee is at the employer's disposal and required to be present on the work premises or job site, as well as any trial period;

(2) the hours of training where they are required by the employer, as well as the hours spent by the employee travelling from the employer's establishment to the place of training and back again.

All hours worked are paid at the base rate.

R.R.Q., 1981, c. D-2, r. 33, s. 10.04; O.C. 736-2005, s. 3; O.C. 405-2013, s. 7.

DIVISION 11.00

FRINGE BENEFITS

11.01. The fringe benefits fund established under these provisions is aimed at providing fringe benefits to the employees governed by the Decree.

R.R.Q., 1981, c. D-2, r. 33, s. 11.01; O.C. 366-82, s. 4; O.C. 767-85, s. 2; O.C. 1636-88, s. 7; O.C. 1577-90, s. 7; O.C. 769-92, s. 19.

11.02. The employer contributes on a weekly basis, to the fringe benefit plan managed by the Comité paritaire de l'installation d'équipement pétrolier du Québec, the sum of \$46.00 for each employee, except for a student.

O.C. 1636-88, s. 7; O.C. 1577-90, s. 7; O.C. 769-92, s. 19; O.C. 1296-93, s. 2; O.C. 1152-99, s. 11; O.C. 1341-2001, s. 14; O.C. 1369-2002, s. 1; O.C. 655-2003, s. 11; O.C. 514-2011, s. 1; O.C. 698-2021, s. 1.

11.03. The employer deducts on a weekly basis from the pay of each employee, except for a student, the sum of \$46.00 for the fringe benefit plan.

O.C. 1636-88, s. 7; O.C. 769-92, s. 19; O.C. 1296-93, s. 2; O.C. 1341-2001, s. 14; O.C. 1369-2002, s. 1; O.C. 655-2003, s. 11; O.C. 514-2011, s. 2; O.C. 698-2021, s. 2.

11.04. In order for the amount provided for in section 11.02 to be paid by the employer and for that provided for in section 11.03 to be deducted from the wages of an employee, the employee must have worked 24 hours or more during the week, including overtime hours.

Where the number of hours worked is less than 24 hours, the employer's and employee's contribution for each hour worked, respectively, is \$1.15.

O.C. 1636-88, s. 7; O.C. 769-92, s. 19; O.C. 1296-93, s. 2; O.C. 1152-99, s. 12; O.C. 1341-2001, s. 14; O.C. 1369-2002, s. 1; O.C. 655-2003, s. 11; O.C. 514-2011, s. 3; O.C. 698-2021, s. 3.

11.05. Before the fifteenth day of each month, the employer forwards to the Québec Parity Committee of petroleum equipment installation, an amount equal to the sum of his contribution, under sections 11.02 and 11.04, and the deduction made on the pay of each of his employees, under sections 11.03 and 11.04, for the previous month.

O.C. 769-92, s. 19.

11.06. *(Revoked).*

O.C. 769-92, s. 19; O.C. 1341-2001, s. 15.

11.07. When an employee eligible to the insurance benefits carries out, outside the territorial jurisdiction of the Decree, work included in the industrial jurisdiction of the Decree or when he is absent with his employer's authorization, he may, subject to the insurance contract, maintain for a maximum period of 6 months his membership in the fringe benefits plan, provided that:

(1) he gives prior notice thereof to the Québec Parity Committee of petroleum equipment installation;

(2) solely or jointly with his employer, if the latter agrees, he pays, after having committed himself to do so, to the Québec Parity Committee of petroleum equipment installation, on or around the 15th of each month, the sum provided for in section 11.03, reduced by any amounts not payable by the employee under the insurance contract applicable to the employee. Where the employer agrees to maintain the employer's contribution with regard to the employee, the employer pays the parity committee the sum provided for in section 11.02.

O.C. 769-92, s. 19; O.C. 1296-93, s. 3; O.C. 1152-99, s. 13; O.C. 698-2021, s. 4.

11.08. Pension plan

(1) The employer's contribution to the employees' pension plan, for each hour worked by the employees, except for students, is:

(a) \$1.50 for Class A mechanics;

(b) \$1.50 for Class B mechanics;

(c) \$1.38 for Class C mechanics;

(d) \$1.34 for a labourer that has accumulated 4,000 hours or more since the date of hiring;

(e) \$1.32 for a labourer that has accumulated 3,999 hours or less since the date of hiring.

The employer deducts from the pay of each of his employees the amount that each employee chooses to contribute; however, that amount cannot be lower than that contributed by the employer for each of his employees.

(2) Before the 15th of each month, the employer remits to the Parity Committee his contribution and that of his employees for the preceding month.

(3) The employee's participation in the pension plan ends where no contribution has been paid into the plan for a complete calendar year.

(4) Participation in the pension plan is voluntary for any enterprise the employer and employees of which have, on 20 December 1995, agreed on a pension plan comparable as to the benefits granted.

(5) The Parity Committee determines the supplemental pension plan for the employees governed by the Decree. That plan is subject to the Supplemental Pension Plans Act (chapter R-15.1).

(6) *(paragraph replaced)*.

(7) *(paragraph replaced)*.

O.C. 770-96, s. 7; O.C. 1341-2001, s. 16; O.C. 655-2003, s. 12; O.C. 351-2006, s. 9; O.C. 1168-2009, s. 7; O.C. 33-2011, s. 2; O.C. 405-2013, s. 8; O.C. 677-2021, s. 5.

DIVISION 11.01.00

TRAINING MUTUAL

O.C. 478-2011, s. 1.

11.01.01. The committee may participate in workforce skills development of employees governed by the Decree as a training mutual recognized in accordance with section 8 of the Act to promote workforce skills development and recognition (chapter D-8.3).

O.C. 478-2011, s. 1.

11.01.02. In keeping with the provisions of the Regulation respecting training mutuals (chapter D-8.3, r. 7), the mandate of the committee as a training mutual is to structure, develop and implement training services adapted to the common problems and specific needs of the workforce in the installation of petroleum equipment sector and to technological and structural changes in the market.

O.C. 478-2011, s. 1.

11.01.03. The committee may use, as a training mutual, the subsidies paid to the committee for that purpose or, in accordance with subparagraph *r* of the second paragraph of section 22 of the Act, make a levy regulation and a regulation determining the fees charged for the use of services offered as a training mutual.

O.C. 478-2011, s. 1.

DIVISION 12.00

TERM OF THE DECREE

12.01. This Decree remains in force until 31 December 2022. It is then renewed automatically from year to year thereafter, unless one of the contracting parties opposes it by sending written notice to the Minister of Labour and to the other contracting party during the month of August of the year 2022 or during the month of August of any subsequent year.

O.C. 1636-88, s. 7; O.C. 1577-90, s. 8; O.C. 769-92, s. 20; O.C. 1296-93, s. 4; O.C. 770-96, s. 8; O.C. 1152-99, s. 14; O.C. 1341-2001, s. 17; O.C. 655-2003, s. 13; O.C. 351-2006, s. 10; O.C. 1168-2009, s. 8; O.C. 33-2011, s. 3; O.C. 405-2013, s. 9; O.C. 1000-2019, s. 4; O.C. 677-2021, s. 6.

UPDATES

R.R.Q., 1981, c. D-2, r. 33
O.C. 366-82, 1982 G.O. 2, 747; Suppl. 437
O.C. 1436-82, 1982 G.O. 2, 1808; Suppl. 439
O.C. 2178-83, 1983 G.O. 2, 3612 and 3832
O.C. 1258-84, 1984 G.O. 2, 2025
O.C. 767-85, 1985 G.O. 2, 1569
O.C. 1636-88, 1988 G.O. 2, 3836
O.C. 553-89, 1989 G.O. 2, 1818
O.C. 1577-90, 1990 G.O. 2, 2834
O.C. 769-92, 1992 G.O. 2, 2819
O.C. 1296-93, 1993 G.O. 2, 5225 and 6025
O.C. 425-95, 1995 G.O. 2, 1152
O.C. 770-96, 1996 G.O. 2, 2889
O.C. 757-98, 1998 G.O. 2, 2216
O.C. 1152-99, 1999 G.O. 2, 3683
O.C. 462-2000, 2000 G.O. 2, 2013
O.C. 1341-2001, 2001 G.O. 2, 6037
O.C. 1369-2002, 2002 G.O. 2, 6251
O.C. 655-2003, 2003 G.O. 2, 1923
O.C. 708-2004, 2004 G.O. 2, 2297
O.C. 736-2005, 2005 G.O. 2, 3444
O.C. 351-2006, 2006 G.O. 2, 1401
O.C. 1168-2009, 2009 G.O. 2, 3684
O.C. 33-2011, 2011 G.O. 2, 549
O.C. 478-2011, 2011 G.O. 2, 1094
O.C. 514-2011, 2011 G.O. 2, 1196
O.C. 405-2013, 2013 G.O. 2, 1005
O.C. 1000-2019, 2019 G.O. 2, 2655
O.C. 677-2021, 2021 G.O. 2, 1477
O.C. 698-2021, 2021 G.O. 2, 1563

