



CHAPTER 5

An Act to amend the Act respecting labour
standards and the Act respecting manpower
vocational training and qualification

[Assented to 10 April 1980]

HER MAJESTY, with the advice and consent of the National
Assembly of Québec, enacts as follows:

1979, c. 45,
s. 3, am.

1. Section 3 of the Act respecting labour standards (1979, c. 45) is amended by adding, after the words “of section 89” at the end of paragraph 3, the following words: “and, within the scope of application of that regulation, in respect of the last paragraph of section 74, sections 93, 94, 97, 122, 123, paragraph 6 of section 140 and sections 141 to 147”.

1979, c. 45,
s. 42, am.

2. Section 42 of the said act is amended by replacing the word “cashable” at the end of the second paragraph by the following words: “cashable within the two working days following its issue”.

1979, c. 45,
s. 60, am.

3. Section 60 of the said act is amended by replacing the word “section” in the first line of the second paragraph of the English text by the word “division”.

1979, c. 45,
s. 70,
replaced.

4. Section 70 of the said act is replaced by the following section:

Annual
leave.

“70. The annual leave must be taken within twelve months following the end of the reference year, except where a collective agreement or a decree allows it to be deferred until the following year.

Insurance
period
continued.

Notwithstanding any contrary clause of a collective agreement, decree or contract, any period of salary insurance, sickness insurance or disability insurance interrupted by a leave taken in

accordance with the first paragraph is continued, where applicable, after the leave, as if it had never been interrupted.”

1979, c. 45,
s. 74,
replaced.

5. Section 74 of the said act is replaced by the following section:

Annual
leave
indemnity.

“74. The indemnity relating to the annual leave of the employee contemplated in sections 67 and 68 is equal to 4% of the gross wages of the employee during the reference year. In the case of the employee contemplated in section 69, the indemnity is equal to 6% of the gross wages of the employee during the reference year.

Days of
absence.

Should an employee be absent owing to sickness or accident or on maternity leave during the reference year and should that absence result in the reduction of that employee's annual leave indemnity, the employee is then entitled to an indemnity equal, as the case may be, to twice or three times the weekly average of the wage earned during the period of work. An employee contemplated in section 67 whose annual leave is less than two weeks is entitled to that amount in proportion to the days of leave credited to his account.”

1979, c. 45,
s. 77, am.

6. Section 77 of the said act is amended by striking out the words “or induction” in the second line of paragraph 7.

1979, c. 45,
s. 82, am.

7. Section 82 of the said act is amended by adding, after the word “dismissed”, at the end of the first paragraph, the following words: “, or being laid off for not less than six months”.

1979, c. 45,
s. 91, am.

8. Section 91 of the said act is amended by adding the following paragraph:

Employees
under 18.

“Furthermore, in the case of a regulation made pursuant to paragraph 1 of section 89, the Government may fix a different minimum wage for employees who are less than 18 years of age.”

1979, c. 45,
s. 94, am.

9. Section 94 of the said act is amended by inserting, after the word “agreement”, the following words: “or a decree”.

1979, c. 45,
s. 122, am.

10. Section 122 of the said act is amended by striking out the second paragraph.

1979, c. 45,
s. 157, am.

11. Section 157 of the said act is amended:

(1) by adding after the word “section” at the end of the second paragraph, the following words: “and to a decree passed, prolonged or renewed within the same period of time”;

(2) by inserting, after the word "expiry" in the third paragraph, the following word: ", prolongation".

R.S.Q.,
c. F-5,
s. 1, am.

12. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5), amended by section 29 of chapter 2 of the statutes of 1979, is again amended by inserting, after paragraph o, the following paragraphs:

"(o¹) "dismissal": the termination of employment by the employer, including a layoff;

"(o²) "collective dismissal": a dismissal involving not fewer than 10 employees in the course of two consecutive months;"

R.S.Q.,
c. F-5,
s. 45, am.

13. Section 45 of the said act is amended by adding the following paragraph:

Applica-
bility.

"(d) This section applies to an employer who dismisses all his employees or certain of his employees of one or several of his establishments in a given region.

Excep-
tions.

It does not apply to an employer who dismisses employees for an indeterminate period, but in fact less than 6 months, nor to establishments affected by a strike or a lockout within the meaning of the Labour Code."

1979, c. 45,
s. 170.1,
added.

14. The Act respecting labour standards (1979, c. 45) is amended by adding after section 170, the following section:

Effect.

"170.1 Sections 33 to 38 and 88 to 92 have effect from 20 March 1980."

Effect.

15. Sections 1 to 13 will have effect from 16 April 1980, except section 8, which has effect from 20 March 1980.

Coming
into force.

16. This act comes into force on the day of its sanction.