

NATIONAL ASSEMBLY

THIRD SESSION

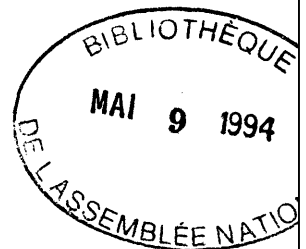
THIRTY-FOURTH LEGISLATURE

Bill 19

**An Act to amend the Act respecting
labour standards and the National
Holiday Act**

Introduction

**Introduced by
Mr Serge Marcil
Minister of Employment**



**Québec Official Publisher
1994**

EXPLANATORY NOTES

This bill amends the Act respecting labour standards in order to prescribe expressly the criteria to be used in applying the salary equity rule to part-time employees.

The bill also provides that Easter Sunday is a statutory holiday for the employees of establishments that are ordinarily open on Sundays but to which the public is not admitted on Easter Sunday pursuant to the Act respecting hours and days of admission to commercial establishments.

Lastly, the bill amends the provisions relating to the computation of an indemnity for statutory holidays to compensate employees who perform, for the same employer, work governed by the Act respecting labour standards and work governed by the Act respecting labour relations, vocational training and manpower management in the construction industry. A similar amendment is also made to the National Holiday Act.

ACTS AMENDED BY THIS BILL:

- National Holiday Act (R.S.Q., chapter F-1.1);
- Act respecting labour standards (R.S.Q., chapter N-1.1).

Bill 19

An Act to amend the Act respecting labour standards and the National Holiday Act

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 41.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is amended by inserting, after the first paragraph, the following paragraph:

“Nothing in the first paragraph shall prohibit remuneration at a lower rate of wage that is based, in particular, on experience, seniority, continuous service, merit, productivity, overtime, or any other criterion common to all employees and in use within the enterprise, provided that the criterion is not prohibited by law, an agreement or a decree.”

2. Section 60 of the said Act is amended by adding, at the end of paragraph 2, the words “or Easter Sunday for employees working in a commercial establishment that is ordinarily open on Sundays but to which the public cannot be admitted on Easter Sunday by reason of paragraph 3 of section 3 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1)”.

3. Section 62 of the said Act is amended by inserting, after the first paragraph, the following paragraph:

“In computing the indemnity, wages paid for the performance of work subject to the Act respecting labour relations, vocational training and manpower management in the construction industry shall not be taken into account, but the number of days worked during the period shall be taken into account.”

4. Section 74.1 of the said Act is amended by adding, after the first paragraph, the following paragraph:

“Nothing in the first paragraph shall prohibit a reduction in the length of the annual leave or a change in the way in which the indemnity pertaining to it is computed that is based, in particular, on experience, seniority, continuous service, merit, productivity, overtime, or any other criterion common to all employees and in use within the enterprise, provided that the criterion is not prohibited by law, an agreement or a decree.”

5. Section 4 of the National Holiday Act (R.S.Q., chapter F-1.1) is amended by replacing the word “in” in the first line of the second paragraph by the words “in computing the indemnity, wages paid for the performance of work subject to the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) shall not be taken into account, but the number of days worked during that period shall be taken into account. In”.

6. Sections 41.1 and 74.1 of the Act respecting labour standards, as amended by sections 1 and 4 of this Act, are deemed to have always read in their amended version.

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