

THIRD SESSION  
THIRTY-FIRST LEGISLATURE

# ASSEMBLÉE NATIONALE DU QUÉBEC

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## Bill 43

**An Act to amend the Minimum Wage Act**

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First reading .....  
Second reading .....  
Third reading .....

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M. PIERRE MARC JOHNSON  
Ministre du travail et de la main-d'oeuvre

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L'ÉDITEUR OFFICIEL DU QUÉBEC



#### EXPLANATORY NOTES

*This bill amends the Minimum Wage Act in order to enable the Minimum Wage Commission to determine by order the granting of maternity leaves, and the related compensation, where that applies.*

*Further, it prohibits an employer from dismissing, suspending or transferring an employee on the ground that the employee has exercised his rights under the act, a regulation of the Commission or an order. The same rule will hold true in regard to an employee who furnishes the Commission with certain information, or who prevents the employer from evading the application of the act, a regulation of the Commission or an order. Every contravention of this provision will give this employee the same entitlement to vindicate his rights under the Labour Code as in the case of dismissal for union activities.*

Sec. 1. *The first paragraph of section 14 of the Minimum Wage Act presently reads as follows:*

**“14.** The Commission may also by ordinance, upon the conditions, for the categories of employers and employees, for the places and for the period of time it shall determine, decide

(a) the rate of increase for wages to be paid for overtime to an employee engaged and paid by the hour and not subject to a collective agreement;

(b) the vacations with pay to be given by an employer to employees.”

The second paragraph is amended in order to insert the words “and maternity leaves” into the first line.

Sec. 2. *The proposed amendment to section 32 is intended to prevent an employer's dismissing, suspending or transferring an employee, in certain cases.*

*Section 32a is entirely new legislation.*

## Bill 43

### An Act to amend the Minimum Wage Act

HER MAJESTY, with the advice and consent of the Assemblée nationale du Québec, enacts as follows:

**1.** Section 14 of the Minimum Wage Act (Revised Statutes, 1964, chapter 144) is amended:

(a) by inserting after subparagraph *b* of the first paragraph, the following subparagraph:

“(c) maternity leaves, and the related compensation, where that applies.”;

(b) by replacing the second paragraph by the following paragraph:

“Vacations with pay and maternity leaves granted by an ordinance according to the duration of the employee’s services are calculated according to the period during which the employee has been employed at the same enterprise, without regard to the changes of ownership of such enterprise.”

**2.** Section 32 of the said act is replaced by the following sections:

**“32.** The employer and his agent are prohibited from dismissing, suspending or transferring an employee

(a) because this employee has exercised a right arising from this act, a regulation of the Commission or an order;

(b) because this employee has furnished the Commission or a representative of the Commission with information regarding the application of this act, a regulation of the Commission or an order, or has testified at proceedings related thereto; or

(c) in order to evade the application of this act, a regulation of the Commission or an order.

Sec. 3. *The repealing of section 38 of the act brings about concordance with sections 32 and 32a of the act, enacted by this bill.*

**“32a.** Every contravention of section 32 gives an employee the same entitlement to vindicate his rights before a labour commissioner appointed under the Labour Code as in the case of dismissal for union activities. Sections 14 to 19, 103 to 123 and 129a, and Chapter IX of the Labour Code then apply, *mutatis mutandis*.”

**3.** Section 38 of the said act is repealed.

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