

Statistics and Information

Holidays With Pay in the Collective Agreements in the Province of Quebec

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The following is an account of a judgment rendered by Justice Pettigrew, as summarized in the Quebec judiciary reports published by the provincial Bar:

The Labour Relations Act is within the powers of the provincial legislature. It is not incompatible with article 502-A of the Criminal Code, and consequently article 44 of the Labour Relations Act, which prescribes a penalty for failure to conform to the obligations of the Act, is not inoperative. Corporations, like individuals, can commit a criminal infraction. Although school boards can decline to rehire teachers without being bound to give their reasons, they are subject to the provisions of article 21 of the Labour Relations Act and cannot refuse to employ a teacher because, as in this case, she is president of an employees' association. The authorization of the Labour Relations Board, required by article 49 of the Labour Relations Act, is sufficiently explicit if it is clear that the commission gave its decision in full awareness of the case. In this case it implicitly contains the text of the request, and consequently contains all the essential elements. Under the Quebec Summary Convictions Act the motion to set aside

the complaint is admissible only when it removes irregularities which cannot be corrected by amendment.

(*Mlle Couture v. the school commissioners of the municipality of Lauzon*; Justice Pettigrew; Sessions of the peace, No. 37,801, Quebec, March 30, 1950; Q.B.R., C.S., May-June 1950, p. 201 and following.)

Paid vacation, stability factor

In an arbitration which took place in July, 1949, the representatives unanimously granted a second week of vacation with pay after five years of continuous service. They gave as their reason that they had in view the purpose of assuring a greater stability among the employees of the company.

(*Radiateur Plessis Limitée and the Syndicat des employés de fonderies de Plessisville, Inc.*; presiding, Me Roger Thibaudeau; representative for management, Me Maurice Boulanger, C.A.; representative for labour union, Me Marius Bergeron; unanimous award, July 22, 1949.)

BOOKS

El Contrato Colectivo de Trabajo, su significado economico-social, Mexico 1949; *Modernization de las Relaciones de Trabajo*, aspectos de una nueva conciencia patronal, Mexico 1949. These two works of about sixty pages each contain the account of the convention of the *Confederacion Patronal de la Republica Mexicana*. The first studies the collective labour agreement as it is generally understood, in relation to the contracting parties, to the business enterprise, and to the national economy. The second treats of the modernization of labour relations, giving special attention to the role of the employer in his relations with the workers, as head of the firm, and in relation to the national economy. The experiences under-

gone by employers in Mexico when not so long ago they were faced with a government at the mercy of revolutionary syndicalists, and the relative peace in which they find themselves at present, give to these works a realistic character and a sense of Christian social responsibility one would like to see take hold of the employers' associations of our country.

This employers' association which includes the great majority of Mexican employers does not believe that, even when faced with trade unions which are far from being inspired by the doctrine of the Church, it is necessary to create an hysterical atmosphere and to organize employers as though girded for battle, in order to bring peace to the troubled field of labour relations. G. D.

STATISTICS AND INFORMATION

HOLIDAYS WITH PAY IN THE COLLECTIVE AGREEMENTS IN THE PROVINCE OF QUEBEC

This third and last section of the work done in collaboration with the research bureau of the *Département des relations industrielles* of the *Faculté des sciences sociales* of Laval University, bears on the question of holidays with pay.

The first table gives us a bird's eye view of the paid holiday clauses included in 463 collective agreements deposited with the Labour Relations Board of the Province of Quebec. These agreements cover all the groups of establishments except manufacturing industries, and are divided according to the number of employers granting these paid holidays and the number of employees involved. All these agreements were in force as of December 31, 1948.

We find in them that 944 employers out of 1,930, having in their employ 28,806 workers out of a total of 59,111, grant from two to fifteen holidays with pay per year. On the other hand, 986 of these 1,930 employers, employing 30,305 of the 59,111 workers, do not give any paid holidays. Among the holidays in question it is easily shown that religious feast days predominate.

The following rules of application are found in some agreements. Fourteen agreements require the worker to be at work the day before and the day after the holiday in order to draw pay for it. One agreement requires presence at work during the whole week preceeding the holiday. Minimum service required before possession of the right to paid holidays is as follows: one agreement stipulates one month, three agreements require three months, and four agreements require a year. Four agreements grant only half pay for every feast day or holiday on which no work is done. Only one agreement provides compensation for an additional day to compensate for any holiday falling within the annual vacation of a workman. One hundred fifty-three agreements determine the observance of feast-days and stipulate a special pay regulation for work done on those days.

The second table shows the status of paid holidays in 702 collective agreements in the manufacturing industries of the Province of Quebec. These agreements were in force as of December 31, 1948.

611 employers (64.8%) out of a total of 942 regulated by these agreements, grant paid holidays to their 94,669 workers, who represent 68.9% of the 137,460 employees concerned. The minimum granted is one day, the maximum is 12.

The stipulation most frequently found in the agreements in regard to the right to days off with pay is presence at work the day before and the day after the holiday. This provision is found in one hundred agreements of this group. Nine other agreements require the workman to be on the job during the whole week preceding the holiday. Seven agreements place a condition of one month of service before granting the right to paid holidays; four agreements require two months; sixteen agreements require three months; eleven agreements, six months; seven agreements, one year; four agreements, three years; four agreements, five years; and finally one agreement stipulates fifteen years of service.

Two agreements guarantee double pay for a holiday falling within a worker's annual vacation. Five of these agreements add one day to the annual vacation if a holiday falls within it.

The observance of feast-days is provided for in 616 collective agreements which impose special pay regulations for work done on such days.

In the whole we find only 39 agreements of this category, applying to 50 employers and to 2,388 workers, which make no provision for feast-days, whether by paid holiday or by observance without remuneration.

The last table is a recapitulation of the two preceding. It covers 1,185 collective agreements deposited with the Labour Relations Board of the Province of Quebec, in force as of December 31, 1948. 2,872 employers with 196,571 workers, are subject to these 1,185 agreements. Of these, 1,555 employers, regulated by 841 agreements, grant holidays with pay to their 123,475 employees. On the other hand, 1,317 employers, having 73,096 employees, do not grant any. The minimum granted is one day, the maximum is fifteen. The average number of paid holidays thus granted is six for the whole group. 37.2% of all workers regulated by these agreements do not benefit by any holidays with pay. Here is a list of percentage taken from the last table, concerning the number of paid holidays granted: 1: 0.8%; 2: 9.2%; 3: 8.6%; 4: 7.1%; 5: 5.8%; 6: 10.2%; 7: 5.2%; 8: 3.5%; 9: 1.2%; 10: 3.6%; 11: 2.8%; 12: 4.4%; 13: 0.1%; 14: 0.2%; 15: 0.1%.

In the picture as a whole it is seen that religious feast-days predominate over civil holidays.

TABLE I: HOLIDAYS WITH PAY IN 463 COLLECTIVE WORK AGREEMENTS FOR ALL GROUPS OF ESTABLISHMENTS EXCEPT MANUFACTURING INDUSTRIES IN THE PROVINCE OF QUEBEC, DISTRIBUTED ACCORDING TO NUMBER OF EMPLOYERS GRANTING THEM, AND THE NUMBER OF EMPLOYEES CONCERNED, IN FORCE AS OF DECEMBER 31, 1948.

| Number of Holidays Granted | Number of employers granting paid holidays, distributed according to the character and number of the holidays | | | Number of employees concerned, distributed according to the character and number of the holidays | | | Number of employers granting paid holidays, and of employees concerned, distributed according to the number of the holidays | |
|----------------------------|---|-----------|--------|--|-----------|--------|---|-----------|
| | Civil | Religious | Undet. | Civil | Religious | Undet. | Employers | Employees |
| 0 | | | | | | | 986 | 30,305 |
| 1 | 10 | 3 | 19 | 231 | 182 | 1,372 | | |
| 2 | 35 | 40 | 8 | 6,411 | 5,312 | 126 | 35 | 3,217 |
| 3 | 440 | 52 | | 6,018 | 2,072 | | 18 | 1,304 |
| 4 | 217 | 4 | 4 | 3,530 | 313 | 138 | 21 | 4,135 |
| 5 | 172 | 11 | 1 | 6,217 | 3,240 | 30 | 9 | 454 |
| 6 | 4 | 282 | | 3,009 | 3,084 | | 21 | 808 |
| 7 | 16 | 368 | | 375 | 10,182 | | 22 | 731 |
| 8 | | 2 | | | 65 | | 6 | 519 |
| 9 | | 155 | | | 1,613 | | 262 | 979 |
| 10 | | | | | | | 10 | 3,080 |
| 11 | | | | | | | 199 | 3,341 |
| 12 | | | 1 | | | 66 | 322 | 9,898 |
| 13 | | | | | | | 2 | 101 |
| 14 | | | | | | | 10 | 121 |
| 15 | | | | | | | 7 | 118 |
| TOTAL | | | | | | | 1,930 | 59,111 |

Structure des salaires

The Report of the Fifth Annual Industrial Relations Convention of Laval University (1950), containing the conferences and the discussion, has just been printed. One can secure samples of this publication at the Département des relations industrielles, Faculté des sciences sociales, 2, rue de l'Université, Quebec City. Price: \$1.50 (franco).

Conferences: *Les éléments de contrôle de la rémunération du travail au sein de l'entreprise* (Walter Delaney); *Techniques de rémunération du travail: salaire au temps ou à la pièce* (L.-G. Daignault); *Techniques de rémunération du travail: salaire avec primes au rendement* (René Breton); *Critères sociaux et moraux de la détermination du salaire* (Gérard Picard); *Etude des variations des salaires entre unités d'une même industrie* (Marcel E. Franq); *Etude des variations des salaires entre industries différentes, sur le plan local, régional et national* (Eugène Forsey); *Le processus de fixation des salaires* (Maurice Lamontagne).

TABLE II: HOLIDAYS WITH PAY IN 702 COLLECTIVE WORK AGREEMENTS IN THE MANUFACTURING INDUSTRIES OF THE PROVINCE OF QUEBEC, DISTRIBUTED ACCORDING TO THE NUMBER OF EMPLOYERS GRANTING PAID HOLIDAYS AND THE NUMBER OF EMPLOYEES CONCERNED, IN FORCE AS OF DECEMBER 31, 1948.

| Number of Holidays Granted | Number of employers granting paid holidays, distributed according to the character and number of the holidays | | | Number of employees concerned, distributed according to the character and number of the holidays | | | Number of employers granting paid holidays, and of employees concerned, distributed according to the number of the holidays | |
|----------------------------|---|-----------|--------|--|-----------|--------|---|-----------|
| | Civil | Religious | Undet. | Civil | Religious | Undet. | Employers | Employees |
| 0 | | | | | | | 331 | 42,791 |
| 1 | 101 | 67 | 143 | 12,112 | 10,332 | 7,022 | 14 | 1,594 |
| 2 | 151 | 135 | 4 | 13,003 | 28,685 | 5,673 | 69 | 14,936 |
| 3 | 163 | 241 | 8 | 20,408 | 42,153 | 3,186 | 113 | 15,662 |
| 4 | 72 | 34 | | 10,828 | 2,114 | | 52 | 9,824 |
| 5 | 14 | 45 | 4 | 4,229 | 2,228 | 1,164 | 65 | 11,027 |
| 6 | 4 | 14 | 1 | 284 | 587 | 100 | 63 | 19,233 |
| 7 | 2 | 46 | | 3,792 | 2,151 | | 138 | 9,472 |
| 8 | | | | | | | 44 | 6,498 |
| 9 | | | | | | | 8 | 1,545 |
| 10 | | | | | | | 5 | 4,029 |
| 11 | | | | | | | 36 | 505 |
| 12 | | | | | | | 4 | 344 |
| TOTAL | | | | | | | 942 | 137,460 |

TABLE III: HOLIDAYS WITH PAY IN 1,185 COLLECTIVE WORK AGREEMENTS DEPOSITED WITH THE LABOUR RELATIONS BOARD OF THE PROVINCE OF QUEBEC, COVERING ALL GROUPS OF ESTABLISHMENTS, DISTRIBUTED ACCORDING TO THE NUMBER OF EMPLOYERS GRANTING PAID HOLIDAYS, AND THE NUMBER OF EMPLOYEES CONCERNED, IN FORCE AS OF DECEMBER 31, 1948.

| Number of Holidays Granted | Number of employers granting paid holidays, distributed according to the character and number of the holidays | | | Number of employees concerned, distributed according to the character and number of the holidays | | | Number of employers granting paid holidays, and of employees concerned, distributed according to the number of the holidays | |
|----------------------------|---|-----------|--------|--|-----------|--------|---|-----------|
| | Civil | Religious | Undet. | Civil | Religious | Undet. | Employers | Employees |
| 0 | | | | | | | 1,317 | 73,096 |
| 1 | | | | | | | 14 | 1,594 |
| 2 | 111 | 70 | 162 | 12,343 | 10,514 | 8,394 | 104 | 18,153 |
| 3 | 186 | 175 | 12 | 19,414 | 33,997 | 5,799 | 131 | 16,966 |
| 4 | 603 | 293 | 8 | 26,426 | 44,225 | 3,186 | 73 | 13,959 |
| 5 | 289 | 38 | 4 | 14,358 | 2,427 | 138 | 74 | 11,481 |
| 6 | 186 | 55 | 5 | 10,446 | 5,468 | 1,194 | 84 | 20,041 |
| 7 | 8 | 296 | 1 | 3,293 | 3,671 | 100 | 160 | 10,203 |
| 8 | 18 | 414 | | 4,167 | 12,333 | | 50 | 7,017 |
| 9 | | 2 | | | 65 | | 270 | 2,524 |
| 10 | | 155 | | | 1,613 | | 15 | 7,109 |
| 11 | | | | | | | 235 | 3,846 |
| 12 | | | 1 | | | 66 | 326 | 10,242 |
| 13 | | | | | | | 2 | 101 |
| 14 | | | | | | | 10 | 121 |
| 15 | | | | | | | 7 | 118 |
| TOTAL | | | | | | | 2,872 | 196,571 |