



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-THIRD LEGISLATURE

Bill 31

An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and the Act respecting manpower vocational training and qualification

Introduction

**Introduced by
Mr Pierre Paradis
Minister of Labour and Minister of Manpower and Income Security**

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EXPLANATORY NOTES

The object of this bill is to deregulate certain construction work, define the place of the skilled tradesman in the construction industry, grant to the Commission de la construction du Québec additional powers to ensure the carrying out of its functions and increase the amount of the fines.

The bill also provides that the Minister of Manpower and Income Security will be authorized to set up optional training and qualification programs in respect of non-regulated trades.

Bill 31

An Act to amend the Act respecting labour relations, vocational training and manpower management in the construction industry and the Act respecting manpower vocational training and qualification

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 4.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing the words “established by regulation of the Government” in the second and third lines of the first paragraph by the words “it establishes by regulation which requires the approval of the Government”.

2. Section 5 of the said Act is amended by replacing the words “established by regulation of the Government” in the third line of the third paragraph by the words “it establishes by regulation which requires the approval of the Government”.

3. The said Act is amended by inserting, after section 7.1, the following section:

“7.2 Every person involved in any construction work shall take the necessary means to enable the Commission and any person authorized by it for that purpose to exercise the powers provided for in section 7.1.”

4. Section 19 of the said Act is amended

(1) by adding, after subparagraph 8 of the first paragraph, the following subparagraph:

“(9) work carried out for the private purposes, other than commercial or industrial purposes, of a natural person, and consisting in

- i. maintenance, renovation, repair and alteration work;
- ii. the construction of a garage or a storage shed adjoining a residential building, whether contiguous thereto or not.”;

(2) by replacing the second and third paragraphs by the following paragraph:

“Sections 7.1, 7.2, 78, 80, 80.1, 81, 81.0.1, 82, 83 to 83.2, 85.1, 85.5, 85.6, 92, 119.1, 120, 121.1, 122 and 123.1 apply to skilled tradesmen in the construction industry. In addition, their remuneration shall be equal to the remuneration in currency and to the compensation or benefits of a pecuniary value determined by a collective agreement or decree for employees doing similar work. Every tradesman shall post up his contract at his place of work and send a copy of it to the Commission.”

5. Section 81 of the said Act is amended

(1) by inserting, after subparagraph *c* of the first paragraph, the following subparagraph:

“(c.1) recover, both from the employee contemplated in paragraph *c* who performs construction work without being the holder of the competency certificate required for that work and from his employer, an additional amount equal to 20% of the difference between the obligatory amount and that actually paid;”;

(2) by replacing subparagraph *f* of the first paragraph by the following subparagraph:

“(f) at any reasonable time and even at the place of work, require from any employer, employee or skilled tradesman any information considered necessary or require from any such person that he furnish the information in writing to the Commission within a period of ten clear days following the delivery of a written request to that effect or following the day such a request is made to him by any appropriate means;”;

(3) by adding, after the second paragraph, the following paragraph:

“The Commission may exercise any recourse provided for in subparagraphs *a* and *b* of the first paragraph against any person who is bound to pay to an employee the wage owed to him.”

6. The said Act is amended by adding, after section 81, the following section:

“81.0.1 Notwithstanding any other provision of this Act, the Commission may, by means of a written request to that effect, require any person contemplated in section 7.2 and any association to furnish to it, in writing or by any other means determined by the Commission, within a period of ten clear days of the sending of the request, any information and a copy of any document deemed necessary for the carrying out of the duties of the Commission.”

7. Section 81.1 of the said Act is amended by striking out the words “contemplated in paragraph *e* of section 81” in the first line.

8. The said Act is amended by adding, after section 81.1, the following section:

“81.2 The Commission shall deposit in any fund established by it pursuant to paragraph 8 of section 4 that it determines any amount it recovers pursuant to subparagraph *c.1* of section 81.”

9. Section 82 of the said Act is amended

(1) by replacing the words “hours of work” in the seventh line of subparagraph *b.1* of the first paragraph by the words “regular and extra hours of work”;

(2) by adding, after subparagraph *b.1* of the first paragraph, the following subparagraph:

“(b.2) oblige any skilled tradesman hired by a person other than a contractor contemplated in subparagraph *b.1* to transmit to it a monthly report in the form prescribed by the Commission giving, among others, the following particulars: his full name and address, his competency, the number of regular and extra hours of work done by him each week, the nature of his work, the name of the persons who hired his services and the remuneration received from them, and any other particulars considered pertinent;”;

(3) by striking out the words “who works otherwise than for the private purposes, other than the commercial or industrial purposes, of a natural person” in the third, fourth and fifth lines of subparagraph *c* of the first paragraph.

10. Section 83 of the said Act is replaced by the following sections:

“83. The following persons are guilty of an offence and liable, in addition to costs, to the fines provided for in section 120:

(1) every employer or employee who refuses or neglects to furnish the Commission or any person authorized by it with the information provided for in subparagraph *a* of section 82;

(2) every employer who does not grant, on request, or delays to grant the Commission, or any person authorized by it, access to the register, the registration system or the pay-list provided for in subparagraph *a* of section 82;

(3) every person who does not grant, or delays to grant, the Commission, or any person authorized by it, access to the place where construction work is being done or to the establishment of an employer.

“83.1 Every employee, employer or skilled tradesman who fails to comply with a request made by the Commission pursuant to subparagraph *f* of section 81 is guilty of an offence and liable, for each day during which the offence continues, in addition to costs, to a fine of \$125 in the case of an individual and \$575 in the case of any other person.

“83.2 Every person or association who or which fails to comply with a request made by the Commission pursuant to section 81.0.1 is guilty of an offence and liable, for each day during which the offence continues, in addition to costs, to a fine of \$125 in the case of an individual and \$575 in the case of any other person or of an association.”

11. Section 84 of the said Act is amended by replacing the figure “350” in the fourth line by the figure “575”.

12. Section 92 of the said Act is amended

(1) by adding, after subsection 3, the following subsection:

“(3.1) The Commission may, according to law, make an agreement with any person or association to allow the reciprocal transfer of all or part of the sums accumulated to the credit of a beneficiary under a complementary social benefits plan which it administers. The Commission may establish by by-law the terms and conditions necessary for the implementation of such an agreement.”;

(2) by replacing the first sentence of the first paragraph of subsection 4 by the following: “A skilled tradesman must participate in and contribute to complementary social benefits plans according to

the number of hours worked as shown in the monthly reports referred to in subparagraphs *b.1* and *b.2* of the first paragraph of section 82.”;

(3) by replacing the words “hours he works” in the eighth line of the second paragraph of subsection 4 by the words “regular and extra hours he works”;

(4) by adding, after subsection 4, the following subsection:

“(5) The Commission may establish by by-law the terms and conditions necessary for maintaining, for such period of time as it may determine, complementary social benefits plans for the benefit of the employees and skilled tradesmen participating in these plans on (*insert here the date of coming into force of this section*) and carrying on work that is no longer subject to this Act. The by-law shall determine the amounts of their assessment and of their contributions to the plans.”

13. Section 114 of the said Act is repealed.

14. Section 119.1 of the said Act is amended by striking out the words “, for industrial or commercial purposes,” in the first line of paragraphs 5 and 6.

15. Section 120 of the said Act is amended

(1) by adding the words “, of a decree” after the word “act” in the first line of the first paragraph;

(2) by replacing the words “of a corporation” in paragraph *b* by the words “of any other person”.

16. Section 122 of the said Act is amended

(1) by replacing the fifth, sixth, seventh, eighth and ninth lines of subsection 4 by the following: “an employee so as to pay a lower wage, is guilty of an offence and liable, in addition to costs,

(a) to a fine of \$1 000 in the case of an individual;

(b) to a fine of \$2 000 in the case of any other person or of an association;

(c) to a fine equal to twice the amount of the fine prescribed in paragraph *a* or *b*, as the case may be, for any first subsequent offence within two years;

(d) to a fine equal to three times the amount of the fine prescribed in paragraph *a* or *b*, as the case may be, for any other subsequent offence within two years.”;

(2) by striking out the second paragraph of subsection 4;

(3) by replacing the fourth, fifth and sixth lines of subsection 5 by the following: “summary proceedings, in addition to costs, to the fines prescribed in section 120.”

17. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is amended

(1) by adding the words “or enrolled in accordance with a program established pursuant to Chapter II.1” after the words “under this Act” in the third line of paragraph *b*;

(2) by adding the words “or a certificate issued under a program established pursuant to Chapter II.1” at the end of paragraph *f*.

18. The said Act is amended by adding, after section 29, the following chapter:

“CHAPTER II.1

“OPTIONAL TRAINING AND QUALIFICATION PROGRAMS

“29.1 The Minister may establish vocational training and qualification programs in respect of trades or vocations the carrying on of which is not regulated under this Act. These programs may in particular determine

(1) the activities that are part of a trade or vocation;

(2) the conditions for admission to apprenticeship and examinations and for obtaining a certificate of qualification;

(3) the subjects of the examinations and the certificates of qualification awarded upon completion of the programs;

(4) the duties exigible for the taking of examinations and for the issue and renewal of a certificate of qualification and apprentice booklet;

(5) any other related or supplementary provision deemed necessary for the efficient implementation of these programs.”

19. The provisions of this Act come into force on the date or dates fixed by the Government.