

1986, chapter 89

AN ACT TO AMEND THE ACT RESPECTING LABOUR RELATIONS IN THE CONSTRUCTION INDUSTRY

Bill 119

Introduced by Mr Pierre Paradis, Minister of Labour

Introduced 12 November 1986

Passage in principle 4 December 1986

Passage 17 December 1986

Assented to 17 December 1986

Coming into force: 1 January 1987, except subparagraph 2 of the fourth paragraph of section 33 and section 35, which will come into force on the date or dates fixed by the Government

Acts amended:

Act respecting piping installations (R.S.Q., chapter I-12.1)

Act respecting electrical installations (R.S.Q., chapter I-13.01)

Master Electricians Act (R.S.Q., chapter M-3)

Master Pipe-Mechanics Act (R.S.Q., chapter M-4)

Act respecting labour relations in the construction industry (R.S.Q., chapter R-20)





CHAPTER 89

An Act to amend the Act respecting labour relations in the construction industry

[Assented to 17 December 1986]

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

c. R-20,
Title,
replaced

1. The title of the Act respecting labour relations in the construction industry (R.S.Q., chapter R-20) is replaced by the following title:

“ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY”.

c. R-20, s.
1, am.

2. Section 1 of the said Act is amended

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

“contractors’
associa-
tions”

“(c.1) “contractors’ associations”: the Association provinciale des constructeurs d’habitations du Québec inc., the Association de la construction de Montréal et du Québec, the Fédération de la construction du Québec, the Association des constructeurs de routes et grands travaux du Québec, the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec;”;

(2) by replacing paragraph *d* by the following paragraph:

“Commis-
sion”

“(d) “Commission”: the Commission de la construction du Québec;”;

(3) by inserting, after paragraph *e*, the following paragraph:

“Committee
on
vocational
training”

“(e.1) “Committee on vocational training”: the Committee on vocational training in the construction industry;”;

(4) by inserting, after paragraph *p*, the following paragraph:

“occupa-
tion”

“(p.1) “occupation”: any activity not included in a trade within the meaning of a regulation made under paragraph 2 of section 123.1;”.

c. R-20,
Chap. II,
div. 1
headings
replaced

3. The headings of Chapter II and of division 1 of that chapter and sections 2 to 4 of the said Act are replaced by the following:

“COMMISSION DE LA CONSTRUCTION DU QUÉBEC,
JOINT COMMITTEE ON CONSTRUCTION AND COMMITTEE
ON VOCATIONAL TRAINING IN THE CONSTRUCTION INDUSTRY

“ § 1.—*Commission*

“Subdivision 1.—*Establishment and organization*

Establish-
ment

“2. The “Commission de la construction du Québec” is hereby established.

Corporation

“3. The Commission is a corporation.

Corporate
seat

“3.1 The Commission shall have its corporate seat at the place determined by the Government. Notice of the location or of any change of location of the corporate seat shall be published in the *Gazette officielle du Québec*. The Commission may hold its sittings anywhere in Québec.

Board of
directors

“3.2 The Commission shall be composed of a board of directors consisting of thirteen members including the chairman.

Appoint-
ment

Except the chairman, the members of the board of directors shall be appointed in the following manner:

(1) four members after consultation with the employers’ association and the contractors’ associations;

(2) four members after consultation with the representative associations;

(3) two members on the recommendation of the Minister of Labour;

(4) one member on the recommendation of the Minister of Manpower and Income Security;

(5) one member on the recommendation of the Minister of Education.

Term of office

“3.3 The members of the board of directors shall be appointed by the Government for not over five years.

Continuance in office

At the end of their terms, the members shall remain in office until they are replaced or reappointed.

Vacancy

“3.4 Any vacancy on the board of directors shall be filled in accordance with the prescribed mode of appointment to the office that is vacant.

Replacement of chairman

“3.5 If the chairman is temporarily absent or unable to act, the Government shall designate one of the members to replace him and exercise all his powers.

Replacement of member

If a member other than the chairman is temporarily absent, the Government may appoint, in accordance with the prescribed mode of appointment applicable to that member, a person to replace him in the interim, on such conditions as it may determine.

Chairman's duties

“3.6 The chairman shall see to it that the decisions of the board are carried out and he shall be responsible for the administration and management of the Commission within the scope of its regulations and guidelines.

Chief executive officer

The chairman is *ex officio* the chief executive officer of the Commission and shall perform his duties on a full-time basis.

Salary

“3.7 The Government shall determine the salary and other conditions of employment of the chairman.

Remuneration

The other members of the board are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

Expenses

They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties on such conditions and to such extent as may be determined by the Government.

Sums required

The sums required for the carrying out of this section shall be paid by the Commission.

Conflict of interest

“3.8 Under pain of forfeiture of office, the chairman shall have no direct or indirect interest in any undertaking placing his personal interest in conflict with that of the Commission.

Exception

Forfeiture of office shall not occur, however, if such interest devolves to him by succession or gift provided he renounces or disposes of it with all possible dispatch.

- Conflict of interest** Every member of the board of directors, other than the chairman, who has any direct or indirect interest in an undertaking placing his personal interest in conflict with that of the Commission shall, under pain of forfeiture of office, disclose his interest to the chairman in writing and abstain from sitting on the board and taking part in any discussion or decision when a matter pertaining to the undertaking in which he has an interest is being debated.
- Quorum** “**3.9** A majority or more of the appointed members, including the chairman, is a quorum at sittings of the board of directors.
- Tie-vote** The chairman is not entitled to vote except in case of a tie-vote.
- Administrative committees** “**3.10** The board of directors may set up two administrative committees:
- (1) the administrative committee on labour relations;
 - (2) the administrative committee on vocational training.
- Composition** “**3.11** The administrative committee on labour relations shall consist of
- (1) the chairman;
 - (2) a representative of the employers’ association who sits on the board;
 - (3) a representative of the representative associations who sits on the board;
 - (4) the two representatives appointed to the board of directors on the recommendation by the Minister of Labour.
- Functions** The administrative committee on labour relations shall perform the functions entrusted to it by the board of directors in matters relating to labour relations, except those functions that the board of directors is required to perform by regulation.
- Composition** “**3.12** The administrative committee on vocational training shall consist of
- (1) the chairman;
 - (2) a representative of the contractors’ associations who sits on the board;

(3) a representative of the representative associations who sits on the board;

(4) the two representatives appointed to the board of directors on the recommendation of the Minister of Manpower and Income Security and the Minister of Education, respectively.

Functions

The administrative committee on vocational training shall perform the functions entrusted to it by the board of directors in matters relating to vocational training, except those functions that the board of directors is required to perform by regulation.

"Subdivision 2.—Functions and powers

Commission's
function

"4. The function of the Commission is to administer this Act and in particular

(1) see to it that the collective agreement in force or the decree adopted under this Act is respected;

(2) supervise and control the application of this Act and the regulations and more particularly the observance of the norms relating to the placement, hiring and mobility of manpower in the construction industry;

(3) verify the qualifications of the workers of the construction industry;

(4) organize and supervise the holding of a vote on union affiliation and ascertain the representativeness of the associations referred to in section 28;

(5) see to the implementation, within the scope of the policies on manpower in the construction industry approved by the Government, of the measures and programs relating to the vocational training of the employees, the skilled tradesmen and the employers who personally perform construction work;

(6) administer supplemental fringe benefit plans in accordance with this Act;

(7) maintain a service for auditing the books of accounts of contractors to examine and verify the receipt of the contributions and levies prescribed under this Act or under a collective agreement or a decree adopted under this Act;

(8) set up and administer any compensation fund considered necessary by the parties to insure each employee of the payment of his salary and of all fringe benefits.

Personnel

"4.1 The Commission may appoint the personnel necessary for the carrying out of its functions according to the staffing plan established by regulation of the Government.

Powers,
duties and
remunera-
tion

The Commission shall determine the powers and duties of its personnel and, subject to section 5, its remuneration."

c. R-20, s.
7.1, added

4. The said Act is amended by adding, after section 7, the following section:

Powers

"7.1 The Commission, or any person it authorizes for that purpose, may

(1) enter, at any reasonable time, any place where construction work is carried on or an employer's establishment;

(2) require any information relating to the application of this Act or the regulations and the production of any relevant document for examination or reproduction.

Identifica-
tion

Every person authorized to exercise the powers provided in the first paragraph shall, on request, identify himself and show the certificate of his capacity issued by the Commission."

c. R-20, s.
10, am.

5. Section 10 of the said Act is amended by replacing the second paragraph by the following paragraph:

Approval

"Before the beginning of the month preceding the beginning of the fiscal year, the budget shall be submitted to the Joint Committee on Construction and to the Committee on vocational training for approval. If the committees have not approved it on 31 December, the budget shall automatically come into force on 1 January."

c. R-20, ss.
18.1 - 18.14,
added

6. The said Act is amended by inserting, after section 18, the following:

"§ 3.—Committee on vocational training in the construction industry

Establish-
ment

"18.1 The Minister shall set up the Committee on vocational training in the construction industry.

Advisory
duties

"18.2 The Committee on vocational training shall advise the Commission on any matter relating to vocational training in the

construction industry taking into consideration, in particular, the qualitative and quantitative requirements of the employers, employees and skilled tradesmen of that industry.

Composition **"18.3** The Committee on vocational training shall consist of fifteen members.

Chairman **"18.4** The chairman of the Committee shall be designated by the chairman of the Commission from among the personnel of the Commission.

Members The employers' association and each of the contractors' associations shall designate one member.

Members The representative associations shall designate seven members in the following manner:

(1) each of the associations whose representativeness is five per cent shall designate one member;

(2) if the seven places to which the representative associations are entitled are not filled in this manner, they shall be filled, on the second round, to the extent of one additional member for each association whose representativeness is fifteen per cent or more;

(3) if there remain places to be filled, they shall be filled, on a third round, to the extent of one additional member for each association whose representativeness is thirty per cent or more;

(4) each representative association shall in turn exercise its right under paragraphs 1 to 3 in order of representativeness until all the places are filled.

Substitute **"18.5** A substitute shall be designated for each member of the Committee on vocational training. The substitute shall not attend a meeting unless the member he substitutes for is absent.

Information to Minister **"18.6** The name of every member and of his substitute must be transmitted to the Minister within thirty days of the issue of the certificate referred to in section 34.

Term of office **"18.7** The members and substitutes shall remain in office until they are replaced or reappointed.

Vacancy **"18.8** The person who designated a member or a substitute to a seat that has become vacant shall transmit to the Minister the name of the person appointed to replace that member or substitute.

Quorum “**18.9** The chairman and four members representing the employers’ association and the contractors’ associations and four members representing the representative associations are a quorum at meetings of the Committee on vocational training.

Approval “**18.10** Every opinion must be approved by a majority of the members. The chairman is not entitled to vote.

Minutes “**18.11** The minutes of the meetings shall be prepared by a member of the personnel of the Commission.

Internal management “**18.12** The Committee on vocational training may adopt rules for its internal management. The rules are subject to the approval of the Commission. The Committee may also set up any provincial or regional subcommittee on trades or on occupations or on any sector of the construction industry; such a committee may be composed of persons who are not members of the Committee on vocational training.

Applicability Section 18.14 applies to the members of a subcommittee.

Remunerated employment excluded “**18.13** No member of the Committee on vocational training, with the exception of the chairman, may hold remunerated employment with the Commission.

Remuneration “**18.14** The members and substitutes are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

Expenses They are, however, entitled to the reimbursement of the expenses they incur in the performance of their duties on such conditions and to such extent as may be determined by the Government.

Sums required The sums required for the carrying out of this section shall be paid by the Commission.”

c. R-20, s. 19, am. **7.** Section 19 of the said Act is amended

(1) by replacing the word and figure “section 92” at the end of the second paragraph by the words and figures “sections 7.1, 80, 80.1, 85.1, 85.5, 85.6, 92, 119.1, 121.1 and paragraphs 1 to 12 and 14 of section 123.1”;

(2) by replacing the words and figures “sections 78, 82 and 92” in the sixth line of the third paragraph by the words and figures “sections 7.1, 78, 80, 80.1, 82, 85.1, 85.5, 85.6, 92, 119.1, 121.1 and 123.1”.

c. R-20, s.
28, am.

8. Section 28 of the said Act is amended by replacing the words “Confédération des syndicats nationaux (CSN)” in the second line by the words “Confédération des syndicats nationaux (CSN-CONSTRUCTION)”.

c. R-20, s.
30, am.

9. Section 30 of the said Act is amended by replacing subparagraph *a* of the first paragraph by the following subparagraph:

“(a) holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate issued by the Commission;”.

c. R-20, s.
37, am.

10. Section 37 of the said Act is amended by striking out, at the end, the words “, and is the only one that the employer is to consider for the purposes of employment of an employee, and also the only one for all purposes of the board”.

c. R-20, s.
59, repealed

11. Section 59 of the said Act is repealed.

c. R-20, s.
78, replaced

12. Section 78 of the said Act is replaced by the following section:

Complaints

“**78.** The Commission alone is authorized to receive complaints pertaining to the application of a norm relating to a placement agency or to the placement, hiring or mobility of manpower.”

c. R-20, s.
80, replaced

13. Section 80 of the said Act is replaced by the following sections:

Council of
arbitration

“**80.** The council of arbitration established pursuant to section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) shall be entrusted, on the application of any interested person, with the hearing and settlement of jurisdictional disputes relating to the practice of any trade or occupation.

Appeals

“**80.1** The council of arbitration shall also hear any appeal from a decision of the Commission

(1) refusing the issue or renewal of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet;

(2) issuing or renewing a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet which the holder considers inappropriate;

(3) refusing to reinstate a journeyman competency certificate, an occupation competency certificate or an apprentice competency

certificate and apprenticeship booklet cancelled pursuant to a provision of a regulation referred to in section 123.1;

(4) denying an employer the authorization to hire in a region the services of an employee or skilled tradesman;

(5) refusing an employer's application for the issue of an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet to an employee;

(6) refusing or cancelling an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet or subjecting the granting of such an exemption to conditions considered inappropriate by the applicant.

Employers
may appeal

Only an employer may appeal from a decision referred to in subparagraphs 4 and 5 of the first paragraph and, in the cases described in subparagraph 6 of the first paragraph, where the employer is required, under this Act or the regulations, to file himself the application for the granting of an exemption."

c. R-20, s.
81, am.

14. Section 81 of the said Act is amended by replacing the words "certificate of competency" in the eight and ninth lines of paragraph *a* by the words "journeyman competency certificate".

c. R-20, s.
82, am.

15. Section 82 of the said Act is amended

(1) by replacing the word "qualifications" in subparagraph *b.1* of the first paragraph by the word "competency";

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

"(2) such levy shall not exceed one per cent of the employee's remuneration and one per cent of the employer's pay-list, and, in the case of the skilled tradesman, one per cent of his remuneration;"

c. R-20,
chap. VII.I,
ss. 85.1 -
85.6, added

16. The said Act is amended by inserting, after section 85, the following chapter:

"CHAPTER VII.1

"VOCATIONAL TRAINING

Purpose

"85.1 The purpose of vocational training is to develop qualified and diversified manpower taking into consideration, in particular, the

qualitative and quantitative requirements of the employers, employees and skilled tradesmen of the construction industry.

Policies

“85.2 The Minister of Manpower and Income Security shall devise and propose to the Government the policies and measures relating to manpower in the construction industry.

Vocational training programs

“85.3 The Commission shall, after consultation with the Committee on vocational training, devise vocational training programs and submit them to the Minister of Manpower and Income Security for approval.

Advisory duties

“85.4 The Commission shall, after consultation with the Committee on vocational training, advise the Minister of Education on any matter relating to the vocational training provided in educational institutions.

Competency certificate

“85.5 To perform personally any construction work, every employer, employee or skilled tradesman must be the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet or be the grantee of an exemption issued by the Commission and have such certificate or a proof of exemption in his possession.

Competency certificate

“85.6 To perform personally any work relating to a trade, every employer, employee or skilled tradesman must be the holder of a journeyman competency certificate or an apprentice competency certificate and apprenticeship booklet or be the grantee of an exemption issued by the Commission in respect of that trade and have such certificate or a proof of exemption in his possession.”

c. R-20, s. 86, am.

17. Section 86 of the said Act is amended in paragraph 5 of the second paragraph

(1) by replacing the heading by the words *“Training of union representatives”*;

(2) by striking out the word “vocational” in the second line of the first paragraph.

c. R-20, s. 108.1, am.

18. Section 108.1 of the said Act is amended

(1) by striking out paragraph *a*;

(2) by replacing paragraph *b* by the following paragraph:

"licence" “(b) “licence” means a placement agency licence issued in accordance with a regulation made under section 123.”

c. R-20,
heading,
ss. 108.5-
108.17,
repealed

19. The heading of division 2 of Chapter X.1 and sections 108.5 to 108.17 of the said Act are repealed.

c. R-20, s.
109, am.

20. Section 109 of the said Act is amended by replacing the figure “52” in the first line by the figure “50”.

c. R-20,
s. 109.2,
am.

21. Section 109.2 of the said Act is amended by striking out the words “or, as the case may be, the board” in the third and fourth lines.

c. R-20, s.
119.1,
replaced

22. Section 119.1 of the said Act is replaced by the following section:

Offence and
penalty

“119.1 The following persons shall be guilty of an offence and liable, in addition to costs, to the fines provided in section 120:

(1) every employee, skilled tradesman or employer who personally performs construction work without being the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or the grantee of an exemption issued by the Commission or without having such certificate or a proof of exemption in his possession;

(2) every employee, skilled tradesman or employer who personally performs construction work pertaining to a trade without being the holder of a journeyman competency certificate or an apprentice competency certificate in respect of that trade or the grantee of an exemption issued by the Commission or without having such certificate or a proof of exemption in his possession;

(3) every person who hires the services of or assigns to construction work an employee who is not the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or the grantee of an exemption issued by the Commission or who does not have such certificate or a proof of exemption in his possession;

(4) every person who hires the services of or assigns to do work pertaining to a trade an employee who is not the holder of a journeyman competency certificate or an apprentice competency certificate in respect of that trade or the grantee of an exemption issued by the Commission or who does not have such certificate or a proof of exemption in his possession;

(5) every person who, for industrial or commercial purposes, hires for the performance of construction work the services of a skilled tradesman who is not the holder of a journeyman competency certificate or an occupation competency certificate or the grantee of an exemption issued by the Commission or who does not have such certificate or a proof of exemption in his possession;

(6) every person who, for industrial or commercial purposes, hires for the performance of work pertaining to a trade the services of a skilled tradesman who is not the holder of a journeyman competency certificate in respect of that trade or the grantee of an exemption issued by the Commission or who does not have such certificate or a proof of exemption in his possession;

(7) every employee, skilled tradesman or employer who personally performs construction work and who refuses, omits or neglects to show to a person authorized by the Commission the journeyman competency certificate, occupation competency certificate or apprentice competency certificate or, as the case may be, the proof of exemption, issued to him by the Commission;

(8) every person who uses the journeyman competency certificate, occupation competency certificate or apprentice competency certificate or apprenticeship booklet or the proof of exemption of another person;

(9) every person who alters or falsifies a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet or a proof of exemption;

(10) every person who makes a false declaration to obtain a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet or an exemption."

c. R-20, s.
121.1,
added

23. The said Act is amended by inserting, after section 121, the following section:

Penal
proceedings

"121.1 Penal proceedings under this Act are instituted in accordance with the Summary Convictions Act (R.S.Q., chapter P-15) by the Attorney General or by any person generally or specially authorized by him for that purpose."

c. R-20, s.
123,
replaced

24. Section 123 of the said Act is replaced by the following sections:

Regulations

"123. The Government may, by regulation,

- (1) establish the conditions and procedures for the issue, modification, renewal or withdrawal of a placement agency licence;
- (2) restrict the issue and renewal of placement agency licences to associations and groups of construction employees incorporated as professional syndicates, unions, brotherhoods or otherwise, and affiliated with an association;
- (3) render the placement licence mandatory for placement activities;
- (4) determine the powers that may be exercised by a government and by the Commission in matters of placement;
- (5) determine the rules of ethics and the standards of operations that must be observed by a placement agency and its personnel;
- (6) determine the form and content of the interim reports and financial statements that must be furnished to the Commission by a placement agency;
- (7) determine the fee exigible for the issue of a placement agency licence or the renewal thereof;
- (8) authorize the Commission to use for its administration part of the sums collected by it for fringe benefits and part or all of the funds or interest on funds kept in trust for paid holidays, fringe benefits or for any other purpose;
- (9) generally, adopt any other related or suppletive provision considered necessary to give effect to the provisions of this Act other than those relating to professional training.

Regulations

“123.1 The Commission may, by regulation,

- (1) determine the qualifications required for the practice of each trade;
- (2) determine the activities included in a trade;
- (3) make apprenticeship mandatory for the practice of a trade;
- (4) make training mandatory for the carrying on of an occupation;
- (5) determine the conditions of admission to apprenticeship and examinations, and of issue, renewal, cancellation and reinstatement of an apprentice competency certificate or apprenticeship booklet;

(6) determine the conditions of issue and renewal of a journeyman competency certificate in respect of a trade or, as the case may be, of part of the activities of a trade;

(7) determine the conditions of issue and renewal of occupation competency certificates;

(8) determine the cases where a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the practice of a trade or the carrying on of an occupation, as the case may be, while a person is undergoing vocational retraining, grant a determined period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a journeyman competency certificate and an occupation competency certificate;

(9) authorize the Commission to grant an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet and determine the criteria applicable to the granting or cancellation of such an exemption and the conditions to which the granting of such an exemption may be subject;

(10) determine the duration of apprenticeship, the number of apprentices in relation to the number of journeymen employed by an employer and the wage rate of an apprentice in relation to that of a journeyman;

(11) determine the fee exigible for admission to examinations and the issue or renewal of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet;

(12) determine the fee exigible for the granting of an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet;

(13) establish regional priority rules in matters of manpower placement, hiring and mobility and provide exceptions to those rules and, for those purposes, divide the territory of Québec into regions and define and delimit bordering zones;

(14) generally, adopt any other related or suppletive provision considered necessary to give effect to the provisions of this section and of this Act with respect to vocational training.

Recommendation “**123.2** Every regulation of the Commission made under paragraphs 1 to 12 and 14 of section 123.1 shall be transmitted to the Minister of Manpower and Income Security who, after consultation with the Minister of Labour, shall recommend it to the Government for approval.

Recommendation Every regulation of the Commission made under paragraphs 13 and 14 of section 123.1 shall be transmitted to the Minister of Labour who, after consultation with the Minister of Manpower and Income Security, shall recommend it to the Government for approval.

Amendment The Government may amend the regulations submitted for approval under the first and second paragraphs.

Regulation made by the Government Where the Commission fails to adopt a regulation under paragraphs 1 to 12 and 14 of section 123.1 within such time as the Government may consider reasonable, the Government, on the recommendation of the Minister of Manpower and Income Security and after consultation with the Minister of Labour, may, itself, make the regulation.

Regulation by the Government Where the Commission fails to adopt a regulation under paragraphs 13 and 14 of section 123.1 within such time as the Government may consider reasonable, the Government, on the recommendation of the Minister of Labour and after consultation with the Minister of Manpower and Income Security, may, itself, make the regulation.”

c. R-20, s. 123.1, replaced **25.** Section 123.1 of the said Act is replaced by the following section:

Joint Committee on Construction “**123.3** The Commission shall submit to the Joint Committee on Construction, for consultation, every regulation it may adopt under this Act other than a regulation under section 123.1, before it is adopted.

Committee on vocational training The Commission shall submit to the Committee on vocational training, for consultation, every regulation it may adopt under section 123.1, before it is adopted.

Comments The Joint Committee on Construction or the Committee on vocational training, as the case may be, shall, within thirty days, send its comments to the Commission. At the expiry of that time, the Commission may adopt the regulation.”

c. R-20, s. 124, replaced **26.** Section 124 of the said Act is replaced by the following section:

Applicable provisions “**124.** The provisions of the Labour Code, of the Act respecting collective agreement decrees and of the Act respecting manpower

vocational training and qualification do not apply in the construction industry, except where expressly provided to the contrary.”

c. R-20, s.
126.1,
added

27. The said Act is amended by inserting, after section 126, the following section:

Minister
responsible

“126.1 The Minister of Labour is responsible for the administration of this Act.”

MISCELLANEOUS AND TRANSITIONAL PROVISIONS

c. I-12.1, s.
2, am.

28. Paragraph 3 of section 2 of the Act respecting piping installations (R.S.Q., chapter I-12.1) is amended by inserting the words “or a journeyman competency certificate issued under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)” after the word “qualification” in the third line.

c. I-13.01, s.
2, am.

29. Paragraph 6 of section 2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01) is amended by inserting the words “or a journeyman competency certificate issued under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)” after the words “qualification (chapter F-5)” in the fourth line.

c. M-3, s. 1,
am.

30. Section 1 of the Master Electricians Act (R.S.Q., chapter M-3) is amended

(1) in paragraph 10, by inserting the words “or a journeyman competency certificate issued under the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)” after the word “qualification” in the third line;

(2) in paragraph 11, by inserting the words “or registered with the Commission de la construction du Québec, in accordance with the Act respecting labour relations, vocational training and manpower management in the construction industry” after the word “qualification” in the third line.

c. M-4, s. 1,
am.

31. Section 1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended

(1) in paragraph 8, by inserting the words “or a journeyman competency certificate issued under the Act respecting labour relations,

vocational training and manpower management in the construction industry (R.S.Q., chapter R-20)" after the word "qualification" in the third line;

(2) in paragraph 9, by inserting the words "or registered with the Commission de la construction du Québec, in accordance with the Act respecting labour relations, vocational training and manpower management in the construction industry" after the word "qualification" in the third line.

Journeyman
competency
certificate

32. The Commission de la construction du Québec shall issue a journeyman competency certificate to every person who, on 31 December 1986, holds a valid card referred to in section 36 of the Act respecting labour relations in the construction industry and a valid qualification certificate or attestation of experience issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry (R.R.Q., c. F-5, r.3) and in respect of whom a monthly report filed with the Office de la construction du Québec by an employer registered therewith proves that he worked for at least one hour in the construction industry between 1 January 1985 and 31 December 1986.

Journeyman
competency
certificate

The Commission shall issue, upon application, a journeyman competency certificate to every person who holds a valid qualification certificate or attestation of experience issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry and who furnishes proof that he has successfully completed a safety course required by the Safety Code for the Construction Industry (R.R.Q., c. S-2.1, r.6).

Journeyman
competency
certificate

The journeyman competency certificate must pertain to the trade, specialty or, as the case may be, skills for which the qualification certificate or attestation of experience was issued.

Apprentice
competency
certificate

33. The Commission de la construction du Québec shall issue an apprentice competency certificate to every apprentice who, on 31 December 1986, holds a valid card referred to in section 36 of the Act respecting labour relations in the construction industry and an apprenticeship card and booklet, valid on that date, issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry and in respect of whom a monthly report filed with the Office de la construction du Québec by an employer registered therewith proves that he worked for at least one hour in the construction industry between 1 January 1985 and 31 December 1986.

Apprentice
competency
certificate

The Commission shall issue, upon application, an apprentice competency certificate to every apprentice holding a valid apprenticeship card and booklet issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry and who furnishes proof that he has successfully completed a safety course required by the Safety Code for the Construction Industry.

Apprentice
competency
certificate

The apprentice competency certificate issued by the Commission de la construction du Québec under the first and second paragraphs must pertain to the trade in which its holder was admitted to apprenticeship.

Apprentice
competency
certificate

The Commission de la construction du Québec shall issue an apprentice competency certificate to every person

(1) who applies therefor, is sixteen years of age or over, holds a secondary school certificate granted for one of the construction trades and issued by an institution recognized by the Ministère de l'Éducation and furnishes proof that he has successfully completed a safety course required by the Safety Code for the Construction Industry;

(2) sixteen years of age or over and in respect of whom an employer registered with the Commission de la construction du Québec files a request for manpower, guarantees that person employment for not less than 500 hours over a period of one year or less and furnishes to the Commission proof of the guarantee and proof that the person has successfully completed a safety course required by the Safety Code for the Construction Industry.

Apprentice-
ship booklet

The holder of an apprentice competency certificate issued under the fourth paragraph may obtain from the Ministère de la Main-d'œuvre et de la Sécurité du revenu an apprenticeship booklet referred to in the Regulation respecting the vocational training and qualification of manpower in the construction industry.

Eligibility

No person other than the holder of the apprentice competency certificate issued by the Commission de la construction du Québec in accordance with this section and of the apprenticeship booklet may be admitted to or pursue apprenticeship in accordance with the Regulation respecting the vocational training and qualification of manpower in the construction industry and, as the case may be, obtain a qualification certificate or attestation of experience in accordance with such regulation.

Occupation
competency
certificate

34. The Commission de la construction du Québec shall issue an occupation competency certificate to an employee not referred to in

section 32 or the first and second paragraphs of section 33 who, on 31 December 1986, holds a valid card referred to in section 36 of the Act respecting labour relations in the construction industry and in respect of whom a monthly report filed with the Office de la construction du Québec by an employer registered therewith proves that he worked for at least one hour in the construction industry between 1 January 1985 and 31 December 1986.

Occupation
competency
certificate

The Commission shall issue an occupation competency certificate to any person who proves to its satisfaction that he cannot obtain an occupation competency certificate under the first paragraph for the sole reason that he was unable to perform any construction work relating to his occupation during the period comprised between 1 January 1985 and 31 December 1986 by reason of illness, accident or management or union activities.

Occupation
competency
certificate

35. The Commission de la construction du Québec shall issue an occupation competency certificate to an employee sixteen years of age or over who is not referred to in sections 32 to 34 and in respect of whom an employer registered with the Commission files a request for manpower, guarantees that employee employment for not less than 500 hours over a period of one year or less and furnishes to the Commission proof of the guarantee and proof that the employee has successfully completed a safety course required by the Safety Code for the Construction Industry.

Validity of
certificates

36. The journeyman competency certificate, occupation competency certificate or apprentice competency certificate issued by the Commission de la construction du Québec must indicate the region of the domicile of its holder. The certificates remain valid until a regulation under section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry provides for their replacement or renewal.

Application

Every employee holding an occupation competency certificate who files an application or in respect of whom an employer files a request under the fourth paragraph of section 33 must surrender his occupation competency certificate to the Commission de la construction du Québec to obtain an apprentice competency certificate from the Commission.

Occupation
competency
certificate

The Commission de la construction du Québec shall issue an occupation competency certificate to every employee holding an apprentice competency certificate issued under section 33 in respect of whom an employer registered with the Commission files a request for manpower, guarantees that employee employment for at least 500 hours over a period of one year or less and furnishes to the Commission

proof of that guarantee and proof that the employee has successfully completed a safety course required by the Safety Code for the Construction Industry. The occupation competency certificate shall be issued on the surrender to the Commission of the employee's apprentice competency certificate and apprenticeship booklet.

Exemptions

37. The Commission de la construction du Québec may, by way of exception, exempt a person from the obligation to hold a journeyman competency certificate, occupation competency certificate or apprentice competency certificate where

(1) the person proves that he has acquired, outside Québec, the qualifications required to practice the trade or specialty referred to in the Regulation respecting the vocational training and qualification of manpower in the construction industry for which he wishes to obtain an exemption from the obligation to hold a journeyman competency certificate;

(2) the person proves that he was admitted to apprenticeship under an apprenticeship program established outside Québec that is considered equivalent to the apprenticeship program prescribed by the Regulation respecting the vocational training and qualification of manpower in the construction industry in the trade for which he wishes to obtain an exemption from the obligation to hold an apprentice competency certificate;

(3) the person establishes that he intends to perform construction work within the framework of an interprovincial or international agreement relating to a manpower vocational training exchange program;

(4) an employer establishes that without the services of that person he will be unable to cause a given construction work to be properly carried out.

Conditions

Any exemption granted under this section is subject to one or several of the following conditions: the exemption is valid for a limited time and is restricted to specified works or to a specified region, locality, construction site, employer or task. The exemption is cancelled if the exempted person or his employer, if any, fails to comply with the conditions attached to it.

Effect

This section shall cease to have effect on the date fixed in a regulation contemplated in paragraph 9 of section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry.

Regulation
on
vocational
training

38. The Regulation respecting the vocational training and qualification of manpower in the construction industry shall be deemed to have been made under section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry.

Minister
responsible

The Minister of Manpower and Income Security is responsible for the administration of the said regulation, except with respect to penal proceedings to which section 121.1 of the said Act applies until replaced or repealed by a regulation under section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry.

Proof of
qualifica-
tions

39. Every journeyman competency certificate issued under section 32 is proof of the qualifications acquired by its holder in the trade, specialty or skill to which it pertains, as if it had been issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry.

Proof of
apprentice-
ship

Every apprentice competency certificate issued under section 33 is proof that its holder is an apprentice in the trade to which it pertains as if it had been issued under the Regulation respecting the vocational training and qualification of manpower in the construction industry.

Cancellation
or reinstatement

The cancellation or reinstatement of any apprenticeship booklet in accordance with the Regulation respecting the vocational training and qualification of manpower in the construction industry entails the cancellation or reinstatement, as the case may be, of the apprentice competency certificate issued by the Commission de la construction du Québec.

Appeal

40. Any person may appeal to the council of arbitration referred to in section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) from a decision

(1) refusing the issue of a journeyman competency certificate, occupation competency certificate or apprentice competency certificate contemplated in sections 32 to 36;

(2) issuing a journeyman competency certificate, occupation competency certificate or apprentice competency certificate contemplated in sections 32 to 36 that is inappropriate;

(3) refusing the reinstatement of an apprentice competency certificate contemplated in the third paragraph of section 39;

(4) refusing or cancelling, pursuant to section 37, an exemption from the obligation to hold a journeyman competency certificate, occupation competency certificate or apprentice competency certificate, or subjecting the granting of such an exemption to conditions considered inappropriate by the applicant;

(5) of the Ministère de la Main-d'œuvre et de la Sécurité du Revenu, contemplated in section 29 of the Regulation respecting the vocational training and qualification of manpower in the construction industry.

Employers
may appeal

Only an employer may appeal from a decision contemplated in subparagraph 2 of the fourth paragraph of section 33, in section 35, in the third paragraph of section 36 or in subparagraph 4 of the first paragraph of section 37.

Regulations
in force

41. Subject to section 42, the regulations under the Act respecting labour relations in the construction industry remain in force until they are amended, replaced or repealed by a regulation under the Act respecting labour relations, vocational training and manpower management in the construction industry.

Presumption

The regulations referred to in the preceding paragraph shall be deemed to be regulations under the Act respecting labour relations, vocational training and manpower management in the construction industry, with the required adaptations.

Applicable
regulation

42. The Regulation respecting placement of employees in the construction industry (Order 1946-82 of 25 August 1982 and amendments) shall continue to apply. However, the definition of "classification certificate" in section 1, sections 49, 50 and sections 2 to 23, 55 and 56 relating to the issue, renewal and obligation to hold a classification certificate are repealed.

Amendment

The said regulation is amended as follows:

(1) the words "if the latter" in the second line of section 25 are replaced by the words "and a group of employees of the construction industry incorporated as a professional syndicate, a union, a brotherhood or otherwise and affiliated with an association which";

(2) the words "Classification Certificate "A"" in sections 35 and 38 are replaced by the words "journeyman competency certificate, occupation competency certificate", with the required adaptations;

(3) the words "Classification Certificate "Apprentice"" in sections 35, 37 and 38 are replaced by the words "apprentice competency certificate", with the required adaptations;

(4) the last sentence of section 36 is struck out;

(5) the words "during the 2 calendar years prior to the renewal date of his classification certificate" in the first two lines of subparagraph 1 of the first paragraph of section 38 are replaced by the words "from 1 September 1984 to 1 September 1986";

(6) the words "classification certificate" in the second paragraph of section 38 and the words "classification certificates" in section 48 are replaced by the words "journeyman competency certificate, occupation competency certificate or apprentice competency certificate, as the case may be", with the required adaptations;

(7) the words "the renewal date" in the third line of the second paragraph of paragraph 1 of section 44 are replaced by the words "1 September 1986";

(8) paragraph 5 of Schedule 2 is replaced by the following paragraph:

"5. The journeyman competency certificate, occupation competency certificate or apprentice competency certificate, as the case may be, held by the employee;"

Presumption The regulation is deemed to have been made under the Act respecting labour relations, vocational training and manpower management in the construction industry.

Approval **43.** The Commission de la construction du Québec shall, before 1 May 1987, adopt and transmit to the Government for approval a regulation contemplated in section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry and respecting the conditions of issuance of a journeyman competency certificate, occupation competency certificate and apprentice competency certificate.

Amendment The Government may amend any regulation referred to in the first paragraph. If the Commission fails to adopt and transmit such a regulation to the Government before 1 May 1987, the Government may, itself, make the regulation.

Rights and obligations of the Office **44.** The Commission de la construction du Québec succeeds to the Office de la construction du Québec and for that purpose it acquires the rights and assumes the obligations of the Office.

Pending
matters

45. Matters pending before the Office de la construction du Québec shall be continued and decided by the Commission de la construction du Québec in accordance with this Act.

Transfer of
proceedings

Any proceedings to which the Office de la construction du Québec is a party are transferred, without continuance of suit, to the Commission de la construction du Québec according to the duties and powers conferred on it by this Act. Penal proceedings instituted by the Office de la construction du Québec before 1 January 1987 are continued, without continuance of suit, by the Commission de la construction du Québec.

Continuance
in office

46. The members and the chairman of the Office de la construction du Québec in office on 31 December 1986 become, respectively, members and chairman of the board of directors of the Commission de la construction du Québec until they are replaced or appointed pursuant to the Act respecting labour relations, vocational training and manpower management in the construction industry.

Names of
members
and
substitutes

47. Notwithstanding section 18.6 of the Act respecting labour relations, vocational training and manpower management in the construction industry, the parties concerned must transmit to the Minister of Labour, not later than 31 January 1987, the names of the members and substitutes appointed by them to the Committee on vocational training in the construction industry.

Members

48. The members of the personnel of the Office de la construction du Québec in office on 31 December 1986 become, without further formalities, members of the personnel of the Commission de la construction du Québec.

Supplemen-
tary budget

49. Notwithstanding section 10 of the Act respecting labour relations, vocational training and manpower management in the construction industry, the Commission de la construction du Québec may, from 1 January 1987, adopt a supplementary budget for the year 1987 to provide for vocational training in the construction industry.

Approval

The supplementary budget shall be transmitted to the Joint Committee on Construction and to the Committee on vocational training in the construction industry for approval. If the committees have not approved it within the next thirty days, the supplementary budget shall automatically come into force at the end of that period.

Reference

50. In any Act, regulation, proclamation, order in council, decree, contract or other document, a reference to a provision of the Act

respecting labour relations in the construction industry is a reference to the corresponding provision of the Act respecting labour relations, vocational training and manpower management in the construction industry.

Words
replaced

In any document referred to in the first paragraph, the name "Office de la construction du Québec" and the words "Office", "Board" or "board", where used to designate the said Office, are replaced, with the necessary adaptations, by the name "Commission de la construction du Québec" or the word "Commission", unless the context indicates otherwise.

Interpreta-
tion

51. Where the words "Confédération des syndicats nationaux (CSN)" appear on any certificate, card or other documents for the purposes of the Act respecting labour relations, vocational training and manpower management in the construction industry, they refer to the "Confédération des syndicats nationaux (CSN-CONSTRUCTION)", unless the context indicates otherwise.

Agreement

52. The Minister of Manpower and Income Security may enter with the Commission de la construction du Québec into an agreement permitting the transfer to the Commission of public servants with permanent tenure from the department under his direction.

Sick-leave
and vacation

53. The agreement shall preserve the accumulated sick-leave and vacation of the public servants to which it pertains and establish their classification and seniority.

Salary

54. The agreement shall stipulate that the salary of a public servant who agrees to be transferred to the Commission de la construction du Québec may in no case be reduced by the sole fact of the transfer.

Interpreta-
tion

55. The agreement shall provide mechanisms for the settlement of any disagreement as to its interpretation.

Obligation

56. The Commission de la construction du Québec has an obligation to take in its employ every public servant referred to in section 52 who agrees to be transferred to the Commission.

Permanent
tenure

57. Every public servant who, within the time provided in the agreement, agrees to be transferred to the Commission de la construction du Québec becomes, from the date set in the agreement, an employee with permanent tenure of the Commission. He is then governed solely by the conditions of employment in force at the Commission and, where that is the case, a member of the appropriate bargaining unit.

Presumption Every public servant who does not notify, within the time provided in the agreement, his refusal to be transferred to the Commission is deemed to have agreed to be transferred to the Commission.

Application for transfer or promotion **58.** Every public servant who, pursuant to the agreement referred to in section 52, becomes an employee of the Commission de la construction du Québec shall have the privilege, as long as he holds his employment, to apply for a transfer or take part in a competition for promotion to an employment in the public service in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1).

Classification **59.** An employee referred to in section 58 may, while he is in the employ of the Commission de la construction du Québec, apply to the Office des ressources humaines for an opinion on the classification that could be assigned to him in the public service. The opinion must take account of the classification that the employee had in the public service and the years of experience and formal training acquired since he has been in the employ of the Commission.

Notice of classification **60.** The Office des ressources humaines shall issue to every such employee who applies for a transfer or enters a competition for promotion a notice of classification which must be established on the basis of the criteria set out in section 59.

Termination of activities or lack of work **61.** Where some or all of the activities of the Commission de la construction du Québec cease or in case of a lack of work, every such employee is entitled to be placed by the Office des ressources humaines in an employment of the public service corresponding to his classification as established on the basis of the criteria set out in section 59.

Reserve The employee is placed on reserve in the public service and he remains an employee of the Commission until his placement by the Office des ressources humaines.

Effect **62.** Sections 32 to 36 shall cease to have effect, wholly or in part, on the date or dates fixed by the Government.

Coming into force **63.** The provisions of this Act come into force on 1 January 1987 except subparagraph 2 of the fourth paragraph of section 33 and section 35, which will come into force on the date or dates fixed by the Government.