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Summary

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Regulations and other acts

Gouvernement du Québec

O.C. 676-2006, 28 June 2006

Building Act
(R.S.Q., c. B-1.1)

Regulation — Amendments

Regulation to amend the Regulation respecting the application of the Building Act

WHEREAS, under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, exempt from the application, in whole or in part, of the Act, categories of contractors;

WHEREAS, under the second paragraph of section 182 of the Act, a regulation made under subparagraph 1 of the first paragraph of that section to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors may provide for adjustments to the provisions of the Act and the regulations, including regulations adopted by the Régie du bâtiment du Québec, and for special management rules applicable to the categories of persons and contractors covered by the regulation;

WHEREAS, under the second paragraph of section 192 of the Act, the contents of such a regulation may vary to facilitate the recognition of the qualifications, skills or work experience of the building contractors covered by an intergovernmental agreement in respect of mobility or the recognition of such qualifications, skills or work experience;

WHEREAS, by Décret 490-2006 dated 30 May 2006, the Government approved the “Entente entre le gouvernement du Québec et le gouvernement de l’Ontario sur la mobilité de la main d’œuvre et la reconnaissance de la qualification professionnelle, des compétences et des expériences de travail dans l’industrie de la construction (2006)”;

WHEREAS it is expedient, to give effect to that agreement, to make the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council;

WHEREAS, under the second paragraph of section 182 of the Building Act, a regulation made to give effect to an intergovernmental agreement is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the application of the Building Act*

Building Act
(R.S.Q., c. B-1.1, ss. 4.1 and 182, 1st par., subpar. 1 and 2nd par.)

1. Section 3.1 of the Regulation respecting the application of the Building Act is amended in the first paragraph

(1) by replacing in the French text “des garanties des logements neufs de l’Ontario établi en vertu de la Loi sur le régime des garanties” in subparagraph 1 by “de garanties des logements neufs de l’Ontario établi en vertu de la Loi sur le Régime des garanties”;

* The Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, G.O. 2, 1100) was last amended by the regulation made by Order in Council 894-2004 dated 22 September 2004 (2004, G.O. 2, 2832). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

(2) by replacing “Companies Branch of the Ministry of Consumer and Commercial Relations of Ontario” in subparagraphs 2 and 3 by “Companies and Personal Property Security Branch of the Ministry of Government Services of Ontario”.

2. This Regulation comes into force on the day of its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

O.C. 677-2006, 28 June 2006

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20)

Commission de la construction du Québec — Certain exemptions from the requirement of holding a competency certificate or an exemption — Amendments

Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Government may, in order to give effect to an intergovernmental agreement in respect of manpower mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec;

WHEREAS, under the same paragraph, such regulations may, in particular, provide for adjustments to the provisions of the Act and the regulations and special management rules;

WHEREAS, by Order in Council 490-2006 dated 30 May 2006, the Government approved the Agreement on Labour Mobility and Recognition of Qualification, Skills and Work Experience in the Construction Industry (2006) Between the Government of Ontario and the Gouvernement du Québec;

WHEREAS it is expedient, in order to give effect to that agreement, to make the Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, attached to this Order in Council;

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, such a regulation is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour:

THAT the Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec*

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 123, 2nd par.)

1. The Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec is amended by replacing the first paragraph of section 1 by the following:

“**1.** A person domiciled in Ontario who is covered by the Agreement on Labour Mobility and Recognition of Qualification, Skills and Work Experience in the Construction Industry (2006) Between the Government of Ontario and the Gouvernement du Québec and who meets, in accordance with the provisions of that agreement, the applicable requirements in respect of occupational health and safety training is exempt from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, where the person satisfies one of the following conditions:

(1) the person holds a valid, recognized attestation authorizing him to carry on, in Ontario, a trade which, under or pursuant to that agreement, is paired with one of the trades listed in Schedule A to the Regulation respecting vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, with a specialty under one of those trades or a trade that is recognized as being equivalent to an occupation existing in Québec;

(2) the person holds a Trade Activity Card in force, issued in accordance with that agreement and pertaining to an activity included in one of the trades listed in Schedule A or to an activity listed in Schedule C to the Regulation respecting the vocational training of manpower in the construction industry, provided that, in both cases, the activity is recognized in the agreement; or

(3) the person holds a Specialized Construction Work Card in force and issued in accordance with the agreement, and the Commission de la construction du Québec recognizes that the work to be carried out by that person is specialized construction work.”

2. Section 2 is replaced by the following:

“**2.** For the purposes of subparagraph 1 of the first paragraph of section 1, a Certificate of Qualification, a Certificate of Apprenticeship, a Provisional Certificate of Qualification or an Apprentice Identification card issued under a statute of the Province of Ontario is a recognized attestation; a Certificate of Qualification issued in accordance with an interprovincial agreement on the reciprocal recognition of vocational qualification (Red Seal) is also a recognized attestation.

The exemptions provided for in subparagraphs 2 and 3 of the first paragraph of section 1 are limited to work carried out for a contractor domiciled in Ontario. The exemption provided for in subparagraph 3 is valid for one year. Construction work is considered “specialized” if it meets the following criteria:

(1) the construction work is not covered by the trades of crane operator, tinsmith, electrician, pipe-fitter - specialty of plumber or specialty of the heating systems installer, refrigeration mechanic or elevating devices mechanic;

(2) the tasks involved require knowledge and technical expertise, acquired through compulsory training offered by the manufacturer of the product, or by a trainer approved by the manufacturer, on a specific construction technique or on the installation, maintenance or repair of a particular product; and

(3) the manufacturer’s warranty is conditional upon installation of the product being carried out by a person who has successfully completed a training program referred to in paragraph 2. “.

3. The first three paragraphs of section 6 are replaced by the following:

“**6.** For the purposes of applying the relevant provisions of the Regulation respecting the vocational training of manpower in the construction industry to a person who is exempted under section 1 of this Regulation, a person holding a Certificate of Qualification, a Certificate of Apprenticeship, a Trade Activity Card or a Specialized Construction Work Card is deemed to be a journeyman and a person holding a Provisional Certificate of Qualification or an Apprentice Identification Card is deemed to be an apprentice.

* The Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, made by Order in Council 4-97 dated 7 January 1997 (1997, G.O. 2, 185), was last amended by the regulation made by Order in Council 1463-99 dated 15 December 1999 (1999, G.O. 2, 5253). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2006, updated to 1 April 2006.

For the purposes of applying the same provisions to a person who is exempted under section 2.1 of this Regulation, a person holding a Certificate of Qualification is deemed to be a journeyman and a person holding an Apprentice Identification Card is deemed to be an apprentice.

Section 16 of the Regulation respecting the vocational training of manpower in the construction industry does not apply to a person referred to in the first or second paragraph.”.

4. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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