

**Gazette**  
officielle  
**DU Québec**

**Part**

**2**

**No. 51**

18 December 2019

**Laws and Regulations**

Volume 151

**Summary**

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Legal deposit – 1st Quarter 1968  
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### Contents

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**PROVINCE OF QUÉBEC**

1ST SESSION

42ND LEGISLATURE

QUÉBEC, 7 NOVEMBER 2019

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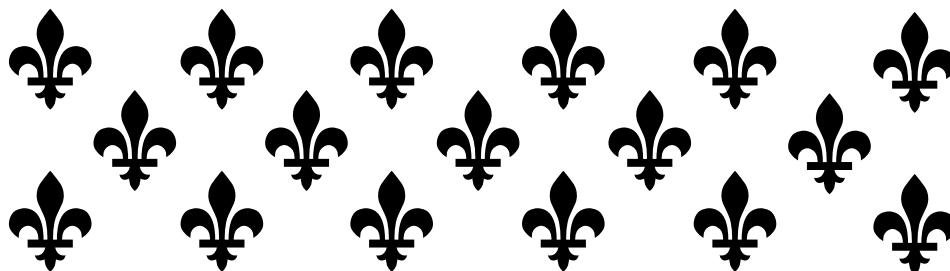
**OFFICE OF THE LIEUTENANT-GOVERNOR***Québec, 7 November 2019*

This day, at ten minutes past two o'clock in the afternoon,  
His Excellency the Lieutenant-Governor was pleased to  
assent to the following bill:

- 5      An Act to amend the Education Act and other  
provisions regarding preschool education  
services for students 4 years of age

To this bill the Royal assent was affixed by His Excellency  
the Lieutenant-Governor.





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# NATIONAL ASSEMBLY OF QUÉBEC

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FIRST SESSION

FORTY-SECOND LEGISLATURE

Bill 5  
(2019, chapter 24)

**An Act to amend the Education Act  
and other provisions regarding  
preschool education services for  
students 4 years of age**

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**Introduced 14 February 2019  
Passed in principle 14 June 2019  
Passed 5 November 2019  
Assented to 7 November 2019**

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**Québec Official Publisher  
2019**

## EXPLANATORY NOTES

*This Act amends mainly the Education Act and the Act respecting private education in connection with the provision of preschool education services.*

*First, the Minister of Education and Higher Education is empowered to provide for school boards to organize, starting from the 2020–2021 school year, preschool educational services intended for students having reached 4 years of age, regardless of the economic area that they live in.*

*Furthermore, starting from the school year determined by the Government, all children having reached 4 years of age will be entitled to preschool education services, thereby requiring those services to be offered by all school boards according to the general framework provided for in the Education Act.*

*The Act respecting private education is also amended so that private educational institutions can, starting from the 2020–2021 school year, provide preschool education services to children having reached 4 years of age.*

*Lastly, the Act also includes consequential amendments.*

## LEGISLATION AMENDED BY THIS ACT:

- Act respecting private education (chapter E-9.1);
- Education Act (chapter I-13.3).

## REGULATIONS AMENDED BY THIS ACT:

- Regulation respecting exceptional cases for admission to preschool and elementary school education (chapter I-13.3, r. 1);
- Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8).



## Bill 5

### AN ACT TO AMEND THE EDUCATION ACT AND OTHER PROVISIONS REGARDING PRESCHOOL EDUCATION SERVICES FOR STUDENTS 4 YEARS OF AGE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### EDUCATION ACT

- 1.** Section 1 of the Education Act (chapter I-13.3) is amended by replacing “5 years” in the third paragraph by “4 years”.
- 2.** Section 37.2 of the Act is repealed.
- 3.** Section 224.1 of the Act is amended by replacing “to achieve them” in the second paragraph by “to provide quality service”.
- 4.** The Act is amended by inserting the following section after section 224.1:  

**“224.2.** Each year, the school board shall consult the governing board concerning the organization in the school of preschool education services intended for students 4 years of age on the date determined in the basic school regulation.”
- 5.** Section 241.1 of the Act is amended by striking out “to preschool education for the school year in which he attains 5 years of age, or admit him” in subparagraph 1 of the first paragraph.
- 6.** Section 447 of the Act is amended, in the third paragraph,
  - (1) by striking out subparagraphs 6 and 7;
  - (2) by adding the following subparagraph at the end:  

“(11) determine the number of students per teacher for the preschool education services intended for students 4 years of age on the date determined under subparagraph 2 of the second paragraph.”

**7.** Section 461.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “permit the organization, by the school boards” and “age of four” by “, after consultation with the school boards, provide for the organization, by the latter” and “age of 4”, respectively;

(b) by striking out “from underprivileged backgrounds”;

(2) by replacing “define the expression “from underprivileged backgrounds” in those conditions and procedures and” in the second paragraph by “, in those conditions and procedures,”;

(3) by adding the following sentence at the end of the third paragraph: “They are primarily designed to meet the needs of students from underprivileged backgrounds, as defined by the Minister, when allocating available physical, human and financial resources.”;

(4) by replacing the fifth paragraph by the following paragraph:

“The aim of the consultation provided for in the second paragraph is to ensure consistency between the preschool educational services intended for the students referred to in the first paragraph and organized under this section and, in particular, the childcare services for children 4 years of age governed by the Educational Childcare Act (chapter S-4.1.1).”

**8.** Section 472 of the Act is amended, in the second paragraph,

(1) by replacing “, to a school board authorized, for the purpose of subsidies” by “to a school board which is authorized, for the purpose of subsidies,”;

(2) by replacing “subparagraphs 6 and 7 of the third paragraph of section 447 and sections 461.1 and 468” by “section 468”.

## ACT RESPECTING PRIVATE EDUCATION

**9.** Section 24 of the Act respecting private education (chapter E-9.1) is amended by replacing “5 years” by “4 years”.

**10.** Section 26 of the Act is amended by striking out “to preschool education for the school year in which he reaches 5 years of age, or” in paragraph 1.

## REGULATION RESPECTING EXCEPTIONAL CASES FOR ADMISSION TO PRESCHOOL AND ELEMENTARY SCHOOL EDUCATION

**11.** The title of the Regulation respecting exceptional cases for admission to preschool and elementary school education (chapter I-13.3, r. 1) is amended by striking out “preschool and”.

**12.** Section 1 of the Regulation is amended

- (1) by striking out paragraph 1;
- (2) by striking out “preschool or” in paragraph 7.

BASIC SCHOOL REGULATION FOR PRESCHOOL, ELEMENTARY  
AND SECONDARY EDUCATION

**13.** Section 12 of the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8) is amended

- (1) in the first paragraph,
  - (a) by replacing “age of 5” by “age of 4”;
  - (b) by inserting “so that the program of activities established by the Minister for their age is provided to them” at the end;
- (2) by striking out the second and third paragraphs.

**14.** Section 16 of the regulation is amended by striking out the second paragraph.

**15.** Section 17 of the regulation is amended by replacing the third paragraph by the following paragraph:

“However, the school board may exempt from the minimum set out in the first paragraph, on the conditions and to the extent determined by the Minister, handicapped students, within the meaning of Schedule I, who are admitted to preschool education services intended for students 4 years of age on the date determined in the first paragraph of section 12.”

**16.** Schedule I to the regulation is replaced by the following schedule:

**“SCHEDULE I**

(s. 17)

HANDICAPPED STUDENTS

1. Handicapped students are students whose overall functioning, evaluated by a qualified person, shows that they satisfy the following conditions:

- (1) they are considered handicapped within the meaning of the Act to secure handicapped persons in the exercise of their rights with a view to achieving social, school and workplace integration (chapter E-20.1);

(2) they display disabilities that limit or prevent participation in educational services; and

(3) they need support in order to function in a school environment.”

#### TRANSITIONAL AND FINAL PROVISIONS

**17.** Each school board reports to the Minister on the implementation of this Act as regards the following elements, in connection with preschool education services intended for students 4 years of age:

(1) the type of educational childcare services attended, if any, by students before their admission to preschool education services, namely, a childcare centre, day care centre or home childcare;

(2) the number of students per teacher;

(3) the support services provided to teachers by a person specialized in the development of preschool-age children;

(4) the student services offered to students, namely, the psychological, psychoeducational, special education, remedial education, speech therapy, and health and social services under the Basic school regulation for preschool, elementary and secondary education (chapter I-13.3, r. 8);

(5) the childcare services provided at school, including the number of students per childcare staff member; and

(6) the organization of student transportation, including safety measures.

The Minister draws up an overall report, including the amount of operating expenses allocated to school boards, and tables it in the National Assembly not later than 1 November after receiving the reports, which must be submitted not later than,

(1) for the first time, 30 June following 7 November 2019;

(2) subsequently, 30 June of each year until the date determined by the Government for the coming into force of section 1; and

(3) for the last time, 30 June of the fifth year following the date determined by the Government for the coming into force of section 1.

**18.** Sections 224.1 and 461.1 of the Education Act (chapter I-13.3), as amended by sections 3 and 7, are repealed on the date determined by the Government for the coming into force of section 1.

**19.** For the purposes of the Act respecting private education (chapter E-9.1), the first paragraph of section 12 of the Basic school regulation for preschool, elementary and secondary education is to be read, until the date determined by the Government for the coming into force of section 13 of this Act and for the 2020–2021 school year and subsequent years, as if “age of 5” were replaced by “age of 4” and as if “so that the program of activities established by the Minister for their age is provided to them” were inserted at the end.

A permit to operate a private educational institution, in force on 7 November 2019, that is issued in accordance with section 12 of the Act respecting private education and authorizes its holder to dispense education services termed “éducation préscolaire 5 ans” (preschool education services for 5-year-olds), does not authorize the holder to dispense preschool education services intended for students having reached 4 years of age, as provided for by the amendments made by this Act. To be authorized to do so, the holder must make a request for the modification, under section 20 of the Act respecting private education, of the educational services mentioned in his permit.

Despite the time limits prescribed by sections 4 and 5 of the Regulation respecting the application of the Act respecting private education (chapter E-9.1, r. 1), any application for the issue or modification of a permit to operate a private educational institution in order to dispense, for the 2020–2021 school year, preschool education services intended for students having reached 4 years of age, as provided for by the amendments made by this Act, must be filed with the Minister not later than 6 January 2020.

**20.** This Act comes into force on the date to be determined by the Government, except section 3, paragraph 2 of section 6, section 7, paragraph 1 of section 8, and sections 9, 10, 17, 18, 19 and 20, which come into force on 7 November 2019.

However, despite the coming into force of sections 3, 7, 9 and 10, sections 224.1 and 461.1 of the Education Act and sections 24 and 26 of the Act respecting private education, as they read before being amended, continue to apply for the purposes of the 2019–2020 school year.



## Regulations and other Acts

Gouvernement du Québec

**O.C. 1233-2019**, 11 December 2019

Courts of Justice Act  
(chapter T-16)

### Schedule IV — Amendment

Regulation to amend Schedule IV to the Courts of Justice Act

WHEREAS, under section 160 of the Courts of Justice Act (chapter T-16), administrative justices of the peace are to exercise only the powers and functions determined in Schedule IV for the class assigned to them in their notice of appointment;

WHEREAS, under the first paragraph of section 181 of the Act, the Government may, by regulation, amend in particular Schedule IV to modify, add to or reduce the functions and powers of administrative justices of the peace;

WHEREAS, under the second paragraph of section 181 of the Act, despite sections 11 and 17 of the Regulations Act (chapter R-18.1), the regulation may be made after the expiry of 15 days from the publication of the draft regulation in the *Gazette officielle du Québec* and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

WHEREAS, in accordance with section 10 of the Regulations Act and section 181 of the Courts of Justice Act, a draft of the Regulation to amend Schedule IV to the Courts of Justice Act was published in Part 2 of the *Gazette officielle du Québec* of 18 September 2019 with a notice that it could be made by the Government on the expiry of 15 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend Schedule IV to the Courts of Justice Act, attached to this Order in Council, be made.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

### Regulation to amend Schedule IV to the Courts of Justice Act

Courts of Justice Act  
(chapter T-16, s. 181)

**1.** The Courts of Justice Act (chapter T-16) is amended in Schedule IV

(1) by adding “and declarations of a person named as a surety” after “informations” in the first dash of paragraph 1 and by striking out “, undertakings and recognizances”;

(2) by adding “and declarations of a person named as a surety” after “informations” in the fifth dash of paragraph 1 and by striking out “, undertakings and recognizances”;

(3) by replacing “of ordering an interim release” in the tenth dash of paragraph 1 by “of making a release order”, and by striking out “on an undertaking or a recognizance,”;

(4) by striking out the eleventh dash of paragraph 1;

(5) by striking out “and search warrants” in the twelfth dash of paragraph 1;

(6) by replacing the nineteenth dash of paragraph 1 by the following:

“confirming or cancelling appearance notices and undertakings, and issuing a summons if necessary (section 508 of the Criminal Code); ”;

(7) by adding “and declarations of a person named as a surety” after “informations” in the first dash of paragraph 2 and by striking out “, undertakings and recognizances”;

(8) by replacing “of ordering an interim release” in the sixth dash of paragraph 2 by “of making a release order”, and by striking out “on an undertaking or a recognizance,”;

(9) by striking out the seventh dash of paragraph 2;

(10) by replacing the tenth dash of paragraph 2 by the following:

“confirming or cancelling appearance notices and undertakings, and issuing a summons if necessary (section 508 of the Criminal Code);”;

(11) by adding “and declarations of a person named as a surety” after “informations” in the eleventh dash of paragraph 2 and by striking out “, undertakings and recognizances”;

(12) by replacing “of ordering an interim release” in the sixteenth dash of paragraph 2 by “of making a release order”, and by striking out “on an undertaking or a recognizance,”;

(13) by striking out the seventeenth dash of paragraph 2;

(14) by striking out “and search warrants” in the eighteenth dash of paragraph 2;

(15) by replacing the twenty-fourth dash of paragraph 2 by the following:

“confirming or cancelling appearance notices and undertakings, and issuing a summons if necessary (section 508 of the Criminal Code);”.

**2.** This Regulation comes into force on 18 December 2019.

104197



## Draft Regulations

### Draft Regulation

Building Act  
(chapter B-1.1)

#### Professional qualification of contractors and owner-builders — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders, appearing below, may be approved by the Government, with or without amendment, on the expiry of 45 days following this publication.

The draft Regulation determines the continuing education requirements applicable to certain guarantors of contractor's licences so that they maintain their knowledge up to date and adapt their working procedures to new standards and regulatory changes.

In pursuit of those objectives, the draft Regulation provides for monitoring and penalties applicable should the continuing education requirements not be met.

The proposed measures will entail costs estimated at about \$43.2M per two-year period for enterprises, mostly small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Michel Raymond, qualification advisor, Direction de la qualification et des relations avec la clientèle, 337, rue Moreault, local 1.01, Rimouski (Québec) G5L 1P4; telephone: 418 732-1609; email: michel.raymond@rbq.gouv.qc.ca.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Mélanie Drainville, Secretary General and Director of institutional affairs, Régie du bâtiment du Québec, 800, place D'Youville, 16<sup>e</sup> étage, Québec (Québec) G1R 5S3; email: projet.reglement.commentaires@rbq.gouv.qc.ca.

ANDRÉE LAFOREST,  
*Minister of Municipal Affairs and Housing*

### Regulation to amend the Regulation respecting the professional qualification of contractors and owner-builders

Building Act  
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 38,  
and s. 192)

**1.** The Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended in section 12 by adding the following after subparagraph *o* of subparagraph 1 of the first paragraph:

“(p) if the person is referred to in section 56.16 or 56.17, or in section 19 of the Regulation respecting the mandatory continuing education of master electricians (*published as a draft in Part 2 of the Gazette officielle du Québec of 18 December 2019*), or in section 19 of the Regulation respecting the mandatory continuing education of master pipe-mechanics (*published as a draft in Part 2 of the Gazette officielle du Québec of 18 December 2019*), a statement of continuing education, together with a copy of participation certificates issued by the trainers, showing that the person has complied with the continuing education requirements provided for in those sections;”.

**2.** The following Chapter is added after section 56:

#### “CHAPTER IV.1 CONTINUING EDUCATION

##### DIVISION I SCOPE

**56.1.** This Chapter applies to construction work guarantors for any of the following licence subclasses:

(1) licence subclasses referred to in Schedule I: 1.1.1, 1.1.2, 1.2 or 1.3;

(2) licence subclasses referred to in Schedule II: 15.1.1, 15.2.1, 15.3.1, 15.4.1 or 15.5.1.

This Chapter also applies to such guarantor for a licence subclass referred to in the first paragraph that has been issued under section 62.1 of the Building Act (chapter B-1.1).

**56.2.** The following persons are excluded from the application of this Chapter:

(1) a construction work guarantor for any of licence subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 who is also a construction work guarantor for any of subclasses 15.1, 15.2, 15.3 and 15.4;

(2) a construction work guarantor for licence subclass 15.5.1 who is also a construction work guarantor for subclass 15.5;

(3) a construction work guarantor who acts in that capacity solely for an owner-builder's licence;

(4) a building contractor domiciled outside Québec who has obtained a licence by benefiting from an exemption in accordance with sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1).

**56.3.** Persons who, to qualify as construction work guarantor for any of the licence subclasses referred to in section 56.1 pass the examination provided for in section 24 or successfully complete a training program recognized by the Board in accordance with section 20 are exempt from the continuing education requirement related to that subclass during the reference period in progress at the time of passing or completion.

Persons who show that they have the knowledge or relevant experience in carrying out of construction work by any other means the Board considers fitting, in accordance with subparagraph 1 of the first paragraph of section 58 of the Building Act (chapter B-1.1), are exempt from the continuing education requirement related to that subclass during the reference period in progress at the time of the demonstration.

## **DIVISION II** **CONTINUING EDUCATION REQUIREMENTS**

**56.4.** A construction work guarantor for one or more licence subclass referred to in section 56.1 must conduct 16 hours of continuing education per 2-year reference period.

Despite the foregoing, where a person is a guarantor for a licence subclass referred to in Schedule I, for any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and for subclass 15.5.1 simultaneously, the person is then required to conduct 24 hours of continuing education per 2-year reference period.

The education hours required under the first and second paragraphs must be education activities that are recognized by the Board.

The first reference period begins on 1 April 2022.

**56.5.** Where 16 hours of education are required, the guarantor must conduct at least 8 hours of education related to the performance of construction work for the licence subclass for which the guarantor is a guarantor.

Despite the foregoing, subject to section 56.6, the construction work guarantor for a licence subclass referred to in Schedule I and for a licence subclass referred to in Schedule II must conduct 16 hours of continuing education related to the performance of construction work, including 8 hours of education related to a subclass in each of the Schedules.

Likewise, the construction work guarantor for any of licence subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and for subclass 15.5.1 must conduct 16 hours of education related to the performance of construction work, including 8 hours of education related to any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and 8 hours for subclass 15.5.1.

**56.6.** Where 24 hours of education are required, the guarantor must conduct 8 hours of education related to a licence subclass referred to in Schedule I, 8 hours of education related to any of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1 and 8 hours of education related to subclass 15.5.1. All those education activities must be related to the performance of construction work in those subclasses.

**56.7.** Where a person is a construction work guarantor for more than one licence subclass referred to in Schedule I, the person distributes the 8 hours of education related to the performance of construction work between the subclasses concerned. The foregoing also applies where a person is a construction work guarantor for more than one of subclasses 15.1.1, 15.2.1, 15.3.1 and 15.4.1.

**56.8.** A guarantor who has met the continuing education requirements for a reference period may postpone a maximum of 4 excess hours of education to the subsequent reference period. Despite the foregoing, the postponed hours may not reduce the hours that must be devoted to education required under section 56.11 during the subsequent reference period.

**56.9.** Despite the suspension of a licence, the continuing education requirements provided for in this Chapter continue to apply.

### DIVISION III CONDITIONS AND MONITORING

**56.10.** For the purposes of this Chapter, all continuing education activities must be recognized by the Board. The conditions for the recognition of education and trainers are established by resolution of the Board.

Such resolutions are published on the Board's website.

**56.11.** The Board may determine, by resolution, before a given reference period begins, the education that all construction work guarantors or some of them must receive among the mandatory hours of continuing education. In such case, the Board sets the duration of the education, the time allotted to receive it and it indicates the authorized trainers.

Such resolutions are published on the Board's website.

**56.12.** A construction work guarantor referred to in this Chapter is responsible for sending to the Board, through the electronic system set up by the Board, a statement of continuing education together with a copy of the participation certificates issued by the trainers not later than 31 March from the end of each reference period.

However, where the licence includes any of licence subclasses 15.1, 15.2, 15.3, 15.4 and 15.5, the construction work guarantor referred to in this Chapter must send the documents required under the first paragraph to the Corporation of Master Pipe-Mechanics of Québec, constituted under the Master Pipe-Mechanics Act (chapter M-4) or, where the licence includes subclass 16, to the Corporation of Master Electricians of Québec, constituted under the Master Electricians Act (chapter M-3), through the electronic system set up or used by those corporations. Where the licence includes any of subclasses, 15.1, 15.2, 15.3, 15.4 and 15.5 and subclass 16 simultaneously, the guarantor must then send the documents referred to in the first paragraph to the corporation which, as designated by the building contractor for which the guarantor acts, is responsible for the contractor's professional qualification.

**56.13.** Participation certificates must be kept for at least 2 years after the end of the reference period during which the education was received by the guarantor and, where the licence holder is a partnership or legal person, by the partnership or legal person. The certificates must be available for consultation by the Board.

### DIVISION IV PENALTIES

**56.14.** The Board sends a notice in writing to the licence holder where the guarantor fails to meet the continuing education requirements provided for in this Chapter.

The notice indicates the nature of the failure and the penalty provided for in this Division to which the licence holder is liable if the failure is not remedied by the guarantor within 90 days from the date of the end of the reference period.

If the licence holder is a partnership or legal person, a copy of the notice is also sent to the guarantor in default.

**56.15.** If the continuing education requirements are not met within 90 days from the date of the end of the reference period, the licence ceases to have effect for the licence subclass covered by the continuing education requirements.

For the purposes of section 73 of the Building Act (chapter B-1.1) and this Regulation, the construction work guarantor who is in default is deemed to have ceased to act as guarantor for the licence subclass covered by the requirements on the date of the end of the reference period.

Despite the foregoing, in the case of a licence subclass for a partnership or legal person, the licence remains in force if another person who is not in default is a construction work guarantor for that subclass.

**56.16.** A construction work guarantor for a licence subclass referred to in section 56.1 who ceases to act in that capacity for a subclass pursuant to section 56.15 may not apply for the same subclass, for the guarantor itself or on behalf of a partnership or legal person, without first meeting the continuing education requirements that caused the guarantor to cease to act as guarantor.

**56.17.** A construction work guarantor for a licence subclass referred to in section 56.1 who ceases to act in that capacity for a reason other than the reason provided for in section 56.15 may not apply for the same subclass, for the guarantor or on behalf of a partnership or legal person, without first meeting the continuing education requirements of the reference period during which the guarantor ceased to act in that capacity or, if the guarantor was exempt under section 56.3, the continuing education requirements that would have been imposed on the guarantor had the exemption not been granted.

This section does not apply to a person who again applies for the title of guarantor in the same reference period as the period during which the guarantor ceased to act in that capacity.”

**3.** This Regulation comes into force on 1 April 2022.

104193

## Notice

An Act respecting collective agreement decrees (chapter D-2)

### Automotive services industry – Chapais, Chibougamau, Lac Saint-Jean and Saguenay — Amendment

Notice is hereby given, in accordance with section 5 of the Act respecting collective agreement decrees (chapter D-2), that the Minister of Labour, Employment and Social Solidarity has received an application by the contracting parties to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint Jean and Saguenay (chapter D-2, r. 7) and that, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), the Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Decree removes the trade of pump attendant and increases the minimum hourly wage rates.

Study of the regulatory impact shows that the amendments will have a negligible impact on enterprises, including small and medium-sized businesses.

Further information can be obtained by contacting Jonathan Vaillancourt, Direction des politiques du travail, Ministère du Travail, de l'Emploi et de la Solidarité sociale, 200, chemin Sainte-Foy, 5<sup>e</sup> étage, Québec (Québec) G1R 5S1; telephone: 418 643-3840; fax: 418 643-9454; email: jonathan.vaillancourt@mtess.gouv.qc.ca.

Any person wishing to comment on the draft Decree is requested to submit written comments within a 45-day period to the Deputy Minister of Labour, Employment and Social Solidarity, 425, rue Jacques-Parizeau, 4<sup>e</sup> étage, Québec (Québec) G1R 4Z1.

BRIGITTE PELLETIER,  
*Deputy Minister of Labour, Employment  
and Social Solidarity*

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## Decree to amend the Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay

An Act respecting collective agreement decrees (chapter D 2, ss. 2, 4, 6 and 6.1)

**1.** The Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (chapter D-2, r. 7) is amended in section 1.01 by striking out paragraph 10.

**2.** Section 1.02 is amended by the following:

“**1.02.** Names of Contracting Parties:

(1) Group representing the employer contracting party:

(a) Corporation des concessionnaires automobiles du Saguenay–Lac-Saint-Jean-Chibougamau;

(b) Automotive Industries Association of Canada;

(c) Association des spécialistes de pneu et mécanique du Québec (ASPMQ);

(d) L'Association des marchands Canadian Tire du Québec inc.;

(e) Fédération du secteur de l'automobile “région 02” inc.;

(f) M.C.Q. Mouvement Carrossiers Québec;

(2) Group representing the union party:

(a) Syndicat démocratique des employés de garage Saguenay–Lac-St-Jean.”

**3.** Section 3.01 is amended by striking out paragraph 2.

**4.** Section 10.01 is replaced by the following:

“**10.01.** The minimum hourly wage rates are as follows:

“

<b>Trades</b>	<i>As of (insert the date of coming into force of this Decree)</i>	<i>As of (insert the date that occurs 1 year after the date of coming into force of this Decree)</i>	<i>As of (insert the date that occurs 2 years after the date of coming into force of this Decree)</i>	<i>As of (insert the date that occurs 3 years after the date of coming into force of this Decree)</i>
<b>1. Apprentice:</b>				
1st year	\$14.01	\$14.43	\$14.79	\$15.16
2nd year	\$14.48	\$14.91	\$15.29	\$15.67
3rd year	\$15.29	\$15.75	\$16.14	\$16.55
4th year	\$16.40	\$16.89	\$17.31	\$17.75
<b>2. Journeyman:</b>				
Class A	\$23.41	\$24.00	\$24.60	\$25.21
Class B	\$21.23	\$21.76	\$22.30	\$22.86
Class C	\$19.05	\$19.53	\$20.01	\$20.51
<b>3. Parts Clerk:</b>				
1st year	\$12.75	\$13.13	\$13.46	\$13.80
2nd year	\$13.40	\$13.80	\$14.15	\$14.50
3rd year	\$14.16	\$14.58	\$14.95	\$15.32
4th year	\$14.94	\$15.39	\$15.77	\$16.17
5th year	\$15.61	\$16.08	\$16.48	\$16.89
6th year	\$16.38	\$16.87	\$17.29	\$17.73
7th year	\$16.74	\$17.24	\$17.67	\$18.12
8th year	\$17.20	\$17.72	\$18.16	\$18.61
<b>4. Messenger:</b>	\$12.50	\$12.88	\$13.20	\$13.53
<b>5. Dismantler:</b>				
1st year	\$12.55	\$12.93	\$13.25	\$13.58
2nd year	\$12.65	\$13.03	\$13.36	\$13.69
3rd year	\$13.64	\$14.05	\$14.40	\$14.76
4th year	\$14.75	\$15.19	\$15.57	\$15.96
<b>6. Washer:</b>	\$12.50	\$12.81	\$13.13	\$13.46

Trades	As of (insert the date of coming into force of this Decree)	As of (insert the date that occurs 1 year after the date of coming into force of this Decree)	As of (insert the date that occurs 2 years after the date of coming into force of this Decree)	As of (insert the date that occurs 3 years after the date of coming into force of this Decree)
<b>7. Service Attendant:</b>				
1st year	\$12.75	\$13.13	\$13.46	\$13.80
2nd year	\$12.99	\$13.38	\$13.71	\$14.06
3rd year	\$13.77	\$14.18	\$14.54	\$14.90
4th year	\$14.89	\$15.34	\$15.72	\$16.11
<b>8. Semiskilled Worker:</b>				
1st year	\$13.00	\$13.39	\$13.72	\$14.07
2nd year	\$13.43	\$13.83	\$14.18	\$14.53
3rd year	\$14.61	\$15.05	\$15.42	\$15.81

The notion of journeyman includes the trades of mechanic, diesel mechanic, welder, electrician, bodyman, wheel aligner, automatic transmission specialist, painter, saddler and body repairer.”.

**5.** Section 13.01 is amended by replacing “22 December 2014” and “June 2014” by “31 December 2023” and “June 2023”, respectively.

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

104191

## Draft Regulation

Master Electricians Act  
(chapter M-3)

Building Act  
(chapter B-1.1)

Order in council respecting the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them  
(chapter B-1.1, r. 4)

## Continuing education requirements for master electricians

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting continuing education requirements for master electricians, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation imposes continuing education requirements to the members of the Corporation of Master Electricians of Québec to ensure that they update their skills and adapt their work methods to the prescriptive and regulatory changes.

The addition of these new regulatory provisions will entail costs estimated at \$4.7M per 2-year period for the members of the Corporation of Master Electricians of Québec, mostly small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Julie Senécal, Assistant Director General and Corporative Secretary, Corporation of Master Electricians of Québec, 5925, boulevard Décarie, Montréal (Québec) H3W 3C9; telephone: 514 738-2184, extension 228; email: julie.senecal@cmeq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Martin Desrochers, Director of strategic mandates and housing, Ministère des Affaires municipales et de l’Habitation 10, rue Pierre-Olivier-Chauveau, 3<sup>e</sup> étage, aile Cook Québec (Québec) G1R 4J3; email: martin.desrochers@mamh.gouv.qc.ca.

ANDRÉE LAFOREST,  
*Minister of Municipal Affairs and Housing*

## Regulation respecting continuing education requirements for master electricians

Master Electricians Act  
(chapter M-3, ss. 12.0.1 and 12.0.2)

Building Act  
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 16)

Order in council respecting the Agreement related to the mandate entrusted to the Corporation des maîtres électriciens du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them  
(chapter B-1.1, r. 4, Sch. (s. 2.1.3))

### DIVISION I BASIS AND PURPOSE

**1.** This Regulation is warranted by the rapid and constant evolution of the proficiency required to carry on the trade of master electrician, by the magnitude of the resulting change and by the importance of ensuring the safety of the public. It allows the Corporation of Master Electricians of Québec to determine the continuing education requirements or the framework for those requirements with which its members must comply, through all or certain of their guarantors.

The objective of continuing education is to enable members of the Corporation of Master Electricians of Québec to maintain, update, improve and expand the skills involved in their trade activities as master electricians.

### DIVISION II INTERPRETATION

**2.** In this Regulation, unless the context indicates otherwise,

(1) “Corporation” means the Corporation of Master Electricians of Québec except that, for the purposes of Divisions V, VI and VII, “Corporation” may also mean the Corporation of Master Pipe-Mechanics of Québec if it is the corporation designated by a member as being responsible for the member’s vocational qualification record;

(2) “member” means a member of the Corporation of Master Electricians of Québec, as defined in the Master Electricians Act (chapter M-3), who holds a licence that includes the specialized contractor’s licence subclass covering work coming under the exclusive competence of master electricians, namely the subclass under No. 16

in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9);

(3) “guarantor” means a natural person referred to in section 52 of the Building Act (chapter B-1.1) who holds or has applied for a licence on behalf of a partnership or legal person and has qualified in that capacity;

(4) “construction work guarantor” means a guarantor who has the construction work knowledge required for the specialized contractor’s licence subclass covering work coming under the exclusive competence of master electricians, namely the subclass under No. 16 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(5) “representative” means a member’s representative within the meaning assigned to that term by section 13 of the Regulation respecting admission as members of the Corporation of Master Electricians of Québec (chapter M-3, r. 1).

### DIVISION III SCOPE

**3.** This Regulation applies to the members of the Corporation through construction work guarantors.

Despite the foregoing, members of the Corporation domiciled outside Québec who have obtained a licence under the exemption provisions of sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) are excluded from the application of this Regulation.

### DIVISION IV CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENT FRAMEWORK

**4.** A construction work guarantor must, unless exempted under Division VI, devote at least 16 hours to continuing education activities per two-year reference period, allocated according to the parameters set out in this Division. At least eight of those 16 hours must be devoted by the guarantor to continuing education activities related to the knowledge required for construction work.

**5.** A reference period extends over two years; it begins on 1 April and ends on 31 March.

The first reference period begins on 1 April 2022.

**6.** A construction work guarantor devoting in a reference period more hours to continuing education activities than the number required may carry forward a maximum of four surplus hours in order to satisfy the requirements for the subsequent reference period. Hours carried forward cannot, however, reduce the number of hours required to be devoted to continuing education activities imposed pursuant to section 11 for a subsequent reference period.

**7.** The eligible continuing education activities are the following:

- (1) participation in continuing education courses;
- (2) participation in conferences, workshops or seminars;
- (3) participation in symposiums or conventions;
- (4) participation in structured in-service education activities; and
- (5) participation in any other type of education activity determined by the Corporation.

**8.** The content of a continuing education activity must be related to the knowledge and skills relevant to the operation of a construction enterprise and the trade activities of a master electrician, to the subclasses of the licence held by the member or to the areas of guarantor qualification.

The content of a continuing education activity may pertain to the following subjects in particular:

- (1) knowledge of the construction standards, regulations and techniques specific to construction work within the subclasses of licence for which the guarantor is responsible;
- (2) reading and interpretation of plans and specifications specific to the construction work within the subclasses;
- (3) cost estimates and tenders;
- (4) management of construction activities;
- (5) financial management of a construction enterprise;
- (6) laws and regulations that apply to construction enterprises, their administration and management;
- (7) any other subject relevant to the administration of a construction enterprise, management of worksite safety, management of projects and worksites and construction work; and

(8) any other subject relevant to the laws and regulations that apply to members, including provisions governing ethical obligations, derogatory acts and discipline.

**9.** The Corporation recognizes the continuing education activities all or certain guarantors may take and inform them of those activities.

For the purpose of recognizing a continuing education activity, the Corporation considers the following criteria:

(1) the relationship between the content of the continuing education activity and trade activities as a master electrician;

(2) the relationship between the content of the continuing education activity and the areas of qualification of the guarantors to whom the continuing education requirements apply;

(3) the competence and qualifications of the instructor or the reputation of the organization that structures, oversees or provides the continuing education activity;

(4) the relevance of the continuing education;

(5) achievement of the continuing education objectives pursued by this Regulation;

(6) the duration of the continuing education activity, the environment in which it takes place and, if applicable, the quality of the material supplied; and

(7) the fact that a certificate of participation is issued or an evaluation is required.

**10.** For each continuing education activity it recognizes, the Corporation assigns an eligible duration to the activity to be used to calculate the number of hours of continuing education required pursuant to section 4.

**11.** For a particular reference period, the Corporation may require all or certain construction work guarantors to participate in a continuing education activity corresponding to the requirement framework under this Regulation, owing among other reasons to legislative or regulatory reform, a change in standards or shortcomings affecting the carrying on of the trade by members. For that purpose, the Corporation sets the duration of the continuing education and the timeframe within which it must take place, and determines the persons authorized to provide it. The hours devoted to the required education activity count in the calculation of continuing education hours required pursuant to section 4.



**12.** To have a continuing education activity recognized if the activity has not already been recognized by the Corporation, an application to that effect must be sent to the Corporation at least 30 days before the date on which the activity is set to begin. Supporting documents describing the activity, its duration and content, identifying the person responsible for the activity or the instructor, stating whether a participation certificate is issued or an evaluation is required and providing any other information making it possible to determine whether the continuing education objectives of this Regulation are met must accompany the application. The Corporation informs the applicant, within 20 days after receipt of the application, of whether it recognizes the continuing education activity or not.

#### DIVISION V CONTROL PROCEDURES

**13.** A construction work guarantor must send the Corporation a continuing education statement on or before 31 March that ends the particular reference period, using the electronic form provided by the Corporation for that purpose. The statement indicates the continuing education activities taken during the reference period concerned, the number of hours accrued and, if applicable, any exemptions obtained under Division VI. Supporting documents, that is, a copy of any certificates of participation issued or, alternatively, of the results obtained after required evaluations, must accompany the statement.

**14.** A construction work guarantor who, during a reference period, qualifies in that capacity for a partnership or legal person other than that for which qualification at the beginning of the reference period had been obtained retains, for the purposes of section 4, the credit for the hours that the guarantor devoted to continuing education activities.

**15.** Participation in a continuing education activity, evidenced by a certificate of participation or, alternatively, the evaluation result, is the criterion used by the Corporation to ensure that a continuing education activity was taken for the purpose of satisfying the requirements imposed by this Regulation.

**16.** A construction work guarantor must keep, for a full period of two years after each reference period, all supporting documents enabling the Corporation to verify that the guarantor has satisfied the requirements imposed by this Regulation. The same applies to a partnership or legal person that is a member of the Corporation as regards the continuing education requirements for all or certain of its guarantors.

#### DIVISION VI EXEMPTIONS AND DEFERRALS

**17.** A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence for the first time or qualifies as a construction work guarantor for a partnership or legal person for the first time.

**18.** A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence or qualifies as a guarantor for a partnership or legal person without being able to benefit from the examination exemption provided for in the second paragraph of section 20 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

**19.** A licensed guarantor who, in a particular reference period, ceases for whatever reason to be entitled in that capacity cannot be issued a licence for a subsequent reference period or qualify as a construction work guarantor for a partnership or legal person, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

Likewise, a construction work guarantor for a partnership or legal person who, in a particular reference period, ceases for whatever reason to act in that capacity cannot again qualify as a guarantor for a subsequent reference period, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

#### DIVISION VII NON-COMPLIANCE AND PENALTIES

**20.** The continuing education requirements imposed by this Regulation must be satisfied so that a construction work guarantor may continue to act in that capacity.

The continuing education requirements imposed by this Regulation must be satisfied even though the licence for which a guarantor is qualified is suspended.

**21.** At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

**22.** The hours of continuing education accrued by a construction work guarantor while failing to comply with the continuing education requirements imposed by this Regulation are allocated first to the reference period in respect of which the notice of non-compliance is sent.

**23.** At the end of the period provided under section 21, the construction work guarantor who has not remedied the non-compliance is deemed to have ceased to act in that capacity as of the end of the reference period.

As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

**24.** This Regulation comes into force on 1 April 2022.

104194

## Draft Regulation

Master Pipe-Mechanics Act  
(chapter M-4)

Building Act  
(chapter B-1.1)

Order in council agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them  
(chapter B-1.1, r. 5)

### Continuing education requirements for master pipe-mechanics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting continuing education requirements for master pipe-mechanics, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation imposes continuing education requirements to the members of the Corporation of Master Pipe-Mechanics of Québec to ensure that they update their skills and adapt their work methods to the prescriptive and regulatory changes.

The addition of these new regulatory provisions will entail costs estimated at \$3.7M per 2-year period for the members of the Corporation of Master Pipe-Mechanics of Québec, mostly small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Steve Boulanger, Assistant Director General, Corporation of Master Pipe-Mechanics of Québec, 8175, boulevard Saint-Laurent, Montréal (Québec) H2P 2M1; telephone: 514 382-2668, extension 225; email: sboulanger@cmmmq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Martin Desrochers, Director of strategic mandates and housing, Ministère des Affaires municipales et de l'Habitation 10, rue Pierre-Olivier-Chauveau, 3<sup>e</sup> étage, aile Cook Québec (Québec) G1R 4J3; email: martin.desrochers@mamh.gouv.qc.ca.

ANDRÉE LAFOREST,  
*Minister of Municipal Affairs and Housing*

## Regulation respecting continuing education requirements for master pipe-mechanics

Master Pipe-Mechanics Act  
(chapter M-4, ss. 10.1 and 10.2)

Building Act  
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 16)

Order in council agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 5, Sch. (s. 2.1.3))

### DIVISION I BASIS AND PURPOSE

**1.** This Regulation is warranted by the rapid and constant evolution of the proficiency required to carry on the trade of master pipe-mechanic, by the magnitude of the resulting change and by the importance of ensuring the safety of the public. It allows the Corporation of Master Pipe-Mechanics of Québec to determine the continuing education requirements or the framework for those requirements with which its members must comply, through all or certain of their guarantors.

The objective of continuing education is to enable members of the Corporation of Master Pipe-Mechanics of Québec to maintain, update, improve and expand the skills involved in their trade activities as master pipe-mechanics.

### DIVISION II INTERPRETATION

**2.** In this Regulation, unless the context indicates otherwise,

(1) “Corporation” means the Corporation of Master Pipe-Mechanics of Québec except that, for the purposes of Divisions V, VI and VII, “Corporation” may also mean the Corporation of Master Electricians of Québec if it is the corporation designated by a member as being responsible for the member’s vocational qualification record;

(2) “member” means a member of the Corporation of Master Pipe-Mechanics of Québec, as defined in the Master Pipe-Mechanics Act (chapter M-4), who holds a licence that includes any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in

Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9);

(3) “guarantor” means a natural person referred to in section 52 of the Building Act (chapter B-1.1) who holds or has applied for a licence on behalf of a partnership or legal person and has qualified in that capacity;

(4) “construction work guarantor” means a guarantor who has the construction work knowledge required for any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(5) “representative” means a member’s representative within the meaning assigned to that term by section 10 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1);

(6) “heating subclass” means any of the specialized contractor’s licence subclasses under No. 15.1, 15.2, 15.3 or 15.4 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(7) “plumbing subclass” means the specialized contractor’s licence subclass under No. 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders.

### DIVISION III SCOPE

**3.** This Regulation applies to the members of the Corporation through construction work guarantors.

Despite the foregoing, members of the Corporation domiciled outside Québec who have obtained a licence under the exemption provisions of sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) are excluded from the application of this Regulation.

### DIVISION IV CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENT FRAMEWORK

**4.** A construction work guarantor must, unless exempted under Division VI, devote at least 16 hours to continuing education activities per two-year reference period, allocated according to the parameters set out in

this Division. At least eight of those 16 hours must be devoted by the guarantor to continuing education activities related to the knowledge required for construction work.

However, despite the preceding paragraph, a construction work guarantor responsible for both the heating subclass and the plumbing subclass must devote at least 24 hours to continuing education activities per two-year reference period. At least 16 of those 24 hours must be devoted to continuing education activities related to the knowledge required for construction work, namely eight hours relating to the heating subclasses and eight hours relating to the plumbing subclass.

**5.** A reference period extends over two years; it begins on 1 April and ends on 31 March.

The first reference period begins on 1 April 2022.

**6.** A construction work guarantor devoting in a reference period more hours to continuing education activities than the number required may carry forward a maximum of four surplus hours in order to satisfy the requirements for the subsequent reference period. Hours carried forward cannot, however, reduce the number of hours required to be devoted to continuing education activities imposed pursuant to section 11 for a subsequent reference period.

**7.** The eligible continuing education activities are the following:

- (1) participation in continuing education courses;
- (2) participation in conferences, workshops or seminars;
- (3) participation in symposiums or conventions;
- (4) participation in structured in-service education activities; and
- (5) participation in any other type of education activity determined by the Corporation.

**8.** The content of a continuing education activity must be related to the knowledge and skills relevant to the operation of a construction enterprise and the trade activities of a master pipe-mechanic, to the subclasses of the licence held by the member or to the areas of guarantor qualification.

The content of a continuing education activity may pertain to the following subjects in particular:

(1) knowledge of the construction standards, regulations and techniques specific to construction work within the subclasses of licence for which the guarantor is responsible;

(2) reading and interpretation of plans and specifications specific to the construction work within the subclasses;

(3) cost estimates and tenders;

(4) management of construction activities;

(5) financial management of a construction enterprise;

(6) laws and regulations that apply to construction enterprises, their administration and management;

(7) any other subject relevant to the administration of a construction enterprise, management of worksite safety, management of projects and worksites and construction work; and

(8) any other subject relevant to the laws and regulations that apply to members, including provisions governing ethical obligations, derogatory acts and discipline.

**9.** The Corporation recognizes the continuing education activities all or certain guarantors may take and inform them of those activities.

For the purpose of recognizing a continuing education activity, the Corporation considers the following criteria:

(1) the relationship between the content of the continuing education activity and trade activities as a master pipe-mechanic;

(2) the relationship between the content of the continuing education activity and the areas of qualification of the guarantors to whom the continuing education requirements apply;

(3) the competence and qualifications of the instructor or the reputation of the organization that structures, oversees or provides the continuing education activity;

(4) the relevance of the continuing education;

(5) achievement of the continuing education objectives pursued by this Regulation;

(6) the duration of the continuing education activity, the environment in which it takes place and, if applicable, the quality of the material supplied; and

(7) the fact that a certificate of participation is issued or an evaluation is required.

**10.** For each continuing education activity it recognizes, the Corporation assigns an eligible duration to the activity to be used to calculate the number of hours of continuing education required pursuant to section 4.

**11.** For a particular reference period, the Corporation may require all or certain construction work guarantors to participate in a continuing education activity corresponding to the requirement framework under this Regulation, owing among other reasons to legislative or regulatory reform, a change in standards or shortcomings affecting the carrying on of the trade by members. For that purpose, the Corporation sets the duration of the continuing education and the timeframe within which it must take place, and determines the persons authorized to provide it. The hours devoted to the required education activity count in the calculation of continuing education hours required pursuant to section 4.

**12.** To have a continuing education activity recognized if the activity has not already been recognized by the Corporation, an application to that effect must be sent to the Corporation at least 30 days before the date on which the activity is set to begin. Supporting documents describing the activity, its duration and content, identifying the person responsible for the activity or the instructor, stating whether a participation certificate is issued or an evaluation is required and providing any other information making it possible to determine whether the continuing education objectives of this Regulation are met must accompany the application. The Corporation informs the applicant, within 20 days after receipt of the application, of whether it recognizes the continuing education activity or not.

#### DIVISION V CONTROL PROCEDURES

**13.** A construction work guarantor must send the Corporation a continuing education statement on or before 31 March that ends the particular reference period, using the electronic form provided by the Corporation for that purpose. The statement indicates the continuing education activities taken during the reference period concerned, the number of hours accrued and, if applicable, any exemptions obtained under Division VI. Supporting documents, that is, a copy of any certificates of participation issued or, alternatively, of the results obtained after required evaluations, must accompany the statement.

**14.** A construction work guarantor who, during a reference period, qualifies in that capacity for a partnership or legal person other than that for which qualification at

the beginning of the reference period had been obtained retains, for the purposes of section 4, the credit for the hours that the guarantor devoted to continuing education activities.

**15.** Participation in a continuing education activity, evidenced by a certificate of participation or, alternatively, the evaluation result, is the criterion used by the Corporation to ensure that a continuing education activity was taken for the purpose of satisfying the requirements imposed by this Regulation.

**16.** A construction work guarantor must keep, for a full period of two years after each reference period, all supporting documents enabling the Corporation to verify that the guarantor has satisfied the requirements imposed by this Regulation. The same applies to a partnership or legal person that is a member of the Corporation as regards the continuing education requirements for all or certain of its guarantors.

#### DIVISION VI EXEMPTIONS AND DEFERRALS

**17.** A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence for the first time or qualifies as a construction work guarantor for a partnership or legal person for the first time.

**18.** A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence or qualifies as a guarantor for a partnership or legal person without being able to benefit from the examination exemption provided for in the second paragraph of section 20 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

**19.** A licensed guarantor who, in a particular reference period, ceases for whatever reason to be entitled in that capacity cannot be issued a licence for a subsequent reference period or qualify as a construction work guarantor for a partnership or legal person, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

Likewise, a construction work guarantor for a partnership or legal person who, in a particular reference period, ceases for whatever reason to act in that capacity cannot

again qualify as a guarantor for a subsequent reference period, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

## **DIVISION VII** **NON-COMPLIANCE AND PENALTIES**

**20.** The continuing education requirements imposed by this Regulation must be satisfied so that a construction work guarantor may continue to act in that capacity.

The continuing education requirements imposed by this Regulation must be satisfied even though the licence for which a guarantor is qualified is suspended.

**21.** At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

**22.** The hours of continuing education accrued by a construction work guarantor while failing to comply with the continuing education requirements imposed by this Regulation are allocated first to the reference period in respect of which the notice of non-compliance is sent.

**23.** At the end of the period provided under section 21, the construction work guarantor who has not remedied the non-compliance is deemed to have ceased to act in that capacity as of the end of the reference period.

As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

**24.** This Regulation comes into force on 1 April 2022.

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

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