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Part 2 Laws and Regulations

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Summary

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Regulations and Other Acts

Gouvernement du Québec

O.C. 168-97, 12 February 1997

Education Act
(R.S.Q., c. I-13.3)

The Education Act for Cree, Inuit and Naskapi
Native Persons
(R.S.Q., c. I-14)

An Act respecting the accreditation and financing
of student's associations
(R.S.Q., c. A-3.01)

Obsolete Regulations — Revocation

Revocation of certain obsolete Regulations in the field
of education

WHEREAS the Regulation respecting school committees and parents' committees (R.R.Q., 1981, c. I-14, r. 3), the Regulation respecting regional committees and the central parents' committee of every school board of the island of Montréal that establishes administrative regions or districts (R.R.Q., 1981, c. I-14, r. 4) and the Règlement sur la permission accordée par le ministère de l'Éducation d'engager certains enseignants (R.R.Q., 1981, c. I-14, r. 10) were rendered inoperative or unenforceable by the Education Act (R.S.Q., c. I-13.3) or by The Education Act for Cree, Inuit and Naskapi Native Persons (R.S.Q., c. I-14);

WHEREAS the Accreditation Committee Members Expense Allowance Regulation, made by Order in Council 962-84 dated 25 April 1984, was also rendered unenforceable by the amendment made to section 36 of the Act respecting the accreditation and financing of students' associations (R.S.Q., c. A-3.01) by section 24 of Chapter 10 of the Statutes of 1993;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to revoke certain obsolete Regulations in the field of education, attached to this Order in Council, was published in Part 2 of the *Gazette officielle du Québec* of 13 November 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to revoke those Regulations;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Education:

THAT Regulation to revoke certain obsolete Regulations in the field of education, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to revoke certain obsolete Regulations in the field of education

Education Act
(R.S.Q., c. I-13.3)

The Education Act for Cree, Inuit
and Naskapi Native Persons
(R.S.Q., c. I-14)

An Act respecting the accreditation
and financing of students' associations
(R.S.Q., c. A-3.01)

1. The following regulations are revoked:

(1) the Regulation respecting school committees and parents' committees (R.R.Q., 1981, c. I-14, r.3);

(2) the Regulation respecting regional committees and the central parents' committee of every school board of the island of Montréal that establishes administrative regions or districts (R.R.Q., 1981, c. I-14, r.4);

(3) the Règlement sur la permission accordée par le ministère de l'Éducation d'engager certains enseignants (R.R.Q., 1981, c. I-14, r.10);

(4) the Accreditation Committee Members Expense Allowance Regulation, made by Order in Council 962-84 dated 25 April 1984.

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

Gouvernement du Québec

O.C. 178-97, 12 February 1997

An Act respecting municipal courts
(R.S.Q., c. C-72.01)

**Tariff of court costs in civil matters
and court office fees**

Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec

WHEREAS under paragraph 8 of section 118 of the Act respecting municipal courts (R.S.Q., c. C-72.01), the Government may, by regulation, fix the tariff of costs for all cases under the jurisdiction of the Court but not governed by the Code of Penal Procedure (R.S.Q., c. C-72.01);

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec was published in Part 2 of the *Gazette officielle du Québec* of 9 October 1996, on page 4163, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make that Tariff without amendment;

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

THAT the Tariff of court costs in civil matters and court office fees applicable before municipal courts other than the municipal courts of the cities of Laval, Montréal and Québec, attached hereto, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

**Tariff of court costs in civil matters
and court office fees applicable before
municipal courts other than the
municipal courts of the cities of Laval,
Montréal and Québec**

An Act respecting municipal courts
(R.S.Q., c. C-72.01, s. 77 and s. 118, par. 8)

1. For the purposes of this Tariff, applications are classed as follows:

(1) Class I: applications in which the value of the right in dispute is from \$0.01 to \$999.99 inclusively;

(2) Class II: applications in which the value of the right in dispute is from \$1 000 to \$9 999.99 inclusively;

(3) Class III: applications in which the value of the right in dispute is from \$10 000 to \$99 999.99 inclusively;

(4) Class IV: applications in which the value of the right in dispute is from \$100 000 to \$999 999.99 inclusively;

(5) Class V: applications in which the value of the right in dispute is \$1 000 000 or more.

2. Any application in which the value of the right in dispute is undetermined is included in Class II.

3. The value of the principal right claimed determines the class of the application.

4. This Tariff groups proceedings into 3 stages and the following fees are payable for such proceedings:

(1) Stage I: Proceedings introductive of suit and similar proceedings:

(a) for the issue of the first writ or the first declaration in an action and for an opposition or an intervention, one of the amounts established in the following table, according to the class of the application:

Class of application	
Class I	\$39
Class II	\$72
Class III	\$140
Class IV	\$223
Class V	\$442

(b) for a cross claim, \$65, whatever the class of application;

(c) for any proceeding introductive of suit not specified in this Tariff, \$32, whatever the class of application.

(2) Stage II: Defence and all similar proceedings:

(a) for a defence or a contestation of like nature and for a revocation of a judgment or an opposition by a third party, one of the amounts established in the following table, according to the class of the application:

Class of application

Class I	\$24
Class II	\$39
Class III	\$72
Class IV	\$113
Class V	\$223

(b) for a defence against a cross claim, \$46, whatever the class of application;

(c) for a contestation of any proceeding introductive of suit not specified in this Tariff, \$32, whatever the class of application.

(3) Stage III: Execution: One of the amounts established in the following table, according to the class of application:

Class of application

Class I	\$32
Class II	\$59
Class III	\$107
Class IV	\$168
Class V	\$333

The value of the right that the opposition referred to in clause *a* of subparagraph 1 of the first paragraph is intended to protect determines the class if that value is stated in the opposition or in the affidavit in support thereof; otherwise, the amount set by the judgment determines the class of the proceeding.

In cases referred to in subparagraph 3 of the first paragraph, the class is determined according to the value

of the obligation in respect of which application has been made for compulsory execution.

Costs are payable only for the first proceeding included in a stage referred to in this section.

5. Costs of \$55 are payable for the inscription for proof and hearing of a contested action.

6. Costs of \$26 are payable for costs, upon presentation of a bill of costs by the party entitled thereto.

7. In matters concerning immovables, the following costs are payable:

(1) for the performance of the clerk's duties from receipt of the record until the judgment of homologation of a scheme of collocation inclusively, one of the amounts established in the following table, according to the class of the application:

Class of application

Class I	\$94
Class II	\$134
Class III	\$174
Class IV	\$278
Class V	\$550

(2) for a contestation of a scheme of collocation, one of the amounts established in the following table, according to the class of application:

Class of application

Class I	\$24
Class II	\$39
Class III	\$72
Class IV	\$113
Class V	\$223

Payment of the costs prescribed in subparagraph 1 of the first paragraph entitles each interested person to obtain a copy of the judgment of homologation.

In a case referred to in subparagraph 1 of the first paragraph, the class of the application is determined according to the selling price.

In a case referred to in subparagraph 2 of the first paragraph, the class of the application is determined according to the amount claimed by the contesting party.

8. Subparagraph 2 of the first paragraph of section 7 and the fourth paragraph of that section apply *mutatis mutandis* to a contestation of a scheme of collocation in respect of matters concerning movables.

9. For any judgment of distribution, a fee equal to 3 % of the aggregate of the amounts levied or deposited shall be collected.

10. For a claim to a seizure by garnishment, the costs are \$24 and they are the only costs payable until the claim is fully satisfied.

11. Sections 4, 6, 7, 8 and 10, as the case may be, do not apply to proceedings instituted by the collector of a sum recoverable under the Code of Penal Procedure (R.S.Q., c. C-25.1).

12. Where an amount of money is deposited, the following costs are payable:

(1) if the amount deposited is \$10 000 or less, 3.8 % thereof;

(2) if the amount deposited is more than \$10 000, 3.8 % of the first \$10 000 thereof and 0.3 % of the amount in excess of \$10 000.

This section also applies where the object of the deposit is a security rather than a sum of money and in such case, the costs shall be calculated on the basis of the value declared by the depositor in the proceeding or other document in which he states that he is depositing the security.

This section also applies where a person furnishes security. In such case, the costs shall be calculated on the basis of the amount of security that must be furnished.

Notwithstanding the foregoing, this section does not apply to amounts deposited following a seizure by garnishment nor to the amounts referred to in section 9.

13. The following court office fees are payable:

(1) for the registration, filing or deposit of a document where such procedure is required by a statute or regulation and where that statute or regulation does not fix the fee payable for that procedure, \$32;

(2) for a copy of any document, \$2 per page.

Subparagraph 2 of the first paragraph does not apply to the first copy of a judgment requested by each of the parties.

14. This Tariff applies to the State and its agencies.

15. The amount of the costs and fees prescribed in this Tariff shall be indexed on 1 April 1997, and on 1 April of every year thereafter, in the following manner:

(1) where the amount of the costs or fees payable on 31 March preceding the annual indexing is equal to or greater than \$35, it shall be indexed according to the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the period ending on 31 December of the year preceding the indexing;

(2) where the amount of the costs or fees payable on 31 March preceding the annual indexing is less than \$35, it shall be indexed by applying the cumulative rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada for the period commencing on 31 December 1995 and ending on 31 December of the year preceding the indexing, to the amount of the costs or fees payable on 13 March 1997.

The costs or fees indexed in the prescribed manner shall be reduced to the nearest dollar where they contain a fraction of a dollar less than \$0.50; they shall be increased to the nearest dollar where they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister of Justice shall publish the results of the annual indexing in Part 1 of the *Gazette officielle du Québec*. He may also employ any other means to ensure that the results of the indexing are more widely publicized.

16. The costs and fees established in this Tariff apply to proceedings or documents filed or issued from the date of its coming into force, even if the matter was commenced before that date.

The costs and fees as indexed on 1 April in accordance with section 15 apply to proceedings or documents filed or issued from that date, even if the matter was commenced before that date.

17. This Tariff comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

O.C. 185-97, 12 February 1997

Public Health Protection Act
(R.S.Q., c. P-35)

Ambulance service — Amendment

Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance

WHEREAS under subparagraph *b* of the second paragraph of section 2 of the Public Health Protection Act (R.S.Q., c. P-35), the Minister of Health and Social Services may, by regulation, except as regards a municipality providing ambulance services, fix the rate of transportation by ambulance and determine, for categories of users who under legislative or regulatory provisions are not required to pay for such transportation or who may be reimbursed for all or part of its costs particular rates applicable to each category or establish standards for fixing them;

WHEREAS under section 2.1 of the Act, no regulation made under subparagraph *b* of the second paragraph of section 2 may, however, come into force before it has been approved by the Government;

WHEREAS on 20 July 1984, the Minister of Health and Social Services made a Minister's Order published in the *Gazette officielle du Québec* of 19 September 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance;

WHEREAS under Minister's Order 96-03 dated 8 July 1996, the Minister of Health and Social Services made the Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance, the purpose of which is to increase the rate of transport by ambulance;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation made by the Minister of Health and Social Services dated 8 July 1996 and attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 20 November 1996, on page 4711, with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, upon the recommendation of the Minister of Health and Social Services:

THAT the Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance, attached to this Order in Council and made by Minister's Order 96-03 dated 8 July 1996, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance

Public Health Protection Act
(R.S.Q., c. P-35, s. 2, 2nd par., subpar. *b*)

1. The Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance, published in the *Gazette officielle du Québec* of 19 September 1984, amended by the Minister's Orders approved by Orders in Council 2007-88 dated 21 December 1988, 465-90 dated 4 April 1990, 1054-90 dated 18 July 1990 and 939-91 dated 3 July 1991, is further amended by substituting the following for subparagraph 1 of the first paragraph of section 5:

“(1) \$125 for picking up a patient;”.

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

M.O., 1996

Minister's Order 96-03 dated 8 July 1996

Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance

WHEREAS under subparagraph *b* of the second paragraph of section 2 of the Public Health Protection Act (R.S.Q., c. P-35), the Minister of Health and Social Services may, by regulation, except as regards a municipality providing ambulance services, fix the rate of transportation by ambulance and determine, for categories of users who under legislative or regulatory provisions are not required to pay for such transportation or who may be reimbursed for all or part of its costs particular rates applicable to each category or establish standards for fixing them;

WHEREAS on 20 July 1984, the Minister of Health and Social Services made a Minister's Order published in the *Gazette officielle du Québec* of 19 September 1984 respecting in particular the rates of transport by ambulance;

WHEREAS it is expedient to further amend the Minister's Order of 20 July 1984 in order to increase the rate for picking up a patient by ambulance;

THEREFORE, the Minister of Health and Social Services orders:

THAT the Regulation attached hereto and entitled “Regulation to amend the Minister's Order of 20 July 1984 respecting the determining of ambulance service zones and the maximum number of ambulances per area and per zone, the standards for ambulance service subsidies, the standards of transport by ambulance between establishments and rates of transport by ambulance” be made.

JEAN ROCHON,
*Minister of Health
and Social Services*

Gouvernement du Québec

O.C. 187-97, 12 February 1997

An Act respecting the Québec Pension Plan
(R.S.Q., c. R-9)

**Pensionable employment
— Amendments**

Regulation to amend the Regulation respecting pensionable employment

WHEREAS in the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the word “contribution” has been replaced by the word “cotisation” in the French version, and the French version of the Regulation respecting pensionable employment must be amended accordingly;

WHEREAS it is expedient to harmonize the Regulation respecting pensionable employment with the new provisions of the Civil Code of Québec, which came into force on 1 January 1994;

WHEREAS on 20 March 1995, in accordance with section 4 of the Act respecting the Québec Pension Plan, the Régie des rentes du Québec made the Regulation to amend the Regulation respecting pensionable employment;

WHEREAS section 220 of the Act provides that the regulations made by the Board shall not come into force until approved by the Government;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R.S.Q., c. R-18.1), the Draft Regulation attached to this Order in Council was published in the *Gazette officielle du Québec* on 31 May 1995, together with a notice indicating that it could be submitted to the Government for approval at the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Income Security;

THAT the Regulation to amend the Regulation respecting pensionable employment, attached to this Order in Council, be approved.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting pensionable employment

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 4)

1. The Regulation respecting pensionable employment (R.R.Q., 1981, c. R-9, r. 8), amended by the Regulation made by Order in Council 529-88 dated 13 April 1988, is further amended by substituting the words “director of a legal person” for the words “corporation director” in section 4.

2. Section 5 is amended in the French version by substituting the word “cotisations” for the word “contributions” in the second paragraph.

3. Section 8 is amended in the French version by substituting the word “cotisations” for the word “contributions” in the first and second paragraphs.

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

1246

Gouvernement du Québec

O.C. 189-97, 12 February 1997

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automobile

— **Mauricie**

— **Levy**

— **Amendments**

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie

WHEREAS in accordance with paragraph *i* of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by regulation approved by the Government and published in the *Gazette officielle du Québec*, levy upon the professional employer alone or upon both the professional employer and the employee, or upon the employee alone, the sums required for the administration of the decree whose carrying out it must supervise and ensure;

WHEREAS the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie was approved by Order in Council 2626-85 dated 11 December 1985;

WHEREAS at its meetings of 8 February and 22 June 1995, the Comité paritaire de l'industrie de l'automobile de la Mauricie made the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, in order to increase the levy rates presently in force;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 November 1995 with a notice that it could be submitted to the Government for approval upon the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, attached hereto, be approved.

MICHEL CARPENTIER,

Clerk of the Conseil exécutif

Regulation to amend the Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, par. *i*)

1. The Levy Regulation of the Comité paritaire de l'industrie de l'automobile de la Mauricie, approved by Order in Council 2626-85 dated 11 December 1985 and amended by the Regulation approved by Order in Council 1392-91 dated 9 October 1991, is further amended by substituting the following for sections 2 to 4:

“**2.** Professional employers shall remit to the Comité paritaire de l'industrie de l'automobile de la Mauricie, from 16 March 1997, an amount equal to 0.40 % of the gross wages they pay to their employees governed by the Decrees and, from 15 March 1998, an amount equal to 0.35 %.

3. Employees other than those mentioned in section 4 shall remit to the parity committee, from 16 March 1997, an amount equal to 0.40 % of their gross wages and, from 15 March 1998, an amount equal to 0.35 %.

4. Skilled tradesmen or workers who are not in the employ of a professional employer shall remit to the parity committee an amount equal to \$2.00 per week.”.

2. This Regulation comes into force on 16 March 1997.

1244

M.O., 1997

Order of the Minister of Transport respecting the approval of weigh scales dated February 6, 1997

Highway Safety Code
(R.S.Q., c. C-24.2, a. 467)

1. The Minister of Transport approves the following wheel-load scales:

Make	Model	Serial No.
HAENNI	WL-101	17229
HAENNI	WL-101	17230
HAENNI	WL-101	17231
HAENNI	WL-101	17232
HAENNI	WL-101	17233
HAENNI	WL-101	17234
HAENNI	WL-101	17235
HAENNI	WL-101	17236

2. Schedule V of the Minister of Transport's Order dated May 22, 1990, published on March 29, 1995, in the *Gazette officielle du Québec*, amended by the Orders published on April 26, 1995, November 22, 1995, March 13, 1996, May 8, 1996 and January 22, 1997, in the *Gazette officielle du Québec*, is further amended by inserting, after HAENNI wheel-load scale, model WL-101, serial number 17167, the following:

Make	Model	Serial No.
HAENNI	WL-101	17229
HAENNI	WL-101	17230
HAENNI	WL-101	17231
HAENNI	WL-101	17232
HAENNI	WL-101	17233
HAENNI	WL-101	17234
HAENNI	WL-101	17235
HAENNI	WL-101	17236

3. This Order takes effect on the date of its signature.

Québec, February 6, 1997

JACQUES BRASSARD,
Minister of Transport

1251

Draft Regulations

Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20; 1996, c. 74)

Election of a representative association by the employees of the construction industry

Notice is hereby given, in accordance with sections 10 to 13 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation respecting the election of a representative association by the employees of the construction industry”, the text of which appears below, may be made by the Commission de la construction du Québec upon the expiry of 45 days following this publication.

This Draft Regulation replaces the Regulation respecting the registration certificate issued by the Commission de la construction du Québec (R.R.Q., 1981, c. R-20, r.3), and the Regulation respecting the holding of a secret ballot, approved by Order in Council 1559-87 of 7 October 1987.

Further information may be obtained from Mr. Jean Ménard, Director, Direction des services juridiques, Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3; tel.: (514) 341-3124 ext. 6425; fax: (514) 341-4287.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to Mr. André Ménard, Chairman of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3.

ANDRÉ MÉNARD,
*Chairman of the Commission
de la construction du Québec*

Regulation respecting the election of a representative association by the employees of the construction industry

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, ss. 32, 35.2, 35.3 and 36.1; 1996, c. 74, ss. 34 and 36)

DIVISION I SECRET BALLOT

1. The secret ballot contemplated in section 32 of An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20) shall be held by the Commission on the Thursday, the Friday and the Saturday of the first complete week of the month of June preceding the expiry date of a collective agreement made under section 47 of the Act.

Polling stations shall be opened from the hour of nine o'clock in the forenoon to the hour of half past eight o'clock in the afternoon on Thursday and Friday, and from the hour of nine o'clock in the forenoon to the hour of half past four o'clock in the afternoon on Saturday.

2. The Commission shall inform the associations contemplated in section 29 of the Act of the places where polling stations will be established and of the number of polls in each of these polling stations, not later than the seventh day preceding the first day of the ballot.

3. The Commission shall appoint a returning officer for each poll; it may also appoint a deputy returning officer.

4. The functions of the returning officer are, in particular

- (1) to arrange the polling station;
- (2) to ensure peace and good order during the ballot;
- (3) to ensure the exercise of the right to vote and to aid in maintaining the secrecy of the voting;
- (4) to see to it that only the authorized persons are present in the polling station;
- (5) to take care of the ballot box throughout the voting, and to bring in the box to the person in charge of counting the ballots at the end of the last voting day.

The returning officer may require the expulsion of anyone who disturbs the voting.

5. An association contemplated in section 29 of the Act may appoint in writing an agent for each poll. The written appointment shall mention the name and the social insurance number of the agent; it must be signed by an authorized officer of the association.

An association must send to the Commission the list of its officers authorized to sign appointments not later than the thirtieth day preceding the first day of the ballot.

6. Only the following persons may be present at a polling table: the returning officer, the deputy returning officer, one agent for each of the associations contemplated in section 29 of the Act, and one voting employee at a time.

7. Before the opening of the polling station, the returning officer shall assemble the ballot box that has not been used on a previous day, in full view of all the attending agents. He shall seal the ballot box after having ascertained that it is empty, and place it in full view on the ballot table.

At the end of each voting day, the returning officer shall close the opening of the ballot box with a seal on which he affixes his signature. The agents may also affix their own signature on the seal provided they also write the initials of the association they represent.

At the opening of the polling station, the returning officer shall remove the seal closing the opening of a ballot box that was used on a previous day, in full view of all the attending agents, and place it in full view on the ballot table.

8. An employee is allowed to vote if he identifies himself with one of the following documents: his competency certificate, his exemption from the obligation to hold a competency certificate, his social insurance card, his driver's licence, his health insurance card, or the card that the Commission issued to him pursuant to section 36 of the Act. He must also hand to the returning officer, who shall keep it, the voting card issued by the Commission pursuant to section 30 of the Act.

An employee who comes to the polling station without his voting card is allowed to vote if he identifies himself with two of the documents contemplated in the first paragraph.

If required by an agent, the returning officer shall ask the voting employee to declare his trade or occupation.

9. The Commission provides the ballot papers used for the voting; they bear the names of the associations contemplated in section 29 of the Act, listed in alphabetical order.

The returning officer shall affix on the ballot paper the part of the voting card bearing the identification of the voting employee. In cases where the employee was admitted to vote without having his voting card, the returning officer shall write on the ballot paper the name and social insurance number of the employee.

10. On receiving a ballot paper, a voting employee shall proceed to the voting compartment, mark his ballot paper by making a mark at the right of the name of the association he has elected, affix his signature on the ballot paper and write the date. After he has folded the ballot paper, the employee shall deposit it in the ballot box.

11. When a ballot paper has been inadvertently marked or defaced, the returning officer shall ask the voting employee to make a mark at the right of the names of all the associations. He then voids the ballot paper and delivers another one to the voting employee.

12. If an employee is unable to mark himself his ballot paper, the returning officer shall assist him.

13. The employees present in the polling station at the hour of closing of the poll are allowed to vote. The returning officer declares the polling closed when all the employees present at the hour of closing have voted.

14. No person in attendance in a polling station shall attempt to obtain information with respect to the name of the association for whom an employee is about to vote or has voted. A returning officer who has assisted a voting employee pursuant to section 12 shall not communicate the name of the association elected by the employee.

15. The Commission shall appoint a person in charge of counting the ballots and some deputies.

16. The ballot boxes are opened and the ballots are counted on the first business day following the ballot, at the offices of the Commission. Each of the associations contemplated in section 29 of the Act may appoint an agent to attend the counting of the ballots.

17. Any ballot that has not been marked in accordance with this regulation, or that has been marked for more than one association, or that has not been marked for any association, shall be rejected.

18. The Commission shall destroy the ballots 60 days after they have been counted.

DIVISION II ELECTION OF AN ASSOCIATION

19. An employee contemplated in section 35.2 of the Act may, during the ballot held in accordance with Division I, make known to the Commission his election respecting one of the associations contemplated in section 29 of the act.

This election may be made according to the procedure set forth in Division I of this regulation, the provisions of which apply *mutatis mutandis*. For this purpose, the Commission shall send to each concerned employee a card identifying him as a person who may prevail himself of the provisions of this section, and indicating his name, address and social insurance number.

20. An employee contemplated in the second paragraph of section 35.3 of the Act, who did not take part in the ballot, or who did not make an election pursuant to section 19, must, as soon as possible after the date of the ballot, make known to the Commission his election respecting one of the associations contemplated in section 29 of the Act, by filling in the form provided for this purpose.

21. A person who wishes to begin working as an employee in the construction industry must make known to the Commission his election respecting one of the associations contemplated in section 29 of the Act, by filling in and signing the form provided for this purpose at one of the regional offices of the Commission, or at any other place designated by the Commission.

22. The Commission shall keep until the next ballot the forms filled pursuant to sections 20 and 21.

DIVISION III INFORMATION ON COMPETENCY CERTIFICATES, EXEMPTIONS OR CARDS

23. The Commission shall indicate, on the competency certificate or the exemption it issues to an employee, the name of the representative association respecting which he has made an election or is deemed to have made an election.

24. The Commission shall issue, to an employee who proves that he meets the conditions to be exempted from the requirements of holding a competency certificate or an exemption issued by the Commission pursuant to a regulation made under the authority of section 123 of

the Act, and who has made known his election respecting a representative association in accordance with section 21 of this regulation, a card indicating the following information:

- (1) the bearer's name;
- (2) his date of birth;
- (3) his social insurance number;
- (4) in the case of an apprentice, the apprenticeship period in which an intergovernmental agreement contemplated in section 123 of the Act classifies the bearer, if any, or the apprenticeship period in which the Commission classifies him in accordance with section 15 of the Regulation respecting the vocational training of manpower in the construction industry, approved by Order in Council 323-93 of 10 March 1993;
- (5) the name of the representative association respecting which he has made an election;
- (6) the date on which the card is issued.

25. The Commission shall replace, during the month of August following the ballot, the competency certificate, the exemption or the card issued pursuant to section 24, if the bearer of such document has changed the election he had made or was deemed to have made respecting a representative association. The new card, or the new mention on the certificate, has effect from the 1st day of September following the ballot.

DIVISION IV TRANSITIONAL AND FINAL PROVISIONS

26. A registration certificate issued pursuant to the Regulation respecting the registration certificate issued by the Commission de la construction du Québec, (R.R.Q., 1981, c. R-20, r.3) between 15 January 1997 and (*indicate here the date of the day preceding the coming into force of this regulation*) shall keep its effect as if it was a card issued pursuant to section 24.

27. This regulation replaces the Regulation respecting the registration certificate issued by the Commission de la construction du Québec and the Regulation respecting the holding of a secret ballot, approved by Order in Council 1559-87 of 7 October 1987.

28. This regulation shall come into force on the fifteenth day following 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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