

## Draft Regulations

### Draft Regulation

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

#### Complementary social benefit plans in the construction industry

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the “Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry”, the text of which appears below, may be enacted by the Commission de la construction du Québec, with or without amendment, upon the expiry of 45 days following this publication.

This draft regulation brings certain changes to the insurance and pension plans for the workers of the construction industry.

Further information may be obtained by contacting M<sup>e</sup> 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, extension 6425, fax: (514) 341-4287.

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

ANDRÉ MÉNARD,  
*Chairman and Chief Executive Officer  
of the Commission de la construction du Québec*

#### Regulation to amend the Regulation respecting complementary social benefit plans in the construction industry

An act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 92; 1995, c. 8, s. 42)

**1.** The Regulation respecting complementary social benefit plans in the construction industry, enacted by decision CCQ-951991 of 25 October 1995, is amended

by deleting the hyphen between the words “assurance” and “vie”, “assurance” and “maladie”, and “assurance” and “salaire”, wherever they appear in the French version of this Regulation.

**2.** Section 41 of this Regulation is amended by inserting, in the first paragraph of the French version, the word “sont” after the word “heures”.

**3.** Section 45 of this Regulation is amended by replacing “2, 3 and 6” by “2 and 3”.

**4.** Section 50 of this Regulation is amended by replacing everything that comes before the words “are reduced” by “The amounts provided for in subsections 1 to 4 of the first paragraph of section 44, in section 45 and in the first paragraph of section 48, as well as the maximum provided for in the third paragraph of section 48”.

**5.** Section 52 of this Regulation is amended by inserting, after the words “in writing”, the words “in accordance with sections 2445 to 2452 of the Civil Code of Quebec”.

**6.** Section 84 of this Regulation is amended:

(1) by replacing, in subparagraph *b* of subsection 4, the words “adjustment of those shoes” by “adjustment of shoes”;

(2) by replacing, in subparagraph *g* of subsection 4, the word “neurosimulator” by the word “neurostimulator”;

(3) by replacing, in subparagraph *i* of subsection 4, the word “the person is” by the words “for a person”.

**7.** Section 89 of this Regulation is amended by replacing, in the second paragraph, “subsection 1 of the first paragraph” by “the first paragraph, except those affected by subparagraph *d* of subsection 1”.

**8.** Section 92 of this Regulation is amended:

(1) by replacing, in the first paragraph, the words “insurance plan” by “supplemental plan”;

(2) by adding the following after the second paragraph:

“Notwithstanding the first paragraph, the Commission shall authorize, in case of an emergency, more that

6 meetings per year, or in particular instances, authorize meetings for an electrician who is not covered by the supplemental plan for electricians, or post-traumatic interventions for a group of electricians. “

**9.** Section 116 of this Regulation is amended by inserting, in subsection 5, and after the words “between spouses”, the words “or, in the case of common law spouses, the end of marital relations”.

**10.** Section 124 of this Regulation is amended:

- (1) by deleting the word “temporary”;
- (2) by adding the following paragraph at the end:

“This supplement is adjusted every year; its purpose is to determine a retirement pension which comes into effect during the year this supplement is in force.”.

**11.** Section 128 of this Regulation is amended:

(1) by replacing, in the first paragraph, the words “a salaried employee” by the word “employed”;

(2) by replacing, in subparagraph *c* of subsection 2 of the first paragraph, and in the second paragraph, the words “optional pension” by the words “early pension, without reduction”.

**12.** Section 129 of this Regulation is amended by replacing the words “a salaried employee” by the word “employed”.

**13.** Section 132 of this Regulation is amended:

- (1) by replacing the first paragraph by the following:

“**Delayed pension.** The Commission reimburses the contributions received from a subscriber, who, after having reached the age of retirement, continues to work for an employer subject to the Act. Consequently, no pension is payable to this subscriber under the plan for any subsequent period of work.”;

(2) by adding the following at the end of subsection 1 of the second paragraph “for which he has continued to work, or for any other employer for which he has worked afterwards”.

**14.** Section 134 of this Regulation is amended by deleting, in subsection 3 of the first paragraph, the word “temporary”.

**15.** Sections 145 and 146 of this Regulation are amended by replacing “2449” by “2452”.

**16.** Section 149 of this Regulation is amended by adding the following sentence at the end: “The Commission shall proceed with the transfer at the deadline, even without a request from the beneficiary.”.

**17.** Section 154 of this Regulation is amended by replacing the words “a salaried employee and who does not have the right to receive a normal pension, an optional pension or an early pension” by “active and who does not have the right to receive a normal pension, an optional pension or an early pension without reduction”.

**18.** Section 159 of this Regulation is amended by replacing the words “the first payment” by the words “the first payments”.

**19.** Section 165 of this Regulation is amended by adding the following paragraph at the end:

“In the case of a subscriber affected by section 139 or 140, the statement also provides the following information:

- (1) the date on which the subscriber ceases to be active;
- (2) the services acknowledged by the subscriber’s plan, and those used to determine a deferred pension;
- (3) the amount of the reimbursement or the deferred pension;
- (4) the value of the subscriber’s deferred pension;
- (5) the nature of the death benefit that would be payable depending on whether the death of the subscriber happens before or after the payment of a retirement pension;
- (6) the rules applicable to the transfer of a subscriber’s rights in another pension plan;
- (7) the reference of the provisions of the plan with regard to early, delayed or other form of payment of the subscriber’s deferred pension.”.

**20.** Section 166 of this Regulation is amended by replacing subsection 3 by the following:

“(3) the name of the pensioner’s spouse as it is written on the plan’s register or, failing that, the name of the beneficiaries;

(4) the solvency of the plan, as determined on the date of the last actuarial evaluation of the entire plan.”.

**21.** Section 167 of this Regulation is amended by adding the following sentence at the end: “This statement contains the information provided for in the statement affected by section 165, taking into consideration the required adaptations.”.

**22.** Section 170 of this Regulation is amended:

(1) by deleting “as of 31 December 1995”;

(2) by inserting, after “1 January 1996”, the words “or until the date on which his disability period ends”.

**23.** Section 171 of this Regulation is amended by adding the following after the fourth paragraph:

“For the purposes of the enforcement of the first paragraph, the hours credited to an insured employee in accordance with the deleted section 118 of the Regulation shall be added to the credits that he should have been granted in accordance with this section had it not been for his status of employer.”.

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