

Draft Regulation

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

Register, monthly report, notices from employers and designation of a representative by a corporation or partnership

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 of the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership", made by the Commission de la construction du Québec and the text of which appears below, may be submitted to the Government for approval upon the expiry of 45 days following this publication.

This regulation combines the Regulation respecting the keeping of a register and the sending of a monthly report with the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions for designation of a representative by a corporation or partnership.

Furthermore, it enables to identify in which sector of the construction industry that construction employees have worked.

It also contains provisions enabling the computer transmission of the monthly report by means of a tape, a diskette or computer paper.

This project has minimal impact on small and medium-sized businesses: on one hand, new employers will have to provide more information upon registration with the Commission; furthermore, it makes transmitting the monthly report easier.

Further information may be obtained from Mr. Jean Ménard, Director of the Service juridique of the Commission de la construction du Québec, 3530, rue Jean-Talon Ouest, Montréal (Québec), H3R 2G3; tel.: (514) 341-7740, extension 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 on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, ss. 19.1 and 82, 1st par., subpar. a, b and h)

SECTION I REGISTRATION OF AN EMPLOYER AND NOTICE TO THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

1. Every employer must register with the Commission de la construction du Québec, which will assign the employer an identification number for administrative purposes.

2. Every employer must send to the Commission a written notice containing the following information:

- (1) the employer's name;
- (2) in the case of a natural person, the person's birthdate and the address of the person's domicile;
- (3) in the case of a corporation, the reference for the statute under which it was incorporated or continued, the date of incorporation or continuation and the names, birthdates and addresses of its directors;
- (4) in the case of a partnership, the date of its formation and the names, birthdates and addresses of its partners;
- (5) the address of the employer's head office, the address of the principal place of business in Québec if located at a different address and the address of each of the employer's establishments in Québec;
- (6) the place where the employer's registers and pay-rolls may be examined;
- (7) the number of the licence the employer holds under the Building Act (R.S.Q., c. B-1.1);
- (8) the number that he was assigned by the Commission de la santé et de la sécurité du travail, where applicable;
- (9) the administrative number that he was assigned under the Act respecting legal advertising by individuals, partnerships and corporations (R.S.Q., c. P-45), where applicable;

(10) the employer's number under the Québec Sales Tax Act (R.S.Q., c. T-0.1).

The employer must notify the Commission as soon as any change occurs in the information mentioned in the first paragraph.

3. The employer shall send the notice provided for in section 2 prior to the date on which he undertakes construction work subject to the Act. In this regulation, the word "Act" alone means the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

4. An employer is exempted from sending the notice provided for in the first paragraph of section 2 where, during a 26-month period preceding the date on which he resumes construction work, the following conditions have been fulfilled:

(1) the employer has caused work to be performed by an employee in the construction industry;

(2) the Commission has received from the employer a monthly report in accordance with the conditions and within the deadline provided for in this regulation, and in which the employer indicated that he caused such work to be performed by the employee.

5. The notice provided for in the first paragraph of section 2 is not deemed to have been received unless it contains all the information prescribed by that section and is accompanied by the fee exigible under the Regulation respecting fees in respect of the written notice of an employer and the written notice of a new designation of a representative by a corporation or partnership, made by Order in Council 1365-93 dated 22 September 1993, where applicable.

SECTION II DESIGNATION OF A REPRESENTATIVE

6. Any partnership or corporation referred to in section 19.1 of the Act may designate a representative on the following conditions:

(1) it has sent to the Commission the notice mentioned in section 2, unless if she is exempted under section 4, and paid the fee determined in respect of that notice by the Regulation respecting fees in respect of the written notice of an employer and the written notice of a new designation of a representative by a corporation or partnership, where applicable;

(2) it indicates the name, birthdate and domicile of the its lone representative and his capacity in respect of the corporation or partnership;

(3) it indicates the date on which the designation takes effect;

(4) the designated representative holds a journeyman certificate, an occupation competency certificate or an apprentice competency certificate or, where applicable, has applied, no later than the date on which the Commission receives the designation, for an apprentice competency certificate in accordance with subsection 4 of section 2 of the Regulation respecting the issuance of competency certificates, made by Order in Council 673-87 dated 29 April 1987, or occupation competency certificate in accordance with subsection 2 of section 4 of this regulation.

7. A designation made under section 6 shall be made in writing and must be received by the Commission before the date appointed for it to take effect; otherwise, it shall take effect on the date it is received.

A corporation or partnership may, in accordance with the terms and conditions provided for in section 6 and in the first paragraph of this section, designate a new representative to replace the previously designated representative. Such new designation terminates the previous designation as of the date on which the new designation takes effect.

No designation or modification of a designation is deemed to have been received unless it contains the prescribed information and, in the case of a modification, is accompanied by the fee exigible by regulation of the Government.

SECTION III THE KEEPING OF A REGISTER

8. Every employer is required to keep a register in which he must enter the following information for each employee and for himself where appropriate:

(1) the name, the address and the social insurance number;

(2) the name of the job; occupation, trade or specialty carried on and the apprenticeship period where appropriate;

(3) for each working day, the exact times at which the work begins, is interrupted and ends, the hours of work paid at regular, time and a half and double rates, for each job site on which the employees have worked and for each work provider for whom the employer is performing work;

(4) the nature of the work, the type of job site and where it is located;

(5) the wage paid, the date and the method of payment;

(6) the amounts payable for vacations and paid holidays;

(7) the amount deducted as a levy;

(8) the contribution deducted from the wages of the employee for complementary social benefit plans;

(9) union dues deducted.

For the purposes of the enforcement of this regulation, the words "job site" mean the work performed by an employer on a single project.

9. The registers provides the number of the licence held by the employer under the Building Act; it shall be kept where indicated on the notice sent in accordance with section 2.

10. The register may include time cards on which appears the information provided for in subsections 1 to 4 of the first paragraph of section 8, and a payroll book on which appears the information provided for in subsections 5 to 9.

SECTION IV MONTHLY REPORT

11. Every employer must send to the Commission a monthly report duly completed on the form attached as Schedule I.

The employer may also send his monthly report by computer, either by sending magnetic bands, diskettes or through modem transmission of data, or by means of a document reproducing data processed by a software, provided that the report contains all the information provided for in the form attached as Schedule I, and provided that, in the case of magnetic bands, diskettes or modem transmission of data, the equipment and software used are compatible with those used by the Commission and, in the case of documents reproducing these data, the information is clear and intelligible, and in the same order as they appear on this form.

12. The report must be sent to the Commission no later than the 15th day of each month; it covers the previous monthly working period.

The employer must send a report for any monthly period of work, even if there was no work performed by himself or his employees.

The monthly period of work consists of no less than 4 and no more than 5 weeks, and must end on the last Saturday of the month. A monthly period begins on the Sunday following the last day of the previous monthly period.

The working week begins at 00.01 h on Sunday and ends at 24 h on Saturday.

13. The employer must send the following contributions with the report:

(1) amounts payable for vacations and paid holidays;

(2) dues and contributions for complementary social benefit plans and applicable sales tax;

(3) union dues;

(4) dues payable by the employer in accordance with section 40 of the Act;

(5) contributions to the special compensation fund;

(6) contributions deducted as a levy;

(7) contributions to the qualification fund of welding;

(8) contributions to any training fund plan.

SECTION V TRANSITIONAL AND FINAL PROVISIONS

14. The Regulation respecting complementary social benefit plans in the construction industry, enacted by decision CCQ-951991, is amended in section 5 by replacing "Regulation respecting the keeping of a register and the sending of a monthly report approved by Order in Council 875-93 dated 16 June 1993" by "Regulation on the register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership (*indicate here the reference to this regulation*)".

15. Section 19 of this regulation is amended by replacing, in the second paragraph, everything that follows the word "section" by "12 of the Regulation on the

register, monthly report and notices from employers, and on the designation of a representative by a corporation or partnership.”.

16. A designation made under section 25 of the Act amending the Act respecting labour relations, vocational training and manpower management in the construction industry (1992, c. 42) or under section 5 of the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a corporation or a partnership approved by Order in Council 1364-93 dated 22 September 1993, has the same effect as a designation made under section 6.

17. This regulation replaces the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a corporation or a partnership, and the Regulation respecting the keeping of a register and the sending of a monthly report approved by Order in Council 875-93 dated 16 June 1993.

18. This Regulation shall come into force the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.



EMPLOYER'S MONTHLY REPORT (SEE GENERAL INFORMATION ON COMPLETING YOUR MONTHLY REPORT)

1	2	3	4	5	6		7	8	9	10	11	12	13	14
					NO. OF EMPLOYEES	TOTAL								

TOTAL

Schedule I

1	2	3	4	5
6	SOCIAL BENEFITS (TOTAL) \$			
7	INSURANCE SALES TAX			
8	SPECIAL COMPENSATION FUND (M) \$			
9	A.B.C.O. HOURLY CONTRIBUTION (M) \$			
10	A.B.C.O. ANNUAL CONTRIBUTION			
11	D.S.T. (M) - (M) \$			
12	D.S.T. (M) - (M) \$			
13	VACATIONS AND GENERAL HOLIDAYS PAY (TOTAL) \$			
14	LEVY (M) \$			
15	UNION CONTRIBUTIONS (TOTAL) \$			
16	QUALIFICATION FUND			
17	TRAINING FUND			
TOTAL				5

FOR ANY CHANGES PERTAINING TO THE ADDRESS OF THE EMPLOYER OR OF THE ACCOUNTANT, OR TO THE CLOSING-DOWN OF THE BUSINESS, PLEASE COMPLETE THE CHANGE OF ADDRESS CARD PROVIDED.

EMPLOYER NO. IDENTIFY YOUR PERIOD DATE

WHETHER FALSE OR A MONTHLY REPORT CONTAINING FALSE OR ERRONEOUS INFORMATION COMBATS AN OFFENCE AND IS LIABLE TO PROSECUTION.

ALL EMPLOYERS MUST HOLD THE REQUIRED PERMIT ISSUED BY THE REGIS DU BÂTIMENT DU QUÉBEC.

PLEASE RETURN ORIGINAL WITH REMITTANCE TO:
COMMISSION DE LA CONSTRUCTION DU QUÉBEC, C.P. 1000, SUCCURSALE MONT-ROYAL, MONTRÉAL (QUÉBEC) H3P 3C1