

Regulations and other acts

Gouvernement du Québec

O.C. 1527-96, 4 December 1996

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

Commission de la construction du Québec — Costs exigible

Regulation respecting certain costs exigible by the Commission de la construction du Québec

WHEREAS under paragraph 8.1 of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Government may, by regulation, determine, subject to the sixth paragraph of section 109.2 and subsections 11 and 12 of section 123.1 of the Act, in what cases and from whom costs, dues or fees may be exigible and fix the amount thereof;

WHEREAS, by Order in Council 1365-93 dated 22 September 1993, the Government made the Regulation respecting fees in respect of the written notice from an employer and the written notice of a new designation of a representative by a corporation or partnership;

WHEREAS it is expedient to replace that Regulation;

WHEREAS in accordance with the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting certain costs exigible by the Commission de la construction du Québec was published in Part 2 of the *Gazette officielle du Québec* of 24 July 1996, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS no comments were received following that publication;

WHEREAS it is expedient to make the Regulation;

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

THAT the Regulation respecting certain costs exigible by the Commission de la construction du Québec, attached to this Order in Council, be made.

MICHEL CARPENTIER,
Clerk of the Conseil exécutif

Regulation respecting certain costs exigible by the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 123, par. 8.1)

1. Costs of \$350 are exigible from any employer who sends to the Commission de la construction du Québec the notice provided for in section 2 of the Regulation respecting the register, monthly report, notices from employers, and the designation of a representative, approved by Order in Council 1528-96 dated 4 December 1996.

2. Costs of \$50 are exigible for any new designation of a representative of a corporation or partnership within the meaning of the second paragraph of section 7 of the Regulation respecting the register, monthly report, notices from employers, and the designation of a representative.

3. Costs of \$30 are exigible from any employer for the issue of a letter describing the situation.

For the purposes of this Regulation, a letter describing the situation is a document issued by the Commission de la construction du Québec upon the request of an employer and containing certain information brought to the knowledge of the Commission, in either of the following cases:

(1) **Description of situation for the purposes of tendering:** a letter indicating, in particular, the job site, the nature of the work and the name of the client in relation to the contract for which the letter is requested;

(2) **Description of situation respecting a particular job site:** a letter indicating, in particular, the job site, the nature of the work, the name of the client, the value of the contract, the percentage of the cost of manpower in relation to that value, the maximum number of employees involved, the total number of hours of work carried out and the duration of the work, in respect of the contract for which the letter is requested.

4. Payment of the costs provided for in sections 1 to 3 shall accompany the notice, the new designation or the request, as the case may be, and shall be made in cash or by certified cheque or postal order made out to the Commission de la construction du Québec.

5. The costs provided for in sections 1 to 3 are not refundable.

6. The administrative expenses recoverable by the Commission de la construction du Québec in the administration of the Supplemental Pension Plan for the employees of the Québec construction industry are as follows:

(1) an amount of \$50 in the case of any request to obtain a statement of benefits;

(2) an amount of \$50 in the case of a request for payment of the amounts awarded to the spouse, where a statement of benefits was provided beforehand;

(3) an amount of \$100 in the case of a request for payment of the amounts awarded to the spouse, where no statement of benefits was provided beforehand.

7. The amount provided for in paragraph 1 of section 6 shall be payable at the time of the issue of the statement of benefits, where there is no proceeding for divorce, nullity of marriage or separation from bed and board pending between the spouses, or at the latest one year after the date of the sending of the statement, in the other cases.

The amounts provided for in paragraphs 2 and 3 of section 6 are payable to the Commission at the time of payment of the amounts awarded to the spouse.

8. Unless the court or the parties decide otherwise, the expenses provided for in section 6 shall be divided equally among the parties.

The Commission shall retain the amount of the expenses that must be paid by the spouse from the amounts that are transferred in his name, except where it receives payment before the transfer of those sums.

The Commission shall retain the amount of the expenses that must be paid by the participant from the amount of the benefits that are owed to him, except where it receives payment before the payment of those benefits.

9. The costs provided for in section 6 bear interest at the legal rate from the time of the issue of the statement of benefits or, as the case may be, from the time of payment of the amounts awarded to the spouse.

10. This Regulation replaces the Regulation respecting fees in respect of the written notice from 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.

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

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Gouvernement du Québec

O.C. 1528-96, 4 December 1996

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 the designation of a representative

CONCERNANT the Regulation respecting the register, monthly report, notices from employers and the designation of a representative

WHEREAS under subparagraphs *a* and *b* of the first paragraph of section 82 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may, by regulation approved by the Government, oblige any employer to transmit to it a monthly report and render obligatory the keeping of a register;

WHEREAS under subparagraph *h* of the first paragraph of section 82 of that Act, the Commission de la construction du Québec may, by regulation approved by the Government, oblige any employer and any legal person or partnership contemplated in section 19.1 of that Act to transmit to it, within the time and in the form determined by the Commission, a written notice setting out his or its identification, the name and address of each of his or its establishments, the surname, given name, address and capacity of his or its representative designated under section 19.1 of that Act, if applicable, and such other information as it considers useful for the purposes of that Act and the regulations;

WHEREAS, after consulting with the Joint Committee on Construction in accordance with section 123.3 of that Act, the Commission adopted the Regulation respecting the register, monthly report, notices from employers and the designation of a representative, attached to this Order in Council, to replace 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 and the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designa-