

Regulations and other acts

Gouvernement du Québec

O.C. 4-97, 7 January 1997

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

Requirement of holding a competency certificate — Exemptions

Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec

WHEREAS section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), amended by section 52 of the Act to amend various legislative provisions relating to the construction industry (1996, c. 74), enacts that the Government may, in order to give effect to an intergovernmental agreement in respect of manpower mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec;

WHEREAS the same section also enacts that such regulations may, in particular, provide for adjustments to the provisions of the Act and the regulations and special management rules, and that they are not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS under Order in Council 1526-96 dated 4 December 1996, the Government approved the Ontario-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry, signed on 6 December 1996;

WHEREAS it is expedient to make the Regulation attached to this Order in Council, in order to give effect to that Agreement;

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

THAT the Regulation respecting certain exemptions from the requirement of holding a competency certificate or an exemption issued 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 exemptions from the requirement of holding a competency certificate or an exemption issued 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; 1996, c. 74, s. 52)

1. A person domiciled in Ontario is, on the following conditions, exempted from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec:

(1) the person holds a valid, recognized attestation authorizing him to carry on, in Ontario, a trade which, under or pursuant to the Ontario-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry dated 6 December 1996, is paired with one of the trades listed in Schedule A to the Regulation respecting the vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, or with a specialty under one of those trades, or which, under or pursuant to that Agreement is recognized as being equivalent to an occupation existing in Québec; and

(2) in accordance with the provisions of the Agreement, the person meets the applicable requirements in respect of occupational health and safety training.

For the purposes of carrying on construction work as an employee, the exemption enacted by the first paragraph applies only on the condition that the person in question also holds a card issued by the Commission under section 36 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).

2. For the purposes of subparagraph 1 of the first paragraph of section 1, a certificate of qualification, a certificate of apprenticeship, a provisional certificate of qualification and an apprentice identification card issued under a statute of the Province of Ontario are recognized attestations; a certificate of qualification issued in accordance with the provisions of an interprovincial agreement on the reciprocal recognition of vocational qualification (Red Seal) is also a recognized attestation.

3. The Commission shall, on request, issue a card referred to in section 36 of the Act to a person domiciled in Ontario only where that person meets the conditions set forth in subparagraphs 1 and 2 of the first paragraph of section 1 of this Regulation or where the person holds a competency certificate or an exemption issued by the Commission.

4. The Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987, as amended, does not apply in respect of a person who is exempted under section 1 of this Regulation, unless the person applies to the Commission and is issued a competency certificate or an exemption, as the case may be.

5. For the purposes of paragraph 1 of section 35 of the Regulation respecting the hiring and mobility of employees in the construction industry, approved by Order in Council 1946-82 dated 25 August 1982, as amended, a person who is exempted under section 1 of this Regulation is deemed to be domiciled in the region in which the work relating to the employment offered is being carried out; where the person is hired to carry out such work, he is deemed to be domiciled in that region for the duration of the employment.

6. For the purposes of applying the relevant provisions of the Regulation respecting the vocational training of manpower in the construction industry to a person exempted under section 1 of this Regulation, a person holding a certificate of qualification is deemed to be a journeyman and a person holding a certificate of apprenticeship, a provisional certificate of qualification or an apprentice identification card is deemed to be an apprentice.

Section 16 of the Regulation respecting the vocational training of manpower in the construction industry does not apply to such a person.

For the purposes of section 25 of that Regulation, the Commission shall indicate, on the card that it issues under section 36 of the Act to a person deemed to be an apprentice, the apprenticeship period at which the Agreement situates him, as the case may be, or, failing that,

the apprenticeship period at which the Commission classifies that person pursuant to section 15 of that Regulation.

7. This Regulation comes into force on 15 January 1997.

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Gouvernement du Québec

O.C. 5-97, 7 January 1997

An Act respecting manpower vocational training and qualification
(R.S.Q., c. F-5)

Vocational training and manpower qualification — Amendment

Regulation to amend the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry

WHEREAS section 30 of the Act respecting manpower vocational training and qualification (R.S.Q., c. F-5), amended by section 12 of the Act to amend various legislative provisions relating to the construction industry (1996, c. 74), provides that the Government may make regulations to ensure the efficient carrying out of the Act respecting manpower vocational training and qualification, to determine, in particular, the conditions for admission to the examinations for qualification, for obtaining and renewal of certificates of qualification and generally, adopt any other related or supplementary provision for the efficient carrying out of the Act, including any exceptional provision to facilitate the implementation of intergovernmental agreements in respect of manpower mobility or the recognition of the qualifications, skills or work experience in trades or vocations;

WHEREAS the Government made the Regulation respecting the vocational training and qualification of manpower, covering electricians, pipe fitters, elevator mechanics and electrical machinery operators in sectors other than the construction industry (R.R.Q., 1981, c. F-5, r. 4);

WHEREAS under Order in Council 1526-96 dated 4 December 1996, the Government approved the Ontario–Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry, signed on 6 December 1996;