

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*.