

## Regulations and other acts

Gouvernement du Québec

### O.C. 129-98, 4 February 1998

An Act to foster the development of manpower training (R.S.Q., c. D-7.1)

#### Apprenticeship scheme

Regulation respecting the apprenticeship scheme

WHEREAS under the first paragraph of section 44.1 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) enacted by section 11 of Chapter 20 of the Statutes of 1997, the Société québécoise de développement de la main-d'oeuvre shall, by regulation, establish an apprenticeship scheme, responsive to labour market needs, to assist young persons and adults in entering trades or professions;

WHEREAS under section 44.3 of the Act also enacted by section 11 of Chapter 20 of the Statutes of 1997, a regulation made under section 44.1 may govern the matters mentioned therein;

WHEREAS under section 44.4 of that Act, also enacted by section 11 of Chapter 20 of the Statutes of 1997, such a regulation requires the approval of the Government;

WHEREAS under section 18 of Chapter 20 of the Statutes of 1997, the first regulation made under section 44.1 of the Act to foster the development of manpower training may be made on the expiry of 30 days from the date on which it is published in the *Gazette officielle du Québec* and it comes into force on the day on which it is approved by the Government;

WHEREAS in accordance with section 10 of the Regulations Act (R.S.Q., c. R-18.1) and section 18 of Chapter 20 of the Statutes of 1997, a draft of the Regulation was published in Part 2 of the *Gazette officielle du Québec* of 8 October 1997 with a notice that it could be approved by the Government upon the expiry of 30 days following that publication;

WHEREAS the 30-day period has expired;

WHEREAS the Société québécoise de développement de la main-d'oeuvre has examined the comments received;

WHEREAS at its meeting of 27 November 1997, the board of directors of the Société adopted the Regulation respecting the apprenticeship scheme, with amendments;

WHEREAS it is expedient to approve the Regulation;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Employment and Solidarity:

THAT the Regulation respecting the apprenticeship scheme, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

#### Regulation respecting the apprenticeship scheme

An Act to foster the development of manpower training (R.S.Q., c. D-7.1, ss. 44.1 and 44.3; 1997, c. 20, s. 11)

**1.** This Regulation establishes an apprenticeship scheme for the benefit of young persons and adults.

**2.** To be eligible for the apprenticeship scheme, a person shall have completed Secondary III.

**3.** A sector-based manpower committee recognized pursuant to section 44.5 of the Act to foster the development of manpower training (R.S.Q., c. D-7.1) introduced by section 11 of Chapter 20 of the 1997 Statutes, a parity committee governed by the Act respecting collective agreement decrees (R.S.Q., c. D-2) or any process for concerted action recognized by the Société québécoise de développement de la main-d'oeuvre may, for its sector of economic activity and for each trade or profession, participate in defining the content of the apprenticeship booklet and the journeyman's handbook, in determining the length of the apprenticeship and the apportionment of the training between educational institutions and enterprises, as well as in determining special conditions for admission to the apprenticeship and for the selection of journeymen.

**4.** The employer shall be responsible for evaluating the in-plant apprenticeship using tools to evaluate knowledge and skills adapted to in-plant training and provided by the Minister of Education for the purpose of certification provided for in the third paragraph of section 44.1 of the Act to foster the development of manpower training.

**5.** The employer shall also assume the following responsibilities:

(1) provide the apprentice with in-plant training, notably by ensuring the availability of the person acting as a journeyman;

(2) ensure the stability of the relationship that is established between the journeyman and the apprentice for the duration of the apprenticeship contract;

(3) organize the apprenticeship in such a way that the apprentice receives the necessary training in an educational institution;

(4) allow the apprentice to perform tasks that reflect the exercise of the trade or profession in question; and

(5) evaluate the in-plant training received by the apprentice using the assessment sheets provided by the Minister of Education and submit the completed sheets to the school board with which the apprentice is registered.

**6.** The employer and the apprentice shall use the apprenticeship booklet.

The employer shall ensure that the necessary attestations are recorded in the apprenticeship booklet for the in-plant evaluation of the apprentice.

The apprentice shall keep his apprenticeship booklet up to date.

**7.** To act as a journeyman, a person shall have eight years of experience in his trade or profession or four years of experience and a vocational school diploma in the trade or profession, or an equivalent diploma.

In addition, the person shall have received 135 hours of preparatory training in the following subjects:

- (1) the journeyman's role and responsibilities;
- (2) the supervision of the apprenticeship;
- (3) planning the apprenticeship;
- (4) in-plant teaching methods;
- (5) principles that facilitate the attainment of objectives in apprenticeship; and
- (6) the tools used to evaluate the training provided.

The knowledge acquired through in-plant training in respect of the aforementioned subjects may be recog-

nized by the Société, thereby reducing the number of hours of mandatory training.

**8.** The employer shall choose an apprentice for a trade or profession to which the apprenticeship scheme applies in his enterprise from among the candidates who meet general or specific eligibility criteria.

**9.** The apprenticeship shall be divided into three equal periods.

**10.** The wage rate received by the apprentice for the hours of in-plant training shall be

(1) 40 % of the wages paid by the same employer to a new employee qualified for the trade or profession concerned, for the first period of the apprenticeship;

(2) 60 % for the second period;

(3) 80 % for the last period.

In the absence of a qualified new employee, the wage rate of the apprentice shall be calculated in relation to the wage normally paid, by the same employer, to the employee whose duties and experience are similar to those of a qualified new employee.

**11.** The apprenticeship contract concluded between the apprentice and the employer participating in the apprenticeship scheme shall indicate

(1) the name and address of the employer and the apprentice;

(2) the name of the journeyman or journeymen;

(3) the vocational school diploma being sought;

(4) the length of the contract;

(5) the wages the employer undertakes to pay the apprentice for each period of the apprenticeship;

(6) the obligations of the employer;

(7) the obligations of the apprentice; and

(8) the possibility of terminating the contract by mutual consent.

**12.** When the employees of an employer or a group of employees are represented by an association or union accredited for this purpose under a law, the employer's representative shall fill out, personally sign and send to the Société a form supplied by the latter in which he confirms that the apprenticeship contract he has con-

cluded with an apprentice is compatible with the collective agreement in force and specifying any particular provisions to be satisfied. This form shall be countersigned by the representative of the association or union concerned.

An apprentice may not be compelled to appear at the employer's premises when the employees are exercising their right to strike or during a lock-out.

**13.** The employer shall submit a copy of the apprenticeship contract to the union or association referred to in section 12; he shall also submit a copy of it to the Société, with the form stipulated in section 12, no later than 15 days after the form has been signed.

**14.** When a situation leads to the interruption of an apprenticeship with an employer, the apprentice shall so advise the Société if he wishes it to take the necessary steps for him to continue his training to obtain the diploma being sought.

**15.** This Regulation comes into force on the day it is approved by the Government.

2050

Gouvernement du Québec

### **O.C. 150-98, 4 February 1998**

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

#### **Competency certificates**

##### **— Amendment**

CONCERNING the Regulation to amend the Regulation respecting the issuance of competency certificates

WHEREAS under subsections 8 and 11 of the 1st paragraph of section 123.1 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 can adopt a regulation respecting particularly competency evaluation examinations and the fee exigible for admission to examinations;

WHEREAS the Commission de la construction du Québec has made the Regulation respecting the issuance of competency certificates approved by Order in Council 673-87 dated 29 April 1987;

WHEREAS the Commission de la construction du Québec, after consultation with the Committee on voca-

tional training in the construction industry, has made and transmitted to the Minister of Labour the Regulation to amend the Regulation respecting the issuance of competency certificates;

WHEREAS under section 123.2 of that Act, such regulation of the Commission shall be submitted to the Government for approval;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the text of the Regulation to amend the Regulation respecting the issuance of competency certificates was published in Part 2 of the *Gazette officielle du Québec* of 3 September 1997 with a notice that it could be approved by the Government upon the expiry of 45 days following that publication;

WHEREAS no comment was received following that publication and there is reason to approve the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the issuance of competency certificates, attached to this Order in Council, be approved.

MICHEL CARPENTIER,  
*Clerk of the Conseil exécutif*

### **Regulation to amend the Regulation respecting the issuance of competency certificates\***

An Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20, s. 123.1, 1st par. subpars. 8 and 11)

**1.** Section 24.5 of the Regulation respecting the issuance of competency certificates is amended by adding: "referred to in section 1.1 or for a competency assessment examination referred to in section 12" at the end.

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

2051

\* The Regulation respecting the issuance of competency certificates, approved by order in council 673-87 dated 29 April 1987 (1987 *G. O.* 2, 1471), was last amended by the regulation approved by order in council 1398-97 dated 22 October 1997 (1997, *G. O.* 2, 5327). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 1997, updated to 1 September 1997.