

Draft Regulation

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

Restrictions to contractor licences — Public contract

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 respecting restrictions to contractor licences for the purposes of obtaining a public contract, the text of which appears below, may be made by the Government upon the expiry of 45 days following this publication.

The draft Regulation is a follow-up to amendments brought last December to the Building Act (R.S.Q., c. B-1.1) and to the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20) to follow up on the elements of the budget speech. Its purpose is to implement provisions under which the licence issued to a contractor guilty of certain offences related to black labour will have a restriction which will prevent such a contractor from obtaining public contracts, for a two-year period.

Further information may be obtained by contacting Rita Roy, ministère du Travail, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1, tel.: (418) 643-7458.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to the Minister of Labour, 200, chemin Sainte-Foy, 6^e étage, Québec (Québec) G1R 5S1.

MATTHIAS RIOUX,
Minister of Labour

Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 123, 1st par., subpars. 8.2 and 8.3 and 3rd par.; 1997, c. 85, s. 398)

1. A licence issued or renewed under the Building Act (R.S.Q., c. B-1.1) shall be restricted for the purposes of obtaining a public contract where the applicant

(1) has been the subject of an enforceable work suspension order rendered executory under section 7.8 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20);

(2) has paid a claim under subparagraph *c.2* of the first paragraph of section 81 of the Act or has been condemned in a final judgment to pay such a claim;

(3) has been found guilty, or one of the partners in the case of a partnership or one of the directors in the case of a legal person when acting in that capacity for that legal person, has been found guilty of

(*a*) an offence against the provisions of paragraph 3 of section 83 of the Act, for having refused or delayed to grant the Commission de la construction du Québec, or any person authorized by it, access to the place where construction work is being done or to an establishment of an employer;

(*b*) an offence against section 83.1 of the Act, for having refused or neglected to provide the Commission or any person authorized by it with the information in writing considered necessary within a period of 10 clear days following the delivery of a written request to that effect or following the day when that request was made to him by any appropriate means, in accordance with subparagraph *f* of the first paragraph of section 81 of the Act;

(*c*) an offence against section 83.2 of the Act, for having failed to comply with a written request by the Commission pursuant to section 81.0.1 within 10 clear days of the sending of that request;

(*d*) an offence against subsection 4 of section 122 of the Act, for having knowingly destroyed, altered or falsified any register, pay-list, registration system or document relating to the application of the Act, of a collective agreement or of a regulation;

(4) during a period of 24 consecutive months, has been found guilty or one of the partners in the case of a partnership or one of the directors in the case of a legal person when acting in that capacity for that legal person, has been found guilty of the number of offences determined in section 2, committed in different months against any of the following provisions 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:

(a) section 1, for having failed to register with the Commission;

(b) section 8, for having neglected to enter in his register the hours worked by an employee;

(c) section 11, for having neglected to indicate in his monthly report the hours worked by an employee;

(d) section 12, for having neglected to send the Commission his report for a monthly period;

(5) during a period of 24 consecutive months, has been found guilty or one of the partners in the case of a partnership or one of the directors in the case of a legal person when acting in that capacity for that legal person, has been found guilty, of the number of offenses determined in section 2, committed in different weeks in the case of the same employee or on different days in other cases, against paragraph 3 of section 119.1 of the Act for having hired the services of or assigned to construction work an employee who is not the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, issued by the Commission, or without having been granted an exemption.

2. In the case of a business that was reported to the Commission, as an employer, during the reference period pertaining to the calendar year during which was recorded the last conviction for offences, the number of offences mentioned in paragraphs 4 and 5 of section 1 is

(1) 2 offences, for 10 000 hours of work or less;

(2) 3 offences, for more than 10 000 hours of work but less than 50 000;

(3) 4 offences, for 50 000 hours of work or more but less than 100 000;

(4) 5 offences, for 100 000 hours of work or more plus one offence for each period of 100 000 hours of work exceeding 100 000.

That number of offences shall be of 2 in the case of an undertaking that did not report any hour of work during the reference period.

The reference period shall correspond to the 12 consecutive monthly periods of work ending with the month of August preceding the calendar year concerned and the monthly period of work is the period described in section 12 of the Regulation respecting the register, monthly report, notices from employers and the designation of a representative.

3. During the two years following the date when the holder began to be governed by paragraphs 1 and 2 of section 1, or during a period of two years beginning 45 days after the date when he began to be governed by paragraphs 3, 4 and 5 of section 1, any licence issued or renewed comprises a restriction for the purposes of obtaining a public contract, for the whole of its period of validity.

4. For the purposes of this Regulation, only the decisions relating to the enforceable work suspension that are rendered executory, the recorded convictions respecting offences committed or claims respecting amounts that should have been sent with a monthly report after 1 July 1998 are taken into account.

5. 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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