

Regulation to amend the Regulation respecting exemption from the application of the Building Act(*)

Building Act
(R.S.Q., c. B-1.1, s. 4.1, s. 182, 1st par., subpar. 1 and 2nd par., and s. 192)

1. The following section is inserted after section 3.1 of the Regulation respecting exemption from the application of the Building Act:

“**3.2.** A contractor domiciled in Newfoundland or in the area of Labrador that is part of Newfoundland is exempt from the application of paragraph 1 of section 58 of the Act and from the provisions pertaining to the examination of skills in the Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 and amended by the Regulations approved by Orders in Council 376-95 dated 22 March 1995, 98-96 dated 24 January 1996 and 7-97 dated 7 January 1997 and its future amendments, where it is established, to the satisfaction of the Régie du bâtiment du Québec, that

(1) in the case of a legal person, it has been registered for at least 5 years as a building contractor with the Commercial and Corporate Affairs Branch of the Department of Government Services and Lands of Newfoundland; or

(2) in the case of a sole proprietorship or of a general or limited partnership, the firm name of the construction firm has been registered for at least 5 years with the Worker's Compensation Commission of Newfoundland.

The exemption referred to in the first paragraph is valid only for the categories or subcategories of licences corresponding to the fields for which the contractor is registered and for as long as he meets one of the conditions provided for in subparagraphs 1 and 2 of the first paragraph.”

2. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

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*The Regulation respecting exemption from the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100), was once amended by the Regulation made by Order in Council 6-97 dated 7 January 1997 (1997, *G.O.* 2, 188).

Gouvernement du Québec

O.C. 759-98, 3 June 1998

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 — Requirement of holding a competency certificate or an exemption — Exemptions

Regulation to amend 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

WHEREAS under 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, in order to give effect to an inter-governmental 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 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 the Government made 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 by Order in Council 4-97 dated 7 January 1997;

WHEREAS under Décret 569-98 dated 22 April 1998, the Government approved the Newfoundland and Labrador–Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry signed on 24 April 1998;

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 to amend 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 NOËL DE TILLY,
Acting Clerk of the Conseil exécutif

Regulation to amend 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(*)

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

1. The following sections are inserted after section 2 of 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:

“**2.1.** A person domiciled in Newfoundland or in the area of Labrador that is part of Newfoundland 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 Newfoundland or in the area of Labrador that is part of Newfoundland, a trade which, under or pursuant to the Newfoundland and Labrador-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry dated 24 April 1998, 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).

2.2. For the purposes of subparagraph 1 of the first paragraph of section 2.1, a certificate of qualification and an apprentice identification card issued under a statute of the Province of Newfoundland 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.”.

2. The following is substituted for section 3:

“**3.** The Commission shall, on request, issue a card referred to in section 36 of the Act to a person domiciled in Ontario or in Newfoundland or in the Newfoundland part of Labrador only where that person meets the conditions set forth in subparagraphs 1 and 2 of the first paragraph of section 1 or 2.1 of this Regulation or where the person holds a competency certificate or an exemption issued by the Commission.”.

3. Section 4 is amended by inserting “or 2.1” after “section 1”.

4. Section 5 is amended by inserting “or 2.1” after “section 1”.

5. The following is substituted for the first paragraph of section 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 or 2.1 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.”.

6. This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

* 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, made by Order in Council 4-97 dated 7 January 1997 (1997, G.O. 2, 185) has not been amended since.