



NATIONAL ASSEMBLY

SECOND SESSION

THIRTY-FIFTH LEGISLATURE

Bill 445

(1998, chapter 46)

An Act to amend various legislative provisions relating to building and the construction industry

Introduced 14 May 1998
Passage in principle 2 June 1998
Passage 19 June 1998
Assented to 20 June 1998

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EXPLANATORY NOTES

This bill amends various Acts concerning building standards and the construction industry in order to facilitate their administration.

The bill proposes to entrust the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec with the enforcement of the provisions of the Building Act concerning the vocational qualification of their members. It also enables the Régie du bâtiment du Québec to delegate certain of its functions pertaining to vocational qualification to similar bodies. In addition, the bill relaxes certain rules governing standardization in the building sector.

The bill creates a new authority — the construction industry commissioner — to replace the office of building commissioner established by the Act respecting labour relations, vocational training and manpower management in the construction industry and the council of arbitration established by the Act respecting manpower vocational training and qualification. The construction industry commissioner will have jurisdiction over proceedings relating to the qualification of building contractors and mechanisms are established for the financing of the costs of the commissioner's activities.

The bill introduces a conciliation mechanism to facilitate the settlement of certain contestations submitted to the construction industry commissioner.

In addition, it amends the dispute arbitration procedure in the construction industry to enable the parties to appear before a single arbitrator or before a council of arbitration composed of three members.

The bill also confers additional powers on the Commission de la construction du Québec to facilitate the application of collective agreements, in particular, by enabling the Commission to invoke the collective agreements and, in certain cases, to bring proceedings against the directors of a legal person.

Lastly, the bill includes various technical provisions, consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL :

- Act respecting the Barreau du Québec (R.S.Q., chapter B-1);
- Building Act (R.S.Q., chapter B-1.1);
- Labour Code (R.S.Q., chapter C-27);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting piping installations (R.S.Q., chapter I-12.1);
- Act respecting electrical installations (R.S.Q., chapter I-13.01);
- Master Electricians Act (R.S.Q., chapter M-3);
- Master Pipe-Mechanics Act (R.S.Q., chapter M-4);
- Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20);
- Act to amend the Building Act and other legislation (1991, chapter 74).

Bill 445

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO BUILDING AND THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS :

ACT RESPECTING THE BARREAU DU QUÉBEC

1. Section 128 of the Act respecting the Barreau du Québec (R.S.Q., chapter B-1), amended by section 32 of chapter 27 and by section 86 of chapter 43 of the statutes of 1997, is again amended by replacing “the building commissioner, the building deputy-commissioner, the placement commissioner, a placement deputy-commissioner” in the first, second and third lines of subparagraph 6 of paragraph *a* of subsection 2 by “the construction industry commissioner, a construction industry deputy-commissioner”.

BUILDING ACT

2. Section 4.1 of the Building Act (R.S.Q., chapter B-1.1) is amended

(1) by replacing “pressure vessel manufacturers” in the third line by “manufacturers of pressure installations”;

(2) by replacing “pressure vessels” in the fifth line by “pressure installations”.

3. Section 11.1 of the said Act is amended by replacing “The” in the first line by “Subject to section 164.1, the”.

4. Sections 16 to 17.3 of the said Act, enacted by section 12 of chapter 74 of the statutes of 1991, are replaced by the following :

“16. Every contractor or owner-builder shall, in the cases determined by regulation of the Board, furnish to the Board a certificate of the construction work’s conformity with the Building Code produced by a person recognized by the Board in accordance with a regulation of the Board.

“17. No contractor may claim any amount for the production of a certificate of conformity under section 16.”

5. Section 18 of the said Act is amended by striking out the second paragraph.

6. Section 20 of the said Act, amended by section 14 of chapter 74 of the statutes of 1991, is repealed.

7. Section 21 of the said Act, enacted by section 15 of chapter 74 of the statutes of 1991, is amended by striking out “a denial of conformity or to” in the fourth and fifth lines.

8. Section 35 of the said Act, enacted by section 23 of chapter 74 of the statutes of 1991, is amended by striking out the second paragraph.

9. Section 36 of the said Act is amended by replacing the first paragraph by the following :

“36. The owner of a building may not change the use or intended purpose of the building without bringing it into conformity with the Building Code where, according to that Code, the new use or new intended purpose would necessitate more stringent safety requirements for persons having access to the building.”

10. Section 37 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing “pressure vessel” in the third line by “pressure installation”.

11. Section 37.1 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is amended by replacing “pressure vessel” in the first paragraph by “pressure installation”.

12. Section 37.3 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is repealed.

13. Section 37.4 of the said Act, enacted by section 24 of chapter 74 of the statutes of 1991, is replaced by the following :

“37.4. No person may market a pressure installation or put back into service a pressure installation that has been repaired, modified or reconditioned, unless it has been approved by the Board in the cases and in accordance with the terms and conditions prescribed by the regulations of the Board.

Moreover, no person may market or put back into service any pressure installation where it is to be used for a purpose other than that for which it was originally intended.”

14. Section 41 of the said Act is amended by replacing “for building work on a building or” in the first and second lines by “in respect of construction work on a building, on facilities or installations referred to in paragraph 2 or 3 of section 2 or on”.

15. Section 46 of the said Act is amended, in the French text, by replacing “en construction” in the first paragraph by “de construction”.

16. Section 50 of the said Act is amended, in the French text, by replacing “détenteur” by “titulaire”.

17. Section 56 of the said Act is amended by adding “and shall return the licence to the Board when no longer entitled to it; failing that, the Board shall confiscate the licence” after “it” at the end of the second paragraph.

18. The said Act is amended by inserting, after section 57, the following :

“57.1. The holder of a licence shall mention, in any form of publicity made by the holder, the number of the licence issued under this Act and the words “holder of a licence issued under the Building Act” on the holder’s estimates, tender bids, contracts, statements of account and any other document determined by regulation of the Board.”

19. Section 58 of the said Act is amended

(1) by replacing subparagraph 8 of the first paragraph by the following :

“(8) he has not, in the five years preceding the application, been convicted of an offence under a fiscal law or an indictable offence triable only on indictment and connected with the business that the person intends to carry on in the construction industry or, if convicted of such an act or offence, he has obtained a pardon;”;

(2) by adding, after the second paragraph, the following :

“For the purposes of subparagraph 8 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

20. The said Act is amended by inserting, after section 59, the following :

“59.1. The Board may refuse to issue a licence to a natural person who applies for a licence for himself or herself or on behalf of a partnership or a legal person where, in the 12 months preceding the cessation of the partnership’s or legal person’s activities as a contractor, the person was an officer of a partnership or of a legal person, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”

21. Section 60 of the said Act is amended

(1) by replacing “of an indictable offence triable only on indictment and connected” in the first line of subparagraph 6 of the first paragraph by “of an

offence under a fiscal law or of an indictable offence triable only on indictment and connected”;

(2) by replacing “of an offence contemplated in paragraph 6 and has obtained” in the second line of subparagraph 6.1 of the first paragraph by “of an offence or an indictable offence referred to in subparagraph 6 and has obtained”;

(3) by adding, after the second paragraph, the following:

“For the purposes of subparagraphs 6 and 6.1 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

22. Section 61 of the said Act is amended

(1) by inserting “of an offence under a fiscal law or” after “convicted” in the second line of subparagraph 2 of the first paragraph;

(2) by replacing, in the French text, “en ait obtenu” in the last line of subparagraph 2 of the first paragraph by “ait obtenu la réhabilitation ou”;

(3) by adding, at the end of the first paragraph, the following:

“(5) was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership’s or legal person’s activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”;

(4) by adding, after the second paragraph, the following:

“For the purposes of subparagraph 2 of the first paragraph in respect of an offence under a fiscal law, the Board shall refuse to issue a licence where it considers that the serious nature of the offence or the frequency of offences justifies the refusal.”

23. Section 66 of the said Act, amended by section 6 of chapter 85 of the statutes of 1997, is again amended by replacing “52, and the classes or subclasses of such licences and any restriction under section 65.1 are entered” by “52, the licence numbers and the classes or subclasses of such licences and any restriction under section 65.1 are entered”.

24. Section 70 of the said Act is amended by adding, at the end, the following:

“The Board may also suspend, cancel or refuse to renew a licence issued to a partnership or a legal person where any of the officers of the partnership or

legal person was an officer of a partnership or of a legal person in the 12 months preceding the cessation of the partnership's or legal person's activities as a contractor, if the Board considers that the cessation is due to other causes than the death of one of its officers, the attainment of its object or any other legitimate cause.”

25. Section 70.2 of the said Act, amended by section 7 of chapter 85 of the statutes of 1997, is again amended by replacing “building commissioner or building deputy-commissioner” in the fourth line of the second paragraph by “construction industry commissioner or a construction industry deputy-commissioner”.

26. Section 78 of the said Act is amended by inserting “, on facilities or installations referred to in paragraph 2 or 3 of section 2” after “building” in the fifth line of the first paragraph.

27. Section 85 of the said Act is amended by replacing “or” in the eighth line of the first paragraph by “, to facilities or installations referred to in paragraph 2 or 3 of section 2 or to a”.

28. Section 86.2 of the said Act is amended

(1) by replacing “and civil engineering structures” in paragraph 3 by “, civil engineering structures, facilities and installations”;

(2) by replacing “and civil engineering structures” in paragraph 4 by “, civil engineering structures, facilities and installations covered”.

29. Section 111 of the said Act is amended by adding “, contractors' associations and groups of contractors' associations” after “municipalities” at the end of paragraph 4.

30. Section 128.1 of the said Act is repealed.

31. Section 128.4 of the said Act is amended by replacing “17.1, 17.2, 35 and 128.1” in the first and second lines by “16 and 35”.

32. Section 128.6 of the said Act is repealed.

33. The heading of Division III of Chapter VI of the said Act is replaced by the following :

“MANDATE AND DELEGATION OF POWERS”.

34. The said Act is amended by inserting, after the heading of Division III of Chapter VI, the following :

“§1. — *Mandate given by the Government*

“1. AGREEMENT

“129.3. Notwithstanding section 110, the Government may give to the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated by the Government, a mandate to supervise the administration of this Act or to see to its application with respect to the vocational qualification of their members.

The terms and conditions governing the carrying out of the mandate by the Corporation, the powers and duties conferred on the Corporation and the obligations of the Board under sections 66, 75, 147 and 148 to be assumed by the Corporation shall be determined in an agreement.

The agreement may also set out the terms and conditions governing the exercise by the employees of the mandatory Corporation of the powers and duties entrusted to the Corporation.

“129.4. The agreement shall be published in the *Gazette officielle du Québec*. It becomes effective on the date of publication or on any later date set out therein.

From that date, the mandatory Corporation shall exercise the powers and duties so entrusted to it and assume the obligations of the Board specified in the mandate.

From the same date and for those purposes, the mandatory Corporation shall be considered to be a public body within the meaning of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) and shall be subject to the provisions of that Act.

“129.5. Only those officers of the mandatory Corporation, committee members or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

“129.6. No proceedings may be brought against the mandatory Corporation, its directors, the members of its committees or its personnel for an official act done in good faith in carrying out the mandate given to the Corporation under section 129.3.

“129.7. The records and other documents of the Board become, to the extent set out in the agreement, the records and other documents of the mandatory Corporation.

“129.8. A licence issued by the Board remains in force until the date on which it expires or until it is altered, suspended or cancelled by the mandatory Corporation.

“129.9. The provisions of the regulations made by the Board that concern matters forming the subject of the mandate continue to apply until amended or replaced by a regulation made by the mandatory Corporation.

Any regulation made by the Corporation shall be submitted to the Government for approval with or without amendment.

Where the Corporation does not adopt or amend a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

“129.10. Separate accounts shall be kept for the sums collected pursuant to the regulations and the expenses incurred for the purpose of carrying out the mandate.

The sums collected shall be applied exclusively to activities covered by the mandate.

“129.11. The Minister may at any time, on the conditions and for the term considered expedient by the Minister, designate one or more persons to participate, without voting rights, in meetings of the board of directors and, where applicable, of the executive committee and of any committee of the mandatory Corporation carrying out the mandate entrusted to the mandatory Corporation under section 129.3.

The persons may be chosen by the Minister, in particular from associations representing consumers, from among persons who reside in or frequent buildings and from among owners of buildings.

“2. VERIFICATION AND INQUIRY

“129.12. The Minister may, generally or specially, designate a person to verify the documents and information transmitted by the mandatory Corporation in accordance with the agreement.

For such purpose, the verifier may, at any reasonable time, enter any place where the verifier has reason to believe operations or activities are carried on by or on behalf of a mandatory Corporation and require any information or document, and examine and make copies of any document.

The person required to provide the information or documents must comply within the allotted time.

“129.13. No proceedings may be brought against the verifier for any act done in good faith in the exercise of the verifier’s functions.

“129.14. The verifier shall, on request, identify himself or herself and produce the document signed by the Minister attesting the verifier’s capacity.

“129.15. No person may hinder the verifier in the exercise of the verifier’s functions.

“129.16. The Minister may direct a person designated by the Minister to make an inquiry into any matter relating to the administration or operation of a mandatory Corporation or to the conduct of the directors of the Corporation, with respect to the mandate given to the Corporation under section 129.3. The investigator so designated has the powers and immunity of commissioners appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

“3. CORRECTIVE ACTION

“129.17. The Minister may, even before the conclusion of a verification or inquiry under section 129.12 or 129.16,

(1) order a mandatory Corporation to take the necessary corrective action within a specified time ;

(2) accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

“4. REVOCATION OF THE MANDATE

“129.18. The Government may at any time revoke a mandate given under section 129.3. The revocation becomes effective on the date fixed by the Government.

The decision of the Government must be communicated forthwith to the Corporation concerned.

“129.19. From the effective date of the revocation,

(1) matters before the Corporation that relate to the mandate given under section 129.3 are continued and decided by the Board without other formality ;

(2) proceedings to which the Corporation is a party and that relate to the mandate so given are continued by the Board without continuance of suit ;

(3) a licence issued by the Corporation remains in force until the date on which it expires or until it is altered, suspended or cancelled by the Board ;

(4) any regulations made by the Corporation pursuant to the regulatory powers entrusted under section 129.3 are deemed to be regulations of the Board ;

(5) any regulations made by the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec pursuant to the powers provided for in section 12.02 of the Master Electricians

Act (chapter M-3) and section 10.2 of the Master Pipe-Mechanics Act (chapter M-4), respectively, cease to have effect; and

(6) the records and other documents of the Corporation that relate to the mandate given under section 129.3 become, to the extent determined by the Government, the records and other documents of the Board.

“§2. — *Delegation of powers by the Board*”.

35. Section 130 of the said Act is amended

(1) by inserting “130.1,” after “sections” in the third line of the first paragraph;

(2) by replacing “sections 17.2, 70, 123, 128.1, 128.3, 128.4, 132, 173 to 179 and 185” in the second line of subparagraph 1 of the third paragraph by “those conferred by the third paragraphs of sections 58, 60 and 61, sections 123, 128.3, 128.4, 130.1, 132, 173 to 179 and 185 and those described in section 70 that do not pertain to the payable security referred to in section 297.2, the entrance dues and the annual assessment referred to in subparagraph 8.1 of the first paragraph of section 58 and subparagraph 6.2 of the first paragraph of section 60 and those referred to in subparagraphs 7 to 10 of the first paragraph of section 70”;

(3) by striking out “exceptionally,” at the beginning of subparagraph 2 of the third paragraph.

36. The said Act is amended by inserting, after section 130, the following :

“130.1. The Board may enter into a written agreement with a contractors’ association or a group of contractors’ associations to delegate to it, to the extent indicated by the Board, the exercise of the powers and duties of the Board under sections 46, 47, 51, 53 to 55, 57 to 58.1, 60, 63, 64, 67, 69 and 72, for the purpose of assuring the qualification of the members of that association or of any of the associations in that group. The agreement may not, however, provide for the delegation of the power to rule on the issue, renewal or alteration of a licence.

Only those officers of the association or group of associations or office holders identified in the agreement may have access to information relating to the solvency of a contractor.

The agreement may provide for the financing of the expenses incurred by the association or group of associations for the purposes of this Act and allow the association or group of associations to collect and use for such purposes any of the amounts collected under section 151.

In addition, the agreement may determine, from among the powers and obligations referred to in sections 112 to 122, the powers that may be exercised

by the association or the group of associations and the obligations to which the association or group of associations is subject, as well as the conditions governing the subdelegation of those powers to its employees and the other terms and conditions governing the exercise of such powers.”

37. Section 132 of the said Act, amended by section 60 of chapter 74 of the statutes of 1991 and by section 53 of chapter 8 of the statutes of 1995, is again amended by replacing “14 to 23 and 32 to 36” in the third line of the first paragraph by “14 to 19, 21, 22, 24 to 27, 32 to 37.2 and 37.4 to 39”.

38. Section 135 of the said Act, amended by section 61 of chapter 74 of the statutes of 1991, is again amended by inserting “, an association or a group of associations” after “municipality” in the first line.

39. Section 145 of the said Act is amended by replacing “section 132” in the second line by “sections 130.1 and 132”.

40. Section 153 of the said Act is amended by replacing “pressure vessels” in the third line of the first paragraph by “pressure installations”.

41. The heading of Chapter VII of the said Act, amended by section 89 of chapter 43 of the statutes of 1997, is again amended by striking out “BEFORE THE LABOUR COURT”.

42. Section 160 of the said Act, amended by section 90 of chapter 43 of the statutes of 1997, is again amended

(1) by replacing the portion before paragraph 1 by the following :

“160. Any interested person may apply for review of a ruling of the Board, of a mandatory Corporation referred to in section 129.3 or of a municipality referred to in section 132, where such ruling, in respect of which no proceeding has been brought before the construction industry commissioner or the Labour Court,”;

(2) by replacing paragraph 1 by the following :

“(1) was delivered under section 58.1, 123, 124, 127, 128, 128.3 or 128.4;”.

43. Section 161 of the said Act is amended by inserting “, the Corporation” after “Board” in the first line.

44. Section 162 of the said Act, amended by section 91 of chapter 43 of the statutes of 1997, is again amended by inserting “, the Corporation” after “Board” in the first line.

45. Section 163 of the said Act is amended by replacing “or of” in the second line by “, a Corporation or”.

46. Section 164 of the said Act is amended by inserting “, the Corporation” after “Board” in the first line.

47. The heading of Division II of Chapter VII of the said Act, enacted by section 92 of chapter 43 of the statutes of 1997, is amended by striking out “BEFORE THE LABOUR COURT”.

48. The said Act is amended by inserting, immediately before section 165, the following :

“§1. — *Before the construction industry commissioner*

“164.1. Any interested person may contest any ruling of the Board or of a mandatory Corporation referred to in section 129.3 before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20), where such ruling pertains to the issue, renewal, alteration, suspension or cancellation of a licence or is made under section 58.1.

During such a proceeding, the commissioner may decide any matter relating to the application of this Act.

“164.2. The proceeding shall be brought by a motion served on the Board or the Corporation.

The motion shall be filed with the construction industry commissioner within 30 days following receipt by the applicant of the initial ruling or, as the case may be, of the ruling under review of the Board or the Corporation.

“164.3. Upon service of the motion, the Board or the Corporation shall send the file relating to the contested ruling to the construction industry commissioner.

“164.4. The construction industry commissioner shall deliver a ruling on the file sent by the Board or the Corporation after giving the parties the opportunity to be heard.

“164.5. The proceedings shall not stay enforcement of the ruling of the Board or the Corporation.

The construction industry commissioner may, however, on a motion, rule otherwise by reason of urgency or of the risk of serious and irreparable harm.

“§2. — *Before the Labour Court*”.

49. Section 165 of the said Act is replaced by the following :

“165. Any interested person may contest a ruling of the Board or of a municipality referred to in section 132 before the Labour Court where the ruling is delivered under section 123, 124, 127, 128, 128.3 or 128.4.”

50. Section 170 of the said Act, amended by section 96 of chapter 43 of the statutes of 1997, is again amended by striking out the second sentence.

51. The said Act is amended by inserting, after section 176, the following :

“176.1. A code may, with respect to the matters to which it applies, contain provisions concerning the subjects listed in section 185.”

52. Section 182 of the said Act is amended

(1) by replacing “pressure vessel manufacturers” in the second and third lines of subparagraph 1 of the first paragraph by “manufacturers of pressure installations”;

(2) by replacing “pressure vessels” in the fifth line of subparagraph 1 of the first paragraph by “pressure installations”;

(3) by inserting, after subparagraph 6 of the first paragraph, the following :

“(6.1) determine a procedure for the apportionment, between the Board and the mandatory Corporation referred to in section 129.3, of the dues and fees payable by a contractor that is required to transmit to the Board, and to the mandatory Corporation, an application for the issue or alteration of a licence to be authorized to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence, for the renewal of the licence, for an examination or any other means of evaluation and for the review of a ruling that pertains to the issue, alteration, suspension or cancellation of a licence ;

“(6.2) determine the administrative and financial procedures applicable to the Board and to the mandatory Corporation for the management, administration, transfer and updating of the records of a contractor holding licences authorizing the contractor to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence;” ;

(4) by replacing, in the French text, “en construction” in the fourth and fifth lines of the second paragraph by “de construction”.

53. Section 185 of the said Act, amended by section 15 of chapter 64 of the statutes of 1997, is again amended

(1) by replacing subparagraphs 1 and 2 of the first paragraph by the following :

“(1) determine the cases in which, by reason of problems related to performance in the carrying out of construction work, the particular, complex or exceptional nature of the construction work carried out or its impact on safety, the contractor or the owner-builder must furnish a certificate of conformity with the Building Code to the Board, and the form and content of such a certificate;”;

(2) by replacing “17.1, 17.2, 35 and 128.1” in the second line of subparagraph 2.1 of the first paragraph by “16 and 35”;

(3) by striking out subparagraph 2.3 of the first paragraph;

(4) by replacing “pressure vessel” in the second line of subparagraph 5.3 of the first paragraph by “pressure installation”;

(5) by replacing “pressure vessel” in the second line of subparagraph 5.4 of the first paragraph by “pressure installation” and by replacing “such a vessel” in the third line of that subparagraph by “such an installation”;

(6) by replacing subparagraph 5.5 of the first paragraph by the following:

“(5.5) determine the cases in which and the terms and conditions according to which the Board may approve a pressure installation before it is marketed or put back into service or a pressure installation that is to be used for other purposes than those for which it was originally intended;”;

(7) by inserting, after subparagraph 17 of the first paragraph, the following:

“(17.1) determine the other documents on which the licence number of a contractor and the words “holder of a licence issued under the Building Act” are required to appear;”;

(8) by striking out subparagraph 19.2 of the first paragraph;

(9) by replacing “or civil engineering structure” in the third and fourth lines of subparagraph 19.3 of the first paragraph by “, on a civil engineering structure, on facilities or on installations”;

(10) by replacing “or use” in the third line of subparagraph 23 of the first paragraph by “, use or real estate assessment”;

(11) by inserting “18.1,” after “18,” in the third line of subparagraph 37 of the first paragraph.

54. Section 192 of the said Act is amended

(1) by replacing the expression “pressure vessels” wherever it appears in the first paragraph by “pressure installations”;

(2) by replacing, in the French text, “en construction” in the second and third lines of the second paragraph by “de construction”.

55. Section 194 of the said Act, amended by section 93 of chapter 74 of the statutes of 1991, is again amended by replacing paragraph 7 by the following:

“(7) contravene any of the provisions of sections 14, 15, 18, 19, 22, the first paragraphs of sections 24 and 25, sections 26, 27, 32 to 35, the third paragraph of section 35.2, sections 36, 37, the second paragraph of section 37.1, sections 37.2, 37.4, the first paragraph of section 38, sections 38.1, 39, the second paragraph of paragraph 2 of section 49, section 53, the second paragraph of section 56, section 57.1, 67, 69, 79 or 82, or a regulatory provision determined under section 179 or subparagraph 37 of the first paragraph of section 185.”

56. Section 215 of the said Act is amended by adding, after the first paragraph, the following:

“The Building Code and the Safety Code may be adopted by the Board and come into force in respect of categories of buildings, pressure installations and facilities or installations referred to in each Act mentioned in section 214 or 282 or referred to in this Act.”

57. The said Act is amended by inserting, after section 297.4, the following:

“297.5. Until such time as an agreement is entered into under section 132, section 193 does not apply in respect of a by-law respecting piping installations passed by a local municipality that is exempt from the application of a plumbing code pursuant to paragraph *f* of section 24 of the Act respecting piping installations (chapter I-12.1), and the conditions of exemption provided for in that code continue to apply to such a municipality.”

LABOUR CODE

58. Section 1 of the Labour Code (R.S.Q., chapter C-27) is amended by replacing “building commissioner or the placement commissioner” in the ninth line of subparagraph 3 of paragraph *l* by “construction industry commissioner”.

59. Section 139 of the said Code is amended by replacing “850” in the third line by “846”.

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

60. Section 1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), amended by section 107 of chapter 63 of the statutes of 1997, is again amended by striking out paragraph *j*.

61. The heading of Chapter IV of the said Act is amended by replacing “COUNCIL OF ARBITRATION” by “ADVISORY COMMITTEES”.

62. Section 41 of the said Act is amended

- (1) by striking out subparagraph *c* of the first paragraph;
- (2) by striking out the second paragraph.

63. The said Act is amended by inserting, immediately before section 42, the following:

“41.1. Any person aggrieved by a decision made pursuant to a regulation under the first paragraph of section 30 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20).

The construction industry commissioner may also make any decision in respect of the experience certificate of an employee or skilled tradesman where a regulation under the first paragraph of section 30 confers that function on the construction industry commissioner.”

64. Section 43 of the said Act is amended by inserting “of the Commission de la construction du Québec” after “committee” in the first line of the second paragraph.

TAXATION ACT

65. The Taxation Act (R.S.Q., chapter I-3) is amended by replacing “by the Régie du bâtiment du Québec” by “under the Building Act (chapter B-1.1)” in the following provisions:

- (1) subparagraph *i* of subparagraph *c* of the first paragraph of section 944.6;
- (2) subparagraph *i* of paragraph *m* of section 955;
- (3) subparagraph *i* of paragraph *n* of section 955;
- (4) paragraph *f* of the definition of “eligible housing unit” in the first paragraph of section 1029.8.83;
- (5) subparagraph *b* of the first paragraph of section 1029.8.87.

ACT RESPECTING PIPING INSTALLATIONS

66. Section 12 of the Act respecting piping installations (R.S.Q., chapter I-12.1), amended by section 9 of chapter 83 of the statutes of 1997, is again amended by adding, at the end, the following:

“Such power shall be exercised by the Corporation des maîtres mécaniciens en tuyauterie du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1).”

ACT RESPECTING ELECTRICAL INSTALLATIONS

67. Section 35 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 310 of chapter 43 and by section 19 of chapter 83 of the statutes of 1997, is again amended by adding, at the end of the first paragraph, the following: “Such power shall be exercised by the Corporation des maîtres électriciens du Québec where it has entered into an agreement under section 129.3 of the Building Act (chapter B-1.1)”.

68. Section 35.1 of the said Act, amended by section 311 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing “court” in the third line of the first paragraph by “commissioner”.

69. Section 35.2 of the said Act, amended by section 312 of chapter 43 and by section 20 of chapter 83 of the statutes of 1997, is again amended by replacing “contest the decision before the Labour Court established by the Labour Code” in the first paragraph by “contest before the construction industry commissioner referred to in the Act respecting labour relations, vocational training and manpower management in the construction industry (chapter R-20)”.

70. Section 35.3 of the said Act, amended by section 313 of chapter 43 of the statutes of 1997, is again amended by replacing “Labour Court” in the first and second paragraphs by “construction industry commissioner”, and by replacing “submitted to it and render the decision that, in its opinion” in the second line of the first paragraph by “submitted and render the decision that, in the commissioner’s opinion”.

MASTER ELECTRICIANS ACT

71. The Master Electricians Act (R.S.Q., chapter M-3) is amended by adding, after section 9, the following:

“9.1. The other objects of the Corporation are,

(1) to the extent and on the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act and see to its application as regards the vocational qualification of its members;

(2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master electricians.”

72. The said Act is amended by inserting, after section 11, the following :

“11.1. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.

The Corporation shall, in such a case, exercise all the powers and functions entrusted to it and assume all the duties specified in the agreement.”

73. The said Act is amended by adding, after section 12, the following :

“12.0.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

“12.0.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council of the Corporation may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

The council may also, by regulation,

(1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master electricians ;

(2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person’s licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor’s licence ;

(3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program ;

(4) organize and administer any fund necessary for the purposes of the vocational training of master electricians ;

(5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

“12.0.3. Any regulation made under sections 12.0.1 and 12.0.2 shall be submitted to the Government for approval with or without amendment.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.”

74. Section 12.1 of the said Act is amended by adding, at the end, the following :

“The same applies to a natural person referred to in section 58.1 of that Act for the same activities.”

75. Section 12.2 of the said Act is amended by replacing the first paragraph by the following :

“12.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act.”

MASTER PIPE-MECHANICS ACT

76. The Master Pipe-Mechanics Act (R.S.Q., chapter M-4) is amended by adding, after section 8, the following :

“8.1. The other objects of the Corporation are,

(1) to the extent and subject to the conditions set out in the agreement referred to in section 129.3 of the Building Act (chapter B-1.1), to supervise the administration of that Act or to see to its application as regards the vocational qualification of its members ;

(2) where an agreement is entered into under section 129.3 of the Building Act, to promote and facilitate the vocational qualification of master pipe-mechanics.”

77. The said Act is amended by inserting, after section 9.1, the following :

“9.2. The Corporation may enter into an agreement referred to in section 129.3 of the Building Act (chapter B-1.1) under which the Corporation is entrusted by the Government with the powers and functions of the Régie du bâtiment du Québec for the purpose of supervising the administration of the Building Act or seeing to its application as regards the vocational qualification of its members.

The Corporation may in such a case exercise all the powers and functions entrusted to it and shall assume all the duties specified in the agreement.”

78. The said Act is amended by inserting, after section 10, the following :

“10.1. The council of the Corporation may make any regulation concerning the matters to which the regulatory powers conferred on the council under section 129.3 of the Building Act (chapter B-1.1) apply.

“10.2. Where an agreement is entered into under section 129.3 of the Building Act (chapter B-1.1), the council may plan, develop and implement a mandatory or optional vocational training program which shall be submitted to the Minister for approval.

The council may also, by regulation,

(1) make training mandatory for the issue or renewal of a licence covering work coming under the exclusive competence of master pipe-mechanics ;

(2) determine the cases in which a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the scope of a person’s licence while the person is undergoing vocational retraining, prescribe a period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a contractor’s licence ;

(3) determine, subject to the provisions of a regulation made by the Government under paragraph 6.1 of section 182 of the Building Act, the fees and dues payable for admission to a competency evaluation examination, the training provided by the training body and the fees and dues payable for the issue, alteration, renewal or reinstatement of a licence within the framework of the vocational training program ;

(4) organize and administer any fund necessary for the purposes of the vocational training of master pipe-mechanics ;

(5) establish a training body and entrust it with the development of a vocational training program and determine the responsibilities of the training body in respect of that program.

“10.3. Any regulation made under sections 10.1 and 10.2 shall be submitted to the Government for approval with or without amendment.

Where the council does not adopt or amend such a regulation within a time considered reasonable by the Government, the Government may itself adopt the regulation.

The provisions of paragraph 4 of section 11 do not apply to such a regulation.”

79. Section 11.1 of the said Act is amended by adding, at the end, the following :

“The same applies to a natural person referred to in section 58.1 of that Act for the same activities.”

80. Section 11.2 of the said Act is amended by replacing the first paragraph by the following :

“11.2. Where the corporation has not entered into an agreement under section 129.3 of the Building Act (chapter B-1.1), the corporation shall prepare, administer and hold, except with regard to persons exempted therefrom by a regulation under section 182 of that Act, the examinations referred to in section 58 of that Act whose subject matter pertains to administrative and technical knowledge and is determined by regulation made by the Régie du bâtiment du Québec under paragraph 9 of section 185 of that Act, except examinations pertaining to the Building Code referred to in section 13 of that Act.”

ACT RESPECTING THE CIVIL SERVICE SUPERANNUATION PLAN

81. Schedule II to the Act respecting the Civil Service Superannuation Plan (R.S.Q., chapter R-12), amended by section 15 of chapter 35 and by section 635 of chapter 43 of the statutes of 1997, is again amended by striking out “the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)” in paragraph 3.

82. Schedule III to the said Act is amended by striking out “the Council of arbitration appointed under section 41 of the Act respecting manpower vocational training and qualification (chapter F-5)” in paragraph 2.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

83. The Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by inserting, after section 7.4, the following :

“7.4.1. No person may carry out or cause to be carried out construction work in contravention of a decision rendered under section 7.4.”

84. Section 7.7 of the said Act is amended

(1) by replacing “building commissioner” in the third line of the first paragraph by “construction industry commissioner”;

(2) by striking out “, who may refer the case to a building deputy-commissioner” at the end of the first paragraph.

85. Section 7.8 of the said Act is amended by replacing “building commissioner or building deputy-commissioner” in the third and fourth lines of the first paragraph by “construction industry commissioner or construction industry deputy-commissioner”.

86. The said Act is amended

(1) by replacing the heading of Chapter III by the following :

“SCOPE AND CONSTRUCTION INDUSTRY COMMISSIONER”;

(2) by adding, after the said heading, the following :

“DIVISION I

“SCOPE AND CARRYING OUT OF CONSTRUCTION WORK”.

87. Section 19 of the said Act is amended by striking out subparagraph 7 of the first paragraph.

88. The said Act is amended by inserting, after section 20, the following :

“DIVISION II

“CONSTRUCTION INDUSTRY COMMISSIONER

“§1. — *Jurisdiction and conciliation*”.

89. Sections 21 and 21.1 of the said Act are replaced by the following :

“21. Any difficulty in the interpretation or application of section 19 or of the regulations made under section 20 must be referred to the construction industry commissioner.

The construction industry commissioner shall also, on the application of any interested party, hear and settle jurisdictional conflicts which relate to the practice of a trade or occupation.

In addition, the construction industry commissioner shall rule on

(1) proceedings instituted under section 164.1 of the Building Act (chapter B-1.1);

(2) proceedings instituted under section 41.1 of the Act respecting manpower vocational training and qualification (chapter F-5);

(3) proceedings instituted under section 35.2 of the Act respecting electrical installations (chapter I-13.01).

“21.0.1. The construction industry commissioner to whom any proceeding, application or matter is referred under this Act or any other Act may refer the proceeding, application or matter to a construction industry deputy-commissioner.

“21.0.2. The head office of the construction industry commissioner shall be situated in the territory of the Communauté urbaine de Québec at any place determined by the Government; notice of the address of the head office shall be published in the *Gazette officielle du Québec*.

The construction industry commissioner or a construction industry deputy-commissioner may sit at any other place in Québec.

“21.0.3. Where the parties to a contestation referred to in the first or second paragraph of section 21 consent thereto, the construction industry commissioner may designate a person to meet the parties for conciliation purposes.

“21.0.4. Unless the parties consent thereto, nothing said or written in the course of conciliation is admissible as evidence.

“21.0.5. Every agreement shall be recorded in writing and any documents to which it refers shall be attached thereto. The agreement shall be signed by the conciliator and the parties; the parties are bound by the agreement.

The agreement shall be ratified by the construction industry commissioner to the extent that it is in conformity with the law. If that is the case, the agreement shall constitute the decision of the construction industry commissioner and shall terminate the proceedings.

The decision is mandatory and binds the parties.

“21.0.6. Where no agreement is reached or the construction industry commissioner refuses to ratify the agreement, a hearing shall be held by the construction industry commissioner as soon as possible.

“21.0.7. No conciliator may disclose or produce before a court, a body or a person exercising judicial or quasi judicial functions anything made known to or learned by the conciliator, or any personal notes or document prepared or obtained, in the performance of the conciliator's duties.

Notwithstanding section 9 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no person shall have access to such a document unless the document is used to support the agreement and the decision ratifying it.

“§2. — *Appointment and duties*

“21.1. The Government shall appoint a construction industry commissioner and construction industry deputy-commissioners for a fixed term of not more than five years.

“21.1.0.1. Before taking office, the construction industry commissioner and every construction industry deputy-commissioner shall take the following oath: “I (...) swear that I will exercise the powers and fulfill the duties of my office impartially and honestly and to the best of my knowledge.”

The oath shall be taken before the commissioner. The commissioner shall take the oath before a judge of the Court of Québec.

The writing evidencing the oath shall be sent to the Minister.”

90. Sections 21.1.1 and 21.1.2 of the said Act are amended by replacing “building commissioner”, “building deputy-commissioner” and “building deputy-commissioners” by “construction industry commissioner”, “construction industry deputy-commissioner” and “construction industry deputy-commissioners”, respectively.

91. Section 21.1.3 of the said Act is amended by replacing the first paragraph by the following :

“21.1.3. The construction industry commissioner or a construction industry deputy-commissioner may not, on pain of forfeiture of office, carry on an activity or put himself or herself in a situation incompatible with the exercise of the duties of commissioner or deputy-commissioner.”

92. The said Act is amended by inserting, after section 21.1.3, the following :

“21.1.4. The commissioner and a deputy-commissioner appointed on a full-time basis are required to devote themselves exclusively to their duties.

However, they may carry out any mandate entrusted to them by order of the Government.

“§3. — *Decisions, immunity and powers*”.

93. Section 21.2 of the said Act is amended by replacing “building commissioner or the building deputy-commissioner” in the first and second lines by “construction industry commissioner or the construction industry deputy-commissioner”.

94. Section 22 of the said Act is amended by replacing “building commissioner or the building deputy-commissioner” in the first and second lines by “construction industry commissioner or the construction industry deputy-commissioner”.

95. Section 23 of the said Act is amended by replacing “building commissioner and building deputy-commissioners” in the first line by “construction industry commissioner and construction industry deputy-commissioners”.

96. Section 23.1 of the said Act is amended by replacing “building commissioner and building deputy-commissioners” in the first line by “construction industry commissioner and construction industry deputy-commissioners”.

97. Section 23.2 of the said Act is amended

(1) by replacing “building commissioner or a building deputy-commissioner” in the first line of the first paragraph by “construction industry commissioner or a construction industry deputy-commissioner”;

(2) in the French text, by replacing “ou le” in the first line of the second paragraph by “ou un”.

98. The said Act is amended by inserting, after section 23.2, the following :

“23.3. No person may, in any manner, hinder or impede the work of the construction industry commissioner or a construction industry deputy-commissioner in the performance of his or her duties.

“23.4. The construction industry commissioner may, by regulation, prescribe rules of procedure and practice which may vary according to the matters, proceedings or applications referred to, brought before or filed with the construction industry commissioner.

The regulation shall be submitted to the Government for approval.”

99. Section 24 of the said Act is amended

(1) by replacing “building commissioner or the building deputy-commissioner” in the first line by “construction industry commissioner or a construction industry deputy-commissioner”;

(2) by adding, at the end, the following :

“The commissioner or deputy-commissioner shall, in such a case, inform the parties and allow them to be heard regarding the advice of the committee.”

100. The said Act is amended by inserting, after section 25, the following :

“§4. — *Personnel and material and financial resources*

“25.1. The members of the personnel of the construction industry commissioner shall be appointed and remunerated in accordance with the Public Service Act (chapter F-3.1.1).

No proceedings may be brought against the personnel of the construction industry commissioner by reason of an act performed in good faith in the exercise of their duties.

“25.2. Documents emanating from the construction industry commissioner are authentic if they are signed or, in the case of copies, if they are certified by the construction industry commissioner or a construction industry deputy-commissioner or, as the case may be, by a member of the commissioner’s personnel designated by the commissioner.

“25.3. Once proceedings have been completed, the parties shall take back the exhibits they produced and the documents they filed.

Where such exhibits and documents are not taken back, they may be destroyed after the expiry of one year from the date of the decision of the construction industry commissioner or a construction industry deputy-commissioner or of the proceeding terminating the proceedings, unless the commissioner decides otherwise.

“25.4. The fiscal year of the construction industry commissioner ends on 31 March.

“25.5. Each year, the construction industry commissioner shall submit budget estimates for the next fiscal year to the Minister, the form, tenor and period of which shall be determined by the Minister.

The budget estimates shall be submitted to the Government for approval.

“25.6. The books and accounts of the construction industry commissioner must be audited each year by the Auditor General and whenever the Government so orders.

“25.7. The sums required for the administration of this division shall be taken out of the fund of the construction industry commissioner.

The fund shall be made up of the following :

(1) the sums paid into it by the Minister out of the appropriations granted each year for that purpose by the National Assembly ;

(2) the sums paid into it by the Commission, the Régie du bâtiment du Québec, the Minister of Employment and Solidarity and a mandatory corporation referred to in section 129.3 of the Building Act (chapter B-1.1) the amount and the terms and conditions of payment of which shall be determined, for each, by the Government;

(3) the sums collected in accordance with the tariff of administrative fees, professional fees and other charges attached to the matters referred to the construction industry commissioner and the proceedings before and the applications filed with the commissioner.

“25.8. The Government may, on the conditions it determines, authorize the Minister of Finance to advance to the fund of the construction industry commissioner sums taken out of the consolidated revenue fund. Any advance paid shall be repayable out of the fund of the construction industry commissioner.

“25.9. The construction industry commissioner may enter into an agreement with any person, association, partnership or body and with the Government or any of its departments or agencies.

“25.10. The construction industry commissioner shall send to the Minister, not later than 30 June each year, a report of activities for the preceding fiscal year.

The Minister shall table the report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

The report shall not designate by name any person implicated in the matters brought before the commissioner.

The commissioner shall also furnish the Minister with any information the Minister may require on the activities of the commissioner.

“DIVISION III

“MISCELLANEOUS PROVISIONS”.

101. Section 28 of the said Act is amended by replacing “Syndicat de la construction Côte-Nord Inc. (SCCN)” in the fourth and fifth lines by “Syndicat québécois de la construction”.

102. Section 45 of the said Act is amended

(1) by replacing the first paragraph by the following:

“45. Where the parties agree thereto in writing, a dispute is referred to an arbitrator or a council of arbitration composed of three members, including a chairman.”;

(2) by replacing “the application must be made” in the second paragraph by “the agreement relating to arbitration must be made”;

(3) by replacing the third paragraph by the following:

“The agreement may provide for the appointment of the arbitrator or of the members of the council of arbitration, determine the fees and expenses to which they are entitled and provide for the apportionment of those fees and expenses among the parties to the agreement. A copy of the agreement shall be sent to the Minister without delay.

The Minister may decide any matter referred to in the third paragraph that has not been settled by the agreement and shall inform the parties without delay. The Minister’s decision binds the parties and shall be executed as if it formed part of the agreement.”

103. The said Act is amended by inserting, after section 45, the following :

“45.0.1. The arbitrator or the council of arbitration may, where considered appropriate, attempt to bring the parties to settle all or part of their dispute by agreement.

“45.0.2. Every decision of the council of arbitration shall be made by a majority of its members, including the chairman.

“45.0.3. Subject to section 45.0.2 of this Act, sections 76, 79 to 91.1, the second sentence of section 92 and sections 93 and 139 to 140 of the Labour Code (chapter C-27), adapted as required, apply to the arbitration of a dispute and in respect of the arbitrator, the council of arbitration and its members, and section 78 of that Code applies to arbitration by an arbitrator.

The arbitrator or the chairman of the council of arbitration shall, however, send to the clerk of the office of the labour commissioner general three originals or three certified copies of the original of the arbitration award and the schedules thereto.”

104. Section 45.1 of the said Act is amended by inserting “or the council of arbitration” after “arbitrator” in the first line of the second paragraph and by replacing “he” in the second line of that paragraph by “the arbitrator or the council”.

105. Section 45.2 of the said Act is amended

(1) by inserting “or the council of arbitration” after “arbitrator” in the first line of the first paragraph and by replacing “his award” in the first line of that paragraph by “award”;

(2) by replacing “by the arbitrator in the award” in the third line of the second paragraph by “in the arbitration award”;

(3) by inserting “or the council of arbitration” after “arbitrator” in the first line of the fourth paragraph.

106. Section 45.3 of the said Act is amended by replacing “arbitrator’s” by “arbitration”.

107. Section 45.4 of the said Act is amended by replacing the fourth paragraph by the following :

“However, strikes and lock-outs are prohibited in a sector from the day after the day on which the parties to a dispute in that sector agree to refer the dispute to arbitration.”

108. Section 48 of the said Act is amended

(1) by replacing “two” in the second line of the first paragraph by “three”;

(2) by inserting, after the first paragraph, the following :

“The labour commissioner general shall, without delay, transmit to the Commission one of the originals or of the certified copies of every collective agreement and the schedules thereto filed under the first paragraph, together with a certificate attesting the filing.”

109. The said Act is amended by inserting, after section 48, the following :

“48.1. In any suit under this Act, a copy of a collective agreement printed under the authority of the Commission and certified as a true copy of the original or certified copy received by the Commission under section 48 by the chairman or a person designated by the chairman shall be admissible in evidence and shall have the same probative force as the original.”

110. Section 61 of the said Act is amended by adding, at the end of the third paragraph, the following : “The collective agreement may also contain clauses establishing a procedure to prevent or settle jurisdictional conflicts which relate to the practice of a trade or occupation before the conflict is referred to the construction industry commissioner.”

111. Section 80.1 of the said Act is amended

(1) by replacing the portion of the first paragraph before subparagraph 1 by the following :

“80.1. The construction industry commissioner shall rule on any proceeding brought against a decision of the Commission”;

(2) by replacing “appeal from a decision referred to in subparagraphs 4 and 5 of the first paragraph” in the first and second lines of the second paragraph by “contest a decision referred to in subparagraphs 4 and 5 of the first paragraph before the construction industry commissioner”.

112. Section 80.2 of the said Act, enacted by section 397 of chapter 85 of the statutes of 1997, is amended by replacing “building commissioner” in the fifth line of the first paragraph by “construction industry commissioner”.

113. The said Act is amended by inserting, after section 80.2 enacted by section 397 of chapter 85 of the statutes of 1997, the following:

“80.3. A person aggrieved by a decision of the Commission rendered pursuant to a regulation made under the first paragraph of section 123.1 may, where such a remedy is provided for in the regulation, contest the decision before the construction industry commissioner.”

114. Section 81 of the said Act is amended

(1) by inserting “of this Act or out” after “arising out” in the first line of subparagraph *a* of the first paragraph;

(2) by inserting, after subparagraph *a* of the first paragraph, the following:

“(a.1) exercise against the directors of a legal person those of the recourses arising out of this Act or a collective agreement in favour of the employees and that may be exercised against them;”;

(3) by adding, at the end of subparagraph *c.2* of the first paragraph, “or by any other means of proof establishing the number of hours necessary for the carrying out of the work;”.

115. Section 82 of the said Act is amended by replacing “in the form prescribed by the Commission giving, among others, the following particulars” in the first and second lines of subparagraph *b* of the first paragraph by “in the manner prescribed by the Commission, containing, in particular, the following information”.

116. Section 109 of the said Act is amended by adding, at the end, the following: “For the purposes of this section, sections 44, 45, 47 and 48 of that Act shall be read by striking out “professional” before “employer”.”

117. The said Act is amended by inserting, immediately before section 112, the following:

“111.1. Every person who contravenes section 7.4.1 is guilty of an offence and liable, for each day or part of a day during which the offence continues, to a fine of \$1,000 to \$2,000 in the case of an individual and \$2,000 to \$4,000 in the case of any other person.

For every subsequent conviction, the fines shall be doubled.”

118. Section 119.1 of the said Act is amended by adding, at the end, the following :

“Penal proceedings instituted against a member of a partnership deemed, under the third paragraph of section 19.1, to be an employee of that partnership, shall not preclude the institution of penal proceedings, in relation to the same facts, against any other member of that partnership as an employer of the member deemed to be an employee.”

119. Section 119.2 of the said Act is amended by replacing “section 83.1” in the first line of the first paragraph by “any of sections 83, 83.1, 83.2, 84 and 111.1”.

120. The said Act is amended by inserting, after section 119.5, the following :

“119.6. Every person who contravenes the third paragraph of section 23.2 or section 23.3 is guilty of an offence and liable to a fine of \$500 to \$1,000 in the case of a natural person and \$1,000 to \$2,000 in the case of a legal person.

For any subsequent conviction, the fines shall be doubled.”

121. Section 122 of the said Act, amended by section 128 of chapter 63 of the statutes of 1997, is again amended

(1) by replacing “damages, the equivalent of one month’s” in the fourth line of subsection 3 by “punitive damages, the equivalent of three months”;

(2) by replacing the first paragraph of subsection 7 by the following :

“(7) In the case of a bankruptcy of or a winding-up order in respect of a legal person, or in the case of the legal person’s dissolution pursuant to the second paragraph of section 50 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (chapter P-45), the directors of the legal person shall be personally and solidarily liable for the payment of the wages payable to the employees of the legal person, up to six months’ wages, provided that a claim is filed for that debt within one year of the bankruptcy, winding-up order or dissolution.”;

(3) by replacing “company” in the first line of the second paragraph of subsection 7 by “legal person”;

(4) by striking out “and by the sole fact of such reimbursement, it shall be subrogated in the rights of such employee” in the first paragraph of subsection 8.

122. Section 123 of the said Act is amended

(1) by inserting, after subparagraph 8.3 of the first paragraph, enacted by section 398 of chapter 85 of the statutes of 1997, the following :

“(8.4) determine the tariff of dues, fees and other costs relating to the matters, proceedings and applications referred to, brought before or filed with the construction industry commissioner, fix the amounts thereof and determine the categories of persons that may be exempted therefrom ;

“(8.5) determine, after consultation with the Conseil consultatif du travail et de la main-d’oeuvre, the remuneration, allowances and expenses to which the arbitrators of grievances and the arbitrators appointed under section 105 are entitled. The regulation may also determine who is to assume the payment of the remuneration, allowances and expenses and, where applicable, in which cases and in what proportion, as well as the cases where an agreement on different remuneration, allowances or expenses may be made, and the conditions governing such an agreement ;” ;

(2) by adding, at the end, the following :

“The provisions of the regulations made under subparagraph 8.4 of the first paragraph may vary according to the matter, proceeding or application referred to, brought before or filed with the construction industry commissioner.”

123. Section 123.4.4 of the said Act, enacted by section 399 of chapter 85 of the statutes of 1997, is amended by inserting “and a mandatory corporation referred to in section 129.3 of the Building Act” after “Québec” in the first line.

124. The said Act is amended by inserting, after section 126.0.2, the following :

“126.0.3. The Minister may generally or specially delegate to a member of the personnel of the Minister’s department or to a person designated by the Minister the exercise of the powers conferred on the Minister by this Act.”

ACT TO AMEND THE BUILDING ACT AND OTHER LEGISLATION

125. Section 78 of the Act to amend the Building Act and other legislation (1991, chapter 74) is replaced by the following :

“78. Section 170 of the said Act, amended by section 50 of the Act to amend various legislative provisions relating to building and the construction industry (1998, chapter 46), is again amended by adding, at the end, the

following sentence: "In the matter of a permit or recognition of a person, the court may, however, decide otherwise."

TRANSITIONAL AND FINAL PROVISIONS

126. Proceedings before the construction industry commissioner under section 164.1 of the Building Act (R.S.Q., chapter B-1.1), enacted by section 48 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings under section 164.2 of the Building Act enacted by section 48 of this Act has not expired. The time prescribed runs from the date of the ruling.

127. Proceedings before the Labour Court under paragraph 2 of section 165 of the Building Act (R.S.Q., chapter B-1.1), as it read before the coming into force of section 49 of this Act, shall be continued according to the provisions applicable to them.

128. Proceedings before the construction industry commissioner under section 35.2 of the Act respecting electrical installations (R.S.Q., chapter I-13.01), amended by section 69 of this Act, may be brought in respect of rulings delivered before the effective date of the proceedings where the time prescribed for bringing the proceedings has not expired. The time prescribed runs from the date of the ruling.

129. Proceedings instituted before the Labour Court under section 35.2 of the Act respecting electrical installations, as it read before the coming into force of section 69 of this Act, shall be continued according to the provisions applicable to them.

130. Subject to section 131 of this Act, proceedings in progress before the building commissioner or the council of arbitration shall be continued and decided by the construction industry commissioner.

131. The term of office of the building commissioner and of the building deputy-commissioner shall end on (*insert here the date of coming into force of this section*).

Where the parties consent thereto, the building commissioner and the building deputy-commissioner may, notwithstanding the end of their term, conclude matters they have begun to hear and on which they have yet to rule. For such purpose, they are entitled, for a maximum period of six months, to the conditions of employment that are applicable to them on (*insert here the date before the date of coming into force of this section*).

132. The members of the personnel of the Ministère du Travail placed at the disposal of the building commissioner and of the council of arbitration become members of the personnel of the construction industry commissioner.

133. The files, documents and records of the building commissioner and of the council of arbitration become the files, documents and records of the construction industry commissioner.

134. The appropriations granted to the Ministère du Travail for the building commissioner and the council of arbitration are transferred to the fund of the construction industry commissioner.

135. Unless the context indicates otherwise, in any text,

(1) a reference to the building commissioner is a reference to the construction industry commissioner;

(2) a reference to the council of arbitration established under section 41 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5), as it read before being amended by this Act, is a reference to the construction industry commissioner.

136. The Minister of Labour may assume the payment of part of the fees and expenses incurred for the arbitration of a dispute on the negotiation of a first collective agreement for a sector of the construction industry.

137. Sections 102 to 107 and 136 of this Act have effect from 20 April 1998.

138. The provisions of this Act come into force on 20 June 1998, except the provisions of section 18 which come into force on 20 June 1999 and the provisions of sections 1, 3 to 13, 25 and 29 to 32, paragraph 1 of section 35, sections 36 to 39, section 40 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, section 41, paragraph 1 of section 42, sections 43 to 50, section 55 to the extent that they do not apply to the vocational qualification of contractors and owner-builders, sections 58, 60 to 63, 68 to 71, 73, 75, 76, 78, 80 to 82, 84 to 86, 88 to 100, 110 to 113 and 120, paragraph 8.4 of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, enacted by paragraph 1 of section 122, paragraph 2 of section 122 and sections 125 to 135, which come into force on the date or dates to be fixed by the Government.