

“This class authorizes the holder to drive the above-described combination of road vehicles equipped with a manual transmission or an air braking system, or a road train as described in the Special Road Trains Operating Permits Regulation, if indications to that effect are entered in his file.”;

(2) by adding the following after paragraph 2:

“This class authorizes the holder to drive the above-described road vehicle equipped with a manual transmission or an air braking system, if indications to that effect are entered in his file.”; and

(3) by adding the following after paragraph 3:

“This class authorizes the holder to drive the above-described road vehicle equipped with a manual transmission or an air braking system, if indications to that effect are entered in his file.”.

5. Section 43 is amended by adding the words “or its equivalent” after the word “Québec” at the end of subparagraph *b* of paragraph 3.

6. Section 44 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 3 learner’s licence for three months or for one month, in the case where he is enrolled in the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l’Éducation du Québec;”;

(2) by deleting paragraph 2.

7. Section 45 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 2 learner’s licence for three months or for one month, in the case where he is enrolled in the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l’Éducation du Québec;”;

(2) by deleting paragraph 2.

8. Section 46 is amended

(1) by substituting the following for paragraph 1:

“(1) have held a class 1 learner’s licence for three months or for one month, in the case where he is en-

rolled in the instruction program for the driving of trucks leading to a secondary school vocational diploma awarded by the Ministère de l’Éducation du Québec;”;

(2) by deleting paragraph 2.

9. The following is added after section 46:

“**46.1** A person who wishes to have the indication “road train” entered in his file must have held a class 1 driver’s licence for at least five years.

46.2 A holder of a class 1, 2 or 3 driver’s licence issued before 15 October 1998 may request that the indications “manual transmission” and “air braking system” be entered in his file. He is thus exempted from the proficiency examinations of the Société.

A holder of a class 1 driver’s licence may request that the indication “road train” be entered in his file without having to take the proficiency examinations of the Société, if the permit was issued at least five years prior to 15 October 1998.”.

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

2504

Gouvernement du Québec

O.C. 1196-98, 16 September 1998

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

Public contract

— **Restrictions to contractor licences**

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

WHEREAS under subparagraph 8.2 of the first paragraph of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), enacted by section 398 of Chapter 85 of the Statutes of 1997, the Government may, by regulation, determine in which cases and subject to which conditions a licence issued or renewed under the Building Act (R.S.Q., c. B-1.1) contains a restriction as regards the obtention of a public contract referred to in section 65.4 of the Act;

WHEREAS under subparagraph 8.3 of the first paragraph of section 123 of the Act respecting labour relations, vocational training and manpower management in the construction industry, enacted by section 398 of Chapter 85 of the Statutes of 1997, the Government may, by regulation, determine the nature, the number and any particularity relating to offences under the Act or the regulations, committed by a contractor or, in the case of a legal person, the legal person's directors or, in the case of a partnership, the partnership's partners, that as regards the obtention of a public contract, entail a restriction in a licence issued to or renewed by the contractor;

WHEREAS in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract was published in Part 2 of the *Gazette officielle du Québec* of 22 April 1998 with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS the Minister has taken into consideration the comments received concerning the draft Regulation;

WHEREAS it is expedient to make the Regulation with amendments;

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

THAT the Regulation respecting restrictions to contractor licences for the purposes of obtaining a public contract, attached to this Order in Council, be made.

MICHEL NOËL DE TILLY,
Clerk of the Conseil exécutif

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 licence holder

(1) has been the subject of a 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 by a final judgment to pay such a claim;

(3) within 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 monthly work periods against either

(a) 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 a place where construction work is being done or to an establishment of an employer;

(b) 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) 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 days of the sending of that request;

(d) 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;

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

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

(g) section 11 of that Regulation, for having neglected to indicate in his monthly report the hours worked by an employee; or

(h) section 12 of that Regulation, for having neglected to send the Commission his report for a monthly work period;

(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 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 has reported working hours 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 3 and 4 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.

The number of offences shall be 2 in the case of a business that did not report any hours 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. Any licence shall comprise a restriction for the purposes of obtaining a public contract if it is issued or renewed

- (1) during a two-year period beginning on
 - (a) the expiry date of the licence already held by a person who becomes subject to paragraphs 1 or 2 of section 1; or

- (b) the day when an applicant for such a licence who becomes subject to paragraphs 1 or 2 of section 1;

- (2) during a one-year period beginning on

- (a) the expiry date of the licence already held by a person who becomes subject to paragraphs 3 or 4 of section 1; or

- (b) the day when an applicant for such a licence becomes subject to paragraphs 3 or 4 of section 1.

For the purposes of subparagraph 2 of the first paragraph, a person shall become subject to paragraphs 3 or 4 of section 1, 45 days after the date on which he was last found guilty of the offences provided for in those paragraphs.

4. This Regulation applies only to enforceable work suspension orders, convictions for offences that are committed and claims for amounts that should have been sent with a monthly report, after the date of coming into force of this Regulation.

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

2507

M.O., 98014

Order of the Minister of the Environment and Wildlife dated of 23 September 1998

An Act respecting the conservation and development of wildlife
(R.S.Q., c. C-61.1)

Regulation to amend the Hunting in Wildlife Sanctuaries Regulation

THE MINISTER OF THE ENVIRONMENT AND WILDLIFE,

CONSIDERING subparagraph 2 of the third paragraph of section 56 of the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) which provides that the Minister may, by regulation, determine the period of the year, day or night during which an animal may be hunted or trapped;

CONSIDERING section 35 of the Act to amend the Act respecting the conservation and development of wildlife and the Act respecting commercial fisheries and aquaculture (1998, c. 29) which provides, in particular, that the provisions of the regulations made by the Govern-