

the seized property must be stored in a specialized establishment on account of the nature of the property, in which case the preservation costs correspond to the actual cost,

iv. in the case of movable property, other than a vehicle, or fuel the custody of which has been entrusted with a person designated for that purpose by the Minister, other than a person referred to in subparagraph iii, at the actual cost,

v. in the case of a placing under lock and key of seized property or the affixing of seals, to the actual cost relating to the use of the equipment necessary for that purpose or, where applicable, to the disbursements, costs and fees of the bailiff who placed under lock and key or who affixed the seals, and

vi. in the case of a custodial service, at the actual cost relating to the guarding and control of the seized property.”.

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

3245

Gouvernement du Québec

O.C. 1463-99, 15 December 1999

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 — Exemptions from the requirement of holding a competency certificate or an exemption — Amendments

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) amended by section 122 of chapter 46 of the Statutes of

1998, the Government may, in order to give effect to an intergovernmental agreement in respect of labour mobility or the mutual recognition of qualifications, skills and 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 its 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 by Order in Council 1462-99 dated 15 December 1999, the Government approved the Agreement between the Ontario Government and the Gouvernement du Québec on labour mobility in the construction industry, entered into on 11 November 1999 in the form of an exchange of letters;

WHEREAS it is expedient to make the Regulation attached to this Order in Council in order to give effect to the 12-month agreement;

IT IS ORDERED, therefore, upon the recommendation of the Minister of State for Labour and Employment and 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,
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; 1998, c. 46, s. 122)

1. The following is substituted for the first paragraph of section 1 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:

“A person domiciled in Ontario who is covered by a bilateral intergovernmental agreement in respect of mutual recognition of qualifications, skills and work experience in trades and occupations in the construction industry and who meets, in accordance with the provisions of such agreement, the applicable requirements in respect of occupational health and safety training is exempt from the requirement of holding a competency certificate or an exemption issued by the Commission de la construction du Québec, where the person satisfies one of the following conditions:

(1) the person holds a valid, recognized attestation authorizing him to carry on, in Ontario, a trade which, under or pursuant to the Ontario-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry dated 6 December 1996, or any future agreement between the same parties, is paired with one of the trades listed in Schedule A to the Regulation respecting vocational training of manpower in the construction industry, approved by Order in Council 313-93 dated 10 March 1993 as amended, with a specialty under one of those trades or with activities included in such trade, or which, under or pursuant to those agreements is recognized as being equivalent to an occupation existing in Québec;

(2) the person does not hold a recognized attestation and demonstrates, by means of an attestation issued by a department, body or agency authorized to do so and recognized to that end under an agreement between

Ontario and Québec, that he worked for 6 000 hours or more in the activities included in one of the trades listed in Schedule A to the Regulation respecting the vocational training of manpower in the construction industry, and which, under or pursuant to the Agreement between Ontario and Québec, corresponds to those for which an exemption is provided;

(3) the person does not hold an apprenticeship or qualification certificate subject to voluntary qualification in Ontario, he is a member of the regular workforce of an employer domiciled in Ontario who holds a contractor's licence issued under the Building Act (R.S.Q., c. B-1.1) and who carries out construction work in Québec and demonstrated, by means of an attestation issued by a department, body or agency authorized to do so and recognized to that end under an agreement between Ontario and Québec, that the person completed 1 500 hours or more of work, in the 24 months preceding the month in which the exemption comes into effect, for the employer.

(4) an employer domiciled in Ontario demonstrates in respect of that person, in accordance with the terms and conditions provided for in an agreement between Ontario and Québec, that the construction work he carries out is not associated with any trade covered under an agreement between the same parties, that the work requires specialized training, often provided by the employer or manufacturer, or that the work has specific warranty requirements, and that no person holding a competency certificate satisfying the requirements of specialized training or warranty requirements is available locally in the construction industry to carry out the work.”

2. Section 2 is amended:

(1) by substituting the words “of subparagraphs 1 and 2” for the words “of subparagraph 1”;

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

“For the purposes of subparagraph 3 of the first paragraph of section 1, the exemption is limited to the employer referred to in that subparagraph and to the work carried out in a region provided for in the agreement. The exemption is valid for one year.

For the purposes of subparagraph 4 of the first paragraph of section 1, the exemption is limited to the work carried out for the employer referred to in that subparagraph. The exemption is valid for one year.”

3. Section 3 is amended by substituting the words “in the first paragraph of section 1 or in subparagraphs 1

* 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) was made by the Regulation made by Order in Council 759-98 dated 3 June 1998 (1998, *G.O.* 2, 2219).

and 2” for the words “in subparagraphs 1 and 2 of the first paragraph of section 1 or”.

4. Section 6 is amended:

(1) by substituting, in the first paragraph, the words “satisfies the condition provided for in subparagraph 1 of the first paragraph of section 1 of this Regulation and who is exempted under that section or to a person who is exempted under” for the words “is exempted under section 1 or”;

(2) by adding the following paragraph after the first paragraph:

“A person who satisfies one of the conditions provided for in subparagraphs 2, 3 and 4 of the first paragraph of section 1 of this Regulation and who is exempted under that section is deemed to be an apprentice or a journeyman, as the case may be, according to the number of hours the person has worked in the activities included in one of the trades listed in Schedule A to the Regulation respecting the vocational training of manpower in the construction industry, as attested to by a department, body or agency authorized to do so and recognized to that end under an agreement between Ontario and Québec.”.

5. This Regulation comes into force on the date that it is made.

3294

Gouvernement du Québec

O.C. 1464-99, 15 December 1999

Building Act
(R.S.Q. c. B-1.1)

**Exemption from the application of the Act
— Amendments**

Regulation to amend the Regulation respecting exemption from the application of the Building Act

WHEREAS under section 4.1 of the Building Act (R.S.Q., c. B-1.1), amended by section 2 of chapter 46 of the Statutes of 1998, and under subparagraph 1 of the

first paragraph of section 182 of that Act, amended by section 52 of chapter 46 of the Statutes of 1998 and by section 3 of chapter 13 of the Statutes of 1999, the Government may, by regulation, exempt categories of contractors from the total or partial application of the Act;

WHEREAS under the second paragraph of section 182 of the Act, a regulation made under subparagraph 1 of the first paragraph of that section may, where it is made to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors, provide for adjustments to the provisions of the Act and the regulations, including regulations adopted by the Board, and for special management rules applicable to the categories of persons and contractors covered by the regulation;

WHEREAS under the second paragraph of section 192 of the Act, amended by section 54 of chapter 46 of the Statutes of 1998, the contents of such regulations may, in particular, vary to facilitate the recognition of the qualifications, skills or work experience of the building contractors covered by an intergovernmental agreement in respect of mobility or the recognition of such qualifications, skills or work experience;

WHEREAS by Order in Council 1462-99 dated 15 December 1999, the Government approved the Agreement between the Ontario Government and the Gouvernement du Québec on labour mobility in the construction industry, entered into on 11 November 1999 in the form of an exchange of letters;

WHEREAS it is expedient to make the Regulation attached to this Order in Council in order to give effect to the 12-month agreement;

WHEREAS under the second paragraph of section 182 of the Building Act, a regulation made to give effect to an intergovernmental agreement is 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. 18-1);

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