

8. TRANSITIONAL PERIOD

For the transitional period determined under an administrative agreement entered into with the Board, the Corporation will have to exercise its activities related to the vocational qualification of its members on the premises of the Board and by using their computer systems. The processing of applications for qualification will be made according to the terms and conditions currently applied by the Board.

The agreement must determine the terms and conditions governing the carrying out of the mandate of the Corporation that apply until the Board has put in place a transaction office based on an information exchange network between the Board and the mandatory corporations.

9. EFFECTIVE DATE

This agreement comes into force on 19 November 2001.

10. COMMUNICATION BETWEEN THE PARTIES

For the purposes of this agreement, the parties agree that written communications will be sent to the two following addresses:

For the Minister:
200, chemin Sainte-Foy
6^e étage
Québec (Québec)
G1R 5S1

For the Corporation:
5925, boulevard Décarie
Montréal (Québec)
H3W 3C9

IN WITNESS WHEREOF the parties have signed this agreement in duplicate, as follows

The Minister of State for Labour, employment and social Solidarity and Minister of Labour

date

The Corporation des maîtres Électriciens du Québec

date

4441

Gouvernement du Québec

O.C. 888-2001, 4 July 2001

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

Agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them

WHEREAS no person may act as a building contractor unless he holds a licence issued for that purpose by the Régie du bâtiment du Québec under the Building Act (R.S.Q., c. B-1.1);

WHEREAS under the Act, the Board has, in particular, the responsibility to check the vocational qualification of building contractors so as to ensure their integrity, competence and solvency;

WHEREAS under section 129.3 of the Act, the Government may give to the Corporation des maîtres mécaniciens en tuyauterie du Québec, to the extent indicated by the Government in an agreement, a mandate to supervise the administration of the Act or to see to its application with respect to the vocational qualification of its members and to the financial guarantees required from them;

WHEREAS the Minister of Labour and the Corporation des maîtres mécaniciens en tuyauterie du Québec have agreed that the administration and application of the Building Act relating to the vocational qualification of its members and to the financial guarantees required from them may be taken over by the Corporation;

WHEREAS the agreement specifically sets out the powers, duties and obligations entrusted to the Corporation and the terms and conditions governing the carrying out of the mandate;

WHEREAS on 15 December 2000, the Corporation accepted, by resolution, the content of the agreement;

WHEREAS it is expedient to entrust the powers and duties, to the extent provided for in the agreement, to the Corporation des maîtres mécaniciens en tuyauterie du Québec;

WHEREAS it is expedient to approve the agreement attached to this Order in Council and to authorize the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour to sign the agreement for and on behalf of the Government;

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

THAT the agreement attached to this Order in Council be approved and the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour be authorized, for and on behalf of the Government, to sign the said agreement with the Corporation des maîtres mécaniciens en tuyauterie du Québec.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

AGREEMENT RELATED TO THE MANDATE ENTRUSTED TO THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC IN RESPECT OF THE ADMINISTRATION AND APPLICATION OF THE BUILDING ACT PERTAINING TO THE VOCATIONAL QUALIFICATION OF ITS MEMBERS AND THE FINANCIAL GUARANTEES REQUIRED FROM THEM

BETWEEN

THE MINISTER OF STATE FOR LABOUR, EMPLOYMENT AND SOCIAL SOLIDARITY AND MINISTER OF LABOUR, acting for and on behalf of the Gouvernement du Québec,

hereafter called the “Minister”

AND

THE CORPORATION DES MAÎTRES MÉCANICIENS EN TUYAUTERIE DU QUÉBEC, a corporation legally constituted under the Master Pipe-Mechanics Act (R.S.Q., c. M-4), that has its head office at 8175, boulevard Saint-Laurent, Montréal (Québec), acting through Claude Neveu, chairman, duly authorized under resolution N° CPA-00-12-90

hereafter called the “Corporation”

THE PARTIES AGREE TO THE FOLLOWING:

1. PURPOSE OF THE AGREEMENT

In accordance with the mandate entrusted by the Government, the purpose of this agreement is to set out the terms and conditions governing the carrying out of the mandate of the Corporation, the powers and duties that are entrusted to it and to specify the commitments it is making.

The Corporation accepts the mandate entrusted to it by the Government and agrees to take on the powers, duties and obligations described in this agreement and undertakes to carry them out according to the terms and conditions provided for therein.

2. POWERS AND DUTIES ENTRUSTED TO THE CORPORATION

2.1. Entrusted powers

2.1.1. In matters of vocational qualification

The powers entrusted in matters of vocational qualification that the Corporation undertakes to carry out are those provided for in Chapter IV and in sections 112, 117, 118, 129, 297.2 and 297.3 of the Building Act (R.S.Q., c. B-1.1).

Essentially, those powers consist in:

(1) deciding on any application of a member of the Corporation respecting the issue, renewal or alteration of a plumbing-heating contractor’s licence;

(2) suspending, cancelling or refusing to renew a licence referred to in paragraph 1;

(3) deciding on applications for review of a ruling related to a plumbing-heating contractor’s licence;

(4) preparing, administering and accepting the examinations of qualification and other means of evaluation relating to subcategories 4285.10 to 4285.14.

2.1.2. In matters of financial guarantee

The Corporation may require, by a regulation made under subparagraph 19.7 of section 185 of the Building Act, from a plumbing-heating contractor in respect of work included in subcategories 4285.10 to 4285.14, security for the purpose of compensating the contractor’s clients who sustain a loss as a result of a failure to carry out or the carrying out of plumbing-heating work that is not covered by a guaranty plan referred to in section 80 of the Act.

2.1.3. Statutory regulations

The Corporation may, in relation to the mandate entrusted by the Government, adopt a regulation that may deal with the matters referred to in sections 141, 142 and 143.1 and in subparagraphs 8 to 16, 18, 18.1, 19.7 and 36.1 of section 185 of the Building Act. Sections 191 and 192 of the Act apply to the Regulation.

The Corporation may, considering the first paragraph, amend or replace any regulation made by the Board under those provisions.

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

2.2. **Entrusted duties**

The duties entrusted to the Corporation, in relation to the mandate entrusted by the Government, shall be those referred to in section 110, in paragraphs 1 to 3, 5 to 7, 10 and 11 of section 111 of the Building Act.

Essentially, the main duty entrusted to the Corporation is to protect the public. To that end, the Corporation shall check and supervise the qualification of its members with a view to ensure their integrity, competence and solvency.

2.3. **Subdelegation of the powers and duties entrusted to the Corporation**

In accordance with the third paragraph of section 129.3 of the Building Act, the Corporation shall designate, for the carrying out of the powers and duties entrusted to it under this agreement, the persons holding the following positions:

(1) for applications for the issue of a licence: the director of qualification and the director general;

(2) for applications for the renewal of a licence: the director of qualification and the director general;

(3) for applications for the alteration of a licence: the director of qualification and the director general;

(4) for the purposes of Division III of Chapter IV and of section 297.3 of the Building Act (suspension, cancellation, refusal to renew a licence): the director of qualification and the qualification committee;

(5) for applications for the review of a ruling: the qualification committee;

(6) for applications for the evaluation of the vocational qualification by examinations or by any other means that the Corporation deems suitable: the director of qualification and the director of technical services;

(7) for the carrying out of the duties referred to in sections 112 and 129 of the Building Act: the director of qualification and the director general.

3. **TERMS AND CONDITIONS GOVERNING THE CARRYING OUT OF THE MANDATE**

3.1. **Commitments of the Corporation**

The Corporation, in the carrying out of the powers and duties currently entrusted to it, undertakes to:

(1) ensure the update of information used for the keeping of the public register in which the names and addresses of licence holders and of the natural persons referred to in section 52 of the Building Act and the subclasses of such licences and any restriction under section 65.1 are entered;

(2) notify the holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and grant the holder at least 10 days to present observations before deciding on the suspension, cancellation or refusal to renew a plumbing-heating contractor's licence and deliver its ruling in writing, with reasons;

(3) submit to the Minister, by 31 July of each year, a report on its activities for the past fiscal year, containing the following information:

— the total number of valid building contractor's licences;

— the apportionment of the contractor's licences by administrative region;

— the number of examinations for qualification administered by region and component: administration, health and safety, technique;

— the number of exemptions from the examinations for qualification per component;

— the success rate of the examinations for each of the components;

— the number of applications for issuing, renewing or altering a licence;

— the number of suspensions, cancellations, refusals to renew and review a contractor's licence;

— the number of records which, after a hearing, were subject to an alteration;

— other activities of qualification such as the drafting or revision of the examinations for qualification and preparation for examination sessions.

(4) provide the Minister with any information requested by him on the activities pertaining to this mandate.

3.2. Special commitments of the Corporation

The Corporation, in the carrying out of the powers and duties entrusted under this agreement, undertakes to meet or comply with the following terms and conditions of exercise:

(1) carry out all the powers and duties entrusted under item 2;

(2) apply, for the carrying out of the mandate entrusted by the Government, the acts and regulations in force in Québec, particularly the following acts and regulations and their amendments, the regulations that the Corporation may adopt under item 2.1.3 and any agreement between Québec and in particular a province in respect of manpower mobility or the recognition of the qualifications, skills or work experience in the construction industry:

— the provisions of the Building Act and the Master Pipes-Mechanic Act (R.S.Q., c. M-4) related to the vocational qualification of its members required for obtaining a plumbing-heating contractor's licence and to the financial guarantees required from them;

— the Regulation respecting the professional qualification of building contractors and owner-builders, approved by Order in Council 876-92 dated 10 June 1992 (1992, *G.O.* 2, 2926);

— the Regulation respecting the application of the Building Act, made by Order in Council 375-95 dated 22 March 1995 (1995, *G.O.* 2, 1100);

— any regulation made by the Government under subparagraphs 6.1 and 6.2 of section 182 of the Building Act;

— the Act respecting access to documents held by public bodies and the protection of personal information (R.S.Q., c. A-2.1);

— the provisions of section 14 to 22 of the Charter of the French language (R.S.Q., c. C-11);

— the Code of Penal Procedure (R.S.Q., c. C-25.1);

(3) decide on any application related to a plumbing-heating contractor's licence in accordance with the provisions of the Building Act and the regulation related thereto;

(4) constitute and apply, with respect to subcategories 4285.10 to 4285.14, a register of the training courses and programs that it recognizes for the purposes of the exemption from the examination of skills related to managing construction work. It may, where applicable, constitute and apply a similar register for the purposes of the examination of skills related to administrative management and to managing safety on construction sites;

(5) prepare, in respect of applications related to subcategory 4285.10 to 4285.14, an examination on the skills related to managing construction work. It may also prepare an examination on the skills related to administrative management and to managing safety on construction sites. It must, at that time, comply with the principles recognized in docimology;

(6) indicate on the licence issued by the Corporation the name or acronym of the Corporation and of the Gouvernement du Québec;

(7) indicate on the licence issued or renewed by the Corporation whether the licence contains any restriction as regards the obtention of a public contract based on data respecting the licence holder transmitted by the Commission de la construction du Québec;

(8) maintain in force any plumbing-heating contractor's licence issued by the Board until it expires or until it is altered, suspended or cancelled by the Corporation;

(9) keep and update the records regarding the vocational training of its members;

(10) inform the Minister or persons designated under section 129.11 of the Building Act of the date of the meetings of the board of directors, the executive committee or any committee created by the Corporation and that carries out powers or duties entrusted under this agreement;

(11) inform its members, within 120 days of the taking of effect of this agreement, on the powers and duties entrusted under the agreement;

(12) establish and keep up to date, according to the provisions of the Archives Act (R.S.Q., c. A-21.1) and its regulations, a retention schedule applicable to the documents identical to that of the Board in respect of the documents held by the Corporation in the carrying out of the duties entrusted under this agreement;

(13) provide the Minister with all the information or documents that the Corporation holds for the purposes of the follow-up or the evaluation of the implementation

of the mandate entrusted by the Government, free of charge and upon request;

(14) inform the Board, in accordance with the provisions of the Act respecting access to documents held by public bodies and the protection of personal information where applicable, of any suspension, cancellation or refusal of renewal of a plumbing-heating contractor's licence on the grounds that the holder of that licence has gone bankrupt.

3.3. Terms and conditions of financing

The parties agree that:

(1) the Corporation collects the duties and fees associated with the qualification system as soon as this agreement becomes effective;

(2) separate accounts shall be kept for the sums collected and the expenses incurred for the purposes of carrying out the mandate pursuant to the mandate entrusted by the Government; the sums collected shall be applied exclusively to activities related to the vocational training referred to in this agreement;

(3) the Corporation shall pay monthly the sums collected pursuant to paragraph 1 into the consolidated revenue fund through a bank or a savings and credit union governed by the Act respecting financial services cooperatives (2000, c. 29);

(4) the Corporation shall keep out of the fees collected under paragraph 1 the amount determined by regulation of the Government.

3.4. Undertakings of the Minister

The Minister undertakes to:

(1) support and accompany the Corporation in the taking over of the mandate entrusted by the Government;

(2) discuss, for and on behalf of the Government, any amendment or any granting of powers and duties not covered by this agreement;

(3) consult the Corporation on any draft amendment to the Building Act regarding the powers and duties entrusted under this agreement.

4. VERIFICATION AND INQUIRY

The Minister may, in accordance with section 129.12 of the Building Act, designate a person to verify the

documents and information transmitted by the Corporation in accordance with this agreement.

The Minister may, in accordance with section 129.16 of the Building Act, direct a person to make an inquiry into any matter relating to the administration or operation of the Corporation or into the conduct of the directors of the Corporation, with respect to the mandate entrusted by the Government.

The Minister may, even before the conclusion of a verification or inquiry, order the Corporation to take the necessary corrective action within a period specified by him or accept a voluntary undertaking by the Corporation to take the appropriate corrective action.

5. REVOCATION

The Government may at any time revoke the mandate entrusted to the Corporation. The revocation becomes effective on the date fixed by the Government. The decision of the Government must be communicated forthwith to the Corporation.

From the effective date of the revocation,

(1) matters before the Corporation that relate to the mandate entrusted by the Government 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 entrusted by the Government 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 this agreement are deemed to be regulations of the Board;

(5) any regulations made by the Corporation pursuant to the powers provided for in section 12.0.2 of the Master Pipe-Mechanics Act cease to have effect;

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

6. MISCELLANEOUS

6.1. In accordance with the provisions of the Regulation referred to in item 6.2, the Board supplies the Cor-

poration, with respect to the provisions of section 129.7 of the Building Act, with any information related to a plumbing-heating contractor's licence necessary for the implementation of the mandate entrusted to the Corporation by the Government under this agreement.

6.2. The administrative and financial procedures applicable to the Corporation and to the Board for the management, administration, transfer and updating of the records of the contractors affected by this agreement will be determined by the Regulation respecting the mandate entrusted to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, made by Order in Council 886-2001 dated 4 July 2001.

6.3. Matters undertaken before the Board on the date on which this agreement becomes effective that relate to the renewal, alteration, suspension or cancellation of a plumbing-heating contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued and decided by the Board.

6.4. Proceedings to which the Board is a party on the date on which this agreement becomes effective that relate to the issue, renewal, alteration, suspension or cancellation of a plumbing-heating contractor's licence, an application made under section 58.1 of the Building Act or an application for review made under section 160 of the Act are continued by the Board.

6.5. The Corporation is solely qualified under the mandate entrusted by the Government to decide on an application regarding a licence related to the subcategories of a plumbing-heating contractor.

6.6. Only the holder of the positions designated hereafter may have access to information related to the solvency of a plumbing-heating contractor: the director of qualification, the director of administration and the members of the qualification committee.

6.7. No deed, document or writing shall bind the Corporation nor be attributed to it unless signed by the chairman, the vice-chairman, the secretary or a staff member and, if by a staff member, only to such extent as the Corporation may by regulation determine under item 2.1.3.

6.8. The Corporation may, by regulation made under item 2.1.3 and according to the conditions it sets, allow the signature to be affixed by means of an automatic device on the documents it determines.

The Corporation may allow a facsimile of the signature to be engraved, lithographed or printed on such documents as it determines.

A facsimile requires authentication by the countersignature of a person so authorized by the chairman.

6.9. The Corporation may authorize a person who transmits a notice, report, declaration or any other document to the Corporation to transmit such document in computerized form or by a telecommunications link, on the conditions it determines by regulation made under item 2.1.3 according to the categories of documents indicated in the regulation.

6.10. An intelligibly written transcript of the data stored by the Corporation in computerized form forms part of its documents and is proof of its content where it has been certified true by a person referred to in item 6.7.

In the case of data communicated to the Corporation under item 6.9, the transcript must reproduce such data exactly.

6.11. The Corporation's director of legal affairs is responsible for the access designated in accordance with the Act respecting access to documents held by public bodies and the protection of personal information.

6.12. No proceedings may be brought against the Corporation, its directors, the members of its committees or its personnel for an official act performed in good faith in carrying out the mandate entrusted by the Government.

6.13. The Corporation does not bind in any way the Government or the Board for the acts it performs in the carrying out of the powers and duties that are entrusted to it by this agreement.

6.14. The Corporation undertakes to take up the interest of the Government and to assume the defence against any recourse, claim, application, and any other proceedings made by any person by reason of any damage caused by it, its directors or employees in the course or upon the carrying out of the mandate entrusted by the Government.

6.15. The powers and duties entrusted to the Corporation under this agreement may in no case be delegated, in whole or in part, otherwise than under item 2.3.

6.16. Neither the Corporation nor its directors or employees may disclose anything whatsoever of which it may gain knowledge in the exercise of its mandate other than being duly authorized by the Minister to do so.

6.17. The Corporation undertakes to come to an agreement with the Board that deals with the identification,

the means of communication and the obligations resulting from the receipt and transmission of nominative information necessary to the Corporation and the Board for the purposes of the exercise of their respective functions.

The agreement shall be transmitted to the Minister before being submitted to the Commission d'accès à l'information for an opinion.

7. FOLLOW-UP OF OPERATIONS

The Corporation must take part in the establishment of a follow-up committee, made up of a representative of the Corporation, of the Corporation des maîtres mécaniciens en tuyauterie du Québec, of the Minister of Labour and of the Board, with a view to agree on measures for the implementation of the agreement and for the follow-up of the current operations in order to ensure, with respect to the mandate entrusted by the Government, continuity in the operations and their quality.

The committee shall be chaired by the representative of the Minister of Labour. It shall meet at least twice a year.

8. TRANSITIONAL PERIOD

For a transitional and temporary period determined under an administrative agreement entered into with the Board before this agreement becomes effective, the Corporation will have to exercise its activities related to the vocational qualification of its members on the premises of the Board and by using their computer systems. The processing of applications for qualification will be made according to the terms and conditions currently applied by the Board.

The agreement must identify the transitional measures applicable until the parties have put into place the required functionalities to the exchange and information processing systems necessary for the implementation of new service points. The agreement lasts three months and may be renewed if need be for the same term.

9. EFFECTIVE DATE

This agreement comes into force on 19 November 2001.

10. COMMUNICATION BETWEEN THE PARTIES

For the purposes of this agreement, the parties agree that written communications will be sent to the two following addresses:

For the Minister:

200, chemin Sainte-Foy, 6^e étage
Québec (Québec)
G1R 5S1

For the Corporation:

8175, boulevard Saint-Laurent
Montréal (Québec)
H2P 2M1

In witness whereof the parties have signed this agreement in duplicate, as follows:

The Minister of State for Labour, Employment and social Solidarity and Minister of Labour

_____	_____
date	place

The Corporation des maîtres mécaniciens en tuyauterie du Québec

_____	_____
date	place

4442

Gouvernement du Québec

O.C. 889-2001, 4 July 2001

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

Automotive services industry — Montréal region — Amendments

CONCERNING the Decree to amend the Decree respecting the automotive services industry in the Montréal region

WHEREAS the Government made the Decree respecting the automotive services industry in the Montréal region (R.R.Q., 1981, c. D-2, r. 46);

WHEREAS the Association des carrossiers professionnels du Québec has petitioned the Minister of State for Labour, Employment and Social Solidarity and Minister of Labour for an amendment to be made to that Decree;

WHEREAS under section 10 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Decree may order that certain persons or associations be treated as contracting parties;