

Regulations and other acts

Gouvernement du Québec

O.C. 441-2002, 10 April 2002

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 — Issuance of competency certificates — Amendments

Regulation to amend the Regulation respecting the issuance of competency certificates

WHEREAS, under subparagraphs 5, 7 and 14 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20), the Commission de la construction du Québec may make a regulation respecting in particular the conditions of admission to apprenticeship and examinations and the conditions of issue and renewal of apprentice competency certificates and occupation competency certificates;

WHEREAS the Commission made the Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987;

WHEREAS, after consultation with the Committee on vocational training in the construction industry, the Commission made and forwarded to the Minister of Labour the Regulation to amend the Regulation respecting the issuance of competency certificates;

WHEREAS, under section 123.2 of that Act, such a regulation must be submitted to the Government for approval;

WHEREAS, under Ontario Regulation 49/02, Québec has been, since 9 March 2002, a designated jurisdiction for the purposes of the Fairness is a Two-Way Street Act (Construction Labour Mobility), 1999 (S.O. 1999, c. 4);

WHEREAS, because of that designation, Québec workers who wish to work in the Ontario construction industry must comply with several new requirements, such as providing proof that they are holders of a Québec compe-

tency certificate where such certificate is required to work in Québec;

WHEREAS, under section 12 of the Regulations Act (R.S.Q., c. R-18.1), a proposed regulation may be approved without having been published as prescribed by section 8 of that Act where the authority approving it is of the opinion that the urgency of the situation requires it;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has approved it is of the opinion that the urgency of the situation requires it;

WHEREAS, under sections 13 and 18 of that Act, the reason justifying the absence of prior publication and such coming into force must be published with the regulation;

WHEREAS the Government is of the opinion that the urgency due to the following circumstances justifies the absence of prior publication and such coming into force:

— the amendments provided for in the Regulation attached to this Order in Council must come into force as soon as possible in order to facilitate the recognition, for the issuance of Québec competency certificates, of work experience acquired in a province, in particular Ontario, the Government of which is, together with the Gouvernement du Québec, party to a bilateral intergovernmental agreement respecting the mutual recognition of qualifications, skills and work experience in trades and occupations in the construction industry, and thus avoid depriving Québec workers of employment opportunities in Ontario because of new restrictive measures being applied there;

WHEREAS it is expedient to approve the Regulation attached hereto;

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

THAT the Regulation to amend the Regulation respecting the issuance of competency certificates, attached to this Order in Council, be approved.

JEAN ST-GELAIS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the issuance of competency certificates*

An Act respecting labour relations, vocational training and manpower management in the construction industry
(R.S.Q., c. R-20, s. 123.1, 1st par. subpars. 5, 7 and 14)

1. The Regulation respecting the issuance of competency certificates is amended by inserting the following after section 28.9:

“**28.10.** Notwithstanding sections 2 and 2.1, the Commission shall issue, upon application, an apprentice competency certificate to any person who demonstrates that he or she has completed, between 1 January 2000 and 31 December 2001, in the territory of a province where the applicant is not domiciled and the government of which is, together with the Government of Québec, party to a bilateral intergovernmental agreement respecting the mutual recognition of qualifications, skills and work experience in trades and occupations in the construction industry, at least 1500 hours of work in the construction industry, of which at least 750 hours pertain to work related to the trade indicated in the application.

In addition, in order to obtain a certificate for the trade of electrician, refrigeration specialist, elevator mechanic, millwright, fire-fighting mechanic or pipe fitter, the applicant shall demonstrate that he or she meets the admission requirements prescribed in the basic school regulations made under the Education Act for a program of study leading to a secondary school vocational diploma pertaining to the trade.

28.11. Notwithstanding sections 4 and 4.2, the Commission shall issue, upon application, an occupation competency certificate to a person who demonstrates that he or she has completed, between 1 January 2000 and 31 December 2001, in the territory of a province where the applicant is not domiciled and the government of which is, together with the Government of Québec, party to a bilateral intergovernmental agreement respecting the mutual recognition of qualifications, skills and work experience in trades and occupations in the construction industry, at least 1500 hours of work in the construction industry.

28.12. A competency certificate issued initially under section 28.10 or 28.11 to any person who has not furnished proof to the Commission of having successfully completed a safety course required by the Safety Code for the Construction Industry shall bear an expiry date that corresponds to the last day of the third full month following the date of issuance. It shall be replaced by a certificate that expires twelve months after the date of issuance of the first certificate where the holder furnishes such proof.

28.13. The second paragraph of section 7 applies, adapted as required, to the renewal of a certificate issued under section 28.10, except in the case of a first renewal, in respect of a trade that is not referred to in the second paragraph of that section, to any person who did not, at the time of issuance of the certificate, meet the admission requirements prescribed in the basic school regulations made under the Education Act for a program of study leading to a secondary school vocational diploma pertaining to that trade; in the latter case, the holder of the certificate must demonstrate that he or she meets the admission requirements.

The first paragraph does not apply

(1) in the case of an apprentice classified in the last period of apprenticeship and who has completed the number of hours required for that period;

(2) in the case of a person who has not attended school on a full-time basis after 1 January 1987 and who does not meet the admission requirements prescribed in the basic school regulations made under the Education Act for a program of study leading to a secondary school vocational diploma pertaining to the applicable trade.

28.14. The applications referred to in sections 28.10 and 28.11 must be submitted no later than 1 June 2002.”.

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

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* The Regulation respecting the issuance of competency certificates, approved by Order in Council 673-87 dated 29 April 1987 (1987, *G.O.* 2, 1471) was last amended by the Regulation approved by Order in Council 150-98 dated 4 February 1998 (1998, *G.O.* 2, 1139). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Éditeur officiel du Québec, 2001, updated to 1 September 2001.