

Gouvernement du Québec

O.C. 872-2003, 20 August 2003

Labour Code
(R.S.Q., c. C-27)

**Commission des relations du travail
— Procedure for the recruiting and selection
of commissioners
— Amendments**

Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail

WHEREAS, under section 137.20 of the Labour Code (R.S.Q., c. C-27), enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions (2001, c. 26) and replaced by section 32 of chapter 22 of the Statutes of 2002, the renewal of the term of office of the commissioners of the Commission des relations du travail shall be examined according to a procedure established by government regulation; the regulation may, in particular, fix the composition of the committees to examine the renewal of the term of office of commissioners of the Commission and the mode of appointment of committee members, who shall neither belong to nor represent the Administration within the meaning of the Public Administration Act (R.S.Q., c. A-6.01);

WHEREAS, under section 137.21 of the Labour Code, enacted by section 63 of the Act to amend the Labour Code, to establish the Commission des relations du travail and to amend other legislative provisions, the Government may, by regulation, determine in which cases, subject to which conditions and to what extent the members of an examination committee shall receive remuneration and determine the conditions on and the extent to which they are entitled to the reimbursement of expenses incurred in the exercise of their functions;

WHEREAS, by Order in Council 500-2002 dated 24 April 2002, the Government made the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail;

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail was published in Part 2 of the *Gazette officielle du Québec* of 27 December 2002, with a notice that it could be made by the Government upon the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation without amendment;

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

THAT the Regulation to amend the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail, attached to this Order in Council, be made.

ANDRÉ DICAIRE,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the procedure for the
recruiting and selection of persons
declared to be qualified for appointment
as commissioners to the Commission
des relations du travail***

Labour Code
(R.S.Q., c. C-27, ss. 137.20 and 137.21; 2001, c. 26,
s. 63; 2002, c. 22, s. 32)

1. The following title is substituted for the title of the Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail: “Regulation respecting the procedure for the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail and for the renewal of their term of office”.

2. The following is inserted after section 24:

* The Regulation respecting the recruiting and selection of persons declared to be qualified for appointment as commissioners to the Commission des relations du travail was made by Order in Council 500-2002 dated 24 April 2002 (2002, *G.O.* 2, 2319).

**“DIVISION VIII.1
RENEWAL OF TERMS OF OFFICE**

24.1. In the 12 months preceding the expiry of a commissioner’s term of office, the Associate Secretary General for Senior Positions of the Ministère du Conseil exécutif shall require the commissioner to provide the information referred to in subparagraphs 5 and 6 of section 4 and a written statement in which the commissioner agrees to a verification with, *inter alia*, a disciplinary body, any professional order of which the commissioner is or was a member, and police authorities and, where applicable, in which the commissioner agrees that the persons or partnerships referred to in section 14 be consulted.

24.2. The Associate Secretary General shall establish a committee to examine the renewal of the commissioner’s term of office and shall designate the chair thereof.

The committee shall be composed of a representative of the legal community, a retired person who has exercised adjudicative functions in an administrative body, and two persons from the labour relations community who neither belong to nor represent the Administration within the meaning of the Public Administration Act (R.S.Q., c. A-6.01).

Sections 6 to 9 then apply.

24.3. The committee shall determine whether the commissioner continues to fulfil the criteria set out in section 15, consider annual performance appraisals, and take into account the needs of the Commission. The committee may hold the consultations provided for in section 14 on any matter in the commissioner’s record.

24.4. Committee decisions shall be made by a majority vote of its members. In case of a tie-vote, the chair of the committee shall have a casting vote. A member may register his or her dissent.

The committee shall forward its recommendation to the Associate Secretary General and to the Minister of Labour.

24.5. The Associate Secretary General is the agent authorized to notify the commissioner of the non-renewal of a term of office.”.

3. Section 25 is amended

(1) by inserting the words “or renewal” after the word “selection”; and

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

“However, a commissioner whose term of office is not renewed may consult the recommendation of the renewal committee in his or her respect.”.

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

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Gouvernement du Québec

O.C. 873-2003, 20 August 2003

An Act respecting occupational health and safety (R.S.Q., c. S-2.1)

**Safety Code for the construction industry
— Amendment**

Regulation to amend the Safety Code for the construction industry

WHEREAS, under subparagraph 7 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1), the Commission de la santé et de la sécurité du travail may make regulations on the matters set forth therein;

WHEREAS, under the second paragraph of section 223 of the Act, the content of the regulations may vary according to the categories of persons, workers, employers, workplaces, establishments or construction sites to which they apply, and the regulations may also provide times within which they are to be applied, and these times may vary according to the object and scope of each regulation;

WHEREAS, under the third paragraph of section 223 of the Act, a regulation may refer to an approval, certification or homologation of the Bureau de normalisation du Québec or of another standardizing body;

WHEREAS, in accordance with section 224 of the Act and sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation attached to the Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 18 December 2002, with a notice that the Regulation may be adopted by the Commission with or without amendment and submitted to the Government for approval on the expiry of a period of 60 days following that publication;