

THAT the Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies

An Act respecting health services and social services (R.S.Q., c. S-4.2, s. 505, par. 3)

1. The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies is amended in section 1 by replacing “\$2,000,000” at the end of the first paragraph by “\$5,000,000”.

2. 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. 142-2009, 18 February 2009

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

Commission de la construction du Québec — Certain 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 the second paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20), the Government may, in order to give effect to an intergovernmental agreement in respect of workforce mobility or the mutual recognition of qualifications, skills or 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, under the second paragraph of that section, such regulations may, in particular, provide for adjustments to the provisions of the Act and its regulations and special management rules;

WHEREAS, by Order in Council 951-2008 dated 1 October 2008, the Government approved the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualifications, Skills and Work Experience in the Construction Industry;

WHEREAS it is expedient to make 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, to give effect to the Agreement;

WHEREAS, under the second paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry, such a regulation 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. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the 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.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

* The Regulation respecting the cost of work for public institutions and private institutions under agreement to be authorized by agencies, made by Order in Council 60-2003 dated 22 January 2003 (2003, *G.O.* 2, 629), has not been amended since it was made.

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 workforce management in the construction industry
(R.S.Q., c. R-20, s. 123, 2nd par.)

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 is amended by inserting the following after section 2.2:

“**2.3.** A person domiciled in New Brunswick who is covered by the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualification, Skills and Work Experience in the Construction Industry, signed on 3 October 2008, and who meets, in accordance with the provisions of that agreement, the applicable requirements in respect of occupational health and safety training is exempt from the requirement of holding the certificates or exemptions issued by the Commission de la construction du Québec and referred to in subparagraphs 1 and 2 on the conditions prescribed therein:

(1) a journeyman competency certificate, an apprentice competency certificate or an exemption from either certificate: the person holds a valid, recognized attestation authorizing him or her to carry on, in New Brunswick, a trade which, under or pursuant to that agreement, is paired with one of the trades listed in Schedule A to the Regulation respecting the vocational training of workforce in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, or with a specialty under one of those trades;

(2) an occupation competency certificate or an exemption from that certificate: the person demonstrates with supporting documents that he or she has worked 750 hours or more in the construction industry.

* 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 last amended by the regulation made by Order in Council 677-2006 dated 28 June 2006 (2006, *G.O.* 2, 1920A). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.

For the purposes of carrying on construction work as an employee, the exemption provided for in the first paragraph applies only on the condition that the person in question also holds a card issued by the Commission under section 36 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., c. R-20).

2.4. For the purposes of subparagraph 1 of the first paragraph of section 2.3, a Certificate of Qualification, a Diploma of Apprenticeship or an Apprentice Identification Card issued under a statute of the Province of New Brunswick is a recognized attestation; a Certificate of Qualification or a Diploma of Apprenticeship to which the mention “Red Seal” was affixed in accordance with an interprovincial agreement on the reciprocal recognition of vocational qualification (Red Seal) is also a recognized attestation.”

2. Section 3 is amended

(1) by replacing “or in Newfoundland or in the Newfoundland part of Labrador” by “, in Newfoundland or in the Newfoundland part of Labrador, or in New Brunswick”;

(2) by replacing “or in subparagraphs 1 and 2 of section 2.1” by “, in subparagraphs 1 and 2 of the first paragraph of section 2.1 or in subparagraphs 1 and 2 of the first paragraph of section 2.3”.

3. Section 4 is amended by replacing “section 1 or 2.1” by “section 1, 2.1 or 2.3”.

4. Section 5 is amended by replacing “section 1 or 2.1” by “section 1, 2.1 or 2.3”.

5. Section 6 is amended

(1) by replacing the first and second paragraphs by the following:

“**6.** For the purposes of applying the relevant provisions of the Regulation respecting the vocational training of workforce in the construction industry, approved by Order in Council 313-93 dated 10 March 1993, as amended, to a person who is exempt under section 1, 2.1 or 2.3 of this Regulation, a person holding a Certificate of Qualification, a Certificate of Apprenticeship, a Trade Activity Card, a Specialized Construction Work Card or a Diploma of Apprenticeship is deemed to be a journeyman and a person holding a Provisional Certificate of Qualification or an Apprentice Identification Card is deemed to be an apprentice.”;

(2) by striking out “or second” in the third paragraph.

6. This Regulation comes into force on 2 March 2009.

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Gouvernement du Québec

O.C. 143-2009, 18 February 2009

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

**Regulation respecting the application
— Amendments**

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

WHEREAS, under section 4.1 and subparagraph 1 of the first paragraph of section 182 of the Building Act (R.S.Q., c. B-1.1), the Government may, by regulation, exempt from the application, in whole or in part, of the Act, categories of contractors;

WHEREAS, under the second paragraph of section 182 of the Act, a regulation made under subparagraph 1 of the first paragraph of that section to give effect to an intergovernmental agreement in respect of mobility or the recognition of the qualifications, skills or work experience of building contractors may provide for adjustments to the provisions of the Act and its regulations, including regulations adopted by the Régie du bâtiment du Québec, 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, the contents of such a regulation may 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 951-2008 dated 1 October 2008, the Government approved the Agreement Between the Government of New Brunswick and the Gouvernement du Québec on Labour Mobility and the Recognition of Qualifications, Skills and Work Experience in the Construction Industry;

WHEREAS it is expedient to make the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, to give effect to the 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. R-18.1);

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

THAT the Regulation to amend the Regulation respecting the application of the Building Act, attached to this Order in Council, be made.

GÉRARD BIBEAU,
Clerk of the Conseil exécutif

**Regulation to amend the Regulation
respecting the application of the
building act***

Building Act
(R.S.Q., c. B-1.1, s. 4.1, s. 182, 1st par., subpar. 1, and 2nd par., and s. 192, 2nd par.)

1. The Regulation respecting the application of the Building Act is amended by inserting the following after section 3.1:

“**3.1.0.1.** Subject to the second and third paragraphs, a contractor domiciled in New Brunswick is exempt from the application of subparagraph 1 of the first paragraph of section 58 of the Act and from the provisions pertaining to the examination of skills in the Regulation respecting the professional qualification of contractors and owner-builders, approved by Order in Council 314-2008 dated 2 April 2008, where the contractor establishes that he or she has been registered for at least 5 years with the New Brunswick Workplace Health, Safety and Compensation Commission, by means of written confirmation issued by the Commission.

* 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), was last amended by the regulation made by Order in Council 315-2008 dated 2 April 2008 (2008, G.O. 2, 1141). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2008, updated to 1 September 2008.