

Draft Regulations

Draft Regulation

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

Commission de la construction du Québec — Training Fund for Employees in the Construction Industry

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting the Training Fund for Employees in the Construction Industry, made by the Commission de la construction du Québec and appearing below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

In accordance with subparagraph 13.2 of the first paragraph of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the draft Regulation establishes the conditions and method of operation of the Training Fund for Employees in the Construction Industry, including the contributions to be paid by employers according to their category and the rules for the administration and investment of the money making up the Fund.

The draft Regulation has no impact on the public and enterprises who are not in the construction industry. For construction employees, the Regulation preserves the mission of the Fund which is to offer development activities to a growing number of employees. For employers, the contribution provided for in the collective agreements in the industry will be lowered to \$0.15 per hour worked for five years following the coming into force of the Regulation. The contribution will then come back to \$0.20 per hour worked. The solution will help employers save about \$8 million per year in contributions.

Further information may be obtained by contacting Diane Lemieux, Chair and Chief Executive Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

Any person wishing to comment on the matter is requested to submit written comments within the 45-day period to Diane Lemieux, Chair and Chief Executive

Officer, Commission de la construction du Québec, 8485, avenue Christophe-Colomb, Montréal (Québec) H2M 0A7; telephone: 514 341-7740, extension 6331.

SAM HAMAD,
Minister of Labour

Regulation respecting the Training Fund for Employees in the Construction Industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, ss. 93.7 and 123.1, 1st par., subpar. 13.2)

1. This Regulation establishes the conditions and method of operation of the Training Fund for Employees in the Construction Industry, established by the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

2. The Fund is to be used exclusively to promote and finance development activities for employees in the construction industry and comprises two components:

1° a component covering the institutional and commercial sector, the industrial sector, and the civil engineering and roads sector, dedicated to promoting and financing the development activities of the employees in those sectors;

2° the residential sector component, dedicated to promoting and financing the development activities of the employees in that sector.

“Development activities” means any project eligible under the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

3. The Fund is made up of

1° the amounts from the training fund for the construction industry and the training plan for the residential sector transferred pursuant to sections 81 and 82 of the Act to eliminate union placement and improve the operation of the construction industry (2011, chapter 30);

2° the contributions paid by an employer for each hour worked by each of its employees during the month preceding the monthly report to be provided by the employer

pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11);

3° the interest earned on the money accumulated in the Fund;

4° amounts from any increase in the assets of the Fund; and

5° amounts from a loan contracted by the Commission de la construction du Québec to offset any insufficiency in the Fund.

4. The administrative and operating costs of the Fund are paid out of the money making up the Fund. The allocation method of the Commission applies to determine the amount of the payments from the Fund into the general administration fund.

5. The employer's contributions provided for in section 3 is \$0.20 per hour worked, except for a 5-year period during which it will be \$0.15 per hour worked, which begins on Sunday following the last day of the first full monthly period of work following the date of coming into force of this Regulation.

The Commission credits those contributions to the Fund component corresponding to their sector.

6. The fiscal year of the Fund is the calendar year.

7. The Commission adopts the annual budget of the Fund.

8. The expenses of the Fund comprise the administrative and operating costs of the Fund, including the promotion and financing of development activities, administrative expenses relating to the management of property used and the development projects for development activities.

9. The Commission administers the money making up the Fund as follows:

1° it deposits the part of the money that it plans to use in the short term with an institution governed by the Act respecting financial services cooperatives (chapter C-67.3), the Bank Act (Statutes of Canada, 1991, chapter 46) or the Trust and Loan Companies Act (Statutes of Canada, 1991, chapter 45);

2° it invests the rest of the money in accordance with the investment policy for funds under the management of the Commission.

10. The Commission finances development activities in accordance with the general rules for the use of the Training Fund for Employees in the Construction Industry determined pursuant to section 18.2 of the Act.

11. Representative associations referred to in subparagraph *b* of the first paragraph of section 1 and contractors' associations referred to in subparagraph *c.1* of the first paragraph of section 1 of the Act may receive subsidies to promote the development activities offered by the Commission.

12. The amount available each year to promote development activities corresponds to 8% of the budget adopted by the Commission for the annual financing of development activities.

From the percentage specified in the first paragraph, 3% is allocated to the promotion done by the Commission and 5% to the projects of the associations referred to in section 11.

13. The amount available for the projects submitted by the associations is divided equally between representative associations and contractors' associations.

14. The amount available for the projects submitted by representative associations is apportioned in proportion to the hours declared during the last calendar year by employers, pursuant to the Regulation respecting the register, monthly report, notices from employers and the designation of a representative, according to the union allegiance of each employee.

The preceding calendar year is the reference period to calculate the apportionment provided for in the first paragraph.

15. Between contractors' associations, the amount available is determined as follows:

1° Where the amount available in accordance with section 13 for contractors' associations is equal to or greater than \$800,000, a first lump sum of \$100,000 is available for each sector-based employers' association referred to in subparagraph *c.2* of the first paragraph of section 1 of the Act, per sector represented by the association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec;

2° The amount in excess of \$600,000 is available between each of the sector-based employers' associations per sector represented by each association, in proportion to the hours declared during the last 5 calendar years for the sector, out of all the hours so declared for all sectors;

3° Where the amount available for contractors' associations is less than \$800,000, a first amount corresponding to 12.5% of that amount is available for each sector-based employers' association, per sector represented by each association, and to the Corporation des maîtres électriciens du Québec and to the Corporation des maîtres mécaniciens en tuyauterie du Québec, and the balance is available for sector-based employers' associations in accordance with the proportion determined under paragraph 2, for the sector represented by the association.

16. An application for a subsidy must be received by the Commission not later than 31 October prior to the year covered by the application, in the manner prescribed by the Commission. The application must describe the eligible promotion projects that the association intends to carry out and contain a budget proposal whose amount is less than or equal to the amount available to the association for that purpose.

17. The Commission and the association must agree on conditions for the use of the subsidy. The agreement must pertain, in particular, to the following:

1° the eligible promotion projects in the application for a subsidy that the association may carry out;

2° the amount granted for those promotion projects;

3° the payment conditions, that is, a first payment representing 70% of the subsidy is given within 30 days of the signing of the agreement by the association, and a second payment payable within 30 days of the final rendering of accounts, corresponding to the difference between the actual costs of the promotion projects agreed upon and the first payment, up to the amount of the subsidy granted;

4° repayment conditions in case of failure to comply with the agreement;

5° accountability conditions.

18. The Commission may extend the time limit indicated in section 16 if the association proves that it could not comply with it for reasonable cause.

19. This Regulation comes into force on (*insert the date corresponding to the fifteenth day following the date of its publication in the Gazette officielle du Québec*).