



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 21

(2014, chapter 18)

An Act respecting mainly the implementation of agreements on labour matters between the Gouvernement du Québec and the Mohawk Council of Kahnawake

**Introduced 11 November 2014
Passed in principle 27 November 2014
Passed 4 December 2014
Assented to 5 December 2014**

EXPLANATORY NOTES

The object of this Act is to authorize the implementation of agreements between the Gouvernement du Québec and the Mohawks of Kahnawake permitting the application of a special plan in Kahnawake in matters within the scope of the Act respecting industrial accidents and occupational diseases, the Building Act, the Act respecting labour relations, vocational training and workforce management in the construction industry and the Act respecting occupational health and safety.

More particularly, such agreements must ensure that the Kahnawake plan will have standards similar to those prescribed by the Acts concerned and, unless they provide otherwise, apply despite any provision to the contrary in any of those Acts. The Government is empowered to take, by regulation, any measure necessary to implement the agreements, which are to be posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the bodies concerned. The agreements and any regulation made must be examined by the competent committee of the National Assembly.

The newly enacted provisions apply to the Entente en matière de travail entre le gouvernement du Québec et le Conseil Mohawk de Kahnawà:ke approved by Order in Council 730-2014 dated 24 July 2014. Three years after this Act is assented to, a report on its implementation is to be tabled in the National Assembly for referral to the competent committee for examination.

Lastly, the corporate name of the Association provinciale des constructeurs d'habitations du Québec inc. (APCHQ) is updated to its current name, the Association des professionnels de la construction et de l'habitation du Québec inc.

LEGISLATION AMENDED BY THIS ACT:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Building Act (chapter B-1.1);

- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting occupational health and safety (chapter S-2.1).

REGULATION AMENDED BY THIS ACT:

- Regulation respecting the issuance of competency certificates (chapter R-20, r. 5).

Bill 21

AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF AGREEMENTS ON LABOUR MATTERS BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE MOHAWK COUNCIL OF KAHNAWAKE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. Subdivision 4 of Division III of Chapter I of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is replaced by the following subdivision:

“§4. — *Agreements permitting the application of a special plan*

“**24.1.** The purpose of this subdivision is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

“**24.2.** The provisions of an agreement under section 24.1 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

“**24.3.** The Government may, by regulation, take any necessary measures to carry out this subdivision, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“**24.4.** An agreement under section 24.1 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 24.3.

“24.5. An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Commission not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

“24.6. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 24.1.”

BUILDING ACT

2. The Building Act (chapter B-1.1) is amended by inserting the following division after section 6:

“DIVISION 1.1

“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

“6.1. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

“6.2. The provisions of an agreement under section 6.1 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

“6.3. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“6.4. An agreement under section 6.1 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 6.3.

“6.5. An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Board not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

“6.6. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 6.1.”

3. Section 182 of the Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(9) take any necessary measures to carry out Division I.1 of Chapter I, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.”

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING
AND WORKFORCE MANAGEMENT IN THE CONSTRUCTION
INDUSTRY

4. Section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “Association provinciale des constructeurs d’habitations du Québec inc.” in subparagraphs *c.1* and *c.2* of the first paragraph by “Association des professionnels de la construction et de l’habitation du Québec inc.”.

5. The Act is amended by inserting the following division after section 20:

“DIVISION I.1

**“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL
PLAN**

“20.1. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

“20.2. The provisions of an agreement under section 20.1 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

“20.3. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied

to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“20.4. An agreement under section 20.1 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 20.3.

“20.5. An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Commission not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

“20.6. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 20.1.”

6. Section 123 of the Act is amended by striking out the second paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

7. Division II of Chapter II of the Act respecting occupational health and safety (chapter S-2.1) is replaced by the following division:

“DIVISION II

“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

“8.2. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

“8.3. The provisions of an agreement under section 8.2 apply despite any provision to the contrary in this Act unless otherwise provided in the agreement.

“8.4. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied

to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“8.5. An agreement under section 8.2 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 8.4.

“8.6. An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Commission not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

“8.7. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 8.2.”

REGULATION RESPECTING THE ISSUANCE OF COMPETENCY CERTIFICATES

8. Section 15.7 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended, in the second paragraph,

(1) by replacing subparagraph 1 by the following subparagraphs:

“(1) one member designated by the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction) who shall have 1 voting right worth 2 votes;

“(1.1) one member designated by the Conseil provincial du Québec des métiers de la construction (International) who shall have 1 voting right worth 2 votes;”;

(2) by replacing “Association provinciale des constructeurs d’habitations du Québec” in subparagraph 7 by “Association des professionnels de la construction et de l’habitation du Québec inc.”.

FINAL PROVISIONS

9. The Minister of Labour is responsible for the administration of this Act.

10. Sections 24.1 to 24.6 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), sections 6.1 to 6.6 of the Building Act (chapter B-1.1), sections 20.1 to 20.6 of the Act respecting labour relations,

vocational training and workforce management in the construction industry (chapter R-20) and sections 8.2 to 8.7 of the Act respecting occupational health and safety (chapter S-2.1), as enacted by this Act, apply to the Entente en matière de travail entre le gouvernement du Québec et le Conseil Mohawk de Kahnawà:ke approved by Order in Council 730-2014 dated 24 July 2014.

However, the agreement must be posted as required under certain of those sections on the specified websites not later than 20 December 2014.

11. The Minister must, not later than 5 December 2017, report to the Government on the implementation of this Act and the advisability of amending it.

The report is tabled in the National Assembly within the next 30 days or, if the Assembly is not sitting, within 30 days of resumption. The competent committee of the National Assembly examines the report.

12. This Act comes into force on 5 December 2014.