

Draft Regulations

Draft Regulation

Environment Quality Act
(chapter Q-2)

Application of section 32 of the Act — Amendment

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1) and section 124 of the Environment Quality Act, that the draft Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act, appearing below, may be made by the Government on the expiry of 60 days following this publication.

The draft Regulation amends the requirement concerning compliance with the standard on safety of products and materials in contact with drinking water, applicable to works exempted from the authorization of the Minister, by adding a reference to the American standard.

Study of the matter shows that the proposed amendment will diminish the constraints on and operating expenses of enterprises while improving the supply of products available on the market. Municipalities should obtain products at a better price while ensuring an equivalent protection level.

Further information on the draft Regulation may be obtained by contacting Carole Jutras, Director, Direction des eaux municipales at the address appearing below.

Any person wishing to comment on the matter is requested to submit written comments within the 60-day period to Carole Jutras, Director, Direction des eaux municipales, Ministère du Développement durable, de l'Environnement et de la Lutte contre les changements climatiques, édifice Marie-Guyart, 675, boulevard René-Lévesque Est, 8^e étage, boîte 42, Québec (Québec) G1R 5V7; email: carole.jutras@mddelcc.gouv.qc.ca

DAVID HEURTEL,
*Minister of Sustainable Development,
the Environment and the
Fight Against Climate Change*

Regulation to amend the Regulation respecting the application of section 32 of the Environment Quality Act

Environment Quality Act
(chapter Q-2, s. 46, par. 1)

1. The Regulation respecting the application of section 32 of the Environment Quality Act (chapter Q-2, r. 2) is amended in section 23 by adding “or standard NSF/ANSI 61 – Drinking Water System Components – Health Effects” at the end of the first paragraph.

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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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 — Regulation respecting letters describing the situation

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting letters describing the situation, 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 paragraph *i* of section 82 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the draft Regulation determines the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in such a letter on construction work carried out on a job site or for the purposes of a tender.

The draft Regulation has no direct impact on citizens and enterprises that do not do work in the construction industry. For employers, the draft Regulation gives regulatory structure to the administrative practice of letters describing the situation in order to give a statement of the information held by the Commission de la construction du Québec concerning an employer's compliance with its obligations under the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and its regulations, using objective and foreseeable criteria. On the basis of the information contained in a letter describing the situation, a recognized client, owner or general contractor can evaluate the risk of a solidary liability recourse represented by the employer. The costs related to the issue of the letter do not change.

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 letters describing the situation

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 82, par. *i*)

- 1.** This Regulation determines the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in the letter.
- 2.** The Commission de la construction du Québec issues the following letters describing the situation to an employer who applies for a letter and who meets the requirements of this Regulation:

1° a letter on construction work carried out on a job site and describing the situation of an employer and its sub-contractors to whom the employer subcontracted work, with respect to the construction activities on the job site and the obligations provided for in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and in this Regulation;

2° a letter for the purposes of a tender which describes the situation of an employer who wishes to tender, with respect to the employer's activities on the construction site and the employer's obligations provided for in the Act and in this Regulation.

3. To be issued a letter describing the situation, an employer must be registered as such with the Commission, in accordance with the conditions provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11).

4. To apply for a letter describing the situation, an employer must use the online services of the Commission by completing the prescribed form and provide the information required.

5. A fee of \$30 is exigible for the issue of a letter describing the situation, payable by using the online services of the Commission.

The date of filing an application is the date on which the application is received by the online services of the Commission.

6. The Commission issues a letter describing the situation on the basis of the information brought to the attention of the Commission and the information sent by an employer at the time the application is filed.

7. A letter describing the situation contains, as the case may be,

1° the identification of the job site, the nature and duration of the work, the name of the recognized client, the value of the contract before provincial and federal taxes, the employer's workforce assigned to the work with regards to the number of employees and the cost, and the name of the employer's sub-contractors;

2° the statement of the monthly reports sent by the employer for a 12-month period preceding the date of filing an application for a letter for the purposes of a tender and, for an application for a letter on construction work carried out on a job site (i) the statement of the monthly reports sent by the employer for the duration of the work, without exceeding 12 months and (ii) the information concerning the monthly reports not sent by the sub-contractor and the reports sent by the sub-contractor without the corresponding delivery, for the duration of the work, without exceeding 12 months;

3° any unpaid claim to the Commission by the employer, and the claim sent within the 24 months preceding the date of filing an application with a mention of the balance for a letter for the purposes of a tender. In the case of an application for a letter on construction work carried out on a job site, the letter mentions any unpaid claim sent to the employer and the employer's sub-contractors for a period of the construction work carried out on the job site;

4° any disagreement notified in writing by the employer to the Commission regarding the subjection of the work to the scope of the Act or relating to the interpretation of a clause of the collective agreement after a claim is sent;

5° any amount held to guarantee payment of a claim by the employer or one of the employer's sub-contractors;

6° any order to suspend work rendered in respect of the employer or one of the employer's sub-contractors under section 7.4 of the Act and any contravention to such order, if either occurs within the 24 months preceding the date of filing an application for a letter for the purposes of a tender and relating to the construction work on the job site identified in the application and, where applicable, if the order has been the subject of an application for review pursuant to section 7.7 of the Act;

7° any proceeding instituted against the employer or one of the employer's sub-contractors, including one of their directors, shareholders, officers, partners or employees, while acting as such for the employer or sub-contractor, for an offence provided for in Schedule I, filed within the 24 months preceding the date of filing an application for a letter for the purposes of a tender and, for an application for a letter on construction work carried out on a job site, for the duration of the work;

8° for a letter on construction work on a job site, that the employer or one of the employer's sub-contractors, including one of their directors, shareholders, officers, partners or employees, while acting as such for the employer or sub-contractor, has been convicted of an offence provided for in Schedule I committed during the work and, for a letter for the purposes of a tender, that the employer, including one of the employer's directors, shareholders, officers, partners or employees, while acting as such for the employer, has been convicted of an offence provided for in Schedule I committed within the 24 months preceding the date of filing an application;

9° that at the time of the work, the employer and the employer's sub-contractors have not sent the notice provided for in the Regulation respecting the register, monthly report, notices from employers and the designation of a representative;

10° the holding by the employer of a licence issued under the Building Act (chapter B-1.1) and for the letter on the construction work carried out on a job site, by also indicating in the letter for each sub-contractor the periods in which they did not have a licence during the work;

11° that the licence of the employer is subject to a restriction as regards the obtention of a public contract under section 65.1 of the Building Act.

The information in paragraphs 2 to 11 applies to the time the letter describing the situation for the purposes of a tender is applied for and, for the letter on construction work carried out on a job site, to the work period.

8. A letter describing the situation issued by the Commission does not constitute a renunciation to the exercise of any of the recourses provided for in the Act.

9. This Regulation applies to applications for letters describing the situation that are ongoing on the date of the coming into force of the Regulation.

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

SCHEDULE I

(section 7, pars. 7 and 8)

OFFENCES

Law and regulation	Sections	Summary description of the offence
An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)	7.2 with 120	A person involved in any construction work who does not take the necessary means to enable the Commission and any person authorized by it for that purpose to exercise the powers provided for in section 7.1 of the Act.
	83(1)	An employer who refuses or neglects to furnish the Commission with the information provided for in subparagraph a of the first paragraph of section 82 of the Act.
	83(2)	An employer who fails to grant, on request of the Commission, or delays to grant the Commission, access to the register, the registration system or the pay-list provided for in subparagraph a of the first paragraph of section 82 of the Act.
	83(3)	A person who does not grant, or delays to grant, the Commission, or any person authorized by it, access to the place where construction work is being done or to an establishment of an employer.
	83.1	An employer who fails to comply with a request made by the Commission pursuant to subparagraph f of the first paragraph of section 81 of the Act.

	83.2	<p>A person who fails to comply with a request made by the Commission to furnish information or a document pursuant to section 81.0.1 of the Act.</p> <p>A person who fails to comply, within the prescribed period, with a written request made by the Commission pursuant to section 81.0.1 of the Act.</p>
	84	Whoever molests, hinders or insults any member or employee of the Commission in the performance of his duties, or otherwise obstructs such performance.
	111.1	Whoever carries out or causes to be carried out construction work in contravention of a decision to suspend work rendered under section 7.4.1 of the Act.
	119.1(3)	Whoever hires the services of or assigns to construction work an employee who is not the holder of a competency certificate.
	122 (4)	Whoever knowingly destroys, alters or falsifies any register, pay-list, registration system or document relating to the application of the Act, a regulation or a collective agreement.
Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11)	2 with 82 and 119.7 of the Act	An employer who fails to send the written notice provided for in section 2 of the Regulation.

	8 with 82 and 120 of the Act	An employer who fails to keep a register or enter the number of hours worked in accordance with section 8 of the Regulation.
	11 with 82 and 119.7 of the Act	An employer who fails to enter the number of regular and extra hours of an employee in the monthly report.
	12 with 82 and 119.7 of the Act	An employer who fails to send the monthly report provided for in section 12 of the Regulation.