

Gouvernement du Québec

O.C. 104-2016, 17 February 2016

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

Construction industry
— **Hiring and mobility of employees**
— **Amendment**

Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry

WHEREAS, under subparagraph 13 of the first paragraph and the fourth and fifth paragraphs of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the Commission de la construction du Québec may in particular, by regulation, establish rules for labour pool management and regional priority rules in matters of labour hiring and labour mobility management and provide exceptions to those rules and, for those purposes, divide the territory of Québec into regions and define and delimit bordering zones and establish that such conditions may vary according to region to prescribe different standards in respect of Native persons, in particular, so as to favour their access to the construction industry;

WHEREAS, on 30 June 2015, the Commission, after consultation with the Committee on vocational training in the construction industry, in accordance with the first paragraph of section 123.3 of the Act, made the Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry;

WHEREAS, under section 123.2 of the Act, such a regulation of the Commission is submitted to the Government for approval, with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), a draft Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 11 November 2015, with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS comments were received following that publication and it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry, attached to this Order in Council, be approved.

JUAN ROBERTO IGLESIAS,
Clerk of the Conseil exécutif

Regulation to amend the Regulation respecting the hiring and mobility of employees in the construction industry

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpar. 13, and 4th and 5th pars.)

1. The Regulation respecting the hiring and mobility of employees in the construction industry (chapter R-20, r. 6.1) is amended by replacing section 36 by the following:

“**36.** Despite section 35, for work carried out at James Bay or Nunavik, the hiring priority is respectively granted to Native persons domiciled therein and who are employee candidates holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, as the case may be, issued by the Commission. The same priority is granted elsewhere to Native persons holding such a certificate for work carried out on the reserve or in the settlement where they are domiciled.”

2. The Regulation is amended by striking out “DESCRIPTION OF REGIONS AND SUBREGIONS FOR PLACEMENT AND HIRING PURPOSES” before “SCHEDULE 1”.

3. The Regulation is amended by inserting “DESCRIPTION OF REGIONS AND SUBREGIONS” after “SCHEDULE 4”.

4. Schedule 4 is amended by replacing the first paragraph by the following:

“Except the “Mingan” subregion, and the “James Bay” and “Nunavik” regions, the regions and subregions were defined under Construction Industry Decree (O.C. 1287-77, 77-04-20), published in the *Gazette officielle du Québec* of 27 April 1977, and do not take into account the mergers or modifications made to the territorial limits of cities, municipalities, villages and electoral districts. The cities, municipalities, villages and electoral districts

determined as being included in the “Mingan” subregion and in the “James Bay” region are established under Construction Industry Decree (O.C. 1287-77, 77-04-20), published in the *Gazette officielle du Québec* of 27 April 1977, and do not take into account the mergers or modifications made to them.”.

5. Schedule 4 is amended by inserting the following after the first occurrence of “Region: Îles-de-la-Madeleine”:

“Region: Nunavik
Subregion: Nunavik”.

6. Schedule 4 is amended by striking out “DESCRIPTION OF REGIONS AND SUBREGIONS FOR PLACEMENT AND HIRING PURPOSES” before the second occurrence of “REGION — BAS-SAINT-LAURENT — GASPÉSIE”.

7. Schedule 4 is amended by replacing subparagraph “Subregion: Mingan” by the following:

“Subregion: Mingan

It is bordered to the north by the 55th parallel north and includes in addition Category IB-N lands intended for the Naskapi community of Kawawachikamach, as they are so designated in the Act respecting the land regime in the James Bay and New Québec territories (chapter R-13.1).

It includes the cities and towns of De Grasse, Gagnon, Port-Cartier, Sept-Îles, Schefferville, the municipalities of Aguanish, Baie-Johan-Beetz, Côte-Nord-du-Golfe-Saint-Laurent, Havre-Saint-Pierre, Île-d’Anticosti, Îlet-Caribou, Letellier, Longue-Pointe, Moisie, Natashquan, Pentecôte, Pointe-aux-Anglais, Rivière-au-Tonnerre, Rivière-Saint-Jean, and the unorganized territory of the county of Saguenay not included in the Saguenay subregion and every territory situated north of the Saguenay—Lac-Saint-Jean region, except the James Bay and Nunavik regions.”.

8. Schedule 4 is amended by replacing subparagraph “Subregion: Baie-James” by the following:

“Subregion: James Bay

The territory of the James Bay region includes the territory bordered to the west by the western boundary of Québec, to the south by the 50th parallel north, to the east by the electoral districts of Roberval, Dubuc and Saguenay as well as by the extension to the north of the western boundary of the electoral district of Saguenay and to the north by the 55th parallel north.

It also includes Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

9. The following is added at the end of Schedule 4:

“REGION — NUNAVIK

Subregion: Nunavik

All the territory situated north of the 55th parallel north, except Category IB-N lands intended for the Naskapi community of Kawawachikamach, Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

10. Despite sections 35 and 36, for work carried out in the territory described below, the hiring priority is granted to employee candidates holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, as the case may be, issued by the Commission according to the following order:

(i) Native persons domiciled therein;

(ii) other employees domiciled in the locality where the work is carried out;

(iii) other employees domiciled elsewhere in the territory;

(iv) if no employee meeting the preceding criteria is available, employees domiciled outside the territory or a person domiciled therein who becomes the holder of a valid certificate or exemption.

The territory concerned is situated north of the 55th parallel north, except Category IB-N lands intended for the Naskapi community of Kawawachikamach, Category IA and IB lands intended for the Cree community of Whapmagoostui and Category II lands on which only that community has exclusive rights, as the lands are so designated in the Act respecting the land regime in the James Bay and New Québec territories.”.

This section ceases to have effect on 30 June 2017.

11. This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*, except sections 1 to 9 that have effect as of 30 June 2017.