

21. At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

22. The hours of continuing education accrued by a construction work guarantor while failing to comply with the continuing education requirements imposed by this Regulation are allocated first to the reference period in respect of which the notice of non-compliance is sent.

23. At the end of the period provided under section 21, the construction work guarantor who has not remedied the non-compliance is deemed to have ceased to act in that capacity as of the end of the reference period.

As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

24. This Regulation comes into force on 1 April 2022.

104194

Draft Regulation

Master Pipe-Mechanics Act
(chapter M-4)

Building Act
(chapter B-1.1)

Order in council agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them
(chapter B-1.1, r. 5)

Continuing education requirements for master pipe-mechanics

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (chapter R-18.1), that the Regulation respecting continuing education requirements for master pipe-mechanics, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation imposes continuing education requirements to the members of the Corporation of Master Pipe-Mechanics of Québec to ensure that they update their skills and adapt their work methods to the prescriptive and regulatory changes.

The addition of these new regulatory provisions will entail costs estimated at \$3.7M per 2-year period for the members of the Corporation of Master Pipe-Mechanics of Québec, mostly small and medium-sized businesses.

Further information on the draft Regulation may be obtained by contacting Steve Boulanger, Assistant Director General, Corporation of Master Pipe-Mechanics of Québec, 8175, boulevard Saint-Laurent, Montréal (Québec) H2P 2M1; telephone: 514 382-2668, extension 225; email: sboulanger@cmmmq.org.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Martin Desrochers, Director of strategic mandates and housing, Ministère des Affaires municipales et de l'Habitation 10, rue Pierre-Olivier-Chauveau, 3^e étage, aile Cook Québec (Québec) G1R 4J3; email: martin.desrochers@mamh.gouv.qc.ca.

ANDRÉE LAFOREST,
Minister of Municipal Affairs and Housing

Regulation respecting continuing education requirements for master pipe-mechanics

Master Pipe-Mechanics Act
(chapter M-4, ss. 10.1 and 10.2)

Building Act
(chapter B-1.1, s. 185, pars. 8, 9.1, 9.2, 10, 11 and 16)

Order in council agreement related to the mandate entrusted to the Corporation des maîtres mécaniciens en tuyauterie du Québec in respect of the administration and application of the Building Act pertaining to the vocational qualification of its members and the financial guarantees required from them (chapter B-1.1, r. 5, Sch. (s. 2.1.3))

DIVISION I BASIS AND PURPOSE

1. This Regulation is warranted by the rapid and constant evolution of the proficiency required to carry on the trade of master pipe-mechanic, by the magnitude of the resulting change and by the importance of ensuring the safety of the public. It allows the Corporation of Master Pipe-Mechanics of Québec to determine the continuing education requirements or the framework for those requirements with which its members must comply, through all or certain of their guarantors.

The objective of continuing education is to enable members of the Corporation of Master Pipe-Mechanics of Québec to maintain, update, improve and expand the skills involved in their trade activities as master pipe-mechanics.

DIVISION II INTERPRETATION

2. In this Regulation, unless the context indicates otherwise,

(1) “Corporation” means the Corporation of Master Pipe-Mechanics of Québec except that, for the purposes of Divisions V, VI and VII, “Corporation” may also mean the Corporation of Master Electricians of Québec if it is the corporation designated by a member as being responsible for the member’s vocational qualification record;

(2) “member” means a member of the Corporation of Master Pipe-Mechanics of Québec, as defined in the Master Pipe-Mechanics Act (chapter M-4), who holds a licence that includes any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in

Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9);

(3) “guarantor” means a natural person referred to in section 52 of the Building Act (chapter B-1.1) who holds or has applied for a licence on behalf of a partnership or legal person and has qualified in that capacity;

(4) “construction work guarantor” means a guarantor who has the construction work knowledge required for any of the specialized contractor’s licence subclasses covering work coming under the exclusive competence of master pipe-mechanics, namely the subclasses under No. 15.1, 15.2, 15.3, 15.4 or 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(5) “representative” means a member’s representative within the meaning assigned to that term by section 10 of the Regulation respecting the admission and discipline of members of the Corporation of Master Pipe-Mechanics of Québec (chapter M-4, r. 1);

(6) “heating subclass” means any of the specialized contractor’s licence subclasses under No. 15.1, 15.2, 15.3 or 15.4 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders;

(7) “plumbing subclass” means the specialized contractor’s licence subclass under No. 15.5 in Schedule II to the Regulation respecting the professional qualification of contractors and owner-builders.

DIVISION III SCOPE

3. This Regulation applies to the members of the Corporation through construction work guarantors.

Despite the foregoing, members of the Corporation domiciled outside Québec who have obtained a licence under the exemption provisions of sections 3.1 to 3.2 of the Regulation respecting the application of the Building Act (chapter B-1.1, r. 1) are excluded from the application of this Regulation.

DIVISION IV CONTINUING EDUCATION REQUIREMENTS AND REQUIREMENT FRAMEWORK

4. A construction work guarantor must, unless exempted under Division VI, devote at least 16 hours to continuing education activities per two-year reference period, allocated according to the parameters set out in

this Division. At least eight of those 16 hours must be devoted by the guarantor to continuing education activities related to the knowledge required for construction work.

However, despite the preceding paragraph, a construction work guarantor responsible for both the heating subclass and the plumbing subclass must devote at least 24 hours to continuing education activities per two-year reference period. At least 16 of those 24 hours must be devoted to continuing education activities related to the knowledge required for construction work, namely eight hours relating to the heating subclasses and eight hours relating to the plumbing subclass.

5. A reference period extends over two years; it begins on 1 April and ends on 31 March.

The first reference period begins on 1 April 2022.

6. A construction work guarantor devoting in a reference period more hours to continuing education activities than the number required may carry forward a maximum of four surplus hours in order to satisfy the requirements for the subsequent reference period. Hours carried forward cannot, however, reduce the number of hours required to be devoted to continuing education activities imposed pursuant to section 11 for a subsequent reference period.

7. The eligible continuing education activities are the following:

- (1) participation in continuing education courses;
- (2) participation in conferences, workshops or seminars;
- (3) participation in symposiums or conventions;
- (4) participation in structured in-service education activities; and
- (5) participation in any other type of education activity determined by the Corporation.

8. The content of a continuing education activity must be related to the knowledge and skills relevant to the operation of a construction enterprise and the trade activities of a master pipe-mechanic, to the subclasses of the licence held by the member or to the areas of guarantor qualification.

The content of a continuing education activity may pertain to the following subjects in particular:

(1) knowledge of the construction standards, regulations and techniques specific to construction work within the subclasses of licence for which the guarantor is responsible;

(2) reading and interpretation of plans and specifications specific to the construction work within the subclasses;

(3) cost estimates and tenders;

(4) management of construction activities;

(5) financial management of a construction enterprise;

(6) laws and regulations that apply to construction enterprises, their administration and management;

(7) any other subject relevant to the administration of a construction enterprise, management of worksite safety, management of projects and worksites and construction work; and

(8) any other subject relevant to the laws and regulations that apply to members, including provisions governing ethical obligations, derogatory acts and discipline.

9. The Corporation recognizes the continuing education activities all or certain guarantors may take and inform them of those activities.

For the purpose of recognizing a continuing education activity, the Corporation considers the following criteria:

(1) the relationship between the content of the continuing education activity and trade activities as a master pipe-mechanic;

(2) the relationship between the content of the continuing education activity and the areas of qualification of the guarantors to whom the continuing education requirements apply;

(3) the competence and qualifications of the instructor or the reputation of the organization that structures, oversees or provides the continuing education activity;

(4) the relevance of the continuing education;

(5) achievement of the continuing education objectives pursued by this Regulation;

(6) the duration of the continuing education activity, the environment in which it takes place and, if applicable, the quality of the material supplied; and

(7) the fact that a certificate of participation is issued or an evaluation is required.

10. For each continuing education activity it recognizes, the Corporation assigns an eligible duration to the activity to be used to calculate the number of hours of continuing education required pursuant to section 4.

11. For a particular reference period, the Corporation may require all or certain construction work guarantors to participate in a continuing education activity corresponding to the requirement framework under this Regulation, owing among other reasons to legislative or regulatory reform, a change in standards or shortcomings affecting the carrying on of the trade by members. For that purpose, the Corporation sets the duration of the continuing education and the timeframe within which it must take place, and determines the persons authorized to provide it. The hours devoted to the required education activity count in the calculation of continuing education hours required pursuant to section 4.

12. To have a continuing education activity recognized if the activity has not already been recognized by the Corporation, an application to that effect must be sent to the Corporation at least 30 days before the date on which the activity is set to begin. Supporting documents describing the activity, its duration and content, identifying the person responsible for the activity or the instructor, stating whether a participation certificate is issued or an evaluation is required and providing any other information making it possible to determine whether the continuing education objectives of this Regulation are met must accompany the application. The Corporation informs the applicant, within 20 days after receipt of the application, of whether it recognizes the continuing education activity or not.

DIVISION V CONTROL PROCEDURES

13. A construction work guarantor must send the Corporation a continuing education statement on or before 31 March that ends the particular reference period, using the electronic form provided by the Corporation for that purpose. The statement indicates the continuing education activities taken during the reference period concerned, the number of hours accrued and, if applicable, any exemptions obtained under Division VI. Supporting documents, that is, a copy of any certificates of participation issued or, alternatively, of the results obtained after required evaluations, must accompany the statement.

14. A construction work guarantor who, during a reference period, qualifies in that capacity for a partnership or legal person other than that for which qualification at

the beginning of the reference period had been obtained retains, for the purposes of section 4, the credit for the hours that the guarantor devoted to continuing education activities.

15. Participation in a continuing education activity, evidenced by a certificate of participation or, alternatively, the evaluation result, is the criterion used by the Corporation to ensure that a continuing education activity was taken for the purpose of satisfying the requirements imposed by this Regulation.

16. A construction work guarantor must keep, for a full period of two years after each reference period, all supporting documents enabling the Corporation to verify that the guarantor has satisfied the requirements imposed by this Regulation. The same applies to a partnership or legal person that is a member of the Corporation as regards the continuing education requirements for all or certain of its guarantors.

DIVISION VI EXEMPTIONS AND DEFERRALS

17. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence for the first time or qualifies as a construction work guarantor for a partnership or legal person for the first time.

18. A construction work guarantor is exempted by the Corporation from having to satisfy the requirements imposed under section 4 for the reference period in which the guarantor is issued a licence or qualifies as a guarantor for a partnership or legal person without being able to benefit from the examination exemption provided for in the second paragraph of section 20 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9).

19. A licensed guarantor who, in a particular reference period, ceases for whatever reason to be entitled in that capacity cannot be issued a licence for a subsequent reference period or qualify as a construction work guarantor for a partnership or legal person, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

Likewise, a construction work guarantor for a partnership or legal person who, in a particular reference period, ceases for whatever reason to act in that capacity cannot

again qualify as a guarantor for a subsequent reference period, unless the guarantor in an application is able to demonstrate that the continuing education requirements the guarantor was required to satisfy under section 4, or that would have been required if the guarantor had not been exempted from them pursuant to section 17 or 18, were in fact satisfied during the particular reference period.

DIVISION VII **NON-COMPLIANCE AND PENALTIES**

20. The continuing education requirements imposed by this Regulation must be satisfied so that a construction work guarantor may continue to act in that capacity.

The continuing education requirements imposed by this Regulation must be satisfied even though the licence for which a guarantor is qualified is suspended.

21. At the end of a reference period, the Corporation sends a notice to any construction work guarantor who fails to comply with the continuing education requirements imposed by this Regulation. The notice must also be sent to the representative of the partnership or legal person for which the non-compliant guarantor is qualified.

The notice must state the nature of the non-compliance and inform the recipient that a period of 90 days from the end of the reference period concerned is provided to allow the recipient to remedy the non-compliance and supply supporting proof.

The notice must also mention that the guarantor holding a licence will no longer be entitled to it, resulting in the licence ceasing to have effect or, as the case may be, that the construction work guarantor of a partnership or legal person will no longer be able to act in that capacity, resulting in the partnership or legal person for which the guarantor is qualified being required to replace the guarantor or, failing that, resulting in the licence ceasing to have effect.

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As a consequence, the guarantor holding a licence ceases to be entitled to it and the licence held by the guarantor ceases to have effect.

Likewise, the licence of the partnership or legal person for which the guarantor was qualified to act in that capacity ceases to have effect, unless the partnership or legal person has replaced the guarantor or another construction work guarantor has qualified to act in that capacity for the partnership or legal person.

Pursuant to section 73 of the Building Act (chapter B-1.1), where a licence includes several subclasses and the guarantor referred to in the third paragraph was the sole person responsible for one of them, only that subclass ceases to have effect if another natural person acts as a guarantor for each of the other subclasses.

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