

Regulations and other Acts

Gouvernement du Québec

O.C. 384-2020, 25 March 2020

Approval of the Complementary Agreement relating to integration of Kahnawà:ke workers into the Québec construction industry entered into between the Mohawk Council of Kahnawà:ke, the Kahnawà:ke Labour Office, the Gouvernement du Québec and the Commission de la construction du Québec, exclusion of the Agreement from the application of section 3.12 of the Act respecting the Ministère du Conseil exécutif and exclusion from the application of sections 3.8, 3.12 and 3.49 of that Act, from the class of agreements amending the Complementary Agreement and from the class of administrative agreements referred to in section 20.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry

WHEREAS, under the first paragraph of section 20.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), the purpose of Division I.1 of Chapter III of that Act is to authorize the implementation of any agreement relating to any matter within the scope of the Act between the Government and the Mohawks of Kahnawà:ke represented by the Mohawk Council of Kahnawà:ke and permitting the application of a special plan or regime;

WHEREAS the Agreement on Labour Matters between the Mohawk Council of Kahnawà:ke and the Gouvernement du Québec was approved by Décret 730-2014 dated 24 July 2014 and was entered into on 18 September 2014;

WHEREAS the Agreement on Labour Matters provides for the development and implementation of a special labour regime to satisfy mutual interests, including implementation of measuring concerning employment conditions of Kahnawà:ke construction industry workers;

WHEREAS, under section 10 of the Agreement on Labour Matters, the parties commit to working together to facilitate integration of those Kahnawà:ke workers wishing to enter into the construction industry outside the Territory to which the agreement applies, in accordance with the applicable rules of the Québec Regime, including to obtain certification from the Commission de la construction du Québec;

WHEREAS, under the first paragraph of section 4 of the Act respecting labour relations, vocational training and workforce management in the construction industry, the function of the Commission de la construction du Québec is to administer that Act and in particular see to it that the collective agreement in force under the Act is respected, to verify the qualifications of the workers of the construction industry and to administer supplemental fringe benefit plans in accordance with the Act;

WHEREAS the Mohawk Council of Kahnawà:ke, the Kahnawà:ke Labour Office, the Gouvernement du Québec and the Commission de la construction du Québec wish to enter into the Complementary Agreement relating to integration of Kahnawà:ke workers into the Québec construction industry;

WHEREAS the Mohawk Council of Kahnawà:ke, the Kahnawà:ke Labour Office, the Gouvernement du Québec and the Commission de la construction du Québec wish to subsequently enter into agreements amending the Complementary Agreement;

WHEREAS the Complementary Agreement and agreements amending the Complementary Agreement are agreements concerning Indigenous affairs referred to in section 3.48 of the Act respecting the Ministère du Conseil exécutif (chapter M-30);

WHEREAS, under the first paragraph of section 3.49 of that Act, an agreement referred to in section 3.48 must, to be valid, be approved by the Government and signed by the Minister Responsible for Indigenous Affairs;

WHEREAS, for the purposes of the Complementary Agreement, the Mohawks of Kahnawà:ke are represented by the Mohawk Council of Kahnawà:ke which is a federal public agency within the meaning of section 3.6.2 of that Act;

WHEREAS the Commission de la construction du Québec is a Québec public agency within the meaning of section 3.6.2 of that Act;

WHEREAS the Complementary Agreement and the agreements amending the Complementary Agreement are also Canadian intergovernmental agreements within the meaning of section 3.6.2 of that Act;

WHEREAS, under the first paragraph of section 3.8 of that Act, Canadian intergovernmental agreements must, to be valid, be approved by the Government and be signed by the Minister Responsible for Canadian Relations and the Canadian Francophonie;

WHEREAS, under the first paragraph of section 3.12 of that Act, no public agency may, without the prior written authorization of the Minister Responsible for Canadian Relations and the Canadian Francophonie, enter into any agreement with another government in Canada or one of its departments or government agencies, or with a federal public agency;

WHEREAS, under paragraph 4 of section 13 of the Act respecting the Ministère du Travail (chapter M-32.2), the Minister of Labour, Employment and Social Solidarity may in particular, for the purposes of the performance of his functions and the administration of the Acts under his authority, enter into agreements, in accordance with law, with any government, department or body;

WHEREAS section 20.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry provides that the Commission de la construction du Québec may enter into an administrative agreement with the Mohawk Council of Kahnawà:ke to facilitate the application of an agreement under section 20.1;

WHEREAS the Commission de la construction du Québec and the Conseil Mohawk de Kahnawà:ke also wish to enter into administrative agreements within the meaning of section 20.6 of that Act to facilitate the application of the Complementary Agreement and the agreements amending the Complementary Agreement;

WHEREAS the administrative agreements are also agreements referred to in section 3.48 of the Act respecting the Ministère du Conseil exécutif as well as agreements referred to in sections 3.8 and 3.12 of that Act;

WHEREAS, under the first paragraph of section 3.13 of the Act respecting the Ministère du Conseil exécutif, the Government, to such extent and subject to such conditions as it determines, may exempt the whole or a part of an agreement or class of agreements which it designates from the application of Division II of that Act;

WHEREAS, under section 3.52 of that Act, the Government, to such extent and subject to such conditions as it determines, may respectively exempt the whole or a part of an agreement or class of agreements which it designates from the application of Division III.2 of that Act;

WHEREAS it is expedient to exclude the Complementary Agreement from the application of section 3.12 of that Act;

WHEREAS it is expedient to exclude the class of agreements amending the Complementary Agreement from the application of sections 3.8, 3.12 and 3.49 of that Act;

WHEREAS it is expedient to exclude the class of administrative agreements from the application of sections 3.8, 3.12 and 3.49 of that Act to the extent that the administrative agreements implement the Complementary Agreement or an agreement amending the Complementary Agreement and give effect to such an agreement;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity, the Minister Responsible for Indigenous Affairs and the Minister Responsible for Canadian Relations and the Canadian Francophonie:

THAT the Complementary Agreement relating to integration of Kahnawà:ke workers into the Québec construction industry entered into between the Mohawk Council of Kahnawà:ke, the Kahnawà:ke Labour Office, the Gouvernement du Québec and the Commission de la construction du Québec, which will be substantially consistent with the draft agreement annexed to the Minister's recommendation for this Order in Council, be approved;

THAT the Complementary Agreement relating to integration of Kahnawà:ke workers into the Québec construction industry entered into between the Mohawk Council of Kahnawà:ke, the Kahnawà:ke Labour Office, the Gouvernement du Québec and the Commission de la construction du Québec be excluded from the application of section 3.12 of the Act respecting the Ministère du Conseil exécutif (chapter M-30);

THAT the class of agreements amending the Complementary Agreement be excluded from the application of sections 3.8, 3.12 and 3.49 of that Act;

THAT the class of administrative agreements referred to in section 20.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) also be excluded from the application of sections 3.8, 3.12 and 3.49 of the Act respecting the Ministère du Conseil exécutif to the extent that the administrative agreements implement the Complementary Agreement or an agreement amending the Complementary Agreement and give effect to such an agreement.

YVES OUELLET,
Clerk of the Conseil exécutif

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