

## Regulations and other Acts

Gouvernement du Québec

### O.C. 172-2021, 24 February 2021

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

#### Issuance of competency certificates — Amendment

Regulation to amend the Regulation respecting the issuance of competency certificates

WHEREAS, under subparagraph 1 of the first paragraph 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, by regulation, determine the qualifications required for the practice of each trade;

WHEREAS, under subparagraph 5 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the conditions of admission to apprenticeship and the various types of examinations, and of issue, renewal, cancellation and reinstatement of an apprentice competency certificate or apprenticeship booklet;

WHEREAS, under subparagraph 6 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the conditions of issue and renewal of a journeyman competency certificate in respect of a trade or, as the case may be, of part of the activities of a trade;

WHEREAS, under subparagraph 7 of the first paragraph of section 123.1 of the Act, the Commission may, by regulation, determine the conditions of issue and renewal of occupation competency certificates;

WHEREAS, under subparagraph 8 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the cases where a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the practice of a trade or the carrying on of an occupation, as the case may be, while a person is undergoing vocational retraining, grant a determined period of time for undergoing required further

vocational training, and determine the conditions of cancellation and reinstatement of a journeyman competency certificate and an occupation competency certificate;

WHEREAS, under subparagraph 9 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, provide for the cases in which it may and those in which it must grant an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet and determine, as the case may be, the criteria applicable to the granting or cancellation of such an exemption and the conditions to which the granting of such an exemption may be subject;

WHEREAS, under subparagraph 11 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the fee exigible for admission to the various types of examinations, for the issue or renewal of a journeyman competency certificate, an occupation competency certificate, an apprentice competency certificate and an apprenticeship booklet, and for the opening, analysis and processing of an employee training record or employee qualification record;

WHEREAS the Commission de la construction du Québec, after consulting the Committee on vocational training in the construction industry, in accordance with the first paragraph of section 123.3 of the Act, adopted the Regulation to amend the Regulation respecting the issuance of competency certificates on 12 August 2020 and 2 September 2020;

WHEREAS, under the first and second paragraphs of section 123.2 of the Act, every regulation of the Commission de la construction du Québec made under section 123.1 must be submitted to the Government for approval and the Government may amend the regulation;

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 issuance of competency certificates was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2020 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity:

THAT the Regulation to amend the Regulation respecting the issuance of competency certificates, attached to this Order in Council, be approved.

YVES OUELLET,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the issuance of competency certificates

An Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20, s. 123.1, 1st par., subpars. 5, 6, 7, 8, 9 and 11.)

**1.** The Regulation respecting the issuance of competency certificates (chapter R 20, r. 5) is amended in section 2.3 by replacing “may issue only 1 apprentice competency certificate” in the last paragraph by “may issue up to two apprentice competency certificates”.

**2.** The following is inserted after section 2.3:

“**2.4.** The Commission shall issue, upon application, a temporary apprentice competency certificate for a trade, other than the trade of crane operator, to a student who

(1) is able to demonstrate registration in a program of vocational or technical studies under the Education Act (chapter I-13.3) or the General and Vocational Colleges Act (chapter C-29) recognized by the Commission for the trade;

(2) provides an attestation certifying successful completion of a safety course required by the Safety Code for the Construction Industry (chapter S-2.1, r. 4); and

(3) provides a written document from an employer registered with the Commission confirming a commitment to being hired by the employer.

The certificate is non-renewable and is valid for a period of 6 months.

The certificate is cancelled if the students abandons or terminates the program of studies.

**2.5.** The Commission may issue an apprentice competency certificate for a trade, other than the trade of crane operator, to a person 16 years of age or over who is able to demonstrate having acquired at least 35% of the

apprenticeship hours for the trade, in hours worked as an apprentice in the trade and declared in accordance with the Regulation respecting the register, monthly report, notices from employers and the designation of a representative (chapter R-20, r. 11) or in hours worked and paid in the trade outside the scope of application of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), if the person

(1) provides an attestation certifying successful completion of a safety course required by the Safety Code for the Construction Industry (chapter S-2.1, r. 4);

(2) demonstrates having met the admission requirements set out in basic school regulations made under the Education Act (chapter I-13.3) for a program of study leading to a vocational training diploma pertaining to the trade covered by the application; and

(3) the person’s employer, registered with the Commission, files a workforce request, guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.”.

**3.** Section 4 is amended by adding the following after subparagraph 3 of the first paragraph:

“(4) this person holds a school leaving certificate in vocational or technical studies awarded under the Education Act (chapter I-13.3) or the General and Vocational Colleges Act (chapter C-29) and recognized by the Commission for land surveyor work (instrument person) and work as a shot-firer and driller, or professional diver, and the person’s employer, registered with the Commission, files a workforce request that guarantees that person employment for not less than 150 hours over a period not exceeding 3 months and provides the Commission with proof of the guarantee.”.

**4.** Section 4.1 is amended

(1) by inserting “available to the holder of a school leaving certificate in vocational or technical studies awarded under the Education Act (chapter I-13.3) and recognized by the Commission for work as a lineworker, welder or pipe welder” after “one calendar year”;

(2) by adding the following paragraph at the end:

“Where, for a region, the number of registrations for the course on general knowledge of the construction industry exceeds the maximum number of available places, the places are awarded by the drawing of lots administered by the Commission.”.

**5.** Section 5 is amended by replacing “Subject to section” in the first paragraph by “Subject to sections 2.4 and”.

**6.** Section 7 is amended

(1) by inserting “2.5,” in the second paragraph after “2.3,”;

(2) by adding “subparagraph 4 of the first paragraph of section 4 or” in the third paragraph after “issued under” and by replacing “the course” by “a course”.

**7.** Section 15 is amended by replacing “shall issue only one exemption” in the sixth paragraph by “may issue up to a maximum of two exemptions”.

**8.** The following is inserted after section 28.19:

“**28.20.** The Commission renews the certificate of a person holding a first occupation competency certificate issued under subparagraph 1 of the first paragraph of section 4 before the coming into force of this Regulation only if it is made aware, through monthly reports sent by a registered employer, that the person has worked at least 150 hours and has successfully completed the course on general knowledge of the industry approved by the Commission.”.

**9.** This Regulation comes into force on 26 April 2021.

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Gouvernement du Québec

## O.C. 173-2021, 24 February 2021

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

### Construction industry — Vocational training of the workforce — Amendment

Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry

WHEREAS, under subparagraph 1 of the first paragraph 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, by regulation, determine the qualifications required for the practice of each trade;

WHEREAS, under subparagraph 2 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the activities included in a trade;

WHEREAS, under subparagraph 3 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, make apprenticeship mandatory for the practice of a trade;

WHEREAS, under subparagraph 5 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, determine the conditions of admission to apprenticeship and the various types of examinations, and of issue, renewal, cancellation and reinstatement of an apprentice competency certificate or apprenticeship booklet;

WHEREAS, under subparagraph 14 of the first paragraph of section 123.1 of the Act, the Commission de la construction du Québec may, by regulation, generally, adopt any other related or suppletive provision considered necessary to give effect to the provisions of that section and of the Act with respect to vocational training;

WHEREAS the Commission de la construction du Québec, after consulting the Committee on vocational training in the construction industry, in accordance with the first paragraph of section 123.3 of the Act, adopted the Regulation to amend the Regulation respecting the vocational training of the workforce in the construction industry on 12 August 2020 and 2 September 2020;

WHEREAS, under the first and second paragraphs of section 123.2 of the Act, every regulation of the Commission de la construction du Québec made under section 123.1 must be 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 vocational training of the workforce in the construction industry was published in Part 2 of the *Gazette officielle du Québec* of 16 December 2020 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS it is expedient to approve the Regulation without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Labour, Employment and Social Solidarity: