

NATIONAL ASSEMBLY

FIRST SESSION THIRTY-SIXTH LEGISLATURE

Bill 25

An Act to amend various legislative provisions relating to building and the construction industry

Introduction

Introduced by
Madam Diane Lemieux
Minister of Labour

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EXPLANATORY NOTES

The object of this bill is to recognize as intervener in the fields of building and the construction industry the recently established Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International).

In addition, the bill enables the Government to entrust the Corporation of Master Electricians of Québec and the Corporation of Master Pipe-Mechanics of Québec, to the extent indicated in the bill, with the application of the Building Act in relation to the financial guarantees that may be required from their members.

The bill amends the power to make regulations with respect to the apportionment between the mandatary corporations and the Régie du bâtiment du Québec of the charges payable by building contractors as regards licences.

Moreover, the bill enables the construction industry commissioner to resolve any difficulty in the interpretation or application of the existing definitions of the four sectors of that industry.

Lastly, the bill includes various technical provisions, consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

– Building Act (R.S.Q., chapter B-1.1);

– Master Electricians Act (R.S.Q., chapter M-3);

– Master Pipe-Mechanics Act (R.S.Q., chapter M-4);

– Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20).

Bill 25

AN ACT TO AMEND VARIOUS LEGISLATIVE PROVISIONS RELATING TO BUILDING AND THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

BUILDING ACT

1. Section 106 of the Building Act (R.S.Q., chapter B-1.1) is amended by replacing "Conseil provincial du Québec des métiers de la construction (INTERNATIONAL), the Fédération des travailleurs du Québec (FTQ-CONSTRUCTION) and the Syndicat de la construction Côte Nord de Sept-Îles Inc." in the third, fourth, fifth and sixth lines of subparagraph 6 of the second paragraph by "Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International) and the Syndicat québécois de la construction.".

2. Section 129.3 of the said Act, enacted by section 34 of chapter 46 of the statutes of 1998, is amended by adding " and the financial guarantees that may be required from them" at the end of the first paragraph.

3. Section 182 of the said Act, amended by section 52 of chapter 46 of the statutes of 1998, is again amended

(1) by replacing "transmit to the Board, and to the mandatary Corporation," in the third and fourth lines of subparagraph 6.1 of the first paragraph by "transmit to the mandatary Corporation";

(2) by striking out "to be authorized to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence" in the fifth, sixth and seventh lines of subparagraph 6.1 of the first paragraph;

(3) by striking out "authorizing the contractor to perform or cause to be performed construction work which requires, owing to its purpose and scope, more than one class or subclass of licence" in the fourth, fifth and sixth lines of subparagraph 6.2 of the first paragraph.

MASTER ELECTRICIANS ACT

4. Section 9.1 of the Master Electricians Act (R.S.Q., chapter M-3), enacted by section 71 of chapter 46 of the statutes of 1998, is amended by adding "and

the financial guarantees that may be required from them" at the end of paragraph 1.

5. Section 11.1 of the said Act, enacted by section 72 of chapter 46 of the statutes of 1998, is amended by adding "and the financial guarantees that may be required from them" at the end of the first paragraph.

MASTER PIPE-MECHANICS ACT

6. Section 8.1 of the Master Pipe-Mechanics Act (R.S.Q., chapter M-4), enacted by section 76 of chapter 46 of the statutes of 1998, is amended by adding "and the financial guarantees that may be required from them" at the end of paragraph 1.

7. Section 9.2 of the said Act, enacted by section 77 of chapter 46 of the statutes of 1998, is amended by adding "and the financial guarantees that may be required from them" at the end of the first paragraph.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

8. Section 1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing "a federation or confederation of such unions or groups, a trades council, a provincial trades council or a federation of such councils" in the second, third and fourth lines of subparagraph *a* of the first paragraph by "a trades council, a provincial trades council or a federation or confederation of such unions, groups or councils".

9. Section 21 of the said Act, replaced by section 89 of chapter 46 of the statutes of 1998, is amended by inserting "of subparagraphs *v* to *y* of the first paragraph of section 1," after "application" in the first line of the first paragraph.

10. Section 28 of the said Act, amended by section 101 of chapter 46 of the statutes of 1998, is again amended by replacing "Conseil provincial du Québec des métiers de la construction (INTERNATIONAL), the Fédération des travailleurs du Québec (FTQ-CONSTRUCTION)" in the third, fourth and fifth lines by "Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International)".

11. Section 82 of the said Act, amended by section 115 of chapter 46 of the statutes of 1998, is again amended by replacing the second paragraph by the following paragraph:

"Subparagraphs *a* and *b* of the first paragraph continue to apply notwithstanding the expiry of a collective agreement."

TRANSITIONAL AND FINAL PROVISIONS

12. Unless the court decides otherwise, matters that are pending before the court shall be continued and decided by that court regardless of the amendment to section 21 of the Act respecting labour relations, vocational training and manpower management in the construction industry made by section 9 of this Act.

13. For the purposes of the Act respecting labour relations, vocational training and manpower management in the construction industry, the Conseil conjoint de la Fédération des travailleurs du Québec (FTQ-Construction) et du Conseil provincial du Québec des métiers de la construction (International) shall replace the Conseil provincial du Québec des métiers de la construction (INTERNATIONAL) and the Fédération des travailleurs du Québec (FTQ-CONSTRUCTION) as the representative association.

For the same purpose, the certificates issued to both associations under section 34 of the said Act are deemed to be issued to the Conseil conjoint, the representativeness of the Conseil conjoint is deemed to be equal to the representativeness established for both associations by the certificates and any reference to either association on a document issued pursuant to section 36 of that Act is deemed to be a reference to the Conseil conjoint.

14. This Act comes into force on (*insert here the date of assent to this Act*), except the provisions of sections 1, 8, 10 and 13, which come into force on the date or dates to be fixed by the Government.