



NATIONAL ASSEMBLY OF QUÉBEC

FIRST SESSION

FORTY-THIRD LEGISLATURE

Bill 51

**An Act to modernize the construction
industry**

Introduction

**Introduced by
Mr. Jean Boulet
Minister of Labour**

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EXPLANATORY NOTES

The purpose of this bill is to modernize the construction industry. To that end, it provides for amendments to the Act respecting labour relations, vocational training and workforce management in the construction industry in order to amend the rules relating to the operation of the collective bargaining system in the construction industry. The time limit for various steps in the process leading to the renewal of collective agreements is moved forward. In addition, the bill creates a requirement for the representative associations, the sector-based employers' association and the employers' association to transmit in writing to the other parties, at the beginning of the negotiation process, their requests, offers and proposals on all the matters that may be the object of negotiations.

The bill introduces the possibility for the parties to negotiate the payment of a retroactive wage adjustment for employees. To that end, it establishes the Retroactive Wage Fund for the Construction Industry, which includes a separate component for each of the four main sectors of the construction industry. Made up mainly of contributions from employers, the purpose of the Fund is to make it possible for the Commission de la construction du Québec to pay a retroactive wage adjustment when the terms and conditions stipulated in the collective agreements provide for such an adjustment. The bill provides for new regulatory powers of the Commission, so that the Commission may establish and administer the Fund and give effect to the provisions of collective agreements.

The bill provides for a proceeding before the Administrative Labour Tribunal in the case of a failure by one of the parties to the negotiation to fulfil the obligation to negotiate with dispatch and in good faith.

The bill amends certain rules relating to the governance of the Commission de la construction du Québec. It revises the Commission's role and responsibilities by eliminating the obligation to obtain the Commission's authorization before resorting to grievance arbitration in cases of disagreement on the interpretation of a clause of a collective agreement.

The bill also creates a committee on labour relations in the construction industry, made up exclusively of representatives of employers' associations and representatives of associations representing employees, and it provides for the functions of the committee, its composition and its method of operation.

The bill introduces a regulatory power for the Commission de la construction du Québec to determine the standards and procedure for the recognition of training and of diplomas issued outside Québec.

While preserving the rules establishing a regional preference for hiring provided for in the Regulation respecting the hiring and mobility of employees in the construction industry, the bill prohibits, from 1 May 2025, unions and management from agreeing, in collective agreements, on clauses that restrict the mobility of an employee who may be assigned, under a regulation, anywhere in Québec or that would have the effect of restricting an employer's freedom to hire such an employee.

The bill allows an Indigenous entity that has entered into an agreement with the Government, with the Kativik Regional Government, with the Cree Nation Government or with the Eeyou Ischtee James Bay Regional Government to become the holder of a labour referral licence.

The bill amends the Regulation respecting the vocational training of the workforce in the construction industry in order to increase versatility in the work organization of workers in certain construction trades. The bill thus introduces into that Regulation the conditions allowing for the implementation of the principle of versatility, while explicitly specifying the work and trades to which such versatility may not apply.

The bill proposes various regulatory amendments to promote access to the construction industry for persons who are representative of the diversity of Québec society, namely, Indigenous persons, members of visible or ethnic minorities, immigrants and persons with disabilities.

The bill amends the Regulation respecting the Service de référence de main-d'œuvre de l'industrie de la construction, in particular by allowing, between employers and associations holding a licence, communications with regard to any clarification relating to labour needs.

Lastly, the bill provides for a revision of the amounts of fines in cases of the contravention of the Act respecting labour relations, vocational training and workforce management in the construction industry. It also contains consequential amendments and transitional and final provisions.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act to establish the Administrative Labour Tribunal (chapter T-15.1).

REGULATIONS AMENDED BY THIS BILL:

- Regulation respecting the issuance of competency certificates (chapter R-20, r. 5);
- Regulation respecting the hiring and mobility of employees in the construction industry (chapter R-20, r. 6.1);
- Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8);
- Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry (chapter R-20, r. 13);
- Regulation respecting the Service de référence de main-d’œuvre de l’industrie de la construction (chapter R-20, r. 14.1);
- Rules of evidence and procedure of the Administrative Labour Tribunal (chapter T-15.1, r. 1.1).

Bill 51

AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

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

1. Section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended, in the first paragraph,

(1) by replacing “42” in subparagraph *i.1* by “41.2.1”;

(2) by adding the following subparagraphs after subparagraph *p.1*:

“(p.2) “immigrant” means a permanent resident or a foreign national;

“(p.3) “person who is representative of the diversity of Québec society” means an Indigenous person, a person belonging to a visible or ethnic minority, an immigrant or a person with a disability;”.

2. The Act is amended by inserting the following section after section 3.9:

“**3.9.0.1.** The Deputy Minister of Labour, or the person delegated by the Deputy Minister for that purpose, participates in the sittings of the board, but is not entitled to vote.”

3. Section 4 of the Act is amended

(1) by inserting the following subparagraph after subparagraph 9 of the first paragraph:

“(9.1) administer the Retroactive Wage Fund for the Construction Industry established by Division III of Chapter VIII.1;”;

(2) by inserting the following paragraph after the first paragraph:

“In consultation with the departments and bodies concerned, the Commission must, in the exercise of its functions, take part in the development and

implementation of government policies, strategic directions and measures and in projects promoted or funded by the State that may involve the construction industry or have an impact on it. In that respect, the Commission must cooperate

(1) in the development and implementation of government measures in the areas of workforce and employment in the construction industry, in particular measures aimed at facilitating a balance between workforce supply and demand;

(2) in the promotion of the development of the workforce in the construction industry; and

(3) in improving the workforce supply in the construction industry, in particular by establishing measures to promote the attraction and retention of workers who are representative of the diversity of Québec society or who belong to other groups that are underrepresented in the industry.”

(3) by replacing “In the performance of its functions, the Commission shall cooperate in the fulfilment of the commitments of the Government of Québec under intergovernmental agreements” in the second paragraph by “The Commission must also cooperate in the fulfilment of the commitments of the Government of Québec under intergovernmental agreements or agreements relating to Indigenous affairs”.

4. The Act is amended by inserting the following sections after section 15.0.1:

“**15.0.2.** The Commission must establish a strategic plan according to the form, content and timetable determined by the Government.

The plan must state

(1) the Commission’s objectives and strategic directions;

(2) the results targeted over the period covered by the plan;

(3) the performance indicators to be used in measuring results; and

(4) any other element determined by the Minister.

“**15.0.3.** The Commission’s strategic plan shall be submitted to the Government for approval, then tabled by the Minister in the National Assembly.”

5. The Act is amended by inserting the following division after section 18.14.11:

“DIVISION III.2

“COMITÉ DES RELATIONS DU TRAVAIL DANS L’INDUSTRIE DE LA CONSTRUCTION”

“18.14.12. The Minister shall set up the Comité des relations du travail dans l’industrie de la construction (the Committee on labour relations in the construction industry).

“18.14.13. The functions of the Committee on labour relations in the construction industry are

(1) to study any matter related to labour relations in the construction industry and to employees’ conditions of employment, except the matters under the authority of the Commission’s board of directors, the Committee on vocational training in the construction industry or the Committee on employee benefits in the construction industry;

(2) to discuss any problematic situation experienced in the context of labour relations in the construction industry or any disagreement relating to any of the matters provided for under a collective agreement, in order to prevent or settle any dispute that could lead to a grievance and, where applicable, to inform the Commission of any interpretation agreed on with regard to a clause of a collective agreement; and

(3) to advise the Minister on any matter submitted by the Minister;

The Committee may also, on its own initiative, take up any matter related to its mandate.

“18.14.14. The Committee on labour relations in the construction industry is composed of 10 members, of whom five represent management and five represent unions.

To designate the five members who represent management, each sector-based employers’ association responsible for a sector shall designate one member per sector, and the employers’ association shall designate one member.

Each of the representative associations shall designate one of the five members who represent unions. If the five seats to which the representative associations are entitled are not filled in this manner, the seats are filled by the associations, in turn, in the order of their representativeness, until all the seats are filled.

A substitute shall be designated for each member of the Committee. The substitute shall not attend a meeting unless the member he substitutes for is absent.

The members and substitutes shall remain in office until they are replaced.

“18.14.15. The Committee on labour relations in the construction industry shall designate, for each meeting, a chair from among the members present. The chair is entitled to vote, but shall not have a casting vote.

The minutes of the meetings shall be prepared by a person who is also designated by the Committee.

“18.14.16. The quorum of the Committee on labour relations in the construction industry is six members, that is, at least three management members and three union members.

“18.14.17. To be valid, a decision or opinion must be approved by a majority of the members.

“18.14.18. The Committee may adopt rules of internal management.”

6. Section 19 of the Act is amended by inserting “by permanent employees engaged directly by the housing bureaus referred to in the Act respecting the Société d’habitation du Québec (chapter S-8)” after “in the Act respecting health services and social services for Cree Native persons (chapter S-5),” in subparagraph 8 of the first paragraph.

7. Section 21 of the Act is amended

(1) by adding the following sentence at the end of the second paragraph: “A decision rendered by the Tribunal binds the parties and the associations of employees that are party to the conflict for the purposes of the assignment of similar work on the job site concerned or on any other job site.”;

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

“In any matter arising out of the application of this section, the person who files an originating pleading with the Administrative Labour Tribunal must notify the Commission by sending it a copy of that pleading. Until such notice has been validly sent to the Commission, no matter may be decided.”

8. Section 24 of the Act is repealed.

9. Sections 28 and 29 of the Act are amended by replacing both occurrences of “thirteenth” by “twenty-fifth”.

10. Section 31 of the Act is amended by replacing “twelfth month that precedes” in the first paragraph by “twenty-fourth month preceding”.

11. Section 32 of the Act is amended

- (1) by replacing both occurrences of “eleventh” by “twenty-third”;
- (2) by replacing “fourth” in the seventh paragraph by “fifth”.

12. Section 34 of the Act is amended by replacing “the first day of the eighth month” in the third paragraph by “the first day of the period covered by the monthly report for the twentieth month”.

13. Section 35.3 of the Act is amended by replacing “ninth” in the first paragraph by “twenty-first”.

14. Section 36 of the Act is amended by replacing “of the eighth month” in the second paragraph by “of the period covered by the monthly report for the twentieth month”.

15. The Act is amended by inserting the following section before section 41.3:

“41.2.1. From the first day of the twelfth month preceding the expiry date of the collective agreement made under section 47, the sector-based employers’ association for the institutional and commercial sector, the industrial sector or the civil engineering and roads sector must consult the recognized clients in order to obtain their comments and suggestions on the renewal of the collective agreement. However, the association is not bound by the comments and suggestions obtained.”

16. Section 41.4 of the Act is amended by replacing “six” in the second paragraph by “seven”.

17. Section 42 of the Act is amended

- (1) by replacing “seventh” in the second paragraph by “eighth”;
- (2) by striking out the fourth and fifth paragraphs.

18. The Act is amended by inserting the following sections after section 42.1:

“42.2. Not later than the first day of the sixth month preceding the expiry date of the collective agreement provided for in section 47, the representative associations, the sector-based employers’ association and the employers’ association shall transmit, in writing, to the other parties their requests, offers and proposals on all the matters that may be the object of negotiations.

“42.3. The negotiations shall begin between the representative associations and the sector-based employers’ association or the employers’ association, according to their respective roles, and shall be pursued with dispatch and in good faith. To that end, the associations may agree on a bargaining structure and bargaining procedures.

Any application relative to the carrying out of this section must be filed with the Administrative Labour Tribunal within 30 days after the alleged facts become known. In addition to the powers assigned by the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Tribunal may make any decision it deems fair and reasonable, taking into account the circumstances concerning the matter.”

19. Section 43.4 of the Act is amended by replacing “sixtieth” by “ninetieth”.

20. Section 43.5 of the Act is amended

- (1) by replacing “60” by “90”;
- (2) by striking out the second sentence.

21. Section 44.3 of the Act is amended

- (1) by replacing “ninth” in the first paragraph by “twenty-first”;
- (2) by replacing “eighth” in the second paragraph by “twentieth”.

22. Section 45.4 of the Act is amended by replacing “at least 21 days have elapsed since the expiry of the mediation” in the first paragraph by “the 90-day period to allow the mediator to bring the parties to an agreement has expired”.

23. Section 48 of the Act is amended by replacing the second sentence of the sixth paragraph by the following sentences: “With the exception of a clause concerning the payment of a retroactive wage adjustment, no clause may be retroactive to a date prior to the date of the signing of the collective agreement. Employee benefits may not be the subject of a retroactive adjustment for the purposes of this section.”

24. Section 61 of the Act is amended by inserting “retroactive wage adjustments,” after “and allowances,” in the third paragraph.

25. Section 61.2 of the Act is amended by inserting the following paragraph after paragraph 4.1:

“(4.2) restrict the mobility of an employee who may be assigned anywhere in Québec under a regulation of the Commission made under subparagraph 13 of the first paragraph of section 123.1 or restrict an employer’s freedom to hire such an employee;”.

26. Section 62 of the Act is amended

(1) by striking out “, with the Commission’s authorization,” in the second paragraph;

(2) by inserting “from the receipt of the grievance by the Commission in the manner prescribed by it” after “under arbitration” in the third paragraph.

27. Sections 83, 83.1 and 83.2 of the Act are amended by replacing “\$547 to \$1,090” and “\$2,186 to \$6,825” by “\$1,000 to \$10,000” and “\$3,000 to \$60,000”, respectively.

28. Section 84 of the Act is amended by replacing “\$1,773 to \$6,825” by “\$2,500 to \$25,000”.

29. The Act is amended by inserting the following division after section 93.8:

“DIVISION III

“RETROACTIVE WAGE FUND

“93.9. The Fonds de rétroactivité salariale de l’industrie de la construction (the Retroactive Wage Fund for the Construction Industry) is established.

The Retroactive Wage Fund for the Construction Industry is to be used exclusively to pay amounts constituting retroactive wage adjustments to employees, in accordance with the payment procedures prescribed by a regulation of the Commission, to give effect to the provisions of a collective agreement in the construction industry. The Fund comprises the following components:

- (1) the civil engineering and roads sector component;
- (2) the industrial sector component;
- (3) the institutional and commercial sector component; and
- (4) the residential sector component.”

“93.10. The Retroactive Wage Fund for the Construction Industry is made up of the contributions collected from employers for the payment of a retroactive wage adjustment, the interest earned on the money in the Fund and any increase in the assets of the Fund. The rules relating to employer contributions are determined by regulation of the Commission.

“93.11. The Commission shall take the necessary means to ensure that the sum of the contributions collected from employers does not exceed an amount that is reasonably necessary for a possible retroactive wage adjustment.

“93.12. The Retroactive Wage Fund for the Construction Industry is administered by the Commission, which shall establish, by regulation, the procedure for the management and operation of the Fund.

The costs incurred for the administration of the Fund are paid out of the Fund.

The assets of the Fund are not part of the Commission’s assets and may not be used to perform the Commission’s other obligations. The Commission shall keep separate books for the money in each component of the Fund.”

30. Section 107.1 of the Act is amended

(1) by replacing the second paragraph by the following paragraph:

“Only an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1, an association of employees affiliated with a representative association, an Indigenous entity having entered into an agreement with the Government under Division I.1 of Chapter III of this Act, the Kativik Regional Government, the Cree Nation Government and the Eeyou Istchee James Bay Regional Government may hold such a licence.”;

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

“For the purposes of this division, the Indigenous entity referred to in the second paragraph, the Kativik Regional Government, the Cree Nation Government and the Eeyou Istchee James Bay Regional Government are, with the necessary modifications, considered to be associations.”

31. Section 107.7 of the Act is amended by adding the following sentence at the end of the second paragraph: “The Commission shall make that information available to employers after completing it by adding the training history and any other information available to the Commission that is relevant to meeting labour-referral needs.”

32. Section 111.1 of the Act is amended

(1) by replacing “\$1,365 to \$2,731” and “\$2,731 to \$5,457” in the first paragraph by “\$2,500 to \$25,000” and “\$7,500 to \$75,000”, respectively;

(2) by striking out the second paragraph.

33. Section 112 of the Act is amended

(1) by replacing “with section 42” by “with sections 42 and 42.3”;

(2) by replacing “\$239 to \$1,910” by “\$500 to \$2,500”.

34. Section 113 of the Act is amended by replacing “\$9,556 to \$95,543” and “\$239 to \$1,157” by “\$10,000 to \$100,000” and “\$500 to \$2,500”, respectively.

35. Section 113.1 of the Act is amended by replacing “\$1,365 to \$13,648” by “\$1,500 to \$15,000”.

36. Section 113.2 of the Act is amended

(1) by replacing “\$1,850 to \$18,456” in the first paragraph by “\$5,000 to \$50,000”;

(2) by striking out the second paragraph.

37. Sections 113.3 and 113.4 of the Act are amended by replacing “\$1,365 to \$13,648” by “\$2,500 to \$62,500”.

38. Section 115 of the Act is amended by replacing “\$2,046 to \$19,074” by “\$5,000 to \$50,000”.

39. Section 115.1 of the Act is amended by replacing “\$547 to \$1,090” and “\$1,365 to \$2,731” by “\$500 to \$2,500” and “\$1,500 to \$7,500”, respectively.

40. Section 116 of the Act is amended by replacing “\$956 to \$19,074” by “\$1,000 to \$25,000”.

41. Section 117 of the Act is amended by replacing “\$1,910” by “\$2,000”.

42. Section 119 of the Act is amended by replacing “\$1,938 and not more than \$19,345” by “\$2,500 to \$25,000”.

43. Section 119.0.1 of the Act is amended by replacing “\$1,285 to \$2,568” and “\$2,805 to \$5,208” by “\$2,500 to \$12,500” and “\$7,500 to \$37,500”, respectively.

44. Section 119.02 of the Act is amended by replacing “\$1,285 to \$2,568” by “\$2,500 to \$25,000”.

45. Section 119.0.3 of the Act is amended by replacing “\$1,285 to \$2,568” and “\$2,605 to \$5,208” by “\$5,000 to \$25,000” and “\$15,000 to \$75,000”, respectively.

46. Section 119.0.4 of the Act is repealed.

47. Section 119.0.5 of the Act is amended

(1) by replacing “\$2,400 to \$24,010” and “\$12,004 to \$300,123” in the first paragraph by “\$5,000 to \$25,000” and “\$15,000 to \$300,000”, respectively;

(2) by striking out the second paragraph.

48. Section 119.1 of the Act is amended in the first paragraph

(1) by replacing “The following persons shall be guilty of an offence and liable to a fine of \$273 to \$547 in the case of an individual and \$1,090 to \$2,186 in the case of any other person:” in the introductory clause by “A person is guilty of an offence where the person”;

(2) by striking out all occurrences of “every person who” and “every person who,” in subparagraphs 1 to 11.

49. The Act is amended by inserting the following section after section 119.1:

“119.1.1. Every person who contravenes any of subparagraphs 1, 3, 8, 9, 10 or 11 of the first paragraph of section 119.1 is liable to a fine of \$1,000 to \$5,000 in the case of an individual and \$3,000 to \$30,000 in the case of a legal person.

Every person who contravenes any of subparagraphs 2, 4 or 7 of the first paragraph of section 119.1 is liable to a fine of \$500 to \$1,500 in the case of an individual and \$1,500 to \$9,000 in the case of a legal person.”

50. Section 119.3 of the Act is amended by replacing “\$1,090 to \$2,186” by “\$2,500 to \$12,500”.

51. Section 119.4 of the Act is amended by replacing “\$1,090 to \$2,186” and “\$2,731 to \$5,457” by “\$2,500 to \$12,500” and “\$7,500 to \$37,500”, respectively.

52. Section 119.7 of the Act is amended by replacing “\$513 to \$2,055” and “\$1,285 to \$6,420” by “\$500 to \$2,500” and “\$1,500 to \$7,500”, respectively.

53. Section 119.8 of the Act is amended

(1) by replacing “The following are guilty of an offence and liable to a fine of \$644 to \$2,568:” in the introductory clause by “A person is guilty of an offence and liable to a fine of \$1,000 to \$5,000 where the person”;

(2) by striking out all occurrences of “any person who” and “any person who,” in paragraphs 1 to 6.

54. Section 119.9 of the Act is amended by replacing “\$2,568 to \$12,841” and “\$6,420 to \$38,524” by “\$2,500 to \$12,500” and “\$7,500 to \$37,500”, respectively.

55. Section 119.10 of the Act is amended by replacing “\$2,568 to \$12,841” by “\$2,500 to \$12,500”.

56. Section 120 of the Act is amended

(1) by replacing “\$239 nor more than \$1,157” in paragraph *a* by “\$500 nor more than \$2,500”;

(2) by replacing “\$887 nor more than \$3,822” in paragraph *b* by “\$1,500 nor more than \$7,500”;

(3) by striking out paragraphs *c* and *d*.

57. Section 122 of the Act is amended

(1) by replacing “\$1,365 to \$3,413 and, in the case of a subsequent conviction, to a fine of \$2,187 to \$6,825” in the portion of subsection 2 after paragraph *c* by “\$5,000 to \$125,000”;

(2) by replacing “\$1,090 to \$2,186” in paragraph *a* of subsection 4 by “\$5,000 to \$25,000”;

(3) by replacing “\$2,187 to \$6,825” in paragraph *b* of subsection 4 by “\$15,000 to \$150,000”;

(4) by striking out paragraph *c* of subsection 4;

(5) by replacing “the fines prescribed in section 119.1” in subsection 5 by “a fine of \$500 to \$1,500 in the case of an individual and to a fine of \$1,500 to \$9,000 in the case of a legal person”.

58. Section 122.1 of the Act is repealed.

59. The Act is amended by inserting the following section after section 122.1:

“122.2. Despite any provision to the contrary in this Act, the minimum and maximum fines prescribed by this Act are doubled for a second offence and tripled for a subsequent conviction.”

60. Section 123.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing “the activities” in subparagraph 2 by “the tasks and activities”;

(b) by inserting the following subparagraphs after subparagraph 13.2:

“(13.3) establish the management and operation procedures for the Retroactive Wage Fund for the Construction Industry, which may vary according to the components of the Fund, giving effect to the clauses of collective agreements that relate to the payment of amounts constituting retroactive wage adjustments to employees, and set out the rules relating to the contribution that the Commission may collect from employers according to the sector concerned, the procedure for the payment of the adjustment by the Commission to the employees concerned and the rules for the administration and investment of the amounts in the Fund;

“(13.4) determine the standards and procedure for the recognition of training and of diplomas issued outside Québec for integrating the construction industry; and”;

(2) by replacing “, Native persons, persons who are members of visible minorities because of their race or the colour of their skin, and immigrants” in the fifth paragraph by “and persons who are representative of the diversity of Québec society”.

ACT TO ESTABLISH THE ADMINISTRATIVE LABOUR TRIBUNAL

61. Section 8 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is amended by inserting “the first paragraph of section 42.3,” after “of section 27,” in paragraph 4.

REGULATION RESPECTING THE ISSUANCE OF COMPETENCY CERTIFICATES

62. Section 2.5 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended

(1) by replacing “or in hours worked” in the introductory clause by “, in hours worked”;

(2) by inserting “or in hours of vocational training completed for the trade and recognized by a competent authority” after “Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20)” in the introductory clause;

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

“Where the person is a woman or a person who is representative of the diversity of Québec society, the conditions set out in subparagraphs 2 and 3 of the first paragraph do not apply the first time a certificate for a particular trade is issued.”

63. Section 4 of the Regulation is amended

(1) by inserting “, lineworker” after “driller” in subparagraph 4 of the first paragraph;

(2) by adding the following subparagraph at the end of the first paragraph:

“(5) this person furnishes proof that he has at least 750 hours worked and paid in tasks corresponding to an occupation outside the scope of application of this Act and his employer, registered with the Commission, files a workforce request and, at the same time, provides the Commission, except where this person is a woman or a person who is representative of the diversity of Québec society, with proof that the employer guarantees him employment for not less than 150 hours over a period not exceeding 3 months.”

64. Section 7 of the Regulation is amended

(1) by striking out “2.5,” in the second paragraph;

(2) by inserting the following paragraph after the second paragraph:

“The holder of an apprentice competency certificate issued under section 2.5 must provide the proof required in the preceding paragraphs and demonstrate that he meets 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.”;

(3) by replacing “subparagraph 4” in the third paragraph by “subparagraphs 4 and 5”.

65. Section 8 of the Regulation is amended by replacing “of illness, an accident” in paragraph 4 by “of an illness, an accident, protective re-assignment, or maternity, paternity or parental leave, or because of the birth or adoption of a child”.

66. The heading of Division II.1 of the Regulation is amended by inserting “AND PERSONS WHO ARE REPRESENTATIVE OF THE DIVERSITY OF QUÉBEC SOCIETY” after “WOMEN”.

67. Section 8.1 of the Regulation is amended by replacing all occurrences of “a woman”, “the employee” and “her” by “a woman or a person who is representative of the diversity of Québec society”, “the woman or the person who is representative of the diversity of Québec society” and “the woman or the person who is representative of the diversity of Québec society”, respectively.

68. Sections 8.2, 8.3 and 8.4 of the Regulation are amended by replacing all occurrences of “woman”, “that she has” and “that she meets” by “woman or person who is representative of the diversity of Québec society”, “of having” and “meeting”, respectively.

REGULATION RESPECTING THE HIRING AND MOBILITY OF EMPLOYEES IN THE CONSTRUCTION INDUSTRY

69. Section 38 of the Regulation respecting the hiring and mobility of employees in the construction industry (chapter R-20, r. 6.1) is amended by replacing the first paragraph by the following paragraph:

“An employer may assign, anywhere in Québec, a woman or a person who is representative of the diversity of Québec society and holds a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate, if that woman or person has worked for the employer 400 hours or more in the construction industry in Québec or elsewhere in Canada during the first 24 months of the 26 months preceding the issue or renewal of their competency certificate. An employer may assign, anywhere in Québec, any other employee who holds such a certificate, if that employee has worked for the employer 750 hours or more in the construction industry in Québec or elsewhere in Canada during the same period.”

70. The Regulation is amended by inserting the following section after section 38:

38.1. An employee holding a journeyman competency certificate who has 15,000 hours or more declared in the monthly report may be assigned anywhere in Québec, regardless of the employer. An indication to that effect appears on the employee’s journeyman competency certificate.”

71. Section 44 of the Regulation is revoked.

REGULATION RESPECTING THE VOCATIONAL TRAINING OF THE WORKFORCE IN THE CONSTRUCTION INDUSTRY

72. The Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8) is amended by inserting the following section after section 4:

“4.0.1. Despite section 4, a journeyman may perform a task not included in the definition in Schedule A that applies to the journeyman’s trade if performing the task is in keeping with the principle of versatility in work organization.

Performing tasks that meet all the following conditions constitutes versatility:

(1) the tasks are related to the tasks provided for in the definition of the trade of the journeyman;

(2) the tasks are part of the same work sequence and allow work, including preparatory or finishing work, to progress and continue; and

(3) the tasks are both of short duration and performed on the same working day.

The principle of versatility does not apply to structural work or to the operation of cranes of any type. Nor does it apply to tasks relating to the trades of electrician, pipe fitter, fire protection mechanic, refrigeration mechanic or elevator mechanic.”

73. Section 20 of the Regulation is amended

(1) by replacing “each woman apprentice used” in the second paragraph by “each apprentice used who is a woman or a person who is representative of the diversity of Québec society”;

(2) by replacing “Women apprentices” in the fifth paragraph by “Apprentices who are women or persons who are representative of the diversity of Québec society”.

REGULATION RESPECTING THE REMUNERATION OF ARBITRATORS OF GRIEVANCES OR COMPLAINTS IN THE CONSTRUCTION INDUSTRY

74. The title of the Regulation respecting the remuneration of arbitrators of grievances or complaints in the construction industry (chapter R-20, r. 13) is amended by striking out “or complaints”.

75. Section 1 of the Regulation is amended by replacing “and arbitrators appointed under section 105” by “appointed under section 62”.

76. Section 2 of the Regulation is amended

(1) by replacing “\$120” in the first paragraph by “\$268”;

(2) by replacing “of \$360” in the second paragraph by “equivalent to 3 hours of fees at the rate set by the first paragraph”;

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

“The arbitrator is also entitled to fees at the rate set by the first paragraph for each hour of a pre-hearing conference.”

77. Section 4 of the Regulation is amended by replacing “\$80” in the second paragraph by “\$151”.

78. Section 5 of the Regulation is amended by replacing “(C.T. 212379, 2013-03-26)” by “issued by the Conseil du trésor on 26 March 2013 and its subsequent amendments”.

79. Section 6 of the Regulation is amended by replacing “to \$120” by “to 1.5 hours of fees at the rate set by section 2”.

80. Section 7 of the Regulation is replaced by the following section:

“7. Where a case is discontinued or fully settled or the hearing is postponed at the request of a party, the arbitrator is entitled to fees at the rate set by section 2 as an indemnity, determined as follows:

(1) one hour if the event occurs between 90 and 61 days before the date of the hearing;

(2) two hours if the event occurs between 60 and 31 days before the date of the hearing;

(3) four hours if the event occurs between 30 and 11 days before the date of the hearing; or

(4) six hours if the event occurs 10 days or less before the date of the hearing.”

REGULATION RESPECTING THE SERVICE DE RÉFÉRENCE DE MAIN-D’ŒUVRE DE L’INDUSTRIE DE LA CONSTRUCTION

81. Section 5 of the Regulation respecting the Service de référence de main-d’œuvre de l’industrie de la construction (chapter R-20, r. 14.1) is amended by replacing the third paragraph by the following paragraph:

“Employers and associations holding a licence may contact each other to clarify labour needs. However, an employer who does not wish to be contacted by the associations holding a licence may so inform the Commission in the manner it prescribes.”

82. Section 7 of the Regulation is amended

(1) by replacing the first paragraph by the following paragraphs:

“The Commission sends as soon as possible to the employer a list of employees meeting the criteria listed in the employer’s declaration pursuant to the first paragraph of section 1. The employees on the list must be available. Where the Commission receives, from an employer, an employee’s notice of termination, the employee is considered available.

An employee may not be referred more than once during a single day, except if all the employees that could be referred have already been referred.”;

(2) by replacing “Women” and “men” in the second paragraph by “Women or persons who are representative of the diversity of Québec society” and “other employees”, respectively.

83. Section 9 of the Regulation is amended

(1) by replacing “lists first the women then the men” in the first paragraph by “lists women and persons who are representative of the diversity of Québec society first and then other employees”;

(2) by replacing “Women and men are listed” in the second paragraph by “The persons composing those two groups are listed”.

84. Section 25 of the Regulation is amended

(1) by striking out “to be referred even if the employee is working or, conversely, the employee’s wish” in the second paragraph;

(2) by striking out the third paragraph.

**RULES OF EVIDENCE AND PROCEDURE OF THE
ADMINISTRATIVE LABOUR TRIBUNAL**

85. Section 60 of the Rules of evidence and procedure of the Administrative Labour Tribunal (chapter T-15.1, r. 1.1) is amended by inserting “to the Commission de la construction du Québec,” after “notified” in the first paragraph.

TRANSITIONAL AND FINAL PROVISIONS

86. The Commission has 12 months from (*insert the date of assent to this Act*) to make a regulation to implement the provisions relating to the Retroactive Wage Fund for the Construction Industry provided for in Division III of Chapter VIII.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

87. Any clause of a collective agreement within the meaning of the Act respecting labour relations, vocational training and workforce management in the construction industry that restricts the mobility of employees who could be assigned anywhere in Québec under a regulation made under subparagraph 13 of the first paragraph of section 123.1 of that Act or that restricts an employer's freedom to hire such employees ceases to have effect as of 1 May 2025.

So long as an employee already assigned by an employer to a construction site on 30 April 2025 remains assigned to that site, with that employer, the employee's employment may not be terminated for the sole reason that a clause referred to in the first paragraph has ceased to have effect.

88. The provisions of this Act come into force on (*insert the date of assent to this Act*), except

(1) sections 30 and 31, paragraphs 1 and 2 of section 62, paragraph 2 of section 63, except for the provisions that provide that the guarantee of employment for not less than 150 hours is not required for a woman or a person who is representative of the diversity of Québec society, sections 69, 70 and 81, paragraph 1 of section 82 and section 84, which come into force on 30 November 2024;

(2) paragraph 1 of section 3 and section 29, which come into force on 27 April 2025;

(3) section 25, which comes into force on 1 May 2025;

(4) sections 9 to 24, which come into force on 1 September 2025; and

(5) paragraph 3 of section 62 and paragraph 2 of section 63, insofar as they provide that the guarantee of employment for not less than 150 hours is not required for a woman or a person who is representative of the diversity of Québec society, sections 64, 66 to 68, 71 and 73, paragraph 2 of section 82 and section 83, which come into force on the date or dates to be determined by the Government.

