

AMENDMENT

Bill 51

AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 33 (section 112 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Replace paragraph 1 by:

(1) by replacing "Every representative association which fails to negotiate in accordance with section 42" by "Every association which fails to negotiate in accordance with section 42.3";

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 57 (section 122 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Replace "paragraph c" in paragraph 4 by "paragraphs c and d".

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 28.1 (section 85.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Insert after section 28:

28.1. Section 85.1 of the Act is amended by inserting “retention,” after “adjustment,” in the second paragraph.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 60.1 (section 126.0.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Insert after section 60:

60.1 Section 126.0.1 of the Act is amended, in the first paragraph,

- (1) by inserting “, retention” after “maintenance”;
- (2) by replacing “des femmes” in the French text by “de femmes”;
- (3) by inserting “and persons who are representative of the diversity of Québec society” after “women”.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 66 (heading of Division II.1 of the Regulation respecting the issuance of competency certificates)

Replace by:

66. The heading of Division II.1 of the Regulation is amended by replacing “, WOMEN TO, AND THEIR MAINTENANCE AND GREATER REPRESENTATION ON,” by “WOMEN AND PERSONS WHO ARE REPRESENTATIVE OF THE DIVERSITY OF QUÉBEC SOCIETY TO AND THEIR MAINTENANCE, RETENTION AND GREATER REPRESENTATION ON”.

adopte NB

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SECTION 68.1 (section 8.5 of the Regulation respecting the issuance of competency certificates)

Insert after section 68:

68.1. The Regulation is amended by inserting the following section after section 8.4:

“**8.5.** The Commission may issue, pursuant to subparagraph 4 of the first paragraph of section 4, an occupation competency certificate to a woman or a person who is representative of the diversity of Québec society who has never been the holder of a certificate issued under this section, without the employer’s having to file a workforce request or guarantee that person an employment for not less than 150 hours over a period not exceeding 3 months.

The first occupation competency certificate issued pursuant to the first paragraph expires 2 years after the date it was issued. The Commission shall renew the certificate where it ascertains, in the monthly reports of employers registered with it, that the person has worked for at least 150 hours during those 2 years.

If the person has not worked for at least 150 hours during those 2 years, the Commission shall issue the person a new certificate, if that an employer confirms in writing to the Commission that he binds himself to hire that person. That occupation competency certificate expires 2 years after the date it was issued, and it is renewed where the Commission ascertains, in the monthly reports of employers registered with it, that the person has worked for at least 150 hours during those 2 years. If the person fails to work for at least 150 hours during the 2-year period, the Commission may again issue a certificate, under the conditions set out in this paragraph.”

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 62.1 (section 2.6 of the Regulation respecting the issuance of competency certificates)

Insert after section 62:

62.1. The Regulation is amended by inserting the following section after section 2.5:

“2.6 The Commission issues an apprentice competency certificate for a trade, to a holder of an occupation competency certificate who applies therefor and for whom at least 4,000 hours in an occupation in the construction industry was 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), if

(1) the person 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

(2) 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.

Despite section 23, when an application is filed under this section to obtain an apprentice competency certificate, the holder of an occupation competency certificate keeps his or her certificate and is not required to surrender it to the Commission.”

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 83 (section 9 of the Regulation respecting the labour-referral service licence in the construction industry)

1. Replace paragraph 1 by:

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

2. Replace “two” in paragraph 2 by “three”.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 84 (section 25 of the Regulation respecting the labour-referral service licence in the construction industry)

1. Replace paragraph 1 by:

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

adopté NS

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 64 (section 7 of the Regulation respecting the issuance of competency certificates)

1. Replace paragraph 1 by:
 - (1) in the second paragraph:
 - (a) by inserting "2.6," after "2.5,";
 - (b) by adding the following sentence at the end: "The hours of training may also be completed under a training program outside Québec for the trade in question recognized by the Commission.";
2. Replace "The holder of an apprentice competency certificate issued under section 2.5 must provide the proof required in the preceding paragraphs and" in the paragraph proposed by paragraph 2 by "For the first renewal of an apprentice competency certificate issued under the second paragraph of section 2.5, the holder of the certificate must also".

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 72 (section 4.0.1 of the Regulation respecting the issuance of competency certificates)

In proposed section 4.0.1:

1. Strike out "and continue" in subparagraph 2 of the second paragraph.
2. Replace subparagraph 3 of the second paragraph by:
 - (3) the tasks are of short duration in a working day.
3. Replace the first sentence of the third paragraph by the following sentence: "The principle of versatility does not apply to the operation of cranes of any type or to work pertaining to the stability or load carrying capacity of a structure."

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 61.1 (section 11 of the Regulation respecting the professional qualification of contractors and owner-builders)

Insert after section 61:

REGULATION RESPECTING THE PROFESSIONAL QUALIFICATION OF CONTRACTORS AND OWNER-BUILDERS

61.1. Section 11 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter B-1.1, r. 9) is amended by adding the following paragraph at the end:

“For the purposes of this Regulation, the work covered by the principle of versatility in work organization, provided for in section 4.0.1 of the Regulation respecting the vocational training of the workforce in the construction industry (chapter R-20, r. 8), is considered to be related construction work.”

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 28.2 (section 85.6 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Insert after section 28.1, introduced by amendment:

28.2. Section 85.6 of the Act is amended by adding the following paragraph at the end:

“Where a regulation of the Commission so provides and to the extent prescribed therein, an employer or an employee must, to perform personally any work relating to a trade, be the holder of an occupation competency certificate issued by the Commission and have it in their possession.”

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 71.1 (section 1 of the Regulation respecting the vocational training of the workforce in the construction industry)

Insert before section 72:

71.1. Section 1 of the Regulation respecting the professional qualification of contractors and owner-builders (chapter R-20, r. 8) is amended by inserting “or, as the case may be, by a holder of an occupation competency certificate, where and to the extent provided for in Schedule E” at the end of the definition of “shared activity”.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 71.1 (section 1 of the Regulation respecting the vocational training of the workforce in the construction industry)

Insert after section 71.2, introduced by amendment:

71.2. Section 4 of the Regulation is amended by adding the following paragraph at the end:

“A person who carries on an occupation is also authorized to perform a shared activity, where and to the extent provided for in Schedule E. Where the person performs a shared activity, the person is deemed to carry on his or her occupation.”

adopted NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 72.1 (section 5.8 of the Regulation respecting the vocational training of the workforce in the construction industry)

Insert after section 72:

72.1. Section 5.8 of the Regulation is amended by adding the following paragraph at the end:

“Where and to the extent provided for in Schedule E, a person holding a valid occupation competency certificate who has successfully completed the professional training recognized by the Commission for a shared activity is eligible to sit for the qualification examination related to that shared activity.”

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 61.2 (section 1.1.1 of the Regulation respecting the issuance of competency certificates)

Insert after section 61.1, introduced by amendment:

61.2. Section 1.1.1 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended by striking out "journeyman".

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 23 (section 48 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Replace by:

23. Section 48 of the Act is amended by striking out the last sentence in the sixth paragraph.

adopté - NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 24 (section 61 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Withdraw.

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 29 (sections 93.9 to 93.12 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Withdraw.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 3 (sections 4 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Strike out paragraph 1.

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 29.1 (section 100 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Insert after section 29:

29.1. Section 100 of the Act is amended, in the first paragraph,

- (1) by inserting "recognized client," after "No employer,";
- (2) by replacing "or an employers' association" by ", an employers' association or a recognized client".

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 5 (section 18.14.13 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Strike out subparagraph 3 of the first paragraph in proposed section 18.14.13.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 60 (section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry)

Replace section 60 by:

60. Section 123.1 of the Act is amended

(1) in the first paragraph,

(a) by replacing subparagraph 2 by the following subparagraph:

“(2) determine the tasks and activities included in a trade, and in which cases and on what conditions a holder of an occupation competency certificate may perform an activity included in a trade;”;

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

“(13.3) determine the standards and a procedure for the recognition of training and of diplomas issued outside Québec to work in the construction industry;”;

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

adapté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 70 (section 38.1 of the Regulation respecting the hiring and mobility
of employees in the construction industry)

In proposed section 38.1:

1. Insert "or holding an occupation competency certificate" after "journeyman competency certificate".
2. Replace "on the employee's journeyman competency certificate" by "on the employee's competency certificate".

adopte NB

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Bill 51

AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 60.2 (section 348.4 of the Regulation respecting the hiring and mobility of employees in the construction industry)

Insert after section 60.1, introduced by amendment:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

60.2. Section 348.4 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is amended by replacing subparagraph 2 of the first paragraph by the following subparagraph:

“(2) a physician who is a member of the Collège des médecins du Québec and whose involvement in research or university education and speciality are relevant to the Committee’s mandate;”.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 86

Withdraw.

adopte NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 87.1

Insert after section 87:

87.1 Until 31 August 2025,

(1) section 42 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is to be read as if the following paragraph were added at the end:

“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.”;

(2) Section 112 of the Act respecting labour relations, vocational training and workforce management in the construction industry, as amended by section 33 of this Act, is to be read as if “42.3” were replaced by “42”;

(3) Section 8 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) is to be read as if “of the first paragraph of section 42.3” were replaced by “of section 42”.

adopté NB

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AN ACT TO MODERNIZE THE CONSTRUCTION INDUSTRY

SECTION 88

1. Replace paragraph 2 by:

(2) section 60.1, which comes into force on 1 January 2025;

2. Replace paragraph 5 by:

(5) paragraph 3 of section 62, section 62.1, 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, section 64, except subparagraph *b* of paragraph 1, sections 66 to 68.1, section 73, paragraph 2 of section 82 and section 83, which come into force on the date or dates to be determined by the Government.

adopté NB