

Bill 33

**An Act to eliminate union placement  
and improve the operation of the  
construction industry**

Section 1

**AMENDMENT:**

Strike out paragraphs 1, 2 and 5.

*Adopted  
EB*

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Section 5

**AMENDMENT:**

Replace the paragraph proposed by paragraph 2 by:

“The terms of the board members are renewable. However, independent members may be reappointed only twice, for a consecutive or non-consecutive term.”

*Adopted*  
*EB*

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Section 7

**AMENDMENT:**

In proposed section 3.14, add “ other than the chair” at the end of subparagraph 4 of the first paragraph.

A handwritten signature in black ink, appearing to read "Adorab" with a stylized flourish above the "b".

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Section 7

**AMENDMENT:**

In paragraph 2 of proposed section 3.15, replace “, the sector-based employers’ associations and the specialized contractors’ associations” by “and the contractors’ associations”.

A handwritten signature in black ink, appearing to read "Alvin C. Smith". The signature is written in a cursive, flowing style with some capitalization.

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Section 7

**AMENDMENT:**

In paragraph 2 of proposed section 3.17, replace “, the sector-based employers’ associations and the specialized contractors’ associations” by “and the contractors’ associations”.

A handwritten signature in black ink, appearing to read "Hopte" with a stylized flourish below it.

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Section 14

**AMENDMENT:**

Withdraw.

A handwritten signature in black ink, appearing to read "N. J. B." or similar, with a stylized flourish.

AM 7  
s. 15 (18.12)

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Section 15

**AMENDMENT:**

Withdraw.

*Alper te  
SB*

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Section 16

**AMENDMENT:**

In proposed section 18.14.6, replace “the implementation of” by “giving effect to”.

A handwritten signature in black ink, appearing to read "A. D. Le" with a stylized flourish below it.



AM 9  
s. 18 (21)

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Section 18

**AMENDMENT:**

Withdraw.

*Monte  
EB*

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Section 19

**AMENDMENT:**

Replace by:

**19.** Section 24 of the Act is amended by replacing “binds” by “must take into account the possible effects on the efficiency of work organization. The decision binds”.

*Alte  
Adopt  
EB*

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Section 20

**AMENDMENT:**

- (1) In the proposed first paragraph of subsection 1 and proposed subsection 2 of section 26, insert “or an association of employees affiliated with a representative association” after “section 1”;
- (2) In proposed subsection 2 of section 26, strike out “, unless the person has been granted a pardon” at the end.

A handwritten signature in black ink, appearing to be "Adopted" with a stylized "EB" or similar initials at the bottom right.

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Section 21

**AMENDMENT:**

Replace the first sentence of the proposed paragraph by:

“However, section 47.2 of the Code applies to such an association, with the necessary modifications. An employee who believes that the association that represents the employee has contravened that section may, within six months, file a complaint with the Commission des relations du travail and request that it exercise the powers granted under section 47.5 of the Code.

A handwritten signature in black ink, appearing to read "Alex Lévesque" with a stylized "LB" or similar mark below it.

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Section 23

**AMENDMENT:**

Strike out paragraph 1.

*Alte  
EB*

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Section 25

**AMENDMENT:**

Add the following paragraph after the proposed paragraphs:

A person who does not qualify as an independent member under the fourth paragraph of section 3.2 may not be designated to act as presiding officer.”

A handwritten signature in black ink, appearing to read "Alonzo B." with a stylized flourish.

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Section 25

**AMENDMENT:**

Replace the proposed second paragraph by:

The voting period begins on the first Monday of the eleventh month preceding the expiry date of the collective agreement made under section 47 and ends 21 days later, that is, on the closing date for receiving the ballot papers.

*Adopted  
EB*

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Section 32

**AMENDMENT:**

Add the following sentence at the end of the proposed paragraph:

A part that is specific to a sector shall be remitted to the sector concerned.

A handwritten signature in black ink, appearing to be 'Alaple' with a large 'B' below it.



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Section 17

**AMENDMENT:**

Replace by:

17. Section 19 of the Act is amended

(1) by adding the following at the end of subparagraph 5 of the first paragraph: “, or to construction work on forest roads defined by regulation of the Government, if the conditions and particularities set out in that regulation are present”;

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

“(14) volunteer construction work defined by regulation of the Government, if the conditions and particularities set out in that regulation are present.”

A handwritten signature in black ink, appearing to be 'Alte' with a large 'B' or 'B' below it.

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Section 34

**AMENDMENT:**

In the paragraph proposed by paragraph 2, add the following sentence at the end:

However, the association is not bound by the comments and suggestions obtained.

A handwritten signature in black ink, appearing to read "Alonzo" with a stylized flourish at the end.

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Section 37

**AMENDMENT:**

Withdraw.

A handwritten signature in black ink, appearing to be 'Aloné' or similar, with a stylized flourish below it.

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Section 1

**AMENDMENT:**

In subparagraph *i.1* proposed by paragraph 4, replace “consultations held under sections 42 and 44.2.1” by “the consultation held under section 42”.

A handwritten signature in black ink, appearing to read 'Adopte' with a large flourish and the initials 'EB' below it.

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Section 44

**AMENDMENT:**

Replace by:

44. Section 61 of the Act is amended by adding the following sentences at the end of the third paragraph: "The procedure must be in keeping with the duty to act fairly and ensure a timely resolution of jurisdictional conflicts. It must provide in particular that any agreement, recommendation or decision be substantiated and recorded in writing."

A handwritten signature in black ink, appearing to read "Adolphe" with a stylized flourish at the end.

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Section 47

**AMENDMENT:**

Replace the first of the paragraphs proposed by:

“An association listed or described in any of paragraphs *b*, *c* or *c.2* of the first paragraph of section 1 may also, with the Commission’s authorization, have recourse to arbitration in the same manner, in order to obtain a determination on a difficulty in interpreting a clause on any other subject listed in section 61.

*Adopte*  
*EB*

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Section 49

**AMENDMENT:**

Replace by:

**49.** Section 80.1 of the Act is amended by adding the following subparagraphs after subparagraph 7 of the first paragraph:

“(8) denying an employee admission to an examination;

“(9) classifying an employee at a training level the employee considers inappropriate.”



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Section 50

**AMENDMENT:**

- (1) In subparagraph *b.0.1* proposed by paragraph 2, add “and procedures” after “applicable conditions” at the end;
- (2) In paragraph 3, replace “that method or rate” by “the method or rate in force”.

A handwritten signature in black ink, appearing to read 'Allyte' with a stylized flourish below it.



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Sections 51 and 52

**AMENDMENT:**

Replace by:

**51.** Section 85 of the Act is amended by replacing “such an association is affiliated, nor enter into a service agreement with such an association or organization” in the second paragraph by “such an association or any other group of construction employees is affiliated or otherwise linked, nor enter into a service agreement with such an association or organization”.

A handwritten signature in black ink, appearing to read "Alonzo" with a stylized flourish at the end.

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Section 53

**AMENDMENT:**

In proposed section 85.7,

- (1) replace “may contain” in the first paragraph by “must contain”;
- (2) replace “may” in the second paragraph by “must”.

A handwritten signature in black ink, appearing to be 'Ally' followed by a stylized flourish and the number '53'.

AM 27  
s. 54 (86)

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Section 54

**AMENDMENT:**

Withdraw.

A handwritten signature in black ink, appearing to be "Alte" followed by a stylized flourish or date "1/38".

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Section 56

**AMENDMENT:**

In proposed section 93, replace "is not satisfied with" in the first paragraph by "believes he has been wronged by".

A handwritten signature in black ink, appearing to read "Monte" with a stylized flourish below it.

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Section 57

**AMENDMENT:**

In proposed section 93.1, insert "and any association of employees affiliated with a representative association" after "section 1" in the first paragraph.

A handwritten signature in black ink, appearing to read "Adam Te" with a stylized flourish at the end.

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Section 57

**AMENDMENT:**

In proposed section 93.2, insert "exclusively" after "to be used" in the second paragraph.

A handwritten signature in black ink, appearing to be "Adelle" followed by a stylized flourish or initials.

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Section 57

**AMENDMENT:**

In proposed section 93.3, replace "government regulation" in the first paragraph by "regulation of the Commission".

A handwritten signature in black ink, appearing to be "Allyle" followed by a stylized flourish or initials.

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Section 57

**AMENDMENT:**

In proposed section 93.5, replace "by a regulation under subparagraph 8.9 of the first paragraph of section 123" by "by regulation".

A handwritten signature in black ink, appearing to be "Adopted" with a stylized flourish at the end.



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Section 57

**AMENDMENT:**

In proposed section 93.1, replace the text after “accounting principles” in the second paragraph by “and send a free copy of them to their members. The associations must also send a copy of the financial statements to the Minister with a declaration whose content is determined by order of the Minister. The declaration is published on the website of the Ministère du Travail. The Minister may require that the associations provide any information the Minister deems useful after examining the declaration and the financial statements, and that the latter be subjected to further examination.”

A handwritten signature in black ink, appearing to be 'Alte' with a stylized flourish below it.

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Section 57

**AMENDMENT:**

In proposed section 93.6, insert "exclusively" after "to be used" in the second paragraph.

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Section 57

**AMENDMENT:**

In proposed section 93.7, replace "government regulation" in the first paragraph by "regulation of the Commission".

A handwritten signature in black ink, appearing to read "Adopted" with a stylized flourish below it.

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Section 57

**AMENDMENT:**

In proposed section 93.8, strike out "on a pro rata basis" in the first paragraph.

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Section 13

**AMENDMENT:**

In proposed section 18.4, replace the first two proposed paragraphs by:

The employers' association and the contractors' associations shall each designate one member, except the corporations listed in subparagraph c.1 of the first paragraph of section 1, which shall designate a single member for both corporations.

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Section 73

**AMENDMENT:**

Replace by:

**73.** Section 123 of the Act is amended by inserting the following subparagraphs after subparagraph 8.5 of the first paragraph:

“(8.6) determine the method of operation of the labour-referral service for the construction industry, as well as the conditions, restrictions and prohibitions applicable to its use by the employers or the categories of employers the Government determines, employees and holders of a labour-referral service licence;

“(8.7) provide for the issue of labour-referral service licences and, more particularly, determine categories of licences, their terms, and any conditions, restrictions or prohibitions pertaining to their issue, the activities they permit or their renewal, the penalties applicable for failure to comply with applicable conditions, restrictions or prohibitions, the proceedings that may be brought before the Commission des relations du travail, and any element of procedure specific to such proceedings;”.

A handwritten signature in black ink, appearing to be 'Alain Lévesque' or similar, with a stylized flourish at the end.

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Section 74

**AMENDMENT:**

Replace by:



74. Section 123.1 of the Act is amended

(1) by replacing “and examinations” in subparagraph 5 of the first paragraph by “and the various types of examinations”;

(2) by inserting “or on a job site, as well as how those ratios are applied” after “by an employer” in subparagraph 10 of the first paragraph;

(3) by replacing subparagraph 11 of the first paragraph by the following subparagraph:

“(11) 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;”;

(4) by replacing “establish regional priority rules in matters of workforce hiring and mobility” in subparagraph 13 of the first paragraph by “establish rules for labour pool management and regional priority rules in matters of labour hiring and labour mobility management”;

(5) by inserting the following subparagraphs after subparagraph 13 of the first paragraph:

“(13.1) establish the conditions and method of operation of the Compensation Fund for Employees in the Construction Industry, including the contributions to be paid by employers according to their category, the circumstances in which compensation is payable, the compensation procedure and the rules for the administration and investment of the money making up the Fund,

and prescribe the maximum compensation payable, in particular, the maximum amount that may be paid to an employee in respect of an employer and the maximum amount that may be paid to all employees in respect of an employer;

“(13.2) establish the conditions and method of operation of the Training Fund for Employees in the Construction Industry, other than the general rules for use determined under the third paragraph of section 18.2, including the contributions to be paid by employers according to their category and the rules for the administration and investment of the money making up the Fund;”;

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

“A regulation made under subparagraph 2 of the first paragraph must be the subject of a report to the Minister every five years. The report pertains to the advisability of revising the regulation and includes any information the Minister requires. It is accompanied, if warranted, by a draft regulation amending or replacing it.”;

(7) by inserting “, Native persons, persons who are members of visible minorities because of their race or the colour of their skin, and immigrants” after “women” in the last paragraph.



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Section 63

**AMENDMENT:**

- (1) Replace the first paragraph of proposed section 107.1 by:

**“107.1** No person may provide a labour-referral service for the construction industry unless the person holds a licence issued for that purpose by the Bureau des permis de service de référence de main-d’oeuvre.

Only an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1 or an association of employees affiliated with a representative association may hold such a licence.

- (2) Replace “work for” in the last paragraph of proposed section 107.1 by “act on behalf of”.



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Section 63

**AMENDMENT:**

Add the following paragraph at the end of proposed section 107.7:

In this division, "employer" means an employer referred to in a regulation of the Government made under subparagraph 8.6 of the first paragraph of section 123, according to the situations the regulation determines.

A handwritten signature in black ink, appearing to be 'Allyte' with a stylized 'EB' or similar mark below it.

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Section 63

**AMENDMENT:**

Replace “listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1” in the second paragraph of proposed section 107.9 by “referred to in section 107.1”.

A handwritten signature in black ink, appearing to be 'Alte' with a large 'E' and a flourish.

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Section 65

**AMENDMENT:**

Replace "\$1,400 to \$14,000" in proposed section 113.2 by "\$1,440 to \$14,372".

A handwritten signature in black ink, appearing to be "Alte" followed by a stylized flourish or initials.

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Section 68

**AMENDMENT:**

Replace "\$2,000 to \$4,000" in proposed section 119.0.1 by "\$2,028 to \$4,056".

A handwritten signature in black ink, appearing to read "Alti" with "EB" written below it.

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Section 68

**AMENDMENT:**

- (1) Replace “in the case of an association” in the introductory clause of proposed section 119.0.1 by “in other cases”.
- (2) Replace “listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1” in paragraph 1 of proposed section 119.0.1 by “referred to in section 107.1”.
- (3) Insert “de référence” after “fournit un service” in paragraph 2 in the French text of proposed section 119.0.1.
- (4) Add the following paragraph at the end of proposed section 119.0.1:
  - (3) any other person who offers or provides a labour-referral service for the construction industry.



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Section 69

**AMENDMENT:**

Withdraw.

*Adopted*  
*EB*

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Section 77.1

**AMENDMENT:**

Insert before section 78:

**77.1.** Section 72 of the Anti-Corruption Act (2011, chapter 17) is amended by adding the following sentence at the end of the first paragraph: "It may also, in the same manner and if warranted by the circumstances, extend a time limit set by section 69 or 70."

A handwritten signature in black ink, appearing to read "Alpti SB", is located in the lower right quadrant of the page.



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Section 81

**AMENDMENT:**

Replace "Committee on vocational training in the construction industry" by "Joint Committee on Construction".

A handwritten signature in black ink, appearing to be "Alto" followed by a stylized flourish or initials.

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Section 82

**AMENDMENT:**

- (1) Insert “and subparagraphs 8.6 and 8.7 of the first paragraph of section 123” after “35.3”.
- (2) Add the following paragraphs at the end:

The first regulation made under subparagraph 8.6 of the first paragraph of section 123 of the Act respecting labour relations, vocational training and workforce management in the construction industry must, however, be examined by the competent committee of the National Assembly before it is adopted by the Government.

Prior to the examination under the second paragraph, the Minister of Labour forms a working committee made up, among others, of representatives of associations the Minister considers representative of the construction industry, the Commission de la construction du Québec and the Ministère du Travail, which assumes the leadership of the committee and the secretarial work for it. Within the time the Minister specifies, the committee must send a report containing recommendations on the standards to include in the regulation referred to in the second paragraph and any other matter the Minister submits to it.

A handwritten signature in black ink, appearing to be 'H. Le' followed by a stylized monogram or initials.

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Section 85

**AMENDMENT:**

Replace "subparagraph 8.9 of the first paragraph of section 123" by  
"subparagraph 13.1 of the first paragraph of section 123.1 of that Act".

*Adopted*  
*EB*

Bill 33

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Section 86

**AMENDMENT:**

Replace "subparagraph 8.10 of the first paragraph of section 123" by  
"subparagraph 13.2 of the first paragraph of section 123.1 of that Act".

A handwritten signature in black ink, appearing to be "Adelle" with a stylized flourish and the letters "AB" below it.

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Section 91

**AMENDMENT:**

Replace by:

**91.** The first report required under the second paragraph of section 123.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry must be sent not later than *(insert the date that is two years after the date of assent to this Act)*.

A handwritten signature in black ink, appearing to be 'Alain' followed by a stylized monogram or initials.

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Section 92

**AMENDMENT:**

Withdraw.

A handwritten signature in black ink, appearing to read "Alpti" with a stylized flourish below it.

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Section 8

**AMENDMENT:**

Replace by:

8. Section 4 of the Act is amended by replacing subparagraphs 8 and 9 of the first paragraph by the following subparagraphs:

“(8) administer the Compensation Fund for Employees in the Construction Industry established by Division I of Chapter VIII.1;

“(9) administer the Training Fund for Employees in the Construction Industry established by Division II of Chapter VIII.1; and

“(10) administer the labour-referral service for the construction industry provided for in section 107.7.”

A handwritten signature in black ink, appearing to be 'Alte' with a stylized flourish below it.

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Section 24

**AMENDMENT:**

Replace by:

**24.** Section 31 of the Act is amended

(1) by replacing “during the twelfth month preceding the expiry date of the collective agreement made under section 47” in the first paragraph by “during a period that begins on the first day of the twelfth month that precedes the expiry date of the collective agreement made under section 47 and ends on the day before the first day of the voting period”;

(2) by replacing “in section 115” in the last paragraph by “in sections 115 and 119.11”.

A handwritten signature in black ink, appearing to be 'Allyte' with a stylized flourish below it.



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Section 46

**AMENDMENT:**

Strike out paragraph 5.2 proposed by paragraph 3.

A handwritten signature in black ink, appearing to be "Alto" or "Alto" with a stylized flourish at the end.

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Section 92.1

**AMENDMENT:**

Insert after section 92:

**92.1.** An association referred to in section 107.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry must, until that section comes into force, send to the Commission a report on any referral of one of its members to an employer.

The report must be sent once a week and contain the following information:

- (1) the name of the applicant employer, the date of the application, the number of persons required and the qualifications sought;
- (2) a copy of the list of referred candidates sent to the employer; and
- (3) any other information required by the Commission.

An association that fails to comply with this section is guilty of an offence and is liable, for each offence, to the penalties prescribed in section 119.0.1 of the Act respecting labour relations, vocational training and workforce management in the construction industry.

A handwritten signature in black ink, appearing to be 'Alp' followed by a stylized flourish.

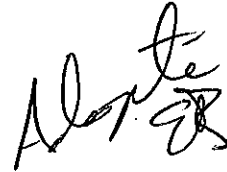
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Section 71

**AMENDMENT:**

Replace "statement of votes" in paragraph 1 of proposed section 119.8 by "ballot report".

A handwritten signature in black ink, appearing to be "Alte" followed by a stylized flourish or date "98".

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Section 71

**AMENDMENT:**

In proposed section 119.11,

- (1) insert “, 119.0.1” after “119”;
- (2) insert “or an association of employees affiliated with a representative association” after “section 1”.

A handwritten signature in black ink, appearing to be "Alte" with a stylized flourish below it.

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Section 33

**AMENDMENT:**

Replace “peut” in the French text of proposed section 41.3 by “a le droit de”.

A handwritten signature in black ink, appearing to be 'Alte' with a stylized flourish below it.

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Section 4

**AMENDMENT:**

In paragraph 2,

(1) replace proposed subparagraphs 2 and 3 by the following subparagraph:

(2) four members after consultation with the contractors' associations;

(2) replace proposed subparagraph 5 and the proposed third paragraph by the following subparagraph:

(5) four independent members, taking into account the expertise and experience profiles approved by the board of directors.

(3) add "or of an association of employees affiliated with a representative association" after "section 1" in subparagraph 3 of the proposed fifth paragraph;

(4) add the following paragraphs at the end:

The Government may adopt a policy on the situations it intends to examine to determine whether a member qualifies as an independent member. It may specify in the policy the meaning it intends to give to the expression "immediate family member".

An independent member must disclose in writing to the board of directors and to the Minister any situation likely to affect the member's status."

A handwritten signature in black ink, appearing to be "Alor" followed by a stylized flourish or initials.

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Section 79

**AMENDMENT:**

Replace by:

**79.** Despite subparagraph 5 of the second paragraph of section 3.2 of the Act respecting labour relations, vocational training and workforce management in the construction industry (R.S.Q., chapter R-20), as it reads on (*insert the date of coming into force of section 4*), the Government need not take expertise and experience profiles into account for the appointment of the first independent members.

A handwritten signature in black ink, appearing to be 'Alti' with a stylized 'B' or 'R' below it.

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Section 94

**AMENDMENT:**

(1) Insert “, 8 insofar as it concerns the labour-referral service for the construction industry” after “7”.

(2) Insert the following paragraph after paragraph 1:

(1.1) sections 8 and 57 insofar as they concern the Compensation Fund for Employees in the Construction Industry and the Training Fund for Employees in the Construction Industry, and sections 85 to 90, which come into force on 1 January 2012;

(3) Add the following paragraph at the end:

(3) section 53 insofar as it concerns the employee’s photo, which comes into force on the date to be set by the Government.

A handwritten signature in black ink, appearing to be a stylized name or set of initials, located in the lower right quadrant of the page.