



NATIONAL ASSEMBLY

FIRST SESSION

FORTY-FIRST LEGISLATURE

Bill 21

**An Act respecting mainly the
implementation of agreements on labour
matters between the Gouvernement du
Québec and the Mohawk Council of
Kahnawake**

Introduction

**Introduced by
Mr. Geoffrey Kelley
Minister responsible for Native Affairs**

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EXPLANATORY NOTES

The object of this bill is to authorize the implementation of agreements between the Gouvernement du Québec and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake relating to matters within the scope of the Act respecting industrial accidents and occupational diseases, the Building Act, the Act respecting labour relations, vocational training and workforce management in the construction industry and the Act respecting occupational health and safety.

More particularly, the bill provides that the agreements apply despite any provision to the contrary under any of those Acts unless otherwise provided in the agreements. It also allows the Government to take, by regulation, any measure necessary to implement the agreements, which are to be posted on the respective websites of the Ministère du Travail and the bodies concerned.

In addition, the bill provides that the newly enacted provisions apply to the Entente en matière de travail entre le gouvernement du Québec et le Conseil Mohawk de Kahnawà:ke approved by Order in Council 730-2014 dated 24 July 2014.

Lastly, the bill updates the corporate name of the Association provinciale des constructeurs d'habitations du Québec inc. (APCHQ), which is now the Association des professionnels de la construction et de l'habitation du Québec inc.

LEGISLATION AMENDED BY THIS BILL:

- Act respecting industrial accidents and occupational diseases (chapter A-3.001);
- Building Act (chapter B-1.1);
- Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20);
- Act respecting occupational health and safety (chapter S-2.1).

REGULATION AMENDED BY THIS BILL:

- Regulation respecting the issuance of competency certificates (chapter R-20, r. 5).

Bill 21

AN ACT RESPECTING MAINLY THE IMPLEMENTATION OF AGREEMENTS ON LABOUR MATTERS BETWEEN THE GOUVERNEMENT DU QUÉBEC AND THE MOHAWK COUNCIL OF KAHNAWAKE

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT RESPECTING INDUSTRIAL ACCIDENTS AND OCCUPATIONAL DISEASES

1. Subdivision 4 of Division III of Chapter I of the Act respecting industrial accidents and occupational diseases (chapter A-3.001) is replaced by the following subdivision:

“§4. — *Agreements permitting the application of a special plan*

“**24.1.** The purpose of this subdivision is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

“**24.2.** The provisions of an agreement under section 24.1 apply despite any provision to the contrary under this Act unless otherwise provided in the agreement.

“**24.3.** The Government may, by regulation, take any necessary measures to carry out this subdivision, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“**24.4.** The Minister shall post any agreement under section 24.1 on the department’s website, not later than the date of coming into force of the agreement and, should the agreement cease to have effect, leave it posted for five years after the date of cessation of effect. The Commission shall do the same on its website.”

BUILDING ACT

2. The Building Act (chapter B-1.1) is amended by inserting the following division after section 6:

“DIVISION I.1

“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

“6.1. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

“6.2. The provisions of an agreement under section 6.1 apply despite any provision to the contrary under this Act unless otherwise provided in the agreement.

“6.3. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“6.4. The Minister shall post any agreement under section 6.1 on the department’s website, not later than the date of coming into force of the agreement and, should the agreement cease to have effect, leave it posted for five years after the date of cessation of effect. The Board shall do the same on its website.”

3. Section 182 of the Act is amended by inserting the following subparagraph after subparagraph 8 of the first paragraph:

“(9) take any necessary measures to carry out Division I.1 of Chapter I, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.”

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

4. Section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) is amended by replacing “Association provinciale des constructeurs d’habitations du

Québec inc.” in subparagraphs *c.1* and *c.2* of the first paragraph by “Association des professionnels de la construction et de l’habitation du Québec inc.”.

5. The Act is amended by inserting the following division after section 20:

“DIVISION I.1

“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

“20.1. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

“20.2. The provisions of an agreement under section 20.1 apply despite any provision to the contrary under this Act unless otherwise provided in the agreement.

“20.3. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“20.4. The Minister shall post any agreement under section 20.1 on the department’s website, not later than the date of coming into force of the agreement and, should the agreement cease to have effect, leave it posted for five years after the date of cessation of effect. The Commission shall do the same on its website.”

6. Section 123 of the Act is amended by striking out the second paragraph.

ACT RESPECTING OCCUPATIONAL HEALTH AND SAFETY

7. Division II of Chapter II of the Act respecting occupational health and safety (chapter S-2.1) is replaced by the following division:

“DIVISION II

“AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

“3.2. The purpose of this division is to authorize the implementation of any agreement relating to any matter within the scope of this Act between the

Government and the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake and permitting the application of a special plan.

“8.3. The provisions of an agreement under section 8.2 apply despite any provision to the contrary under this Act unless otherwise provided in the agreement.

“8.4. The Government may, by regulation, take any necessary measures to carry out this division, such as providing for any modifications to be applied to an existing Act or statutory instrument to take the existence of an agreement into account.

Any regulation made under the first paragraph requires the prior concurrence of the Mohawks of Kahnawake represented by the Mohawk Council of Kahnawake.

“8.5. The Minister shall post any agreement under section 8.2 on the department’s website, not later than the date of coming into force of the agreement and, should the agreement cease to have effect, leave it posted for five years after the date of cessation of effect. The Commission shall do the same on its website.”

REGULATION RESPECTING THE ISSUANCE OF COMPETENCY CERTIFICATES

8. Section 15.7 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5) is amended by replacing “Association provinciale des constructeurs d’habitations du Québec” in subparagraph 7 of the second paragraph by “Association des professionnels de la construction et de l’habitation du Québec inc.”.

FINAL PROVISIONS

9. The Minister of Labour is responsible for the administration of this Act.

10. Sections 24.1 to 24.4 of the Act respecting industrial accidents and occupational diseases (chapter A-3.001), sections 6.1 to 6.4 of the Building Act (chapter B-1.1), sections 20.1 to 20.4 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and sections 8.2 to 8.5 of the Act respecting occupational health and safety (chapter S-2.1), as enacted by this Act, apply to the Entente en matière de travail entre le gouvernement du Québec et le Conseil Mohawk de Kahnawà:ke approved by Order in Council 730-2014 dated 24 July 2014.

However, the agreement must be posted as required under certain of those sections on the specified websites not later than (*insert the date that is 15 days after the date of assent to this Act*).

11. This Act comes into force on (*insert the date of assent to this Act*).