

chapter R-20

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

1986, c. 89, s. 1; 2007, c. 3, s. 72.

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CHAPTER I

DEFINITIONS

1. In this Act, unless the context requires a different meaning, the following words and expressions mean:

(a) “association” : a professional union representing construction employees or any group of construction employees not constituted as a legal person, a trades council, a provincial trades council or a federation or confederation of such unions, groups or councils, having for its object the study, defence and development of the economic, social and educational interests of its members and which has jurisdiction throughout Québec in respect of all construction trades and employments;

(b) “representative association” : an association to which the Commission has issued the certificate provided for in section 34;

(c) “employers’ association” : the Association of Building Contractors of Québec;

(c.1) “contractors’ associations” : the Association des professionnels de la construction et de l’habitation du Québec inc., the Association de la construction du Québec, the Association des constructeurs de routes et grands travaux du Québec, the Corporation des maîtres électriciens du Québec and the Corporation des maîtres mécaniciens en tuyauterie du Québec;

(c.2) “sector-based employers’ association” : for the residential sector, the Association des professionnels de la construction et de l’habitation du Québec inc., for the institutional and commercial sector and the industrial sector, the Association de la construction du Québec, and for the civil engineering and roads sector, the Association des constructeurs de routes et grands travaux du Québec;

(d) “Commission” : the Commission de la construction du Québec;

(e) *(subparagraph repealed)*;

(e.1) “Committee on vocational training” : the Committee on vocational training in the construction industry;

(f) “construction” : the foundation, erection, maintenance, renewal, repair, alteration and demolition work on buildings and civil engineering works carried out on the job site itself and vicinity including the previous preparatory work on the ground;

In addition, the word “construction” includes the installation, repair and maintenance of machinery and equipment, work carried out in part on the job site itself and in part in the shop, moving of buildings, transportation of employees, dredging, turfing, cutting and pruning of trees and shrubs and laying out of golf courses, but solely in the cases determined by regulation;

(g) “collective agreement” : an agreement in writing respecting the conditions of employment made for a sector between the negotiating parties of that sector;

(h) *(subparagraph repealed)*;

(i) “dispute” : a disagreement respecting the negotiation or renewal of a collective agreement or respecting the revision thereof by the parties pursuant to a clause providing expressly therefor;

(i.1) “recognized client” : an enterprise that is the client of an employer, or an association of such enterprises, recognized by the Minister for the purpose of the consultation held under section 42, after consultation with the Minister of Economy and Innovation;

(j) “employer” : anyone, including the Gouvernement du Québec, who has work done by an employee;

(k) “professional employer” : an employer whose main activity is to do construction work and who habitually employs employees for any kind of work which is the object of a collective agreement;

(k.1) “independent contractor” : a person or a partnership holding a specialized contractor’s licence issued under the Building Act (chapter B-1.1) who or which, for others and without the assistance of an employee, carries out personally or, as the case may be, of which a director, a shareholder holding at least one voting share or a partner personally carries out for the benefit of the legal person or partnership,

i. construction work defined in this Act, if the licence pertains to the “Heavy equipment contractor” or “Excavation and earthwork contractor” subcategories;

ii. maintenance, repair and minor renovation work defined in this Act, if the licence pertains to any other subcategory;

(l) “agricultural exploitation” : a farm habitually developed by the farmer himself or through fewer than three full-time employees;

(m) “strike” : the concerted cessation of work by a group of employees;

(n) “grievance” : any disagreement relating to any of the matters mentioned in section 62;

(o) “lock-out” : the refusal by an employer to give work to a group of his employees in order to compel them, or the employees of another employer, to accept certain conditions of employment;

(p) “Minister” : the Minister of Labour;

(p.1) “occupation” : any activity not included in a trade within the meaning of a regulation made under paragraph 2 of section 123.1;

(q) “wage” : the remuneration in currency, and the indemnities or benefits of a pecuniary value as determined in a collective agreement;

(r) “employee” : any apprentice, unskilled labourer or workman, skilled workman, journeyman or clerk working for an employer and entitled to wages;

(s) “permanent employee” : any employee who habitually does maintenance work on buildings or civil engineering works and any employee who has been doing production work in an establishment for at least 6 months;

(t) “complementary social benefits plan” : a social security plan established by a collective agreement or a regulation for the purpose of giving effect to a clause of a collective agreement, especially a supplemental pension, life, sickness or salary insurance plan or any other group insurance or protection plan;

(u) *(subparagraph repealed)*;

(v) “civil engineering and roads sector” : the sector of construction of public or private utility works in the general interest, including installations, equipment and buildings physically attached or not to such works, and in particular the construction of roads, waterworks, sewers, bridges, dams, power lines and gas pipelines;

(w) “industrial sector” : the sector of construction of buildings, including installations and equipment physically attached or not to such buildings, reserved primarily for the carrying on of an economic activity involving the development of mineral resources, the processing of raw materials and the production of goods;

(x) “institutional and commercial sector” : the sector of construction of buildings, including installations and equipment physically attached or not to such buildings, reserved primarily for institutional or commercial purposes as well as any construction that cannot be included in the residential, industrial and civil engineering and roads sectors;

(y) “residential sector” : the sector of construction of buildings or complexes of adjoining buildings, including installations and equipment physically attached or not to the buildings, at least 85% of the area of which, excluding parking space, is reserved for residential use, and the number of aboveground storeys of which, excluding any part of the basement and reckoned from any side of the building or complex, does not exceed six in the case of new buildings or eight in other cases.

Subparagraphs v to y of the first paragraph do not apply to the determination of the scope of this Act.

1968, c. 45, s. 1; 1970, c. 35, s. 1; 1971, c. 46, s. 1; 1973, c. 28, s. 1; 1975, c. 51, s. 1; 1975, c. 19, s. 12; 1977, c. 5, s. 14; 1979, c. 2, s. 16; 1981, c. 9, s. 34; 1982, c. 53, s. 56; 1986, c. 89, s. 2, s. 50; 1988, c. 35, s. 1; 1991, c. 74, s. 162; 1992, c. 42, s. 1; 1993, c. 61, s. 1; 1994, c. 12, s. 51; 1993, c. 61, s. 1; 1995, c. 8, s. 1; 1996, c. 29, s. 43; 1999, c. 13, s. 8; 1999, c. 40, s. 257; 2011, c. 30, s. 1; 2014, c. 18, s. 4; 2019, c. 29, s. 1.

1.1. The word “construction” defined in subparagraph *f* of the first paragraph of section 1 includes and has always included the laying of resilient floor coverings that are an integral part of the building.

1995, c. 8, s. 2.

CHAPTER II

COMMISSION DE LA CONSTRUCTION DU QUÉBEC, COMMITTEE ON VOCATIONAL TRAINING IN THE CONSTRUCTION INDUSTRY AND COMMITTEE ON EMPLOYEE BENEFITS IN THE CONSTRUCTION INDUSTRY

1986, c. 89, s. 3; 2011, c. 30, s. 2.

DIVISION I

COMMISSION

1986, c. 89, s. 3.

§ 1. — *Establishment and administration*

1986, c. 89, s. 3; 2011, c. 30, s. 3.

2. The “Commission de la construction du Québec” is hereby established.

1975, c. 51, s. 2; 1986, c. 89, s. 3.

3. The Commission is a legal person.

In addition to the powers conferred on it by this Act, the Commission may

- (1) acquire, hold, improve, lease and alienate by onerous title any property;
- (2) borrow money;
- (3) hypothecate or transfer its property to secure the payment of the bonds or securities it issues;
- (4) accept any gift, legacy or other liberality by entirely gratuitous and unconditional title.

1975, c. 51, s. 2; 1986, c. 89, s. 3; 1992, c. 42, s. 2; 1999, c. 40, s. 257.

3.1. The Commission shall have its head office at the place determined by the Government. Notice of the location or of any change of location of the head office shall be published in the *Gazette officielle du Québec*. The Commission may hold its sittings anywhere in Québec.

1986, c. 89, s. 3.

3.2. The Commission is composed of a board of directors consisting of 17 members, including the chairman of the board of directors and the president and chief executive officer.

Other than the chairman of the board and the president and chief executive officer, the members are appointed in the following manner:

- (1) one member after consultation with the employers' association;
- (2) four members after consultation with the contractors' associations;
- (3) five members after consultation with the representative associations; and
- (4) five independent members, taking into account the expertise and experience profiles approved by the board of directors.

For the purposes of the consultations provided for in subparagraphs 1 to 3 of the second paragraph, each association consulted is invited to propose at least three candidates, including one woman. If an association fails to comply with that invitation within a reasonable time, the Government may appoint the member concerned after notifying the association.

In this Act, "independent member" means a member who has no direct or indirect relation or interest, for example of a financial, commercial, professional or philanthropic nature, likely to interfere with the quality of the decisions made as regards the interests of the Commission.

A member is deemed not to be independent if that member

- (1) is in the employ of the Commission or was in such employ in the three years before being appointed;
- (2) is in the employ of the Government or a government agency within the meaning of section 4 of the Auditor General Act (chapter V-5.01);
- (3) is or was, in the three years preceding appointment to office, a member, an employee, an officer or a representative of an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1 or of an association of employees affiliated with a representative association; or
- (4) has an immediate family member who is a senior officer of the Commission.

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.

1986, c. 89, s. 3; 1992, c. 44, s. 81; 1993, c. 51, s. 72; 1993, c. 61, s. 2; 1994, c. 12, s. 52; 1994, c. 16, s. 50; 1995, c. 8, s. 3; 2005, c. 28, s. 195; 2011, c. 30, s. 4; 2013, c. 16, s. 124; 2022, c. 19, s. 257.

3.3. The chairman of the board of directors and the president and chief executive officer are appointed by the Government for terms of not more than five years. The other members of the board are appointed for terms of not more than three years.

The chairman of the board must qualify as an independent director.

At the end of their terms, the members of the board shall remain in office until they are replaced or reappointed.

The terms of the board members are renewable. However, members other than the president and chief executive officer may not be reappointed more than three times, whether the terms are consecutive or not.

1986, c. 89, s. 3; 2011, c. 30, s. 5; 2018, c. 12, s. 4; 2022, c. 19, s. 258.

3.3.1. The number of women on the board of directors must correspond to a proportion of at least 40% of the total number of persons sitting on the board.

2022, c. 19, s. 258.

3.3.2. The board of directors must include at least one member 35 years of age or under at the time of appointment.

2022, c. 19, s. 258.

Not in force

3.3.3. The board of directors must include at least one member who, in the opinion of the Government, is representative of the diversity of Québec society.

2022, c. 19, s. 258.

3.4. Any vacancy on the board of directors shall be filled in accordance with the prescribed mode of appointment to the office that is vacant.

1986, c. 89, s. 3.

3.5. The board of directors shall designate one of the chairmen of a committee established under section 3.13 to act as a replacement when the chairman of the board is absent or unable to act.

When replacing the chairman of the board, the person so designated exercises the same responsibilities and has the same powers as the chairman.

If a member other than the chairman of the board is unable to act, the Government may appoint, in accordance with the prescribed mode of appointment applicable to that member, a person to replace that member in the interim, on such conditions as it may determine.

1986, c. 89, s. 3; 1999, c. 40, s. 257; 2022, c. 19, s. 259.

3.6. The president and chief executive officer shall see to it that the decisions of the board are carried out and he shall be responsible for the administration and management of the Commission within the scope of its regulations and guidelines.

The president and chief executive officer shall perform his duties on a full-time basis.

1986, c. 89, s. 3; 2022, c. 19, s. 260.

3.7. The Government shall determine the salary and other conditions of employment of the president and chief executive officer.

The members of the board of directors other than the president and chief executive officer are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

They are entitled, however, to the reimbursement of the expenses they incur in the performance of their duties on such conditions and to such extent as may be determined by the Government.

The sums required for the carrying out of this section shall be paid by the Commission.

1986, c. 89, s. 3; 2022, c. 19, ss. 261 and 459.

3.8. Under pain of forfeiture of office, the president and chief executive officer shall have no direct or indirect interest in any undertaking placing his personal interest in conflict with that of the Commission.

Forfeiture of office shall not occur, however, if such interest devolves to him by succession or gift provided he renounces or disposes of it with all possible dispatch.

Every other member of the board of directors who has any direct or indirect interest in an undertaking placing his personal interest in conflict with that of the Commission shall, under pain of forfeiture of office, disclose his interest in writing to the chairman of the board of directors or, in the chairman's case, to the Minister and the person designated under section 3.5 and, where applicable, abstain from sitting on the board and taking part in any discussion or decision when a matter pertaining to the undertaking in which he has an interest is being debated.

1986, c. 89, s. 3; 2022, c. 19, s. 262.

3.8.1. A person holding a management position in an association listed or described in any of subparagraphs *a* to *c.2* of the first paragraph of section 1 may not be a member of both the board of directors of the Commission and that of the Commission des normes, de l'équité, de la santé et de la sécurité du travail.

2018, c. 12, s. 5.

3.9. A majority or more of the appointed members, including the chairman of the board or the president and chief executive officer, is a quorum at sittings of the board of directors.

The chairman of the board is not entitled to vote except in case of a tie-vote.

1986, c. 89, s. 3; 2022, c. 19, s. 263.

3.9.1. No act or document of the Commission or decision of its board of directors is invalid because the requirements prescribed in sections 3.3.1, 3.3.2 and 3.3.3 are not met.

2022, c. 19, s. 264.



The words "or 3.3.3" will come into force on the date of coming into force of the first policy established under subparagraph 1 of the first paragraph of section 43 of the Act respecting the governance of state-owned enterprises (2022, c. 19, s. 463 (1)).

3.10. *(Repealed).*

1986, c. 89, s. 3; 2011, c. 30, s. 6.

3.11. *(Repealed).*

1986, c. 89, s. 3; 1993, c. 61, s. 3; 1994, c. 12, s. 53; 2011, c. 30, s. 6.

3.12. *(Repealed).*

1986, c. 89, s. 3; 1992, c. 44, s. 81; 1993, c. 51, s. 72; 1994, c. 12, s. 54; 1994, c. 16, s. 50; 2005, c. 28, s. 195; 2011, c. 30, s. 6.

3.12.1. The board of directors must determine the Commission's strategic directions, see to their implementation and inquire into any matter it considers important.

The board is accountable to the Government, and its chairman is answerable to the Minister, for the Commission's decisions.

2022, c. 19, s. 265.

3.12.2. The functions of the board of directors also include

- (1) adopting the strategic plan;
- (2) approving the capital plan, the operating plan, the financial statements, the annual management report and the annual budget of the Commission;
- (3) approving the governance rules of the Commission;
- (4) approving the code of ethics applicable to the members of the board of directors and those applicable to the officers appointed by the Commission and to the employees of the Commission, subject to a regulation made under sections 3.0.1 and 3.0.2 of the Act respecting the Ministère du Conseil exécutif (chapter M-30);
- (5) approving the expertise and experience profiles to be used in appointing the independent members of the board;
- (6) approving the criteria for evaluating members of the board of directors other than the president and chief executive officer;
- (7) approving the criteria for assessing the performance of the board;
- (8) establishing the policies for managing the risks associated with conducting the operations of the Commission;
- (9) seeing to it that the audit committee exercises its functions properly;
- (10) determining delegations of authority;
- (11) approving, in accordance with the law, human resources policies, as well as the standards and scales of remuneration and other conditions of employment of employees and officers appointed by the Commission;
- (12) approving the succession planning program for officers appointed by the Commission; and
- (13) approving the appointment of officers other than the president and chief executive officer.

2022, c. 19, s. 265.

3.12.3. The board of directors must appraise the integrity of internal controls, information disclosure controls and information systems, and approve a financial disclosure policy.

2022, c. 19, s. 265.

3.12.4. The board of directors must make sure that initiation and ongoing training programs for board members are implemented.

2022, c. 19, s. 265.

§ 1.1. — *Board committees*

2011, c. 30, s. 7.

3.13. The board of directors must establish a governance and ethics committee, a human resources committee and an audit committee.

The board may also establish other committees to examine specific issues or facilitate the smooth operation of the Commission.

2011, c. 30, s. 7; 2022, c. 19, s. 266.

3.14. The functions of the governance and ethics committee include

- (1) formulating governance rules and a code of ethics for conducting the operations of the Commission;
- (2) formulating a code of ethics applicable to the members of the board of directors, the officers appointed by the Commission and the employees of the Commission, subject to a regulation made under sections 3.0.1 and 3.0.2 of the Act respecting the Ministère du Conseil exécutif (chapter M-30);
- (3) developing expertise and experience profiles to be used in appointing the independent members of the board; the profiles must include management experience that is relevant to the position;
- (4) formulating criteria for evaluating board members other than the president and chief executive officer;
- (5) formulating criteria for assessing the performance of the board; and
- (6) developing initiation and ongoing training programs for board members.

The committee must conduct the assessment referred to in subparagraph 5 of the first paragraph in accordance with the criteria approved by the board of directors.

2011, c. 30, s. 7; 2022, c. 19, s. 267.

3.15. The governance and ethics committee is composed of five members designated from among the members of the board of directors, as follows:

- (1) three members from among the independent members of the Commission, one of whom is designated the chair;
- (2) one member from among the members of the employers' association and the contractors' associations; and
- (3) one member from among the members of the representative associations.

2011, c. 30, s. 7.

3.16. The functions of the audit committee include

- (1) approving the annual internal audit plan;
- (2) making sure that a plan for the optimal use of the Commission's resources is put in place, and following up on that plan;

- (3) seeing to it that appropriate and effective internal control mechanisms are put in place;
- (4) making sure that a risk management process is put in place;
- (5) reviewing any activity likely to be detrimental to the Commission's financial health that is brought to its attention by the internal auditor or an officer;
- (6) examining the financial statements with the Auditor General; and
- (7) recommending the approval of the financial statements by the board of directors.

The audit committee must notify the board of directors in writing on discovering operations or management practices that are unsound or do not comply with the law or the regulations or with the policies of the Commission.

2011, c. 30, s. 7.

3.16.1. The functions of the human resources committee include

- (1) making sure that human resources policies are put in place;
- (2) assisting in the selection of officers; and
- (3) establishing a succession planning program for officers appointed by the Commission.

2022, c. 19, s. 269.

3.17. The human resources committee and the audit committee are composed of four members designated from among the members of the board of directors, as follows:

- (1) two members from among the independent members of the Commission, one of whom is designated the chair;
- (2) one member from among the members of the employers' association and the contractors' associations; and
- (3) one member from among the members of the representative associations.

In addition, at least one of the independent members of the audit committee must be a member of the professional order of accountants mentioned in the Professional Code (chapter C-26).

2011, c. 30, s. 7; 2022, c. 19, s. 270.

3.18. Three members, including the chair of the committee, constitute a quorum at meetings of each of the committees referred to in section 3.13.

In the case of a tie, the chair has a casting vote.

2011, c. 30, s. 7; 2022, c. 19, s. 271.

§ 2. — *Functions and powers*

1986, c. 89, s. 3.

4. The function of the Commission is to administer this Act and in particular

- (1) see to it that the collective agreement in force under this Act is respected;

(2) supervise and control the application of this Act and the regulations and more particularly the observance of the norms relating to the hiring of workers and labour mobility in the construction industry;

(3) verify the qualifications of the workers of the construction industry;

(4) organize and supervise the holding of a vote on union affiliation and ascertain the representativeness of the associations referred to in section 28 or make an agreement with any person to entrust him with a mandate for that purpose;

(5) see to the implementation, within the scope of the policies on the workforce in the construction industry approved by the Government, of the measures and programs relating to the vocational training of the employees and the employers who personally perform construction work;

(6) administer supplemental fringe benefit plans in accordance with this Act;

(7) maintain a service for auditing the books of accounts of contractors to examine and verify the receipt of the contributions and levies prescribed under this Act or under a collective agreement made under this Act;

(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.

In the performance of its functions, the Commission shall cooperate in the fulfilment of the commitments of the Government of Québec under intergovernmental agreements respecting labour mobility or the mutual recognition of qualifications, skills and work experience for construction trades and occupations; the Commission shall also work towards the elimination of any unreported work or any work carried out in contravention of this Act, cooperate in efforts to prevent and to fight corruption to the extent required by law and, at the request of the Minister of Revenue, cooperate in the application of the fiscal laws in the construction industry.

1975, c. 51, s. 2; 1979, c. 2, s. 17; 1986, c. 89, s. 3; 1988, c. 35, s. 18; 1992, c. 42, s. 3; 1993, c. 61, s. 4; 1995, c. 8, s. 4; 1997, c. 85, s. 395; 2007, c. 3, s. 72; 2011, c. 17, s. 59; 2011, c. 30, s. 8.

4.1. The Commission may appoint the personnel necessary for the carrying out of its functions according to the staffing plan it establishes by regulation.

The Commission shall determine the powers and duties of its personnel and, subject to section 5, its remuneration.

1986, c. 89, s. 3; 1988, c. 35, s. 2; 2000, c. 8, s. 184.

5. The conditions of employment of the personnel of the Commission shall be determined at the provincial level.

Subject to the provisions of a collective agreement, the Commission shall determine, by regulation, the standards and scales of remuneration, employee benefits and other conditions of employment of the members of its personnel in accordance with the conditions defined by the Government.

If functionaries of the Government are assigned to the Commission, the president and chief executive officer, with regard to them, shall exercise the powers of the chief executive officer of an agency within the meaning of the Public Service Act (chapter F-3.1.1).

The functionaries employed by the Commission shall benefit by a leave of absence without pay for the period during which they are in the employ of the Commission.

1975, c. 51, s. 2; 1977, c. 5, s. 14; 1978, c. 15, s. 133; 1983, c. 55, s. 161; 1986, c. 89, s. 50; 1988, c. 35, s. 3; 2000, c. 8, s. 185; 2022, c. 19, s. 272.

6. The minutes of the sittings, approved by the Commission and certified true by the chairman of the board, the president and chief executive officer or the secretary are authentic. The same applies to documents and copies emanating from the Commission or forming part of its records when they are signed by the chairman of the board, the president and chief executive officer or the secretary of the Commission.

1975, c. 51, s. 2; 1986, c. 89, s. 50; 2022, c. 19, s. 273.

7. In the performance of its duties, the Commission may, itself or through a person it designates, inquire into any matter within its competence.

The Commission shall have, for its inquiries, the power and immunities of a commissioner appointed under the Act respecting public inquiry commissions (chapter C-37), except the power to order imprisonment.

1975, c. 51, s. 2; 1986, c. 89, s. 50; 1992, c. 61, s. 529.

7.1. The Commission, or any person it authorizes for that purpose, may

(1) enter, at any reasonable time, any place where construction work is carried on or an employer's establishment;

(2) require any information relating to the application of this Act or the regulations and to the application of the Building Act (chapter B-1.1) or the regulations with respect to the qualification of contractors and owner-builders, and the production of any relevant document for examination or reproduction;

(3) take photographs or make videos or sound recordings on a construction site and use them.

Every person authorized to exercise the powers provided in the first paragraph shall, on request, identify himself and show the certificate of his capacity issued by the Commission.

1986, c. 89, s. 4; 1995, c. 8, s. 5; 2018, c. 12, s. 6.

7.2. Every person involved in any construction work shall take the necessary means to enable the Commission and any person authorized by it for that purpose to exercise the powers provided for in section 7.1.

1988, c. 35, s. 4.

7.3. The Commission may, in the exercise of its powers under section 7.1, request any person who carries out construction work or causes construction work to be carried out to prove to the Commission that he is the holder of the appropriate licence issued under the Building Act (chapter B-1.1) and, where applicable, of the appropriate competency certificate or proof of exemption issued under this Act and that any person whose services he hires to carry out construction work or whom he assigns to construction work is the holder of such a competency certificate or proof of exemption or, where applicable, of such a licence.

The Commission may also, in the same manner, request any person who carries out construction work or causes construction work to be carried out either under a contract described in section 3 of the Act respecting contracting by public bodies (chapter C-65.1) or under a public contract referred to in section 65.4 of the Building Act to prove to the Commission that they hold an authorization under Division III of Chapter V.1 of the Act respecting contracting by public bodies to the extent that they are required to hold one, and that the licence they held on the date they tendered for that contract following a call for tenders, or on the date the

contract was awarded in other cases, did not contain any restriction as regards the obtention of a public contract.

The Commission shall make its request in writing and fix a time limit for compliance.

1995, c. 8, s. 6; 1997, c. 85, s. 396; 2012, c. 25, s. 97; 2022, c. 18, s. 129.

7.4. The person to whom a request under section 7.3 is addressed shall inform his client without delay.

If the person fails to comply within the time fixed, the Commission may, after providing interested persons informed of the request with an opportunity to express their views, order the suspension of the work to the extent it indicates.

The Commission shall make its decision in writing and send a copy to every interested person who expressed his views, and shall post a copy of the decision in a conspicuous place on the premises where the work is carried out.

1995, c. 8, s. 6.

7.4.1. No person may carry out or cause to be carried out construction work in contravention of a decision rendered under section 7.4.

1998, c. 46, s. 83.

7.5. The Commission may authorize the resumption of the suspended construction work upon proof by the person who intends to carry out the work or cause the work to be carried out that

(1) they are the holder of the appropriate licence issued under the Building Act (chapter B-1.1) and, where applicable, of the appropriate competency certificate or proof of exemption issued under this Act;

(2) that every person whose services they intend to hire to carry out the work or whom they intend to assign to the work is the holder of such a competency certificate or proof of exemption or, where applicable, of a licence referred to in paragraph 1; and

(3) that they hold an authorization under Division III of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1) if required to hold one or that they have been permitted to continue a public contract under section 25.0.2 of that Act.

1995, c. 8, s. 6; 2012, c. 25, s. 70; 2017, c. 27, s. 208; 2022, c. 18, s. 130.

7.5.1. For the purposes of sections 7.3 and 7.5, a person who establishes that he is exempted by virtue of a regulation made under the second paragraph of section 123 is deemed to be the holder of a proof of exemption.

1996, c. 74, s. 30.

7.6. The powers provided for in sections 7.3 to 7.5 may be exercised by any member of the personnel of the Commission authorized by the Commission for that purpose. The person shall, on request, identify himself and show the certificate referred to in the second paragraph of section 7.1.

1995, c. 8, s. 6.

7.7. Every person who believes that he has been wronged by a decision rendered under section 7.4 may, within 10 days of being notified of the decision, apply for a review of the decision to the Administrative Labour Tribunal.

Applications for review are heard and decided by preference.

1995, c. 8, s. 6; 1998, c. 46, s. 84; 2006, c. 58, s. 35; 2015, c. 15, s. 237.

7.8. The Commission may file a true copy of a decision rendered under section 7.4 at the expiry of the time allowed to apply for review or, if there has been a review, a true copy of a final decision of the Administrative Labour Tribunal, at the office of the prothonotary of the Superior Court of the district in which the premises to which the decision pertains are situated.

Upon the filing of the true copy, the decision becomes enforceable as and has all the effects of a judgment of the Superior Court that is final and without appeal.

1995, c. 8, s. 6; 1998, c. 46, s. 85; 2006, c. 58, s. 36; 2015, c. 15, s. 237.

7.9. The Commission shall transmit to the Minister, at his request, the statistical data, reports or other information concerning the application of sections 7.3 to 7.8, within the time and in the form he determines.

1995, c. 8, s. 6.

7.10. No judicial proceeding may be instituted against the Commission or any person referred to in section 7.1 or 7.6 by reason of official acts performed in good faith in the performance of their duties.

1995, c. 8, s. 6.

8. The fiscal year of the Commission shall be the calendar year.

The expenses incurred by the Commission for its administration shall be charged to the Commission.

1975, c. 51, s. 2; 1986, c. 89, s. 50.

8.1. The Commission de la construction du Québec shall contribute to the Administrative Labour Tribunal Fund established by section 97 of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) to cover the expenses incurred by the Tribunal in connection with complaints, contestations or proceedings under this Act.

The amount of the contribution from the Commission de la construction du Québec and the manner in which it is to be paid are determined by the Government.

2005, c. 42, s. 1; 2006, c. 58, s. 37; 2015, c. 15, s. 190.

9. The Commission must, not later than 30 June each year, submit to the Minister an annual management report for the preceding fiscal year.

The report must give an account of the use made of any training fund administered by the Commission under paragraph 9 of section 4 and to that effect, contain any information the Minister indicates.

In addition to the elements provided for in sections 9.1 to 9.5, it may also contain any proposal to promote the achievement, in the construction industry, of the object of the Act to promote workforce skills development and recognition (chapter D-8.3), given that employer participation in workforce skills development is mandatory under the Act.

The Minister shall table the report before the National Assembly within 15 days of receiving it or, if the Assembly is not sitting, within 15 days of resumption.

1975, c. 51, s. 2; 1986, c. 89, s. 50; 1995, c. 43, s. 52; 2007, c. 3, s. 66; 2022, c. 19, s. 274.

9.1. The annual management report must contain a summary of the following reports, submitted to the board of directors:

(1) the report of the governance and ethics committee on its activities during the fiscal year, including a summary of its assessment of the performance of the board of directors;

(2) the report of the audit committee on the discharge of its mandate and on the optimal resource utilization plan; and

(3) the report of the human resources committee on the discharge of its mandate.

2022, c. 19, s. 275.

9.2. The Commission shall make public the code of ethics applicable to its employees.

2022, c. 19, s. 275.

9.3. The annual management report must comprise a section on the governance of the Commission, including the following information concerning the board members:

(1) the dates of appointment and expiry of term of all board members, as well as the identification of those with the status of independent director;

(2) the identification of any other board of directors on which a board member sits;

(3) a summary of the expertise and experience profile of each of the board's independent members;

(4) a statement of each board member's attendance at board and committee meetings;

(5) the code of ethics and rules of professional conduct applicable to board members; and

(6) a status report on compliance with the requirements relating to the independence of board members, the proportion of women, the presence of a board member 35 years of age or under at the time of appointment and the presence of a board member representative of the diversity of Québec society and, if the composition of the board of directors did not meet those requirements at the end of the fiscal year, the reasons for that situation.

2022, c. 19, s. 275.



In the subparagraph 6 of first paragraph, the words “and the presence of a member representative of the diversity of Québec society” will come into force on the date of coming into force of the first policy established under subparagraph 1 of the first paragraph of section 43 of the Act respecting the governance of state-owned enterprises (2022, c. 19, s. 463 (1)).

9.4. The annual management report must include

(1) the remuneration and benefits paid to each member of the board of directors;

(2) in respect of each of the five officers who are the most highly remunerated officers of the Commission and of any person with management responsibilities who does not report directly to the president and chief executive officer and who is more highly remunerated than one of those officers:

(a) the basic remuneration paid;

(b) the signing bonus paid, where applicable;

(c) the contribution to pension plans borne by the Commission for the year concerned;

(d) the other benefits paid or granted, including those related to group insurance or the use of a vehicle, as applicable;

(e) the severance pay paid, where applicable; and

(3) any other element or information determined under subparagraph 5 of the second paragraph of section 39 of the Act respecting the governance of state-owned enterprises (chapter G-1.02).

For the purposes of subparagraph 2 of the first paragraph, the value of the remuneration corresponds to the sum of the elements referred to in subparagraphs *a* to *e* of that subparagraph and of any other element relating to remuneration that is referred to in subparagraph 3 of the first paragraph.

In addition, the annual management report must indicate the parameters regulating the remuneration of the persons referred to in subparagraph 2 of the first paragraph, in particular the parameters related to the elements listed in subparagraphs *a* to *e* of that subparagraph.

2022, c. 19, s. 275.

9.5. Where a person was an officer in the Commission for part of the period covered by the annual management report, the elements referred to in subparagraph 2 of the first paragraph of section 9.4, those relating to remuneration that are referred to in subparagraph 3 of that paragraph and the annualized value of those elements must be disclosed in the report with regard to that person if the total of the annualized value of those elements places the person among the five most highly remunerated officers of the Commission. In such a case, the information disclosed in the annual report will concern more than five of the Commission's officers.

2022, c. 19, s. 275.

9.6. For the purposes of sections 9.4 and 9.5, severance pay must be disclosed in full in the annual management report covering the date of the officer's departure, regardless of whether payment of the severance pay has been deferred in whole or in part.

2022, c. 19, s. 275.

9.7. The specifications respecting the elements, parameters and information made under section 39.3 of the Act respecting the governance of state-owned enterprises (chapter G-1.02) and referred to in sections 39 and 39.1 of that Act apply with the necessary modifications to the elements, parameters and information referred to in sections 9.4 and 9.5.

The elements, parameters and information must be included in the Commission's annual management report in the form specified under section 39.3 of the Act respecting the governance of state-owned enterprises.

2022, c. 19, s. 275.

10. The Commission must, at least two months before the beginning of each fiscal year, prepare its budget.

Before the beginning of the month preceding the beginning of the fiscal year, the budget shall be submitted to the Committee on employee benefits in the construction industry and to the Committee on vocational training for approval. If the committees have not approved it on 31 December, the budget shall automatically come into force on 1 January.

1975, c. 51, s. 2; 1986, c. 89, s. 5, s. 50; 2011, c. 30, s. 9.

11. The accounts of the Commission shall be audited by the Auditor General every year and also whenever required by the Government.

The Commission must permit the examination, by the Auditor General, of any book of account relating to any complementary social benefits plan that it administers or causes to be administered pursuant to this Act.

1975, c. 51, s. 2; 1975, c. 19, s. 13; 1986, c. 89, s. 50; 1993, c. 61, s. 5.

12. *(Repealed).*

1975, c. 51, s. 2; 1980, c. 23, s. 1; 1983, c. 13, s. 1; 1986, c. 89, s. 50; 2011, c. 30, s. 10.

13. The Commission shall give security by an insurance policy for the administration of the funds entrusted to it and send it to the Minister.

1975, c. 51, s. 2; 1986, c. 89, s. 50; 1999, c. 40, s. 257.

14. The Commission must:

(a) establish an office in each region where it considers that one is required for the efficient carrying out of its duties;

(b) consider any written complaint from an employer or employee respecting the carrying out of its duties.

1975, c. 51, s. 2; 1986, c. 89, s. 50.

15. The Commission may make regulations for its internal management and for all purposes of its duties.

Such regulations shall be submitted to the Government for approval.

1975, c. 51, s. 2; 1986, c. 89, s. 50.

15.0.1. The Minister may issue directives on the direction and general objectives to be pursued by the Commission.

The directives must be approved by the Government, and they come into force on the day of their approval. Once approved, they are binding on the Commission and the Commission must comply with them.

The directives must be tabled in the National Assembly within 15 days after they are approved by the Government or, if the Assembly is not sitting, within 15 days of resumption.

2022, c. 19, s. 276.

§ 3. — *Independent audit team*

2011, c. 17, s. 60.

15.1. An independent audit team is set up within the Commission.

2011, c. 17, s. 60.

15.2. The independent team is in charge of conducting audits in the construction industry under the coordination of the Associate Commissioners for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1).

2011, c. 17, s. 60; 2013, c. 23, s. 137.

15.3. The members of the Commission's personnel assigned to the independent team exercise their functions as such on an exclusive basis. They may exercise the powers conferred by sections 7, 7.1 and 7.3, subparagraphs *e* and *f* of the first paragraph of section 81 and section 81.0.1.

2011, c. 17, s. 60.

15.4. The independent team is under the administration of the president and chief executive officer. The latter may however delegate all or part of that function to a member of the Commission's personnel.

The president and chief executive officer shall report on the administration of the independent team to the Anti-Corruption Commissioner only.

2011, c. 17, s. 60; 2022, c. 19, s. 277.

15.5. The Minister of Public Security, the Minister of Labour, the Anti-Corruption Commissioner and the Commission shall enter into an operating agreement with respect to the independent team. This agreement must include measures to ensure that the independent team's activities are kept confidential from the Commission including its board of directors, and measures defining how members of the Commission's personnel who are not assigned to the independent team are to cooperate with it.

2011, c. 17, s. 60.

15.6. The expenses related to the activities of the independent team, including the salaries, allowances, indemnities and employee benefits of the personnel assigned to it, are charged against the appropriations granted to the Anti-Corruption Commissioner, in the manner determined in the agreement referred to in section 15.5.

2011, c. 17, s. 60.

15.7. For the purposes of a prescriptive period which, pursuant to this Act, starts to run on the day the Commission becomes aware of a fact, the Commission is presumed not to be aware of a fact that is known to a member of the independent team, unless the Commission has been informed of the fact by an Associate Commissioner for Audits appointed under section 8 of the Anti-Corruption Act (chapter L-6.1).

2011, c. 17, s. 60; 2013, c. 23, s. 138.

DIVISION II

Repealed, 2011, c. 30, s. 11.

2011, c. 30, s. 11.

16. *(Repealed).*

1975, c. 51, s. 2; 1983, c. 13, s. 2; 1986, c. 89, s. 50; 1993, c. 61, s. 6; 2011, c. 30, s. 11.

17. *(Repealed).*

1975, c. 51, s. 2; 1983, c. 13, s. 3; 1986, c. 89, s. 50; 1987, c. 110, s. 1; 1993, c. 61, s. 7; 1995, c. 8, s. 7; 2011, c. 30, s. 11.

18. *(Repealed).*

1975, c. 51, s. 2; 1986, c. 89, s. 50; 2011, c. 30, s. 11.

DIVISION III

COMMITTEE ON VOCATIONAL TRAINING IN THE CONSTRUCTION INDUSTRY

1986, c. 89, s. 6.

18.1. The Minister shall set up the Committee on vocational training in the construction industry.

1986, c. 89, s. 6.

18.2. The Committee on vocational training shall advise the Commission on any matter relating to vocational training in the construction industry taking into consideration, in particular, the qualitative and quantitative requirements of the employers and employees of that industry.

It shall also make any proposal intended to promote the achievement, in the construction industry, of the object of the Act to promote workforce skills development and recognition (chapter D-8.3), given that employer participation in workforce skills development is mandatory under the Act.

In addition, the Committee shall determine the general rules for the use of a training fund administered by the Commission under paragraph 9 of section 4.

1986, c. 89, s. 6; 1988, c. 35, s. 18; 1995, c. 43, s. 53; 2007, c. 3, s. 67.

18.3. The Committee on vocational training shall consist of 12 members.

1986, c. 89, s. 6; 1993, c. 61, s. 8; 1995, c. 8, s. 8; 2011, c. 30, s. 12.

18.4. The chairman of the Committee shall be designated by the president and chief executive officer from among the latter's personnel.

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.

The Minister of Education, Recreation and Sports shall designate one member.

The representative associations shall designate five members.

Each representative association shall designate one member. If the five places to which the representative associations are entitled are not filled in this manner, they are filled by the associations, in turn, in the order of their representativeness, until all the places are filled.

1986, c. 89, s. 6; 1992, c. 42, s. 4; 1993, c. 61, s. 9; 1995, c. 8, s. 9; 2011, c. 30, s. 13; 2022, c. 19, s. 278.

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

1986, c. 89, s. 6.

18.6. The name of every member and of his substitute must be transmitted to the Minister within thirty days of the issue of the certificate referred to in section 34.

1986, c. 89, s. 6.

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

1986, c. 89, s. 6.

18.8. The person who designated a member or a substitute to a seat that has become vacant shall transmit to the Minister the name of the person appointed to replace that member or substitute.

1986, c. 89, s. 6.

18.9. The chairman and three members representing the employers' association and the contractors' associations and three members representing the representative associations are a quorum at meetings of the Committee on vocational training.

1986, c. 89, s. 6; 1993, c. 61, s. 10; 1995, c. 8, s. 10.

18.10. To be valid, a decision or opinion must be approved by a majority of the members. The chairman is not entitled to vote.

1986, c. 89, s. 6; 1995, c. 43, s. 54.

18.10.1. The decisions by the Committee concerning the general rules for the use of a training fund administered by the Commission bind the Commission.

1995, c. 43, s. 55.

18.11. The minutes of the meetings shall be prepared by a member of the personnel of the Commission.

1986, c. 89, s. 6.

18.12. The Committee on vocational training may adopt rules for its internal management. The rules are subject to the approval of the Commission. The Committee may also set up any provincial or regional subcommittee on trades or on occupations or on any sector of the construction industry; such a committee may be composed of persons who are not members of the Committee on vocational training.

Section 18.14 applies to the members of a subcommittee.

1986, c. 89, s. 6.

18.13. No member of the Committee on vocational training, with the exception of the chairman, may hold remunerated employment with the Commission.

1986, c. 89, s. 6.

18.14. The members and substitutes are not remunerated except in such cases, on such conditions and to such extent as may be determined by the Government.

They are, however, entitled to the reimbursement of the expenses they incur in the performance of their duties on such conditions and to such extent as may be determined by the Government.

The sums required for the carrying out of this section shall be paid by the Commission.

1986, c. 89, s. 6.

DIVISION III.1

COMMITTEE ON EMPLOYEE BENEFITS IN THE CONSTRUCTION INDUSTRY

2011, c. 30, s. 14.

18.14.1. The Minister shall set up the Committee on employee benefits in the construction industry.

2011, c. 30, s. 14.

18.14.2. The function of the Committee on employee benefits in the construction industry is to define the content of the complementary social benefits plans.

2011, c. 30, s. 14.

18.14.3. The Committee on employee benefits in the construction industry is composed of 11 members.

2011, c. 30, s. 14.

18.14.4. The Committee on employee benefits in the construction industry is chaired by the president and chief executive officer or by a person the latter designates from among the personnel of the Commission.

The employers' association and the sector-based employers' associations shall each designate one member, except the Association de la construction du Québec, which shall designate two members.

The representative associations shall designate five members.

Each representative association shall designate one member. If the five places to which the representative associations are entitled are not filled in this manner, they are filled by the associations, in turn, in the order of their representativeness, until all the places are filled.

2011, c. 30, s. 14; 2022, c. 19, s. 279.

18.14.5. The Committee on employee benefits in the construction industry may make any by-law to give effect to a clause of a collective agreement intended for the establishment or amendment of a complementary social benefits plan. Only an express clause of the collective agreement can change the amount of the assessments or contributions affected to the complementary social benefits plans, or amend or abolish any express clause of the collective agreement respecting that plan.

The Committee may establish by by-law the procedure for transferring a sum to another plan from the assets of a supplemental pension plan applicable to the construction industry for a group of employees subject until then to a collective agreement made under this Act. It may also establish by by-law the procedure for maintaining a social benefits plan in favour of employees

- (1) who are no longer subject to a collective agreement made under this Act;
- (2) who are temporarily carrying out work to which this Act does not apply, to the extent that their participation in the plan is not prohibited by a collective agreement or decree applicable to them; or
- (3) to whom a collective agreement or a decree is applicable which expressly provides for their participation in the plan.

The by-law shall determine the amount of their assessments and contributions under the plan.

2011, c. 30, s. 14.

18.14.6. The Committee on employee benefits in the construction industry may, in accordance with the law, make an agreement with any person or association to allow the reciprocal transfer of all or part of the sums accumulated to the credit of a beneficiary under a complementary social benefits plan which that person or association administers. The Committee may establish by by-law the procedure for giving effect to such an agreement.

2011, c. 30, s. 14.

18.14.7. With the exception of sections 15 and 20, the Regulations Act (chapter R-18.1) does not apply to a by-law made under section 18.14.5 or 18.14.6.

2011, c. 30, s. 14.

18.14.8. The chair, three members representing the employers' association and the sector-based employers' associations, and three members representing the representative associations are a quorum at meetings of the Committee on employee benefits in the construction industry.

2011, c. 30, s. 14.

18.14.9. The Committee on employee benefits in the construction industry may adopt rules of internal management.

2011, c. 30, s. 14.

18.14.10. The members of the Committee on employee benefits in the construction industry are not remunerated, except in the cases, on the conditions and to the extent determined by the Government.

They are, however, entitled to the reimbursement of expenses incurred in the exercise of their functions, on the conditions and to the extent determined by the Government.

The sums required for the carrying out of this section are borne by the Commission.

2011, c. 30, s. 14.

18.14.11. Sections 18.10, 18.11 and 18.13 apply to the Committee on employee benefits in the construction industry, with the necessary modifications.

2011, c. 30, s. 14.

DIVISION IV

OTHER COMMITTEES

1997, c. 74, s. 2.

18.15. The Commission may establish any committee to give effect to the provisions of a collective agreement.

Where such a committee manages a fund established by a collective agreement, the expenditures related to the operation of the committee shall be borne by the fund.

1997, c. 74, s. 2.

CHAPTER III

SCOPE AND MISCELLANEOUS PROVISIONS

1998, c. 46, s. 86; 2006, c. 58, s. 38.

DIVISION I

SCOPE AND CARRYING OUT OF CONSTRUCTION WORK

1998, c. 46, s. 86.

19. This Act shall apply to employers and employees in the construction industry but it shall not apply to:

(1) agricultural exploitations or construction work on a greenhouse to be used for agricultural production done by the regular employees of the greenhouse operator, of the greenhouse manufacturer, of the greenhouse manufacturer's successor or of a person whose main activity is to do such work and to whom the manufacturer or the manufacturer's successor entrusts such work on an exclusive basis;

(2) maintenance and repair work done by permanent employees and by employees replacing them temporarily, hired directly by an employer other than a professional employer;

(3) construction work on piping, sewers, paving, sidewalks and other work of the same kind done by the employees of metropolitan communities and municipalities;

(4) construction work relating directly to the exploration for or operation of a mine, done by employees of mining undertakings, or work on tailings facilities;

(5) construction work relating directly to forest operations, done by employees of undertakings for forestry operations, 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;

(6) construction work on power transmission lines, done by the employees of Hydro-Québec;

(7) *(subparagraph repealed)*;

(8) maintenance, renovation, repair and alteration work done by permanent employees engaged directly by metropolitan communities and municipalities, by permanent employees engaged directly by school service centres, the school boards and colleges contemplated in the Act respecting the process of negotiation of the collective agreements in the public and parapublic sectors (chapter R-8.2) and by the permanent employees engaged directly by the public institutions contemplated in the Act respecting health services and social services (chapter S-4.2) or in the Act respecting health services and social services for Cree Native persons (chapter S-5), and by employees engaged directly by such institutions to replace temporarily the permanent employees;

(9) work carried out for a natural person, for his own account and for personal and strictly non-profit-making purposes, and consisting in

i. maintenance, repair, renovation and alteration work in respect of a dwelling in which he lives;

ii. the construction of a garage or a storage shed adjoining a dwelling in which he lives, whether contiguous thereto or not;

(10) construction work relating to gutters, garage doors, central vacuum cleaner systems and landscaping, including yards, asphalt or concrete driveways or sidewalks, where the work is carried out in respect of a single-family dwelling by a person other than a professional employer or by an employee who ordinarily does not carry out construction work other than work referred to in this subparagraph;

(11) the transport of bulk material effected by an operator of heavy vehicles registered in the bulk trucking register under the Transport Act (chapter T-12), where the only truck entered in the name of the operator is driven by the operator or, in the case of a legal person, by the administrator or principal shareholder of the legal person, or by a person who is replacing the operator, administrator or shareholder because of his *de facto* incapacity;

(12) pavement marking on public or private roads;

(13) the production or restoration of an original artistic work of research or expression or its integration into the architecture or interior and exterior spaces of a building or civil engineering structure, where the work is done by a person who is not a regular employee of a professional employer but is

i. an artist who is a member, as such, of an association in a sector of the visual arts or arts and crafts recognized under the Act respecting the professional status of artists in the visual arts, film, the recording arts, literature, arts and crafts and the performing arts (chapter S-32.1); or

ii. a professional restorer who is a member of a restorers association recognized for that purpose by the Minister, after consultation with the Minister of Culture and Communications; the Minister shall publish the name of every restorers association recognized by the Minister in the *Gazette officielle du Québec*;

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

In this Act and the regulations, an independent contractor is deemed to be an employer.

No professional employer may hire, directly or through an intermediary, the services of an independent contractor other than an independent contractor belonging to the “Heavy equipment contractor” or “Excavation and earthwork contractor” subcategory for the purpose of carrying out construction work.

No person other than a professional employer may hire the services of an independent contractor who does not belong to the “Heavy equipment contractor” or “Excavation and earthwork contractor” subcategory, except for the purpose of carrying out maintenance, repair and minor renovation work.

No person other than a professional employer may cause maintenance, repair and minor renovation work to be carried out simultaneously on the same job-site by more than one independent contractor belonging to any subcategory whatever, except the “Heavy equipment contractor” or “Excavation and earthwork contractor” subcategory.

An independent contractor shall require a remuneration at least equal, on an hourly basis, to the remuneration in currency and to the compensation or benefits having pecuniary value determined by a collective agreement for an employee doing similar work, except benefits relating to a complementary social benefits plan.

A person who carries out construction work as an independent contractor or as the designated representative of an independent contractor must have in his possession an attestation of the contractor’s membership in the employers’ association.

1968, c. 45, s. 2; 1970, c. 35, s. 2; 1973, c. 28, s. 2; 1977, c. 5, s. 14; 1978, c. 41, s. 28; 1979, c. 2, s. 18; 1985, c. 12, s. 99; 1986, c. 89, s. 7, s. 50; 1988, c. 35, s. 5; 1990, c. 85, s. 122; 1992, c. 42, s. 5; 1992, c. 21, s. 298; 1993, c. 61, s. 11; 1995, c. 8, s. 11; 1994, c. 23, s. 23; 1996, c. 2, s. 888; 1998, c. 46, s. 87; 1993, c. 61, s. 11; 1999, c. 40, s. 257; 1999, c. 82, s. 26; 2000, c. 56, s. 218; 2001, c. 79, s. 3; 2005, c. 42, s. 2; 2011, c. 30, s. 15; 2016, c. 17, s. 113; 2020, c. 1, s. 309; 2022, c. 20, s. 40.

19.1. For each legal person or partnership, only one director or a shareholder holding one or more voting shares in the legal person or only one partner may personally carry out construction work, as a representative of the legal person or partnership. He must then be designated in that capacity with the Commission.

The designated representative shall not, for the term of his designation, be an employee of the legal person or partnership which has designated him.

Every person other than the designated representative who personally carries out construction work for the benefit of the legal person or partnership is deemed to be an employee thereof for the purposes of this Act and the regulations.

The representative shall be designated on such conditions and in such manner as the Commission may determine by regulation.

The designated representative is deemed to be an employer for the purposes of sections 85.5 and 85.6.

1992, c. 42, s. 6; 1999, c. 40, s. 257.

19.2. No person may carry out construction work unless he is an employer, an employee, an independent contractor or a representative designated under section 19.1.

1992, c. 42, s. 6.

20. The Government may by regulation determine the cases contemplated in the second paragraph of paragraph *f* of section 1.

1970, c. 35, s. 2; 1973, c. 28, s. 3.

DIVISION I.1

AGREEMENTS PERMITTING THE APPLICATION OF A SPECIAL PLAN

2014, c. 18, s. 5.

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.

An agreement under the first paragraph shall ensure that the Kahnawake plan will have similar standards to those of the plan established in this matter by this Act.

2014, c. 18, s. 5.

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

2014, c. 18, s. 5.

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.

2014, c. 18, s. 5.

20.4. An agreement under section 20.1 is tabled by the Minister in the National Assembly within 30 days of its signature or, if the Assembly is not sitting, within 30 days of resumption.

The competent committee of the National Assembly must examine the agreement and any regulation made under the first paragraph of section 20.3.

2014, c. 18, s. 5.

20.5. An agreement is posted on the respective websites of the Ministère du Travail, the Ministère du Conseil exécutif and the Commission not later than the date of its coming into force and, should it cease to have effect, remains posted for five years after the date of cessation of effect.

2014, c. 18, s. 5.

20.6. The Commission may enter into an administrative agreement with the Mohawk Council of Kahnawake to facilitate the application of an agreement under section 20.1.

2014, c. 18, s. 5.

DIVISION II

ADMINISTRATIVE LABOUR TRIBUNAL

1998, c. 46, s. 88; 2006, c. 58, s. 39; 2015, c. 15, s. 237.

21. Any difficulty in the interpretation or application of subparagraphs *v* to *y* of the first paragraph of section 1, section 19 or the regulations made under section 20 must be referred to the Administrative Labour Tribunal.

The Administrative Labour Tribunal is also responsible for hearing and settling jurisdictional conflicts relating to the practice of a trade or occupation, on the application of any interested party.

1970, c. 35, s. 2; 1984, c. 27, s. 89; 1995, c. 8, s. 12; 1998, c. 46, s. 89; 1999, c. 13, s. 9; 2001, c. 26, s. 158; 2007, c. 3, s. 72; 2006, c. 58, s. 39; 2015, c. 15, s. 237.

21.0.1. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.0.2. *(Replaced).*

1998, c. 46, s. 89; 2000, c. 56, s. 220; 2006, c. 58, s. 39.

21.0.3. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.0.4. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.0.5. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.0.6. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.0.7. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.1. *(Replaced).*

1984, c. 27, s. 89; 1995, c. 8, s. 13; 1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.1.0.1. *(Replaced).*

1998, c. 46, s. 89; 2006, c. 58, s. 39.

21.1.1. *(Replaced).*

1995, c. 8, s. 13; 1998, c. 46, s. 90; 2006, c. 58, s. 39.

21.1.2. *(Replaced).*

1995, c. 8, s. 13; 1998, c. 46, s. 90; 2006, c. 58, s. 39.

21.1.3. *(Replaced).*

1995, c. 8, s. 13; 1998, c. 46, s. 91, s. 135; 2006, c. 58, s. 39.

21.1.4. *(Replaced).*

1998, c. 46, s. 92; 2006, c. 58, s. 39.

21.2. *(Replaced).*

1984, c. 27, s. 89; 1998, c. 46, s. 93; 2001, c. 26, s. 159; 2006, c. 58, s. 39.

22. A member of the Administrative Labour Tribunal may, on request or on the member's own initiative, if the member considers it useful in deciding a matter, visit a construction site or any other premises related to the matter at any reasonable time. The member shall inform the person responsible for the premises and invite the parties to attend.

During a visit of the premises, the member may examine any movable or immovable property related to the matter to be resolved. The member may also question the persons who are on the premises.

Any person responsible for the premises is required to allow access to the premises so that the member may exercise the powers conferred by this section.

1970, c. 35, s. 2; 1983, c. 13, s. 4; 1984, c. 27, s. 89; 1998, c. 46, s. 94; 2005, c. 42, s. 3; 2006, c. 58, s. 39; 2015, c. 15, s. 191.

23. No person may, in any manner, hinder or impede the work of a member of the Administrative Labour Tribunal in the exercise of the functions of office.

1970, c. 35, s. 2; 1984, c. 27, s. 89; 1995, c. 8, s. 14; 1998, c. 46, s. 95; 2006, c. 58, s. 39; 2015, c. 15, s. 192.

23.1. *(Replaced).*

1995, c. 8, s. 15; 1998, c. 46, s. 96; 2006, c. 58, s. 39.

23.2. *(Replaced).*

1995, c. 8, s. 15; 1998, c. 46, s. 97; 2006, c. 58, s. 39.

23.3. *(Replaced).*

1998, c. 46, s. 98; 2006, c. 58, s. 39.

23.4. *(Replaced).*

1998, c. 46, s. 98; 2006, c. 58, s. 39.

24. A decision of the Administrative Labour Tribunal whose purpose is to settle a jurisdictional conflict relating to the practice of a trade or occupation must take into account the possible effects on the efficiency of work organization. The decision binds the parties and the associations of employees that are party to the conflict for the purposes of the future assignment of similar work on other job sites.

1970, c. 35, s. 2; 1984, c. 27, s. 89; 1998, c. 46, s. 99; 2006, c. 58, s. 39; 2011, c. 30, s. 16; 2015, c. 15, s. 237.

25. *(Replaced).*

1970, c. 35, s. 2; 1973, c. 28, s. 4; 2006, c. 58, s. 39.

25.1. *(Replaced).*

1998, c. 46, s. 100; 2000, c. 8, s. 242; 2006, c. 58, s. 39.

25.2. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.3. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.4. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.5. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.6. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.7. *(Replaced).*

1998, c. 46, s. 100; 1999, c. 40, s. 257; 2001, c. 44, s. 30; 2006, c. 58, s. 39.

25.8. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.9. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

25.10. *(Replaced).*

1998, c. 46, s. 100; 2006, c. 58, s. 39.

DIVISION III

MISCELLANEOUS PROVISIONS

1998, c. 46, s. 100.

26. (1) A person convicted, in Canada or elsewhere, of common assault, mischief, assault causing bodily harm, theft, intimidation, intimidation of justice system participants, an offence against freedom of association, criminal harassment, uttering threats, uttering threats and retaliating, drawing a document without authority, offering or accepting secret commissions, trafficking in substances under the Controlled Drugs and Substances Act (S.C. 1996, c. 19), importation, exportation or production under that Act, conspiracy to commit any of those acts or a criminal offence under sections 467.11 to 467.13 of the Criminal Code (R.S.C. 1985, c. C-46) or, if related to the activities the person carries out in the construction industry, an offence against a fiscal law or a criminal offence other than those listed in subsection 2, may not hold a management or representation position in or for 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, or be elected or appointed as job-site steward, or be a member of the board of directors of the Commission or of a committee established under this Act.

Except where the person convicted is granted a pardon under the Criminal Records Act (R.S.C, 1985, c. C-47), the disqualification provided for above shall subsist for five years after the term of imprisonment fixed by the sentence; in the case of a sentence to a fine only or in the case of a suspended sentence, the disqualification shall subsist for five years from the date of the conviction.

(2) A person convicted, in Canada or elsewhere, of murder, attempted murder, manslaughter, robbery, extortion, arson, breaking and entering, fraud, kidnapping or aggravated assault, or of conspiracy to commit any of those acts, may not hold a management or representation position in or for 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, or be elected or appointed as job-site steward, or be a member of the board of directors of the Commission or of a committee established under this Act.

(3) *(Subsection repealed).*

1975, c. 50, s. 1; 1990, c. 4, s. 777; 2011, c. 18, s. 55; 2011, c. 30, s. 17.

27. The conditions of employment of the employees in the construction industry shall be governed by collective agreement.

No association of employees in the construction industry shall be certified under sections 21 to 47.6 of the Labour Code (chapter C-27) or make a collective agreement under the said Code.

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 Administrative Labour Tribunal and request that it exercise the powers granted under section 47.5 of that Code. In addition to the powers entrusted to it by that Code and the Act to establish the Administrative Labour Tribunal (chapter T-15.1), the Tribunal may allow an employee to elect a new representative association within 30 days of the Commission's decision, in accordance with the procedure established by regulation under section 35.2 of this Act.

1968, c. 45, s. 3; 1977, c. 41, s. 73; 1993, c. 61, s. 13; 2011, c. 30, s. 18; 2015, c. 15, s. 193.

CHAPTER IV

REPRESENTATIVE ASSOCIATIONS

28. Only the Centrale des syndicats démocratiques (CSD-CONSTRUCTION), the Confédération des syndicats nationaux (CSN-CONSTRUCTION), the Conseil provincial du Québec des métiers de la

construction (International), the Fédération des travailleurs et travailleuses du Québec (FTQ-Construction) and the Syndicat québécois de la construction (SQC) may have their representativeness ascertained by presenting their application for such purpose to the Commission in the first five days of the thirteenth month preceding the expiry date of a collective agreement made under section 47.

1968, c. 45, s. 4; 1973, c. 28, s. 5; 1975, c. 51, s. 3; 1978, c. 58, s. 1; 1980, c. 23, s. 2; 1986, c. 89, s. 8, s. 50; 1987, c. 110, s. 2, s. 3; 1993, c. 61, s. 14; 1996, c. 74, s. 31; 1998, c. 46, s. 101; 1999, c. 13, s. 10; 2005, c. 42, s. 4; 2011, c. 30, s. 19.

29. The Commission shall, not later than the last of day the thirteenth month preceding the expiry date of a collective agreement made under section 47, cause to be published in the *Gazette officielle du Québec* and in a French daily newspaper, the name of each association mentioned in section 28 that has presented an application to the Commission.

1968, c. 45, s. 5; 1973, c. 28, s. 5; 1975, c. 51, s. 3; 1978, c. 58, s. 2; 1986, c. 89, s. 50; 1987, c. 110, s. 2, s. 4; 1993, c. 61, s. 14; 1996, c. 74, s. 32.

30. The Commission must prepare a list of all the employees:

(a) holding a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate issued by the Commission;

(b) having worked at least 300 hours in Québec during the first twelve of the fifteen monthly periods preceding the month during which the poll provided for in section 32 begins, according to the monthly reports sent by the employers; and

(c) *(subparagraph repealed)*.

Such list establishes incontestably the names of the only employees who may avail themselves of section 32.

The Commission shall send to each employee whose name appears on the list established in accordance with this section a document identifying the employee as an elector for the purposes of section 32.

Such list is sent to the associations contemplated in section 29 not later than fifteen days before the holding of the poll provided for in section 32.

1968, c. 45, s. 6; 1973, c. 28, s. 5; 1975, c. 51, s. 3; 1978, c. 58, s. 3; 1986, c. 89, s. 9, s. 50; 1987, c. 110, s. 2, s. 5; 1993, c. 61, s. 15; 2011, c. 30, s. 20.

31. No publicity of any form whatever and no solicitation may be made of employees to obtain their membership in an association of employees except 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.

Such publicity and such solicitation must be made outside the place of employment.

Any person who contravenes this section commits a contravention and is liable to the penalties provided for in sections 115 and 119.11.

1968, c. 45, s. 7; 1973, c. 28, s. 5; 1975, c. 51, s. 3; 1987, c. 110, s. 2, s. 6; 1992, c. 61, s. 530; 1993, c. 61, s. 16; 2011, c. 30, s. 21.

32. During the eleventh month preceding the expiry date of a collective agreement made under section 47, every employee whose name appears on the list prepared in accordance with section 30 must, in accordance with this section, inform the Commission of his election respecting one of the associations indicated on the list contemplated in section 29.

The election is made by secret ballot held under the supervision of a representative of the Commission, as prescribed by regulation of the Government.

The voting period begins on the first working day of the eleventh month preceding the expiry date of the collective agreement made under section 47 and ends 20 days later. The counting of the votes begins on the first working day after the voting period, with all the ballot papers that have been received by the time the counting begins.

The Commission must designate an independent presiding officer to supervise the poll. A representative of the Commission acts as returning officer, assisted by the necessary personnel.

Any dispute relating to the poll must be decided by the presiding officer within 30 days of the end of the poll. The presiding officer's decision is final.

An employee who is entitled to make an election, but has not expressed it in accordance with this section, is deemed, for the purposes of sections 33, 35 and 38, to have elected for the association in favour of which the employee already made an election in the cases provided by this Act, provided that the name of that association is published in accordance with section 29.

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.

1975, c. 51, s. 3; 1978, c. 58, s. 4; 1980, c. 23, s. 3; 1986, c. 89, s. 50; 1987, c. 110, s. 2, s. 7; 1993, c. 61, s. 17; 1996, c. 74, s. 33; 2011, c. 30, s. 22; 2015, c. 15, s. 194.

33. The Commission shall prepare a list indicating the election made by the employees in accordance with section 32.

1975, c. 51, s. 3; 1986, c. 89, s. 50.

34. The Commission ascertains the degree of representativeness of an association in accordance with the criteria set out in section 35.

It issues to each association whose name has been published in accordance with section 29, a certificate establishing its degree of representativeness and the list of the employees who have become members of such association in accordance with section 32.

The certificate has effect from the first day of the eighth month preceding the expiry date of a collective agreement made under section 47.

1975, c. 51, s. 3; 1978, c. 58, s. 5; 1986, c. 89, s. 50; 1987, c. 110, s. 8; 1993, c. 61, s. 18; 1995, c. 8, s. 16.

35. The representativeness of an association of employees corresponds to the percentage that the number of employees who have elected in accordance with section 32 in favour of that association, is of all the employees who have voted in this matter.

1975, c. 51, s. 3; 1978, c. 58, s. 6.

35.1. *(Repealed).*

1993, c. 61, s. 19; 1995, c. 8, s. 17.

35.2. An employee whose name does not appear on the list prepared under section 30 may, during the month referred to in the first paragraph of section 32, make known to the Commission, according to the procedure established by regulation of the Government, his election respecting one of the associations whose name is published pursuant to section 29. For the purposes of section 38, an employee who does not avail himself of that right is deemed to maintain his last election respecting one of the said associations.

The Commission must draw up a list of all the employees who may make an election under this section. The list is sent to the associations referred to in section 29 not later than 15 days before the holding of the poll provided for in section 32.

1996, c. 74, s. 34; 2011, c. 30, s. 23.

35.3. The presumptions as to an election or the maintenance of an election respecting an association of employees which are established by the third paragraph of section 32 and by section 35.2 are applicable, with respect to an association referred to in section 28 whose name has not been published pursuant to section 29 for the purposes of the most recent ballot held pursuant to the second paragraph of section 32, only until the last day of the ninth month preceding the date of expiry of a collective agreement provided for in section 47.

An employee who, until that date, is deemed to have made an election respecting an association whose name has not been so published or to maintain his election respecting such an association must, in accordance with the procedure established by regulation of the Government, make known to the Commission, during the month referred to in the first paragraph of section 32 or at any other time determined in the regulation, his election respecting one of the associations whose name has been published pursuant to section 29.

1996, c. 74, s. 34; 2011, c. 30, s. 24.

35.4. The Commission shall inform the representative association concerned of any election made in its respect by an employee under section 35.2 or 35.3.

1996, c. 74, s. 34.

36. The Commission shall send to each employee whose name appears on the list contemplated in section 33 or who has made his election known to the Commission pursuant to section 35.2 or 35.3, a union card indicating, in particular:

- (a) his name;
- (b) his identification number;
- (c) the name of the representative association respecting which the employee has made an election;
- (d) the date on which the card becomes valid and that on which it expires.

This card has effect from the first day of the eighth month preceding the expiry date of the collective agreement made under section 47.

1975, c. 51, s. 3; 1978, c. 58, s. 7; 1986, c. 89, s. 50; 1987, c. 110, s. 2, s. 9; 1993, c. 61, s. 20; 1996, c. 74, s. 35; 2011, c. 30, s. 25.

36.1. The Commission may, at any time, issue a union card to a person who wishes to begin working as an employee in the construction industry and who makes known to the Commission, according to the procedure established by regulation of the Commission, his election respecting one of the associations whose name has been published pursuant to section 29.

In such a case, the union card issued to the person by the Commission indicating the person's election has effect from the day of issue, and the Commission shall inform the representative association concerned accordingly.

1996, c. 74, s. 36; 2011, c. 30, s. 26.

37. Subject to the first paragraph of section 35.3, the name of the representative association respecting which an employee has made or is deemed to have made an election pursuant to this chapter, as it appears on

a union card, is deemed to correspond to the last election respecting a representative association actually made by the employee, until such time as the card is replaced to indicate a new election made by the employee.

1975, c. 51, s. 3; 1978, c. 58, s. 8; 1986, c. 89, s. 10; 1987, c. 110, s. 2, s. 10; 1993, c. 61, s. 20; 1996, c. 74, s. 37; 2011, c. 30, s. 27.

38. The fact that an employee has made an election in accordance with this chapter authorizes an employer to deduct in advance from the salary of such employee the union assessment and requires the employer to remit such assessment to the Commission with his monthly report.

The Commission shall remit the assessments so received to the representative associations accompanied with a nominal roll.

1975, c. 51, s. 3; 1986, c. 89, s. 50; 1996, c. 74, s. 38.

39. No employer may, as regards construction work, use the services of a person subject to this Act as an employee, or assign such a person to construction work as an employee, unless the person holds a union card validly bearing in accordance with this chapter the name of one of the associations referred to in section 28.

1975, c. 51, s. 3; 1978, c. 58, s. 9; 1986, c. 89, s. 50; 1996, c. 74, s. 39; 2011, c. 30, s. 28.

40. Every employer of the construction industry must be a member of the employers' association and send his assessment to the Commission with his monthly report.

The Commission shall remit to the employers' association the assessments received, along with a nominal roll. The assessment may include a part that is common to all sectors, on the basis chosen by the employers' association, and a part that is specific to a sector, on the basis chosen by the sector-based employers' association. A part that is specific to a sector shall be remitted to the sector concerned.

1975, c. 51, s. 32 (*part*); 1986, c. 89, s. 50; 1993, c. 61, s. 70; 1995, c. 62, s. 1; 2011, c. 30, s. 29.

41. The employers' association and the sector-based employers' associations are the agents of the employers for the purposes of negotiating, making and applying collective agreements under this Act.

The employers' association is the sole agent of the employers as regards matters mentioned in section 61.1. In that respect, the employers' association shall be given its mandates by the sector-based employers' associations. It shall also provide them with assistance in labour relations matters.

A sector-based employers' association is, for its sector, the sole agent of the employers as regards matters other than those mentioned in section 61.1. Each sector-based employers' association may, however, entrust the employers' association with a mandate to fulfil that function wholly or partly for its sector.

A condition of employment which only concerns the members of one of the representative associations must, to be negotiated, first be approved by the association concerned.

1968, c. 45, s. 8; 1973, c. 28, s. 5; 1975, c. 51, s. 3; 1993, c. 61, s. 21; 1995, c. 8, s. 18.

41.1. The employers' association shall allocate, in the proportion and according to the basis of apportionment it determines, a share of the assessments remitted by the Commission under section 40 to each sector-based employers' association.

The employers' association shall also, as regards its members who have the right to participate in the meetings of and ballots held by the sector-based employers' associations, provide the sector-based associations with all information relevant to such purposes.

1995, c. 8, s. 19.

41.2. The constitution and by-laws of every association listed in subparagraph *c* or *c.2* of the first paragraph of section 1 must, among other things, set out

(1) the mode of calling meetings at which labour relations matters are to be discussed;

(2) that every employer belonging to the employers' association who, during the period and according to the reports referred to in the second paragraph of section 44.1, has declared a number of hours as having been worked in the sector concerned has the right to participate in such meetings and in the ballots held under this Act and express his views freely without incurring any penalty;

(3) the type of majority required in such ballots and, where the sector-based association deems it appropriate, a method to determine, according to the number of hours declared as having been worked in the sector, the relative value of the vote cast by each member of the employers' association participating in a ballot;

(4) that every officer entrusted with the financial management of the sector-based association must deposit with the Commission security in the amount determined by the Commission;

(5) that every member of the employers' association who has the right to participate in the meetings of and ballots held by the sector-based association is entitled to obtain free of charge from the sector-based association, at the end of each fiscal year, a detailed statement of its income and expenditures.

1995, c. 8, s. 19; 2018, c. 12, s. 7.

CHAPTER V

NEGOTIATIONS

41.3. A representative association may take part in negotiations for a collective agreement applicable to the employees it represents.

2011, c. 30, s. 30.

41.4. In addition to the rule established by section 42.1, the representative associations take part in negotiations in the manner set out in a protocol agreed to among the associations.

The representative associations as a whole must notify the Minister that they have agreed on a protocol at least six months before the date set in section 42 for the sending of the notice of negotiation. Failing that, the Minister shall appoint an arbitrator to decide on the applicable protocol.

Sections 75 to 77, 79 to 81, 83, 88 to 91.1 and 139 to 140 of the Labour Code (chapter C-27) apply to the protocol arbitration, with the necessary modifications.

In rendering a decision, the arbitrator draws on protocols previously agreed on or decided, as the case may be. The parties may at any time agree to modify the content of the arbitrator's decision.

2011, c. 30, s. 30.

42. One or more representative associations may, as determined in the protocol provided for in section 41.4, notify in writing a sector-based employers' association, or a sector-based employers' association may notify in writing one or more representative associations, that its or their representatives are prepared to negotiate a collective agreement applicable in the sector of the sector-based association.

Such notice shall not be given later than the first day of the seventh month preceding the expiry date of the collective agreement made under section 47.

Every other representative association and the employers' association must be informed of it without delay.

Upon receiving or sending a notice, 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.

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

1968, c. 45, s. 9; 1973, c. 28, s. 5; 1975, c. 51, s. 4; 1987, c. 110, s. 2, s. 11; 1993, c. 61, s. 22; 1995, c. 8, s. 20; 2011, c. 30, s. 31.



Recognized clients that must be consulted by certain sector-based employers' associations pursuant to this section are listed in Order number AM 2012-002 of the Minister of Labour dated 1 August 2012; (2012) 144 G.O. 2, 2643.

42.1. Any association that is representative may attend the negotiating sessions and submit proposals regarding the content of the collective agreement. It is also entitled to attend and submit proposals at sessions in respect of the establishment of a bargaining structure and bargaining procedures.

1978, c. 58, s. 10; 1987, c. 110, s. 12; 1993, c. 61, s. 23.

43. During negotiations, one of the parties may apply to the Minister for the appointment of a conciliation officer to assist them in reaching an agreement.

Notice of the application must be given on the same day to the other party.

Upon receipt of the application, the Minister shall designate a conciliation officer.

1968, c. 45, s. 10; 1983, c. 13, s. 5.

43.1. The Minister, during negotiations, may *ex officio* designate a conciliation officer; he shall then inform the parties of such appointment.

1983, c. 13, s. 5.

43.2. The parties must attend any meeting to which the conciliation officer convenes them.

1983, c. 13, s. 5.

43.3. The conciliation officer shall make a report to the Minister at the latter's request.

1983, c. 13, s. 5.

43.4. Upon application by a party to the negotiations, the Minister shall appoint a mediator to help the parties settle their dispute.

However, mediation may not begin prior to the sixtieth day preceding the expiry of the collective agreement.

1993, c. 61, s. 24.

43.5. The mediator has 60 days to bring the parties to an agreement. The Minister may, only once and at the request of the mediator, extend the period of mediation by not more than 30 days.

1993, c. 61, s. 24.

43.6. The parties must attend any meeting to which the mediator convenes them.

1993, c. 61, s. 24.

43.7. As soon as an agreement in principle on what could become a collective agreement is reached between the sector-based employers' association and at least three associations whose representativeness is 50% or more, the mediator shall record the agreement in principle in a report which he shall give to each of the parties and to the Minister.

If there is no such agreement in principle at the expiry of the mediation period, the mediator shall give to the parties a report in which he shall indicate the matters on which there has been agreement between the associations referred to in the first paragraph as well as each association's position with respect to matters which are still in dispute. The mediator shall send to the Minister a copy of the report together with his comments and, 10 days later, shall make the report public.

1993, c. 61, s. 24; 1995, c. 8, s. 21; 1996, c. 74, s. 40; 2011, c. 30, s. 32.

44. In order to be considered as the collective agreement applicable in a sector, an agreement respecting the conditions of employment other than those pertaining to the matters listed in section 61.1 must be made by at least three associations whose representativeness is more than 50% and by the sector-based employers' association.

As regards the matters listed in section 61.1, the clauses of an agreement made in accordance with the third paragraph or, failing such an agreement, the clauses respecting such matters contained in the last collective agreement applicable in the sector also form part of such a collective agreement. In the latter case, the clauses form part of the new collective agreement until they are renewed or revised in accordance with the law.

In order to form part of the collective agreement applicable in a sector and to have effect therein, an agreement respecting the conditions of employment pertaining to one or several matters listed in section 61.1 must be made by at least three associations whose representativeness is more than 50% in the sector and by the employers' association entrusted with a mandate for that purpose by at least two sector-based employers' associations whose representativeness is more than 50%.

An agreement referred to in the second paragraph may be made even in the absence of an agreement as to the conditions of employment specific to a sector, in which case section 48 applies as though it were an amendment to the collective agreement. The filing may be effected by the employers' association or by a representative association having made the agreement.

1968, c. 45, s. 11; 1973, c. 28, s. 6; 1975, c. 51, s. 5; 1993, c. 61, s. 25; 1995, c. 8, s. 22; 2011, c. 30, s. 33.

44.1. A representative association may make a sector-based agreement referred to in the first paragraph of section 44 if it is authorized thereto by the majority of its members exercising their right to vote in a secret ballot.

The sector-based employers' association may negotiate such an agreement if it is authorized thereto in a secret ballot that it must hold for the members of the employers' association who, in the monthly reports sent by them to the Commission in the first 12 of the 15 complete calendar months preceding the month in which the ballot is held, declared hours as having been worked in the sector. It has received authorization if, in the ballot, the employers favourable to the agreement constitute a majority under the terms of the constitution and by-laws of the sector-based employers' association or, failing a provision in that respect in the constitution and by-laws, if the employers favourable to the agreement constitute a majority of those who exercised their right to vote.

1993, c. 61, s. 26; 1995, c. 8, s. 23.

44.2. A representative association may make an agreement referred to in the second paragraph of section 44 if it is authorized thereto by the majority of its members exercising their right to vote in a secret ballot.

The sector-based employers' association may entrust the employers' association with a mandate to negotiate such an agreement if it is authorized thereto in a secret ballot that it must hold for the members of the employers' association who, in the monthly reports sent by them to the Commission in the first 12 of the 15 complete calendar months preceding the month in which the ballot is held, declared hours as having been worked in the sector. It has received authorization if, in the ballot, the employers favourable to the agreement constitute a majority under the terms of the constitution and by-laws of the sector-based employers' association or, failing a provision in that respect in the constitution and by-laws, if the employers favourable to the agreement constitute a majority of those who exercised their right to vote.

Where a representative association or a sector-based employers' association holds a single ballot in respect of an agreement made under this section and an agreement made under section 44.1, it must hold a separate vote for each of the two agreements.

1993, c. 61, s. 26; 1995, c. 8, s. 24.

44.3. During the ninth month preceding the expiry of the collective agreements, the Commission shall ascertain the representativeness of each sector-based employers' association for the purposes of the making of an agreement or an application for arbitration respecting one or several matters listed in section 61.1 and shall issue to each association a certificate establishing its representativeness.

The certificate takes effect on the first day of the eighth month preceding the date of the expiry of the collective agreements.

The representativeness of a sector-based employers' association is the percentage that the number of hours declared by the employers as having been worked in its sector is of the total number of hours declared by the employers as having been worked in the industry as a whole, according to the monthly reports sent by them to the Commission during the first twelve of the fifteen complete calendar months preceding the month referred to in the first paragraph.

1993, c. 61, s. 26; 1995, c. 8, s. 25.

45. Where the parties agree thereto in writing, a dispute is referred to an arbitrator or a council of arbitration composed of three members, including a chairman.

If the dispute concerns one or several matters listed in section 61.1, the agreement relating to arbitration must be made by at least three associations whose representativeness is over 50% in the sector and by the employers' association entrusted with a mandate for that purpose by at least two sector-based employers' associations whose representativeness is over 50%. If the dispute concerns other matters, the agreement relating to arbitration must be made by at least three associations whose representativeness is over 50% and by the sector-based employers' association of the sector concerned.

The agreement may provide for the appointment of the arbitrator or of the members of the council of arbitration, determine the fees and expenses to which they are entitled and provide for the apportionment of those fees and expenses among the parties to the agreement. A copy of the agreement shall be sent to the Minister without delay.

The Minister may decide any matter referred to in the third paragraph that has not been settled by the agreement and shall inform the parties without delay. The Minister's decision binds the parties and shall be executed as if it formed part of the agreement.

1968, c. 45, s. 12; 1973, c. 28, s. 6; 1975, c. 51, s. 5; 1979, c. 2, s. 19; 1993, c. 61, s. 27; 1995, c. 8, s. 26; 1998, c. 46, s. 102; 2011, c. 30, s. 34.

45.0.1. The arbitrator or the council of arbitration may, where considered appropriate, attempt to bring the parties to settle all or part of their dispute by agreement.

1998, c. 46, s. 103.

45.0.2. Every decision of the council of arbitration shall be made by a majority of its members, including the chairman.

1998, c. 46, s. 103.

45.0.3. Subject to section 45.0.2 of this Act, sections 76, 79 to 91.1, the second sentence of section 92 and sections 93 and 139 to 140 of the Labour Code (chapter C-27), adapted as required, apply to the arbitration of a dispute and in respect of the arbitrator, the council of arbitration and its members, and section 78 of that Code applies to arbitration by an arbitrator.

The arbitrator or the chairman of the council of arbitration shall, however, send the Minister three duplicate originals or true copies of the arbitration award and the schedules thereto.

1998, c. 46, s. 103; 2001, c. 26, s. 160; 2006, c. 58, s. 40.

45.1. Only matters not having been the subject of an agreement between the parties may be referred to arbitration.

The arbitrator or the council of arbitration has exclusive jurisdiction to determine such matters. Where there has been mediation, the arbitrator or the council shall decide on the basis of the mediator's report.

1993, c. 61, s. 28; 1998, c. 46, s. 104.

45.2. The arbitrator or the council of arbitration shall record in award stipulations relating to the matters which were the subject of an agreement evidenced in the mediator's report.

The parties may, at any time, come to an agreement on a matter which is the subject of the dispute, and the corresponding stipulations shall also be recorded in the arbitration award.

The arbitrator shall not amend such stipulations except for the purpose of making such adaptations as are necessary to make the stipulations consistent with a clause of the award.

For the purposes of the award, the arbitrator or the council of arbitration shall also, where the parties so request, proceed clause by clause using the "best final offer" method.

1993, c. 61, s. 28; 1998, c. 46, s. 105.

45.3. The arbitration award may not have retroactive effect.

1993, c. 61, s. 28; 1998, c. 46, s. 106.

45.4. Strikes and lock-outs are prohibited in a sector unless there has been mediation and at least 21 days have elapsed since the expiry of the mediation.

A strike is permitted from the expiry of the 21 days referred to in the first paragraph, provided that it is called for all the employees working in the sector and that it has been authorized, by secret ballot, by a majority of the voting members of at least three associations whose representativeness is 50% or more.

A lock-out is permitted from the same time provided that it is imposed by the sector-based employers' association of the sector for all the employers carrying out construction work or causing construction work to be carried out in the sector and that the lock-out is authorized by secret ballot and on the conditions and according to the procedure applicable to the making of an agreement referred to in the first paragraph of section 44.

A strike or a lock-out begins on the day a notice to that effect is filed with the Minister by each of the associations having acquired the right to strike in accordance with the second paragraph, or by the sector-

based employers' association referred to in the third paragraph. A copy of the notice must be sent to the parties and to the Commission.

However, strikes and lock-outs are prohibited in a sector from the day after the day on which the parties to a dispute in that sector agree to refer the dispute to arbitration.

They are also prohibited at all times in respect of a matter referred to in section 61.1.

1993, c. 61, s. 28; 1995, c. 8, s. 27; 1998, c. 46, s. 107; 2011, c. 30, s. 35.

46. Any collective agreement made under this Act shall determine the conditions of employment applicable to all the trades and employments in the sector contemplated therein; subject to Chapter VI.1 only one agreement may be made in respect of a sector.

Any agreement determining the conditions of employment applicable to trades and employments in the construction industry shall be absolutely null if it has not been made in accordance with this Act.

1968, c. 45, s. 13; 1973, c. 28, s. 7; 1975, c. 51, s. 6; 1993, c. 61, s. 29; 1995, c. 8, s. 28; 1999, c. 40, s. 257.

CHAPTER VI

COMING INTO FORCE AND SCOPE OF COLLECTIVE AGREEMENTS

1993, c. 61, s. 30.

47. A collective agreement shall be made for each sector of the construction industry by the negotiating parties of the sector, pursuant to this Act. The agreement shall apply to the whole sector concerned.

The expiry date of a collective agreement shall be 30 April every four years, from 30 April 2013.

For the purposes of Chapter IV and sections 42 and 44.3, a collective agreement is deemed to expire on each of those dates, whether or not a collective agreement has been made.

1968, c. 45, s. 14; 1973, c. 28, s. 8; 1975, c. 51, s. 7; 1993, c. 61, s. 31; 1995, c. 8, s. 29; 2011, c. 30, s. 36.

48. Within 10 days after the making of a collective agreement applicable in its sector, a sector-based employers' association shall file three duplicate originals or true copies of the collective agreement and the schedules thereto with the Minister and shall publish a notice of the filing in two daily newspapers having general circulation in Québec. If the sector-based employers' association fails to do so, the filing and publication may be effected by a representative association.

The Minister shall, without delay, send the Commission one of the duplicate originals or true copies of every collective agreement and the schedules thereto filed under the first paragraph, together with a certificate attesting the filing.

The sector-based employers' association shall also transmit a duplicate original or true copy of the collective agreement and the schedules thereto to the employers' association.

The representative association and the employers' association shall send a copy of the collective agreement to their members.

A collective agreement takes effect only on the date of filing.

The filing has retroactive effect to the date of coming into force of the collective agreement determined in the agreement. However, in no case may such date be prior to the date of the signing of the collective agreement.

This section applies also to any amendment to the collective agreement.

1968, c. 45, s. 15; 1969, c. 51, s. 98; 1973, c. 28, s. 9; 1973, c. 29, s. 1; 1992, c. 42, s. 7; 1993, c. 61, s. 32; 1995, c. 8, s. 30; 1998, c. 46, s. 108; 2001, c. 26, s. 161; 2006, c. 58, s. 41.

48.1. In any suit under this Act, a copy of a collective agreement printed under the authority of the Commission and certified as a true copy of the duplicate original or true copy received by the Commission under section 48 by the chairman or a person designated by the chairman shall be admissible in evidence and shall have the same probative force as the original.

1998, c. 46, s. 109; 2006, c. 58, s. 42.

49. *(Repealed).*

1968, c. 45, s. 16; 1973, c. 28, s. 10; 1975, c. 51, s. 8; 1993, c. 61, s. 33.

50. From the date of coming into force of the collective agreement determined in the agreement or, failing such a date, from the date of signing of the agreement, the clauses of the collective agreement are executory in respect of all employers and all employees, present or future, where they carry out construction work or cause construction work to be carried out in the sector concerned.

1968, c. 45, s. 17; 1973, c. 29, s. 2; 1993, c. 61, s. 34.

51. *(Repealed).*

1968, c. 45, s. 18; 1973, c. 28, s. 11; 1974, c. 38, s. 1; 1975, c. 51, s. 9; 1993, c. 61, s. 35.

52. A collective agreement filed in accordance with section 48 is presumed to have been made in the manner prescribed in this Act.

1968, c. 45, s. 19; 1993, c. 61, s. 36; 1999, c. 40, s. 257.

53. The filing in accordance with section 48 shall render all the clauses of the collective agreement obligatory.

1968, c. 45, s. 20; 1993, c. 61, s. 37.

53.1. If a collective agreement provides for the creation of jurisdictional conflict resolution committees, every person or association affected by a work assignment decision rendered by such a committee must comply with it without delay, in respect of the job site to which the decision applies, until such time as the Administrative Labour Tribunal, if called upon to render a decision on the jurisdictional conflict, does so.

2005, c. 42, s. 5; 2006, c. 58, s. 43; 2011, c. 30, s. 37; 2015, c. 15, s. 237.

54. The wages due by a sub-contractor constitute a solidary obligation between the sub-contractor and the contractor with whom he has contracted, and between the sub-contractor, the sub-contractor with whom he has contracted, the contractor and every intermediary sub-contractor.

Where the employer holds the appropriate licence issued under the Building Act (chapter B-1.1), such solidary obligation is extinguished six months after the end of the work carried out by the employer, unless the employee concerned filed a complaint with the Commission concerning his wages, a civil action was brought, or a claim was sent by the Commission pursuant to the third paragraph of subsection 1 of section 122 before the expiry of the six-month period.

Such solidary obligation extends to the client having contracted, directly or through an intermediary, with a contractor who does not hold the appropriate licence issued under the Building Act, in respect of the wages due by the contractor and each of his sub-contractors.

1968, c. 45, s. 21; 1992, c. 42, s. 8; 1993, c. 61, s. 38; 1995, c. 8, s. 31.

54.1. *(Replaced).*

1992, c. 42, s. 9; 1993, c. 61, s. 39; 1995, c. 8, s. 31.

55. *(Repealed).*

1968, c. 45, s. 22; 1974, c. 38, s. 2; 1993, c. 61, s. 40.

56. Strikes and lock-outs are prohibited in a sector during the term of a collective agreement.

1968, c. 45, s. 23; 1993, c. 61, s. 41.

57. No association of employees, no officer, steward, business agent or representative of such an association and no employee shall order, encourage or support a strike or a slowdown of work during the term of a collective agreement or take part therein.

The fact that an association of employees, an officer, steward, business agent or representative of such an association exercises a right or a function contemplated in the Act respecting occupational health and safety (chapter S-2.1) does not constitute an order to, the encouragement or support of or the participation in a strike or slowdown of work contemplated in the first paragraph.

1968, c. 45, s. 24; 1975, c. 50, s. 2; 1979, c. 63, s. 313; 1986, c. 95, s. 296; 1993, c. 61, s. 42.

58. No employer's association, no employer and no administrator, officer or representative of such an association or of an employer shall order, encourage or support a lock-out during the term of a collective agreement or take part therein.

1975, c. 50, s. 2; 1986, c. 95, s. 297; 1993, c. 61, s. 42.

58.1. In the case of a strike, a work slow-down or a lock-out contrary to the provisions of this Act, the Administrative Labour Tribunal may, on the request of an interested party, exercise the powers given it in section 111.33 of the Labour Code (chapter C-27), with the necessary modifications.

2011, c. 30, s. 38; 2015, c. 15, s. 195.

59. *(Repealed).*

1975, c. 50, s. 2; 1986, c. 89, s. 11.

60. No person shall cease to be an employee for the sole reason that he has ceased to work in consequence of a strike or lock-out.

1968, c. 45, s. 25.

60.1. From the expiry date of a collective agreement, the conditions of employment contained therein shall be maintained until one of the parties exercises its right to strike or to impose a lock-out.

However, the parties may provide in the collective agreement that the conditions of employment contained in the agreement will continue to apply until the coming into force of the new collective agreement.

The conditions of employment governing matters listed in section 61.1 shall continue to apply until they are renewed or revised in accordance with the law.

1993, c. 61, s. 43.

CHAPTER VI.1

SPECIAL AGREEMENTS

1995, c. 8, s. 32.

60.2. A sector-based employers' association and at least three associations whose representativeness is 50% or more may make a special agreement on the conditions of employment that will apply to a major construction project in the sector of that sector-based employers' association. Except with respect to the matters mentioned in section 61.1, such conditions of employment may be different from the conditions applicable in the sector concerned.

For the purposes of this chapter, a "major construction project" means a construction project which, according to the estimates approved by the parties to the agreement, will require the simultaneous work of at least 500 employees at any time during the project.

1995, c. 8, s. 32; 2011, c. 30, s. 39.

60.3. Except for sections 42, 43 to 45.3, 46 and 47 and the third paragraph of section 48, and unless the context indicates otherwise, the provisions of this Act which concern a collective agreement or the application thereof apply, with the necessary modifications to a special agreement. Such an agreement may not be made, however, after a first call for tenders has been made for the carrying out of construction work relating to the major construction project.

If, on the date a special agreement is filed under section 48, there is a collective agreement applicable in the sector concerned by the special agreement, the special agreement becomes a schedule to that collective agreement. Otherwise, the special agreement becomes a collective agreement of limited application until a collective agreement takes effect in the sector concerned, in which case the special agreement becomes a schedule to that collective agreement.

The application of the clauses of a special agreement is limited, for the period determined therein, to the employees and employers who carry out construction work or cause construction work to be carried out as part of the major construction project to which the agreement pertains.

1995, c. 8, s. 32.

CHAPTER VII

CONTENTS OF COLLECTIVE AGREEMENTS

1993, c. 61, s. 44.

61. The collective agreement must contain clauses respecting the classification of employments, remuneration, payroll, working hours, overtime, holidays, vacations with pay, notice of dismissal, the complementary social security plan and the procedure for amending the collective agreement.

The collective agreement must also contain clauses respecting union security, including the advance deduction of assessments, union delegates, the procedure for settling grievances and the exercise of employees' recourses against disciplinary measures taken by the employer.

The collective agreement may also contain clauses respecting seniority, measures relating to the workforce, labour mobility, the movement of the workforce, work in rotation, night work, Sunday work, and wage increases, bonuses, various indemnities and allowances, notice boards, cloakrooms and tools. The collective agreement may also contain clauses establishing a procedure to prevent or settle jurisdictional conflicts which relate to the practice of a trade or occupation before the conflict is referred to the Administrative Labour Tribunal. 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.

The collective agreement may also contain any clause not contrary to public order or prohibited by law relating to conditions of employment in a sector.

1968, c. 45, s. 28; 1969, c. 51, s. 99; 1975, c. 51, s. 10; 1992, c. 42, s. 10; 1993, c. 61, s. 45; 1995, c. 8, s. 33; 1998, c. 46, s. 110; 2007, c. 3, s. 72; 2006, c. 58, s. 44; 2011, c. 30, s. 40; 2015, c. 15, s. 237.

61.1. Clauses respecting the following matters must be common to the collective agreements of each of the sectors:

- (1) union security, including the advance deduction of union assessments;
- (2) union representation;
- (3) the procedure for settling grievances;
- (4) the exercise of recourses to counter disciplinary measures;
- (5) arbitration;
- (6) the basic supplemental fringe benefit plan;
- (7) *(paragraph repealed)*.

1993, c. 61, s. 46; 2011, c. 30, s. 41.

61.2. No clause of a collective agreement may

- (1) give preference to a representative association or a sector-based employers' association;
- (2) infringe on a right of an employee on the basis of discrimination related to his union allegiance;
- (3) concern a placement agency, placement or labour referral;
- (4) limit the employer's freedom to request the services of an employee;
 - (4.1) limit the freedom of an employee to choose how he will offer his services to an employer;
- (5) introduce discriminatory provisions towards any employer or any association or group of employees or employers;
 - (5.1) introduce a provision inconsistent with the commitments of the Government of Québec under an intergovernmental agreement respecting labour mobility;
 - (5.2) introduce a provision that imposes on the Commission an obligation or a procedure for carrying out an obligation that is not provided by law;

- (6) contain any other provision contrary to the law.

1993, c. 61, s. 46; 1995, c. 8, s. 34; 2005, c. 42, s. 6; 2011, c. 30, s. 42.

61.3. Any clause of a collective agreement contrary to the provisions of this Act is deemed not to be written.

1993, c. 61, s. 46.

61.4. Upon application by the Attorney General or any interested party, the Administrative Labour Tribunal may determine the extent to which a clause of a collective agreement is contrary to a provision of this Act.

The applicant shall serve the application on the other interested parties.

1993, c. 61, s. 46; 2001, c. 26, s. 162; 2015, c. 15, s. 237.

62. Any grievance respecting a matter contemplated in the second paragraph of section 61, or respecting seniority, labour mobility, the movement of the workforce, the notice board or psychological harassment, according to sections 81.18 to 81.20 of the Act respecting labour standards (chapter N-1.1), shall be referred to a single arbitration officer. Such arbitration officer shall be chosen by the parties at the time of negotiation; failing agreement, he shall be appointed by the Commission from among the persons whose names appear on the list drawn up annually under the second paragraph of section 77 of the Labour Code (chapter C-27).

An association listed or described in any of subparagraphs *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.

A recourse under the second paragraph suspends the prescription of any civil action that may be based on the clause under arbitration, until the arbitration award is rendered.

The Commission must take into account any arbitration award rendered under the second paragraph in applying a collective agreement.

1968, c. 45, s. 30; 1975, c. 51, s. 11; 1977, c. 5, s. 14; 1983, c. 22, s. 106; 1986, c. 89, s. 50; 1991, c. 76, s. 5; 1993, c. 61, s. 47; 1995, c. 8, s. 35; 2005, c. 42, s. 7; 2007, c. 3, s. 72; 2011, c. 30, s. 43; 2018, c. 21, s. 51.

63. The arbitration officer must not have any interest in a grievance submitted to him, nor shall he have acted as business agent, attorney, advisor or representative of any of the parties to the negotiation of the collective agreement from which the grievance arises, in the application of such agreement or in the negotiation for its renewal.

1968, c. 45, s. 31; 1975, c. 51, s. 12.

64. The arbitration officer who is aware of a valid ground of recusation to which he is liable is bound, without waiting until it is invoked, to make and file in the record a written declaration of it.

A party who is aware of a ground of recusation against the arbitration officer must do the same, without delay.

The parties may renounce, by written declaration filed in the record, their right to recuse, but he who is subject to a ground of recusation may refuse to sit, even if recusation is not proposed.

1975, c. 51, s. 12.

65. A party may present to the Administrative Labour Tribunal a motion of recusation, with notification of three days served upon the other party and the person whose recusation is requested. At the expiry of such period, the Administrative Labour Tribunal shall dispose of the motion unless the person whose recusation is requested has consented to the request in a written declaration filed at one of the offices of the Administrative Labour Tribunal.

From the service of the motion of recusation and until it has been decided, the arbitration officer must suspend the investigation on the grievance of which he is seized.

If the recusation is maintained, the arbitration officer shall no longer be seized of such grievance; if it is dismissed, the arbitration officer may also refuse to hear such grievance.

Any vacancy created by the voluntary withdrawal or by the recusation pronounced by the Administrative Labour Tribunal shall be filled in accordance with the procedure laid down for the original appointment.

1975, c. 51, s. 12; 1999, c. 40, s. 257; 2001, c. 26, s. 163; 2015, c. 15, s. 237.

66. No person acting as arbitration officer on grievances may be prosecuted for official acts accomplished in good faith in the performance of his duties.

1975, c. 51, s. 12.

67. The arbitration officer shall proceed with all dispatch with the inquiry into the grievance and, unless otherwise provided in the collective agreement, in accordance with such procedure and mode of proof as he deems appropriate. In all cases, he must give the employee, his association and the employer an opportunity to be heard.

1975, c. 51, s. 12; 1993, c. 61, s. 48.

68. Upon application of any of the parties, the arbitration officer on grievances may, if he considers it necessary, summon witnesses in writing.

A person so summoned who refuses to appear or testify may be compelled to do so as if he had been summoned in accordance with the Code of Civil Procedure (chapter C-25.01).

A summoned witness is entitled to the same indemnities and allowances as witnesses before the Superior Court and to the reimbursement of travelling and living expenses incurred for such purpose. The indemnities and allowances are payable by the party who proposed such summons, but the person who receives his salary during such period is entitled only to the reimbursement of travelling and living expenses.

The arbitration officer on grievances may require from and administer the oath to a witness then under the immunity provided for in the second paragraph of section 11 of the Act respecting public inquiry commissions (chapter C-37).

1975, c. 51, s. 12; 1990, c. 4, s. 778; 1999, c. 40, s. 257; I.N. 2016-01-01 (NCCP).

69. Upon request of any of the parties, the arbitration officer on grievances may, if he considers it necessary, visit the place of employment relating to the grievance he is seized of.

If the request is accepted, the arbitration officer shall invite the parties to accompany him.

When visiting the place of employment, the arbitration officer may examine any property. He may also on such visit, if the parties present assent to it, interrogate the persons who are there.

1975, c. 51, s. 12; 1999, c. 40, s. 257.

70. Unless the collective agreement provides to the contrary, the arbitration officer on grievances shall render a decision based solely on the evidence collected at the inquiry.

1975, c. 51, s. 12; 1993, c. 61, s. 49.

71. Unless the collective agreement provides to the contrary, the arbitration officer may, in disciplinary matters, quash or amend the decision of the employer and make any complementary order deemed necessary for such change.

1975, c. 51, s. 12.

72. At any time, the parties may agree upon one of the matters forming the object of the grievance; such an agreement shall bind the arbitration officer.

The agreement shall be recorded in the arbitration decision which shall deal no further with such matter.

1975, c. 51, s. 12.

73. The arbitration decision must state the grounds on which it is based and be rendered in writing.

1975, c. 51, s. 12.

74. If no time limit is fixed in the collective agreement, the arbitration officer on grievances must render his decision within 60 days of his appointment unless the parties previously consent in writing to grant an additional period of a precise number of days.

Beyond such period, the Administrative Labour Tribunal may, upon the motion of a party, make the order it deems necessary in order that such decision may be rendered as soon as possible and filed.

1975, c. 51, s. 12; 1993, c. 61, s. 50; 1999, c. 40, s. 257; 2001, c. 26, s. 164; 2015, c. 15, s. 237.

75. The arbitration decision shall be without appeal and shall bind the parties. The arbitration officer shall file two duplicate originals or true copies of the decision at the Commission and at the same time send a copy of the decision to each party. The arbitration decision shall have effect upon its filing.

If the arbitration officer fails to file the decision or to send it to the parties, the Administrative Labour Tribunal may, upon the motion of a party, make the order it deems necessary in order that such decision may be filed or sent to the parties as soon as possible.

1975, c. 51, s. 12; 1986, c. 89, s. 50; 1999, c. 40, s. 257; 2001, c. 26, s. 165; 2006, c. 58, s. 45; 2015, c. 15, s. 237.

76. The secretary of the Commission may certify true any arbitration decision filed in accordance with section 75.

1975, c. 51, s. 12; 1986, c. 89, s. 50.

77. Upon production at the office of the clerk of the Superior Court of the district where the undertaking concerned is located of an authentic copy of the arbitration decision, the Labour Court may, upon application by the association, employer or interested person, homologate the decision, with legal costs against the respondent; the decision shall then become executory as any other judgment. During judicial vacation or if the Labour Court is not sitting, the judge of the Superior Court shall have the same jurisdiction as the Labour Court for the purposes of this section.

The judgment homologating the arbitration decision shall be without appeal and the homologated decision shall be executory at the expiry of 15 days following the date of the judgment.

1975, c. 51, s. 12; 1999, c. 40, s. 257; I.N. 2016-01-01 (NCCP).

78. Subject to section 107.5, the Commission alone is authorized to receive complaints pertaining to the application of a norm relating to the referral, hiring or mobility of the workforce.

1968, c. 45, s. 32; 1970, c. 35, s. 4; 1971, c. 46, s. 2; 1973, c. 28, s. 12; 1975, c. 51, s. 13; 1979, c. 2, s. 20; 1986, c. 89, s. 12; 1993, c. 61, s. 51; 2007, c. 3, s. 72; 2011, c. 30, s. 44.

79. *(Repealed).*

1971, c. 46, s. 2; 1975, c. 51, s. 14; 1979, c. 63, s. 314.

80. *(Repealed).*

1971, c. 46, s. 2; 1975, c. 51, s. 15; 1979, c. 63, s. 315; 1986, c. 89, s. 13; 1995, c. 8, s. 36.

80.1. The Administrative Labour Tribunal shall rule on any proceeding brought against a decision of the Commission de la construction du Québec

(1) refusing the issue or renewal of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet;

(2) issuing or renewing a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet which the holder considers inappropriate;

(3) refusing to reinstate a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet cancelled pursuant to a provision of a regulation referred to in section 123.1;

(4) denying an employer the authorization to hire in a region the services of an employee;

(5) refusing an employer's application for the issue of an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet to an employee;

(6) refusing or cancelling an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet or subjecting the granting of such an exemption to conditions considered inappropriate by the applicant;

(7) refusing to issue to an employee a card referred to in section 36;

(8) denying an employee admission to an examination;

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

Only an employer may contest a decision referred to in subparagraphs 4 and 5 of the first paragraph before the Administrative Labour Tribunal and, in the cases described in subparagraph 6 of the first paragraph, where the employer is required, under this Act or the regulations, to file himself the application for the granting of an exemption.

1986, c. 89, s. 13; 1988, c. 35, s. 18; 1995, c. 8, s. 37; 1996, c. 74, s. 41; 1998, c. 46, s. 111; 2006, c. 58, s. 46; 2011, c. 30, s. 45; 2015, c. 15, s. 237.

80.2. A contractor convicted of an offence that entails a restriction in the contractor's licence as regards the obtention of a public contract and that is an offence under a regulation made under subparagraphs 8.2 and 8.3 of the first paragraph of section 123 may, within 30 days of the conviction, apply to the Administrative Labour Tribunal to have the latter order the Commission to disregard the offence in applying the regulation.

The order may be made only if the contractor proves that in relation to the facts leading to the conviction,

(1) the contractor committed the offence on account of a misinterpretation in good faith of a clause of a collective agreement or of a provision of law or a regulation relating to the scope of this Act; or

(2) the contractor did not intend to evade the requirement to report hours actually worked or his obligations under a fiscal law.

Notice of the contractor's application must be sent to the Commission within the same time.

1997, c. 85, s. 397; 1998, c. 46, s. 112; 2006, c. 58, s. 47; 2015, c. 15, s. 237.

80.3. A person aggrieved by a decision of the Commission rendered pursuant to a regulation made under the first paragraph of section 123.1 may, where such a remedy is provided for in the regulation, contest the decision before the Administrative Labour Tribunal.

1998, c. 46, s. 113; 2006, c. 58, s. 48; 2015, c. 15, s. 237.

81. To ensure the carrying out of a collective agreement, the Commission may:

(a) exercise recourses arising out of this Act or out of a collective agreement in favour of employees who have not caused a suit to be served within a period of 15 days from the due date, and may do so notwithstanding any law to the contrary, any opposition or any express or implied renunciation by the employee, and without being obliged to establish an assignment of claim by the interested party, put him in default, inform him of the suit, or allege and prove the absence of suit within such period of 15 days, or to produce the journeyman competency certificate;

(a.1) exercise against the directors of a legal person those of the recourses arising out of this Act or a collective agreement in favour of the employees and that may be exercised against them;

(b) on the same conditions, continue suit in the place and stead of any employee who, having caused such a suit to be served, has neglected to proceed for 15 days;

(c) recover from the employer and the employee who violate the clauses of a collective agreement relating to remuneration in currency and to compensation or benefits of a pecuniary value, and from each of them, an amount equal to 20% of the difference between the obligatory amount and that actually paid;

(c.1) recover, both from the employee contemplated in paragraph *c* who performs construction work without being the holder of the competency certificate or the recipient of an exemption required for that work and from his employer, an additional amount equal to 20% of the difference between the obligatory amount and that actually paid;

(c.2) recover from the employer who fails to transmit to it the monthly report prescribed by subparagraph *b* of the first paragraph of section 82, the amounts corresponding to the indemnities, contributions, assessments and levies which should have been transmitted with the report, and an additional amount equal to 20% of such amounts in the case of a first failure, and to 40% of such amounts in other cases; the total amount claimed may be determined by an expert evaluation on the basis of the scope of the work performed under the contract entered into by the employer or by any other means of proof establishing the number of hours necessary for the carrying out of the work;

(d) effect any settlement, compromise or transaction considered expedient in the cases contemplated in subparagraphs *a* to *c.2*;

(e) at any reasonable time, examine the registration system, the compulsory register and the pay-list of any employer, take copies or extracts therefrom, verify as regards any employer and employee the rate of wage, duration of work, and observance of the other clauses of a collective agreement;

(f) at any reasonable time and even at the place of work, require from any employer or employee any information considered necessary or require from any such person that he furnish the information in writing to the Commission within a period of 10 clear days following the delivery of a written request to that effect or following the day such a request is made to him by any appropriate means;

(g) by demand in writing made to any employer, require that a copy it sends to him of the scale of wages rendered obligatory, or of any decision or regulation, be posted up and kept posted up in a suitable place and in the manner prescribed in the demand;

(h) by resolution, grant to any employee of limited physical or mental fitness upon proof considered sufficient, a certificate authorizing him to work upon determined conditions different from those contemplated in a collective agreement.

Every person authorized by the Commission to exercise the powers referred to in paragraph *e* or *f* shall, on request, identify himself and produce a certificate of his capacity issued by the Commission.

The Commission may exercise any recourse provided for in subparagraphs *a* and *b* of the first paragraph against any person who is bound to pay to an employee the wage owed to him.

1971, c. 46, s. 2; 1975, c. 51, s. 16; 1979, c. 2, s. 21; 1986, c. 89, s. 14, s. 50; 1986, c. 95, s. 298; 1988, c. 35, s. 6; 1993, c. 61, s. 52; 1995, c. 8, s. 38; 1996, c. 74, s. 42; 1998, c. 46, s. 114; 1999, c. 40, s. 257; 2011, c. 18, s. 56.

81.0.1. Notwithstanding any other provision of this Act, the Commission may, by means of a written request to that effect, require any person contemplated in section 7.2 and any association to furnish to it, in writing or by any other means determined by the Commission, within a period of ten clear days of the sending of the request, any information and a true copy of any document deemed necessary for the carrying out of the duties of the Commission.

1988, c. 35, s. 7.

81.1. A document that has been examined by the Commission or has been filed with it may be reproduced. Any copy of the document certified true to the original by the chairman or a person he designates is admissible in evidence and has the same probative force as the original.

1983, c. 13, s. 6; 1986, c. 89, s. 50; 1988, c. 35, s. 8.

81.2. The Commission shall deposit in any fund established by it pursuant to paragraph 8 of section 4 that it determines any amount it recovers pursuant to subparagraphs *c.1* and *c.2* of the first paragraph of section 81, except the following:

(1) an amount equal to the amount of union dues which is given to the representative associations according to the percentages determined under section 35;

(2) an amount equal to the amount of the employer contribution which is given to the employers' association; and

(3) an amount equal to the sum of the levy and the additional amount which the Commission recovers pursuant to subparagraph *c.2* of the first paragraph of section 81, which it retains.

1988, c. 35, s. 9; 1995, c. 8, s. 39.

82. The Commission may also, by regulation approved by the Government and published in the *Gazette officielle du Québec*:

(*a*) render obligatory for any employer a system of registration of construction work or the keeping of a register in which are shown the name and address of each employee in his employ, his competency, the exact hour at which the work was begun, interrupted, resumed and completed each day, the nature of the work and wage paid, with mention of the method and time of payment, and all other information considered useful in the application of a collective agreement;

(*a.1*) impose a retention period on any employer or independent contractor for any document considered useful for the application of this Act and the regulations or a collective agreement;

(*b*) oblige any employer to transmit to it a monthly report in the manner prescribed by the Commission, containing, in particular, the following information: the name and address of each of his employees, his competency, the regular and extra hours of work done each week and the nature of such work and the wage paid, paid holidays, social security assessments and any other particulars considered useful and, in particular, the number of hours done by the employer's designated representative or by the independent contractor;

(b.0.1) oblige a category of employers to file the monthly reports and any document or information required under this Act or the regulations electronically or on a computer-generated medium, and determine the applicable conditions and procedures;

(b.0.2) determine the information the persons involved in construction work must send in so that the scope and importance of the work may be evaluated;

(b.1) *(subparagraph repealed)*;

(c) levy upon the employer alone or upon both the employer and the employee, or upon the employee alone, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period, such levy to be subject to the following conditions:

(1) the estimate of the income and expenses must be submitted to the Government at the same time as the regulation fixing the method and rate of levy or whenever it is necessary to change the method or rate in force;

(2) except where the total of such amounts is less than the minimum amount that an employer may be bound to pay per monthly period, such levy shall not exceed 1% of the employee's remuneration and 1% of the employer's pay-list, and, in the case of the independent contractor, 1% of his remuneration in that capacity;

(3) the regulation may determine the basis for computing the levy;

(4) the employer may be required to collect the levy imposed upon the employee by retaining it out of the employee's wages;

(d) *(paragraph repealed)*;

(e) *(paragraph repealed)*;

(f) collect from employers and employees all contributions or assessments imposed by collective agreement.

After the expiry of a collective agreement, the employer and the employee shall remain bound to the payment of such contribution or assessment and the Commission shall continue to collect it;

(g) entrust the Caisse de dépôt et placement du Québec with all sums collected in excess of any amount necessary to meet the administration costs, the payment of benefits due under the complementary social benefits plan administered by it, the payment of insurance premiums and the payment of expenses of a similar nature, in accordance with the terms and conditions established by the Government, after notice by the Commission and by the Caisse de dépôt et placement du Québec;

(h) oblige any employer and any legal person or partnership contemplated in section 19.1 to transmit to it, within the time and in the form determined by the Commission, a written notice setting out his or its identification, the name and address of each of his or its establishments, the name, address and capacity of his or its representative designated under section 19.1, if applicable, and such other information as it considers useful for the purposes of this Act and the regulations;

(i) determine the conditions to be met and the fee exigible for the issue of a letter describing the situation and the information that may be contained in such a letter on construction work carried out on a job site or for the purposes of a tender.

After the expiry of a collective agreement, the employer and the employee shall remain bound to the payment of such contribution or assessment and the Commission shall continue to collect it;

Subparagraphs *a*, *a.1* and *b* of the first paragraph continue to apply notwithstanding the expiry of a collective agreement.

1971, c. 46, s. 2; 1973, c. 29, s. 3; 1975, c. 51, s. 17; 1975, c. 19, s. 14; 1977, c. 5, s. 14; 1979, c. 2, s. 22; 1986, c. 89, s. 15, s. 50; 1988, c. 35, s. 10; 1992, c. 42, s. 11; 1993, c. 61, s. 53; 1995, c. 8, s. 40; 1998, c. 46, s. 115; 1993, c. 61, s. 53; 1999, c. 13, s. 11; 1999, c. 40, s. 257; 2011, c. 30, s. 46; 2013, c. 16, s. 165.

82.1. Every employer is liable for the payment to the Commission of the compulsory levy and assessment to be withheld from an employee's wages, even if he fails to withhold such levy or assessment.

1992, c. 42, s. 12.

82.2. All sums levied under subparagraph *c* of section 82 and the amount of the contributions or assessments collected under subparagraph *f* of section 82 shall bear interest, from the date on which they are exigible, at a rate fixed by regulation under section 28 of the Tax Administration Act (chapter A-6.002).

For the purpose of computing interest, any portion of a month is considered a full month.

The interest is not capitalized.

1992, c. 42, s. 12; 2010, c. 31, s. 175.

83. The following persons are guilty of an offence and liable to a fine of \$522 to \$1,041 in the case of an individual and \$2,087 to \$6,517 in the case of any other person:

(1) every employer or employee who refuses or neglects to furnish the Commission or any person authorized by it with the information provided for in subparagraph *a* of section 82;

(2) every employer who does not grant, on request, or delays to grant the Commission, or any person authorized by it, access to the register, the registration system or the pay-list provided for in subparagraph *a* of section 82;

(2.1) every employer who does not keep all or part of a document for the time prescribed under paragraph *a.1* of section 82;

(3) every person who does not grant, or delays to grant, the Commission, or any person authorized by it, access to the place where construction work is being done or to an establishment of an employer.

1971, c. 46, s. 2; 1975, c. 51, s. 19; 1986, c. 58, s. 90; 1986, c. 89, s. 50; 1988, c. 35, s. 11; 1990, c. 4, s. 779; 1992, c. 42, s. 13; 1995, c. 51, s. 50; 2009, c. 57, s. 9; 2018, c. 12, s. 8.



See notice of indexation; (2022) 154 G.O. 1, 645.

83.1. Every employee or employer who fails to comply with a request made by the Commission pursuant to subparagraph *f* of the first paragraph of section 81 is guilty of an offence and liable, for each day during which the offence continues to a fine of \$522 to \$1,041 in the case of an individual and \$2,087 to \$6,517 in the case of any other person.

1988, c. 35, s. 11; 1990, c. 4, s. 779; 1991, c. 33, s. 119; 1992, c. 42, s. 14; 1995, c. 51, s. 50; 2009, c. 57, s. 9.



See notice of indexation; (2022) 154 G.O. 1, 645.

83.2. Every person or association who or which fails to comply with a request made by the Commission pursuant to section 81.0.1 is guilty of an offence and liable, for each day during which the offence continues to a fine of \$522 to \$1,041 in the case of an individual and \$2,087 to \$6,517 in the case of any other person or an association.

1988, c. 35, s. 11; 1990, c. 4, s. 779; 1991, c. 33, s. 120; 1992, c. 42, s. 15; 1995, c. 51, s. 50; 2009, c. 57, s. 9.



See notice of indexation; (2022) 154 G.O. 1, 645.

84. Whoever molests, hinders or insults any member or employee of the Commission in the performance of his duties, or otherwise obstructs such performance, commits an offence and is liable to a fine of \$1,693 to \$6,517.

1971, c. 46, s. 2; 1975, c. 51, s. 20; 1986, c. 58, s. 91; 1986, c. 89, s. 50; 1988, c. 35, s. 12; 1990, c. 4, s. 780; 1991, c. 33, s. 121; 2009, c. 57, s. 10.



See notice of indexation; (2022) 154 G.O. 1, 645.

85. The employees of the Commission authorized to exercise powers under sections 7, 7.1 and 7.3, subparagraphs *e* and *f* of the first paragraph of section 81 and section 81.0.1 shall constitute a bargaining unit for the purposes of certification granted under the Labour Code (chapter C-27).

The association certified to represent the employees referred to in the first paragraph may not be affiliated with a representative association or an organization to which 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.

1971, c. 46, s. 2; 1975, c. 51, s. 21; 1986, c. 89, s. 50; 2011, c. 17, s. 61; 2011, c. 30, s. 47.

85.0.1. To be authorized to exercise a power referred to in section 85, an employee of the Commission must

(1) be of good moral character; and

(2) not have been convicted anywhere of an offence for an act or omission that is either an offence under the Criminal Code (R.S.C. 1985, c. C-46) or an offence, referred to in section 183 of that Code, under one of the Acts listed in that section and that is related to the employment.

2011, c. 17, s. 62.

CHAPTER VII.1

VOCATIONAL TRAINING

1986, c. 89, s. 16.

85.1. The purpose of vocational training is to develop a qualified and diversified workforce taking into consideration, in particular, the qualitative and quantitative requirements of the employers and employees of the construction industry.

A further purpose of vocational training is to foster workforce adjustment, re-employment and mobility.

1986, c. 89, s. 16; 1988, c. 35, s. 18; 1995, c. 43, s. 56; 2007, c. 3, s. 72.

85.2. The Minister shall devise and propose to the Government the policies and measures relating to the workforce in the construction industry.

1986, c. 89, s. 16; 1992, c. 44, s. 81; 1994, c. 12, s. 54; 2007, c. 3, s. 72.

85.3. The Commission shall, after consultation with the Committee on vocational training, devise vocational training programs and submit them to the Minister for approval.

1986, c. 89, s. 16; 1992, c. 44, s. 81; 1994, c. 12, s. 54.

85.4. The Commission shall, after consultation with the Committee on vocational training, advise the Minister of Education, Recreation and Sports on any matter relating to the vocational training provided in educational institutions.

1986, c. 89, s. 16; 1993, c. 51, s. 72; 1994, c. 16, s. 50; 2005, c. 28, s. 195.

85.4.1. Within the first two months of a year, the Commission shall issue, for the purposes of the Act to promote workforce skills development and recognition (chapter D-8.3), statements of contributions paid by employers in the preceding year into a training fund it administers.

It shall also attest in the statements whether or not outlays for training activities were made out of the fund in the preceding year.

1995, c. 43, s. 57; 2007, c. 3, s. 68.

85.5. To perform personally any construction work, every employer or employee must be the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet issued by the Commission or be the recipient of an exemption and have such certificate or a proof of exemption in his possession.

1986, c. 89, s. 16; 1988, c. 35, s. 18; 1996, c. 74, s. 43.

85.6. To perform personally any work relating to a trade, every employer or employee must be the holder of a journeyman competency certificate or an apprentice competency certificate and apprenticeship booklet issued by the Commission or be the recipient of an exemption in respect of that trade and have such certificate or a proof of exemption in his possession.

1986, c. 89, s. 16; 1988, c. 35, s. 18; 1996, c. 74, s. 44.

85.7. A competency certificate or a proof of exemption must contain the following information on the holder:

- (1) name;
- (2) address and region of domicile;
- (3) date of birth;
- (4) identification number; and
- (5) trade or occupation, in the case of a competency certificate.

The competency certificate or proof of exemption states the date on which it becomes valid and that on which it expires, and must include a photo of the employee as well as any other information required by law.

2011, c. 30, s. 48.



This section, insofar as it concerns the employee's photo, comes into force on the date to be set by the Government (2011, c. 30, s. 88, par. 4).

CHAPTER VIII

SPECIAL PROVISIONS

86. For the purposes of this section, “union” means any union or association of employees affiliated with a representative association, or any representative association that does not include such affiliated unions or associations.

Every union is entitled to be represented by a job-site steward on the job site where the employer employs at least seven employees who are members of such union, subject to the following provisions:

1. — Election

Every job-site steward must be elected by secret ballot by a majority of the members of the union already employed by the employer and from among such members.

For the purposes of this section, the job site is constituted of the aggregate of the works executed by one employer on a single project.

Every subsequent increase of 50 employees who are members of the union for the same employer entitles the employees to elect one additional steward.

For the purposes of the Commission's functions, the person elected must give his union a declaration, within 10 days of his election and in the form determined by the Commission, that his election as job-site steward does not contravene section 26. The union must forward the declaration to the Commission within 10 days of receiving it, in the manner determined by the Commission.

2. — Recognition

The employer must recognize the job-site steward so elected as the representative of the group of employees who are members of the union concerned once the union has notified the employer of the job-site steward's election in writing and forwarded the declaration required by the fourth paragraph of paragraph 1 to the Commission.

3. — Functions and remuneration of the job-site steward

(a) The job-site steward is an employee of the employer and as such, he must furnish a reasonable amount of work, taking his union duties into account.

(b) As job-site steward he may, during working hours, without diminution of salary but only after notifying the employer's representative, inquire into the disputes concerning the application of the collective agreement and discuss them with the employer.

(c) The time allocated for the union activities of the job-site steward shall be agreed by the employer and the job-site steward, taking into account the number of employees that he represents, but it shall not exceed three hours per working day.

(d) If, by exception, the job-site steward must leave his work for a period longer than that fixed by agreement, he must account for his prolonged absence to his employer.

(e) Except in the case of a prolonged absence accounted for as required by subparagraph *d*, the job-site steward is not entitled to wages for union activities beyond the agreed time.

(f) On the job site, the job-site steward must limit himself to doing his work for the employer and carrying out the functions of job-site steward determined by law.

4. — Preference of employment

The job-site steward shall be given preference of employment on his job site over all employees if

(a) seven or more employees who are members of his union are still employed by the employer on the job site; and

(b) there is work to be done in his trade, specialty or occupation.

5. — Training of union representatives

If the steward and his union decide that the steward needs a period of training to fulfil his new functions adequately, he will be entitled to leave his work, without pay, to attend the appropriate classes. The duration of such absence must be negotiated between the parties, taking into account the particularities of the industry.

The steward must obtain prior authorization from the employer who shall never refuse it without reasonable cause.

6. — Advance notice of layoff

When an employer wishes to lay off a job-site steward for more than five days, he must give him an advance notice of three working days. Such advance notice must also be sent, in writing, to the job-site steward's union with the same period. Failing such, the employer must pay an indemnity equal to four hours of wages at the prevailing wage rate, without premium, for each day of default up to three working days.

1975, c. 50, s. 3; 1986, c. 89, s. 17; 1993, c. 61, s. 54; 1999, c. 40, s. 257; 2005, c. 42, s. 8; 2018, c. 12, s. 9.

86.1. Every association listed or described in any of subparagraphs *a* to *c* or *c.2* of the first paragraph of section 1 must file the following information with the Commission and keep it up to date:

- (1) its name;
- (2) the address of its head office and, if the head office is outside Québec, the address of its establishment in Québec;
- (3) the name and address of its officers and of its representatives other than job-site stewards, the position held by each one and a statement that each of them complies with the conditions set out in section 26;
- (4) the name and address of any union, federation, confederation, trades council or federation of such councils with which it is affiliated or with which it has entered into a service contract; and
- (5) its legal status.

The association must also provide the Commission with a true copy of its constitution and by-laws or, if it is not endowed with legal personality, of the contract by which it is constituted.

The documents and information required under the first and second paragraphs must be sent to the Commission in the manner it specifies, along with a declaration of an officer attesting that they are true. Any modification to the documents and information must be sent to the Commission within 30 days of the modification.

2018, c. 12, s. 10.

87. Any clause relating to the functions of job-site steward in a collective agreement is deemed not written, except a clause concerning the function of job-site delegate in matters of occupational health and safety.

However, any dispute regarding the application of paragraphs 2, 4, 5 and 6 of section 86 gives rise to the recourses provided in the collective agreement governing the employee concerned as if such provisions were contained in the collective agreement.

1975, c. 50, s. 3; 1979, c. 63, s. 316; 1993, c. 61, s. 55.

88. Subject to the Act respecting occupational health and safety (chapter S-2.1) and to the application of a clause of a collective agreement relating to work under hazardous conditions,

(a) no employee shall refuse to instal or handle materials which his employer orders him to instal or handle;

(b) no association or person acting on behalf of an association shall oblige or attempt to force an employee to refuse to instal or handle materials which his employer asks him to instal or handle;

(c) paragraphs *a* and *b* shall not be so construed as to allow the employer to oblige an employee to instal materials in the carrying out of works which do not come under the allied trades or related jobs which include his trade or job.

1975, c. 50, s. 3; 1979, c. 63, s. 317; 1993, c. 61, s. 55; 2005, c. 42, s. 9.

89. Every clause of a collective agreement relating to the matters contemplated in paragraphs *a* and *b* of section 88 is deemed not written, except a clause concerning occupational health and safety.

1975, c. 50, s. 3; 1979, c. 63, s. 318; 1993, c. 61, s. 55.

90. Any agreement respecting the utilization of materials bearing the union label is absolutely null.

1975, c. 50, s. 3; 1999, c. 40, s. 257.

90.1. (*Repealed*).

1993, c. 61, s. 56; 1995, c. 8, s. 41.

91. The disqualification contemplated in section 26 shall entail the judicial review proceedings under subparagraph 4 of the first paragraph of article 529 of the Code of Civil Procedure (chapter C-25.01) following an application made by any employee, by any association, by the Commission or by the Attorney General.

The amount of punitive damages to which the defendant may be sentenced is the amount provided for in section 117.

Notwithstanding article 533 of that Code, the office held by the defendant is deemed vacant from the judgment on the application, notwithstanding appeal.

1975, c. 50, s. 3; 1992, c. 61, s. 531; 2005, c. 42, s. 10; I.N. 2016-01-01 (NCCP).

92. (1) The Commission shall administer the complementary social benefits plans. It shall continue to manage those plans, which remain in force, even following the expiry of the collective agreement.

(2) The Commission may retain, out of the sums which it receives in respect of such matter, the amounts necessary to pay its administration costs, to effect the payment of the benefits due under a plan administered by it, the payment of the insurance premiums and the payment of costs of the same kind. It shall entrust to the Caisse de dépôt et placement du Québec the annual surplus of the sums received according to the terms and conditions determined by the Government after notice by the Commission and by the Caisse de dépôt et placement du Québec.

(3) (*Subsection repealed*).

(3.1) (*Subsection repealed*).

(4) (*Subsection repealed*).

(5) Subject to section 11 and subsection 2 of this section, the Commission may make an agreement with any person to entrust him with a mandate for the administration of a supplemental fringe benefit plan.

(6) *(Subsection repealed).*

1975, c. 19, s. 15; 1977, c. 5, s. 14; 1979, c. 2, s. 23; 1986, c. 89, s. 50; 1988, c. 35, s. 13; 1993, c. 61, s. 57; 1995, c. 8, s. 42; 1996, c. 74, s. 45; 2011, c. 30, s. 49.

92.1. The Commission may retain, out of the sums collected by it for the purposes mentioned in paragraph 9 of section 4, the amounts necessary to pay the administration costs and other expenses arising out of activities connected with the said purposes.

1992, c. 42, s. 16.

93. A person who believes he has been wronged by a decision of the Commission regarding the person's eligibility to a social benefits plan or the amount of a benefit may, within 60 days of receiving the decision, apply to the Commission for a review.

The Commission shall render its review decision within 60 days following the application. The review decision may be contested before the Administrative Labour Tribunal within 60 days after being received; the Tribunal's decision is final.

Failing an initial decision regarding the person's eligibility or the amount of a benefit, or a review decision within 90 days of the application, the person concerned may apply to the Administrative Labour Tribunal within 60 days of the prescribed time.

1975, c. 19, s. 15; 1986, c. 89, s. 50; 1999, c. 40, s. 257; 2001, c. 26, s. 166; 2011, c. 30, s. 50; 2015, c. 15, s. 237.

93.1. An association listed or described in any of subparagraphs *a*, *b*, *c* or *c.2* of the first paragraph of section 1 and any association of employees affiliated with a representative association must keep and divide its accounts so that each kind of service and benefit granted to the members may be administered separately, and the funds kept distinct.

Such associations are required to have their financial statements audited every year in accordance with generally accepted accounting principles 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.

2011, c. 30, s. 51.

CHAPTER VIII.1

FUND

2011, c. 30, s. 51.

DIVISION I

COMPENSATION FUND

2011, c. 30, s. 51.

93.2. The Compensation Fund for Employees in the Construction Industry is established.

The Fund is to be used exclusively to compensate employees having suffered a loss of pay, in accordance with the terms and the procedure prescribed by regulation.

2011, c. 30, s. 51.

93.3. The Compensation Fund for Employees in the Construction Industry is made up of contributions paid by the employers, determined by regulation of the Commission, the money recovered following a proceeding brought under this Act, the interest earned on the money in the Fund and any increase in the assets of the Fund.

Any insufficiency of assets is to be offset by a loan contracted by the Commission. The loan must be repaid out of the Fund.

2011, c. 30, s. 51.

93.4. The Compensation Fund for Employees in the Construction Industry is administered by the Commission. The Commission shall keep separate books for the money in the Fund; the costs incurred for the administration and operation 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.

2011, c. 30, s. 51.

93.5. The Commission shall compensate employees in accordance with the rules prescribed by regulation.

2011, c. 30, s. 51.

DIVISION II

TRAINING FUND FOR EMPLOYEES IN THE CONSTRUCTION INDUSTRY

2011, c. 30, s. 51.

93.6. The Training Fund for Employees in the Construction Industry is established.

The Fund is to be used exclusively to promote and finance development activities for employees in the construction industry and comprises two components:

(1) a component covering the institutional and commercial sector, the industrial sector, and the civil engineering and roads sector, dedicated to promoting and financing the development activities of the employees in those sectors; and

(2) the residential sector component, dedicated to promoting and financing the development activities of the employees in that sector.

2011, c. 30, s. 51.

93.7. The Training Fund for Employees in the Construction Industry is made up of contributions paid by the employers, determined by regulation of the Commission, the interest earned on the money in the Fund and any increase in the assets of the Fund.

The money is credited to the Fund component identified in section 93.6 that corresponds to the purposes for which it is paid.

Any insufficiency of assets is to be offset by a loan contracted by the Commission. The loan must be repaid out of the Fund.

2011, c. 30, s. 51.

93.8. Subject to section 18.10.1, the Training Fund for Employees in the Construction Industry is administered by the Commission. The Commission shall keep separate books for the money in the Fund, by component; the costs incurred for the administration and operation 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.

2011, c. 30, s. 51.

CHAPTER IX

FREEDOM OF ASSOCIATION

94. Every employee has the right to belong to an association of employees of his choice, and to participate in the activities and management thereof, but he shall not belong to more than one association of employees.

1968, c. 45, s. 33; 1972, c. 10, s. 1; 1973, c. 28, s. 15; 1975, c. 51, s. 23.

95. *(Repealed).*

1975, c. 51, s. 25; 1986, c. 89, s. 50; 1999, c. 40, s. 257; 2018, c. 12, s. 11.

96. The constitution of a professional union representing construction employees as well as the contract for the constitution of a group of construction employees not constituted as a legal person must meet the following minimum standards:

(a) the election of persons occupying management posts, strikes, the approval or rejection of a draft collective agreement and the fixing of the assessment can only be decided by secret ballot by the majority of the members present at a meeting duly called;

(b) every member has the right to express his dissent at any union meeting or at any vote without incurring any penalty;

(c) every officer entrusted with the financial management of the union or group must deposit with the Commission security of the amount determined by the Commission;

(d) every member has the right to obtain free of charge from his union or group, at the end of each financial year, a detailed statement of income and expenditures, in French, of his union or group;

(e) the mode of calling the meeting must be provided therein.

1975, c. 51, s. 25; 1986, c. 89, s. 50; 2018, c. 12, s. 12.

97. *(Repealed).*

1975, c. 51, s. 25; 1986, c. 89, s. 50; 2011, c. 30, s. 52.

98. No person, in the name or on behalf of an association of employees, shall, during working hours, solicit an employee to join an association.

1968, c. 45, s. 34.

99. No association of employees shall hold any meeting of its members at the place of employment without the consent of the employer.

1968, c. 45, s. 35.

100. No employer, or person acting for an employer or an employers' association, shall in any manner seek to dominate, hinder or finance the formation or the activities of any association of employees, or to participate therein.

No association of employees, or person acting on behalf of any such association, shall belong to an employers' association or seek to dominate, hinder or finance the formation or activities of any such association, or to participate therein.

1968, c. 45, s. 37.

101. No person may intimidate, threaten or coerce a person or discriminate or take reprisals against a person with the aim or effect of infringing on the person's freedom of association, penalizing the person for choosing a union affiliation or becoming a member of a union, compelling the person to become, abstain from becoming or cease being a member or officer of an association, penalizing the person for having exercised a right under this Act or inciting the person to forfeit such a right.

Any person who, for the purposes or reasons stated in the first paragraph, does any of the following contravenes that paragraph:

(a) refuses to employ, dismisses or threatens to dismiss a person;

(b) imposes a disciplinary penalty on an employee, reduces his workload, demotes him, denies him a promotion he would normally be entitled to, or shows favouritism toward him when transferring employees or assigning work.

As well, a person intimidates another person when the person pressures a third party in any way to do any of the actions prohibited by the first paragraph.

1968, c. 45, s. 38; 1975, c. 50, s. 4; 2005, c. 42, s. 11; 2011, c. 30, s. 53.

101.1. An association of employees may not, with respect to employees it represents, act in an arbitrary or discriminatory manner when making employment references.

2011, c. 30, s. 54.

102. No association of employees shall resort to discriminatory measures against an employee for the sole reason that he abstains from belonging to any association.

1968, c. 45, s. 39; 2005, c. 42, s. 12.

103. *(Repealed).*

1968, c. 45, s. 40; 2011, c. 30, s. 55.

104. No association of employees shall refuse to accept an employee as a member because such employee was not hired through the association.

1968, c. 45, s. 41; 2011, c. 30, s. 56.

105. An interested person may file a complaint with the Administrative Labour Tribunal about the application of the provisions of this chapter within 15 days after the date on which the act complained about took place or on which he became aware of it.

2005, c. 42, s. 13; 2015, c. 15, s. 237.

106. If the complainant establishes to the satisfaction of the Administrative Labour Tribunal that he is exercising a right under this chapter, it is up to the person or association complained against to prove that there was good and sufficient reason for the act complained about.

2005, c. 42, s. 13; 2015, c. 15, s. 237.

107. The provisions applicable to a remedy relating to the exercise by an employee of a right under the Labour Code (chapter C-27) apply, with the necessary modifications, to a complaint filed with the Administrative Labour Tribunal under section 105 of this Act.

An order under paragraph *a* of section 15 of the Labour Code to pay an employee an indemnity may apply to a person or association besides the employer. The Administrative Labour Tribunal may also order persons or associations that contravened a provision of this chapter to pay punitive damages, order a representative association or association of employees to reinstate an employee in its ranks with the advantages he was illegally deprived of, or issue any other order it considers appropriate.

2005, c. 42, s. 13; 2015, c. 15, s. 196.

CHAPTER IX.1

LABOUR REFERRAL

2011, c. 30, s. 57.

DIVISION I

LICENCE

2011, c. 30, s. 57.

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.

An officer, employee, representative, business agent or job-site steward of such an association who exercises labour-referral activities is deemed to act on behalf of the association.

2011, c. 30, s. 57.

107.2. The holder of a labour-referral service licence may participate in the referral service that the Commission administers under subparagraph 10 of the first paragraph of section 4, to the extent specified by a government regulation made under subparagraph 8.6 of the first paragraph of section 123.

2011, c. 30, s. 57.

107.3. An association that applies for a labour-referral service licence must meet the following conditions:

(1) none of its officers or representatives in any capacity whatever has been convicted, in the five years preceding the application, of an offence listed in section 26 or of a penal or criminal offence which, in the

opinion of the Bureau des permis de service de référence de main-d'oeuvre, is connected to labour relations, vocational training or workforce management in the construction industry; and

(2) it meets the other conditions set out in the government regulation made under subparagraph 8.7 of the first paragraph of section 123.

2011, c. 30, s. 57.

DIVISION II

BUREAU DES PERMIS DE SERVICE DE RÉFÉRENCE DE MAIN-D'OEUVRE

2011, c. 30, s. 57.

107.4. A bureau to be known as the Bureau des permis de service de référence de main-d'oeuvre is established within the Ministère du Travail.

2011, c. 30, s. 57.

107.5. In keeping with the regulation made under subparagraph 8.7 of the first paragraph of section 123, the functions of the Bureau consist in

- (1) administering the labour-referral service licence issuing system; and
- (2) receiving and processing complaints related to labour referral.

The Bureau shall also send the Commission any information it considers relevant when it believes an offence has been committed under this Act, related to labour placement or referral.

2011, c. 30, s. 57.

107.6. The Commission shall pay the expenses of the Bureau, including the salaries of its personnel.

The amounts to be paid by the Commission and the terms of payment are determined by the Government.

2011, c. 30, s. 57.

DIVISION III

SERVICE DE RÉFÉRENCE DE MAIN-D'OEUVRE DE L'INDUSTRIE DE LA CONSTRUCTION

2011, c. 30, s. 57.

107.7. The Commission shall administer a labour-referral service for the construction industry to be known as the Service de référence de main-d'oeuvre de l'industrie de la construction in order to provide qualified employees as candidates to meet employers' labour needs.

An employee holding a valid competency certificate or proof of exemption is registered *ex officio* in the Service. The employee must inform the Service of the employee's availability and update that information in accordance with the terms and the procedure prescribed by government regulation.

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.

2011, c. 30, s. 57.

107.8. The mode of operation of the Service is determined by a government regulation made under subparagraph 8.6 of the first paragraph of section 123. In addition to the elements set out in the regulation, the mode of operation must provide

(1) that an employer having labour needs for construction work must declare those needs to the Service; and

(2) that, apart from the Commission, only associations holding a labour-referral service licence may have access to the labour needs declared to the Service and meet those needs by providing, through the Service, the contact information of qualified candidates.

2011, c. 30, s. 57.

107.9. No employer may hire employee candidates unless the employer has first made a declaration of labour needs for a number equal to or greater than the number of candidates hired, in accordance with paragraph 1 of section 107.8.

An employer who has declared a labour need is not required to hire a candidate referred by the Service. The employer may not, however, ask an association referred to in section 107.1 to refer a candidate to the employer, whether or not the association holds a licence.

2011, c. 30, s. 57.

107.10. Before hiring a candidate, an employer must obtain a hiring number assigned by the Commission for each candidate, in accordance with the terms and the procedure prescribed by regulation.

On receiving the employer's application for a hiring number, the Commission verifies it and, if the conditions prescribed by regulation are met, assigns a hiring number.

2011, c. 30, s. 57.

107.11. An employer must notify the Commission of the hiring, layoff, temporary layoff or departure of an employee, in accordance with the terms and the procedure prescribed by a regulation of the Commission made under subparagraph 13 of the first paragraph of section 123.1.

2011, c. 30, s. 57.

CHAPTER X

UNION SECURITY

108. Any union security clause having the effect of depriving an employee of the right to belong to the representative association of employees of his choice is prohibited.

1968, c. 45, s. 45.

CHAPTER X.1

Repealed, 1993, c. 61, s. 58.

1978, c. 58, s. 11; 1993, c. 61, s. 58.

DIVISION I

Repealed, 1993, c. 61, s. 58.

1978, c. 58, s. 11; 1993, c. 61, s. 58.

108.1. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 18; 1993, c. 61, s. 58.

108.2. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 50; 1993, c. 61, s. 58.

108.3. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 50; 1993, c. 61, s. 58.

108.4. *(Repealed).*

1978, c. 58, s. 11; 1993, c. 61, s. 58.

DIVISION II

Repealed, 1986, c. 89, s. 19.

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.5. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.6. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.7. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.8. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.9. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.10. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.11. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.12. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.13. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.14. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.15. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.16. *(Repealed).*

1978, c. 58, s. 11; 1986, c. 89, s. 19.

108.17. *(Repealed).*

1978, c. 58, s. 11; 1979, c. 37, s. 43; 1986, c. 89, s. 19.

CHAPTER XI

PROCEDURE

109. Sections 40 to 50 of the Act respecting collective agreement decrees (chapter D-2) apply, with the necessary modifications. For the purposes of this section, sections 44, 45, 47 and 48 of that Act shall be read by striking out “professional” before “employer”.

1968, c. 45, s. 49; 1980, c. 23, s. 4; 1986, c. 89, s. 20; 1998, c. 46, s. 116.

109.1. Penal proceedings for an offence under a provision of this Act are prescribed by three years from the date on which the prosecutor became aware of the commission of the offence. However, no proceedings may be instituted where more than seven years have elapsed from the commission of the offence.

1980, c. 23, s. 4; 1983, c. 13, s. 8; 1986, c. 89, s. 50; 1992, c. 61, s. 532; 2018, c. 12, s. 13.

109.2. *(Repealed).*

1980, c. 23, s. 4; 1986, c. 89, s. 21; 1990, c. 4, s. 781; 1992, c. 61, s. 533.

110. Any association of employees may exercise, with respect to the matters mentioned in the second paragraph of section 61 or in section 62, the recourses which the collective agreement grants to each of the employees whom it represents, without being required to prove that the interested party has assigned his claim.

The same applies to complaints filed under section 105.

1968, c. 45, s. 50; 1993, c. 61, s. 59; 2005, c. 42, s. 14.

111. The rights and recourses arising out of an arbitration award rendered in accordance with section 73 shall be prescribed by six months from the day when the cause of action arose. Recourse to the procedure of settlement of grievances shall interrupt prescription.

1968, c. 45, s. 51; 2011, c. 30, s. 58.

CHAPTER XII


PENAL PROVISIONS

1992, c. 61, s. 534.

111.1. Every person who contravenes section 7.4.1 is guilty of an offence and liable, for each day or part of a day during which the offence continues, to a fine of \$1,303 to \$2,608 in the case of a natural person and \$2,608 to \$5,211 in the case of a legal person.


For every subsequent conviction, the fines shall be doubled.

1998, c. 46, s. 117; 1999, c. 40, s. 257.

 See notice of indexation; (2022) 154 G.O. 1, 645.


112. Every representative association which fails to negotiate in accordance with section 42 shall be guilty of an offence and liable to a fine of \$228 to \$1,824 for each day or part of a day during which such offence continues.

1968, c. 45, s. 52; 1986, c. 58, s. 92; 1991, c. 33, s. 122.

 See notice of indexation; (2022) 154 G.O. 1, 645.


113. Any person ordering, encouraging or supporting a strike, a work slow-down or a lock-out contrary to the provisions of this Act or participating therein is liable, in the case of an employer, an association, or a director or representative of an association, to a fine of \$9,124 to \$91,228 for each day or part of a day during which such strike, lock-out or slowdown exists, and in all other cases, to a fine of \$228 to \$1,105 for each day or part of a day.

1968, c. 45, s. 53; 1972, c. 10, s. 2; 1975, c. 50, s. 5; 1986, c. 58, s. 93; 1991, c. 33, s. 123; 2018, c. 12, s. 14.

 See notice of indexation; (2022) 154 G.O. 1, 645.

113.1. Any person who uses intimidation or threats that are reasonably likely to cause an obstruction to or a slowdown or stoppage of activities on a job site is guilty of an offence and liable to a fine of \$1,303 to \$13,032 for each day or part of a day during which the offence continues.

2009, c. 57, s. 11; 2018, c. 12, s. 15.


 See notice of indexation; (2022) 154 G.O. 1, 645.

113.2. Any person who uses intimidation or threats that are reasonably likely to compel an employer to make a decision regarding workforce management in the construction industry or to prevent the employer from making such a decision, or otherwise imposes such a decision is guilty of an offence and liable to a fine of \$1,766 to \$17,622.

For any subsequent conviction, the fines are doubled.

Any act listed or described in the second paragraph of section 101 constitutes a decision regarding workforce management.

2011, c. 30, s. 59; 2018, c. 12, s. 16.

 See notice of indexation; (2022) 154 G.O. 1, 645.

113.3. Any person who requires or imposes the payment of wages or benefits not reported in the monthly report referred to in subparagraph *b* of the first paragraph of section 82 or of any other benefit not provided for by a collective agreement, makes, receives or participates in such a payment, or incites a person to make such a payment is guilty of an offence and is liable to a fine of \$1,303 to \$13,032.

2018, c. 12, s. 17.

 See notice of indexation; (2022) 154 G.O. 1, 645.

113.4. Any person who offers, requires from or imposes on an employee, in consideration for hiring the latter, conditions of employment that are inferior to those provided for in a law, regulation or collective agreement is guilty of an offence and is liable to a fine of \$1,303 to \$13,032.

2018, c. 12, s. 18.

 See notice of indexation; (2022) 154 G.O. 1, 645.

114. *(Repealed).*


1968, c. 45, s. 54; 1986, c. 58, s. 94; 1988, c. 35, s. 14.

115. (1) Any employer or any employer's representative who offers, gives, or attempts to offer or give to a union representative, a business agent or a job-site steward, in the performance of his functions, a loan, a reward, an advantage or a benefit of any nature whatsoever or

(2) any union representative, business agent or job-site steward who, in the performance of his functions, accepts, obtains, or attempts to accept or obtain from an employer or an employer's representative a loan, a reward, an advantage or a benefit of any nature whatsoever,

is guilty of an offence and is liable to a fine of \$1,954 to \$18,213.

1975, c. 50, s. 6; 1986, c. 58, s. 95; 1991, c. 33, s. 124; 2009, c. 57, s. 12; 2011, c. 30, s. 60.

 See notice of indexation; (2022) 154 G.O. 1, 645.

115.1. The following is guilty of an offence and is liable to a fine of \$522 to \$1,041 in the case of an individual and \$1,303 to \$2,608 in the case of an association, for each day or part of a day during which the offence lasts:

(1) any person who makes a false declaration when making the declaration required by the fourth paragraph of paragraph 1 of section 86;

(2) any association that notifies the employer under paragraph 2 of section 86 without first having forwarded the declaration required by the fourth paragraph of paragraph 1 of section 86 to the Commission;

(3) any job-site steward who contravenes subparagraph *f* of paragraph 3 of section 86; and

(4) any association that contravenes section 86.1.

2005, c. 42, s. 15; 2009, c. 57, s. 13; 2018, c. 12, s. 19.



See notice of indexation; (2022) 154 G.O. 1, 645.

116. Any person who contravenes paragraph *a* or *b* of section 88 is liable to a fine of \$913 to \$18,213 for every day or part of a day during which the offence continues.

1975, c. 50, s. 6; 1986, c. 58, s. 96; 1991, c. 33, s. 125.



See notice of indexation; (2022) 154 G.O. 1, 645.

117. Any person who contravenes section 26 is liable to a fine of not less than \$1,824 for every day or part of a day during which the offence continues.

1975, c. 50, s. 6; 1986, c. 58, s. 97; 1990, c. 4, s. 782; 1991, c. 33, s. 126.



See notice of indexation; (2022) 154 G.O. 1, 645.

118. Any person who attempts to commit any of the offences described in this Act, or aids or incites any person to commit or attempt to commit such an offence, is guilty of an offence and liable to the penalty prescribed for such an offence.

1968, c. 45, s. 55; 1983, c. 13, s. 9; 1992, c. 61, s. 535.

119. Any person who contravenes any of sections 101 to 102 is guilty of an offence and is liable to a fine of not less than \$1,850 and not more than \$18,471.

1972, c. 10, s. 3; 1986, c. 58, s. 98; 1990, c. 4, s. 783; 1991, c. 33, s. 127; 1995, c. 51, s. 50; 2005, c. 42, s. 16; 2009, c. 57, s. 14; 2011, c. 30, s. 61.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.0.1. The following are guilty of an offence and liable to a fine of \$1,227 to \$2,452 in the case of a natural person and to a fine of \$2,487 to \$4,973 in other cases:

(1) an association referred to in section 107.1 that refers labour or offers or provides, directly or indirectly, a labour-referral service other than by participating in the labour-referral service for the construction industry;

(2) a union representative, a job-site steward or any other representative of an association referred to in paragraph 1 who directly or indirectly refers labour or offers or provides a labour-referral service other than by participating in the labour-referral service for the construction industry; or

(3) any other person who offers or provides a labour-referral service for the construction industry.

2011, c. 30, s. 62.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.0.2. An employer who contravenes paragraph 1 of section 107.8, section 107.9, the first paragraph of section 107.10 or section 107.11 is guilty of an offence and liable to a fine of \$1,227 to \$2,452.

2011, c. 30, s. 62.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.0.3. Any person who hinders the activities of the labour-referral service for the construction industry or exercises undue pressure or uses intimidation or threats against a person in charge of the service or an

employee assigned to its activities is guilty of an offence and liable to a fine of \$1,227 to \$2,452 in the case of a natural person and to a fine of \$2,487 to \$4,973 in other cases.

2011, c. 30, s. 62; 2012, c. 29, s. 1.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.0.4. For any subsequent conviction for an offence committed under sections 119.0.1 to 119.0.3, the fine is doubled.

2011, c. 30, s. 62; 2012, c. 29, s. 1.

119.0.5. The following are guilty of an offence and liable to a fine of \$2,292 to \$22,926 in the case of a natural person and to a fine of \$11,462 to \$286,568 in other cases:

(1) any person who, when communicating information under section 123.5, provides information that the person knows to be false or misleading; and

(2) any person who contravenes section 123.7.

For any subsequent conviction, the fines are doubled.

2018, c. 12, s. 20.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.1. The following persons shall be guilty of an offence and liable to a fine of \$261 to \$522 in the case of an individual and \$1,041 to \$2,087 in the case of any other person:

(1) every person who personally performs construction work without being the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate issued by the Commission, or the recipient of an exemption, or without having such certificate or a proof of exemption in his possession;

(2) every person who personally performs construction work pertaining to a trade without being the holder of a journeyman competency certificate or an apprentice competency certificate in respect of that trade issued by the Commission, or the recipient of an exemption, or without having such certificate or a proof of exemption in his possession;

(3) every person who hires the services of or assigns to construction work an employee who is not the holder of a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate issued by the Commission, or the recipient of an exemption or who does not have such certificate or a proof of exemption in his possession;

(4) every person who hires the services of or assigns to do work pertaining to a trade an employee who is not the holder of a journeyman competency certificate or an apprentice competency certificate in respect of that trade issued by the Commission, or the recipient of an exemption or who does not have such certificate or a proof of exemption in his possession;

(5) *(paragraph repealed);*

(6) *(paragraph repealed);*

(7) every person who personally performs construction work and refuses, omits or neglects to show to a person authorized by the Commission the journeyman competency certificate, occupation competency certificate or apprentice competency certificate issued to him by the Commission, or his proof of exemption;

(8) every person who uses the journeyman competency certificate, occupation competency certificate or apprentice competency certificate or apprenticeship booklet or the proof of exemption of another person;

(9) every person who alters or falsifies a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet or a proof of exemption;

(10) every person who makes a false declaration, falsifies a document or uses a falsified document to obtain a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet, an exemption or a card referred to in section 36;

(11) every person who, contrary to section 19.2, performs construction work otherwise than as an employer, an employee, an independent contractor or a designated representative.

Penal proceedings instituted against a member of a partnership deemed, under the third paragraph of section 19.1, to be an employee of that partnership, shall not preclude the institution of penal proceedings, in relation to the same facts, against any other member of that partnership as an employer of the member deemed to be an employee.

1978, c. 58, s. 12; 1986, c. 89, s. 22; 1988, c. 35, s. 15, s. 18; 1990, c. 4, s. 784; 1992, c. 42, s. 17; 1995, c. 51, s. 50; 1996, c. 74, s. 46; 1998, c. 46, s. 118.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.2. Where a person is convicted of an offence under any of sections 83, 83.1, 83.2, 84 and 111.1 or any of paragraphs 1 and 7 to 11 of section 119.1, in addition to the prescribed penalty, his competency certificate, exemption or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card shall be suspended for a period of one to three months if the person has been convicted of an offence under any of the said provisions during the two preceding years.

The suspension period provided for in the first paragraph shall be extended to a period of three to six months if the convicted person's competency certificate, exemption or card or, as the case may be, right to obtain such a certificate, exemption or card has, during the two preceding years, been suspended upon a conviction for an offence referred to in the first paragraph.

1992, c. 42, s. 18; 1996, c. 74, s. 47; 1998, c. 46, s. 119.

119.3. Every person who performs construction work while his competency certificate, exemption, or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card is suspended is guilty of an offence and is liable to a fine of \$1,041 to \$2,087 and his competency certificate, exemption, or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card shall be suspended for an additional period of six to 12 months.

1992, c. 42, s. 18; 1995, c. 51, s. 50; 1996, c. 74, s. 47.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.4. Every person who hires the services of or assigns to construction work an employee while the employee's competency certificate, exemption or card issued under section 36 or, as the case may be, his right to obtain the issue or renewal of such a certificate, exemption or card is suspended is guilty of an offence and is liable to a fine of \$1,041 to \$2,087 in the case of an individual and \$2,608 to \$5,211 in the case of any other person.

1992, c. 42, s. 18; 1995, c. 51, s. 50; 1996, c. 74, s. 48.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.5. In the cases provided for in sections 119.2 and 119.3, the court shall, in addition to imposing a sentence, determine the duration of the suspension and order, where applicable, that the competency certificate, exemption or card issued under section 36 be confiscated and returned to the Commission. He may, in no case, suspend the passing of that part of the sentencing.

1992, c. 42, s. 18; 1996, c. 74, s. 49.

119.6. *(Repealed).*

1998, c. 46, s. 120; 2011, c. 30, s. 63.

119.7. Every person who contravenes a regulation made for the purposes of subparagraph *b* or *h* of the first paragraph of section 82 is guilty of an offence and is liable to a fine of \$490 to \$1,962 in the case of an individual and \$1,227 to \$6,130 in the case of any other person or an association.

2011, c. 18, s. 57.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.8. The following are guilty of an offence and liable to a fine of \$615 to \$2,452:

- (1) any person who falsifies a ballot report;
- (2) any person who destroys a ballot paper before the end of the period for which it is to be kept;
- (3) any person who counterfeits a document issued by the Commission regarding a ballot;
- (4) any person who hinders the work of a polling officer;
- (5) any person who prints or uses a false ballot paper or defaces or counterfeits a ballot paper; and

(6) any person who, to be admitted to vote or to make an election respecting an association whose name was published in accordance with section 29, or to allow someone to vote or to make such an election, makes a false declaration, produces a fraudulent document as identification or assumes the identity of another person.

2011, c. 30, s. 64.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.9. Any person who violates an election in respect of an association whose name was published in accordance with section 29, inhibits the freedom to vote or to make an election in respect of an association, prevents any proceeding relating to the vote or election, or alters the results of the vote or the election is guilty of an offence and liable to a fine of \$2,452 to \$12,261 in the case of a natural person, and \$6,130 to \$36,784 in the case of a legal person.

2011, c. 30, s. 64.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.10. The following are guilty of an offence and liable to a fine of \$2,452 to \$12,261:

(1) an association that, itself or through another person, in order to influence the vote of an employee, obtains the employee's vote or election respecting an association whose name was published in accordance with section 29, or incites the employee to abstain from voting or making an election, by promising or granting the employee a gift, loan, office, employment or other benefit; and

(2) a person who, in order to obtain or because the person has obtained a gift, loan, office, employment or other benefit, agrees to abstain from voting or making an election respecting an association whose name was published in accordance with section 29.

2011, c. 30, s. 64.



See notice of indexation; (2022) 154 G.O. 1, 645.

119.11. Any natural person convicted, by a final judgment, of an offence listed in any of sections 113.1, 113.2, 115, 119, 119.0.1, 119.0.3, 119.0.5 and 119.8 to 119.10 is disqualified from leading and from representing, in any capacity whatever, 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 or from being a member of the Commission's board of directors or of a committee established under this Act for five years from the day sentence is rendered.

2011, c. 30, s. 64; 2018, c. 12, s. 21.

120. Any person who violates a prescription of this Act or of a regulation made thereunder, or a prescription of a collective agreement in respect of any matter other than those referred to in the first paragraph of section 62 or subparagraph *c* of the first paragraph of section 81, commits an offence and is liable, if no other penalty is provided for such offence,

(a) to a fine of not less than \$228 nor more than \$1,105 in the case of an individual;

(b) to a fine of not less than \$847 nor more than \$3,649, in the case of any other person or partnership;

(c) for a second conviction, to a fine the amount of which must not be less nor more than twice the fines provided for in paragraph *a* or *b*, as the case may be;

(d) for any other subsequent conviction, to a fine the amount of which must not be less nor more than three times the fines provided for in paragraph *a* or *b*, as the case may be.

1968, c. 45, s. 56; 1975, c. 50, s. 7; 1975, c. 51, s. 28; 1986, c. 58, s. 99; 1988, c. 35, s. 16; 1990, c. 4, s. 785; 1991, c. 33, s. 128; 1996, c. 74, s. 50; 1993, c. 61, s. 60; 2011, c. 30, s. 65.



See notice of indexation; (2022) 154 G.O. 1, 645.

121. The Commission shall make an inquiry each time a written complaint brings to its attention an infringement of this Act.

1972, c. 10, s. 4; 1974, c. 38, s. 3; 1992, c. 61, s. 536; 1996, c. 74, s. 51; 2005, c. 42, s. 17.

121.1. *(Repealed).*

1986, c. 89, s. 23; 1990, c. 4, s. 786; 1992, c. 61, s. 537.

122. (1) Any civil action arising out of a collective agreement or out of this Act is prescribed by 12 months from the due date in each case. In the case of an omission or a false entry in the compulsory register, the registration system or the pay-list, of a secret rebate, of an omission to keep the compulsory register or the pay-list or to transmit the compulsory monthly report to the Commission, prescription shall run against the Commission's recourse only from the date the Commission becomes aware of the facts giving rise to the civil action.

For the purposes of the recourses of the Commission respecting the collection of indemnities, vacations and contributions or assessments of employers and employees under complementary social benefits plans, the maturity date mentioned above is the next 1 December for all the indemnities or contributions exigible from 1 January to the preceding 30 April, and the next 1 July for all those exigible from 1 May to the preceding 31 December.

However, a claim sent by the Commission to the employer, by registered mail, shall interrupt prescription for the amount of the claim and in such case, the action is again prescribed by six months, from the mailing of such letter; no subsequent letter addressed in respect of the same claim shall have the effect of interrupting prescription.

(2) Except where section 123.7 applies, every employer who, without valid reason, proof of which lies on him, dismisses, suspends or lays off an employee or threatens to do so

(a) by reason of information given to the representatives of the Commission respecting a collective agreement, an agreement, a regulation or a violation of the provisions of this Act;

(b) by reason of a complaint, an information or penal proceedings respecting it, or of testimony in a suit or motion relating to it;

(c) with intent to re-engage him in an inferior employment and so evade a clause of a collective agreement by paying a lower wage,

is guilty of an offence and liable to a fine of \$1,303 to \$3,259 and, in the case of a subsequent conviction, to a fine of \$2,087 to \$6,517.

(3) Every employee dismissed, suspended or laid off in violation of subsection 2 or section 123.7, or with the object of obliging him to accept a classification calling for a wage less than that which he is receiving, has the right to claim from the person who employed him, as punitive damages, the equivalent of three months' wages. Proof that the employee does not meet the requisite conditions to claim such right shall lie upon the person who employed him.

(4) Whoever destroys, alters or falsifies any register, pay-list, registration system or document relating to the application of this Act, a collective agreement or a regulation, or forwards any false or inaccurate information or report, or gives a false designation to the position of an employee so as to pay a lower wage, is guilty of an offence and liable

(a) to a fine of \$1,041 to \$2,087 in the case of an individual;

(b) to a fine of \$2,087 to \$6,517 in the case of any other person or an association;

(c) to a fine equal to twice the amount of the fine prescribed in paragraph *a* or *b*, as the case may be, for a second conviction;

(d) to a fine equal to three times the amount of the fine prescribed in paragraph *a* or *b*, as the case may be, for any subsequent conviction.

(5) Whoever, by means of benefits having a pecuniary value, grants or accepts a rebate reducing the wage made obligatory, or participates in such a rebate, is guilty of an offence and liable to the fines prescribed in section 119.1.

(6) In any civil action taken under this Act, it shall not be necessary to produce the original of any book, register, order or document in the possession of the Commission, but a copy or extract duly certified by a person designated by the Commission, shall be evidence of the tenor of the original and the certificate affixed to such copy or extract shall establish, until proof to the contrary, the signature and authority of the employee of the Commission who gives it.

The Commission shall designate the persons authorized to issue certified copies of documents for a penal proceeding.

(7) In the case of a bankruptcy of or a winding-up order in respect of a legal person, or in the case of the legal person's dissolution pursuant to the fourth paragraph of section 59 of the Act respecting the legal publicity of enterprises (chapter P-44.1), the directors of the legal person shall be personally and solidarily

liable for the payment of the wages payable to the employees of the legal person, up to six months' wages, provided that a claim is filed for that debt within one year of the bankruptcy, winding-up order or dissolution.

The same applies, when, after a judgment rendered against a legal person, the notice of execution is returned without being satisfied in whole or in part, if the directors are prosecuted within one year of the judgment recognizing the exigibility of the salary.

(8) In the cases contemplated in subsection 7, the Commission shall reimburse to the employee the salary he has lost.

At the request of the Minister of Employment and Social Solidarity, the Commission shall deduct from such reimbursement the amount payable under section 90 of the Individual and Family Assistance Act (chapter A-13.1.1). The Commission shall remit the amount thus deducted to the Minister of Employment and Social Solidarity.

1968, c. 45, s. 57; 1971, c. 46, s. 3; 1975, c. 19, s. 16; 1975, c. 51, s. 29; 1975, c. 83, s. 84; 1983, c. 13, s. 10; 1986, c. 58, s. 100; 1986, c. 89, s. 50; 1988, c. 35, s. 17; 1988, c. 51, s. 125; 1990, c. 4, s. 787; 1991, c. 33, s. 129; 1992, c. 42, s. 19; 1992, c. 44, s. 81; 1992, c. 61, s. 538; 1994, c. 12, s. 55; 1993, c. 61, s. 61; 1995, c. 51, s. 50; 1997, c. 63, s. 128; 1998, c. 46, s. 121; 1998, c. 36, s. 192; 2001, c. 44, s. 30; 2005, c. 15, s. 171; 2009, c. 57, s. 15; 2010, c. 7, s. 241; I.N. 2016-01-01 (NCCP); 2018, c. 12, s. 22.



See notice of indexation; (2022) 154 G.O. 1, 645.

122.1. A fine under this Act is indexed annually according to the percentage increase in the Consumer Price Index for Canada published by Statistics Canada under the Statistics Act (R.S.C. 1985, c. S-19), for the 12 months of the preceding year in relation to the 12 months of the year preceding that year.

The resulting amount is increased to the nearest dollar if it contains decimals equal to or greater than 50; the amount is reduced to the nearest dollar if it contains decimals lower than 50.

The Commission shall publish in the *Gazette officielle du Québec* the results of any indexation carried out under this section.

2009, c. 57, s. 16.

CHAPTER XIII

REGULATIONS

123. The Government may, by regulation,

- (1) *(paragraph repealed)*;
- (2) *(paragraph repealed)*;
- (3) *(paragraph repealed)*;
- (4) *(paragraph repealed)*;
- (5) *(paragraph repealed)*;
- (6) *(paragraph repealed)*;
- (7) *(paragraph repealed)*;

(8) authorize the Commission to use for its administration part of the sums collected by it for fringe benefits and part or all of the funds or interest on funds kept in trust for paid holidays, fringe benefits or for any other purpose;

(8.1) determine, subject to the sixth paragraph of section 109.2 and subsections 11 and 12 of section 123.1, in what cases and from whom costs, dues or fees may be exigible and fix the amount thereof;

(8.2) determine in what cases, subject to what terms and conditions, and for how long a licence issued under the Building Act (chapter B-1.1) is to contain a restriction as regards the obtention of a public contract referred to in section 65.4 of that Act;

(8.3) determine the nature, the number and any particularity relating to offences under this Act or the regulations, committed by a contractor or, in the case of a legal person, the legal person's directors or, in the case of a partnership, the partnership's partners, that as regards the obtention of a public contract, entail a restriction in a licence issued to by the contractor;

(8.4) *(subparagraph repealed)*;

(8.5) determine, after consultation with the Comité consultatif du travail et de la main-d'oeuvre established under section 12.1 of the Act respecting the Ministère du Travail (chapter M-32.2), the remuneration, allowances and expenses of the arbitrators of grievances appointed by the Commission, one or more methods for determining the remuneration, allowances and expenses of the arbitrators of grievances chosen by the parties, and the situations in which the regulation does not apply. The regulation may also determine who is to assume the payment of the remuneration, allowances and expenses and, where applicable, in which cases and in what proportion;

(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 Administrative Labour Tribunal, and any element of procedure specific to such proceedings;

(9) generally, adopt any other related or suppletive provision considered necessary to give effect to the provisions of this Act other than those relating to professional training.

The Government may also, in order to give effect to an intergovernmental agreement in respect of workforce mobility or the mutual recognition of qualifications, skills or work experience in trades and occupations in the construction industry, make regulations to exempt certain persons, on the conditions it determines, from the requirement of holding a competency certificate or an exemption issued by the Commission, or to determine conditions for the issue of such a certificate by the Commission; such regulations may, in particular, provide for adjustments to the provisions of this Act and the regulations and special management rules. A regulation made under this paragraph is not subject to the requirements as to publication and the date of coming into force set out in sections 8 and 17 of the Regulations Act (chapter R-18.1).

The provisions of a regulation under subparagraph 8.2 or 8.3 of the first paragraph may vary according to the contractor's volume of activity or the number of hours of work he reported to the Commission as an employer during a reference period.

1968, c. 45, s. 58; 1973, c. 28, s. 17; 1975, c. 51, s. 30; 1986, c. 89, s. 24; 1992, c. 42, s. 20; 1993, c. 61, s. 62; 1996, c. 74, s. 52; 1997, c. 85, s. 398; 1998, c. 46, s. 122; 2005, c. 42, s. 18; 2007, c. 3, s. 72; 2006, c. 58, s. 49; 2005, c. 22, s. 52; 2009, c. 16, s. 7; 2011, c. 12, s. 4; 2011, c. 16, s. 88; 2011, c. 30, s. 66; 2014, c. 18, s. 6; 2015, c. 15, s. 237.

123.1. The Commission may, by regulation,

(1) determine the qualifications required for the practice of each trade;

- (2) determine the activities included in a trade;
- (3) make apprenticeship mandatory for the practice of a trade;
- (4) make training mandatory for the carrying on of an occupation;
- (5) determine the conditions of admission to apprenticeship and the various types of examinations, and of issue, renewal, cancellation and reinstatement of an apprentice competency certificate or apprenticeship booklet;
- (6) determine the conditions of issue and renewal of a journeyman competency certificate in respect of a trade or, as the case may be, of part of the activities of a trade;
- (7) determine the conditions of issue and renewal of occupation competency certificates;
- (8) determine the cases where a person may be required to submit to a competency evaluation examination or to undergo further vocational training, limit the practice of a trade or the carrying on of an occupation, as the case may be, while a person is undergoing vocational retraining, grant a determined period of time for undergoing required further vocational training, and determine the conditions of cancellation and reinstatement of a journeyman competency certificate and an occupation competency certificate;
- (9) provide for the cases in which it may and those in which it must grant an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate or apprenticeship booklet and determine, as the case may be, the criteria applicable to the granting or cancellation of such an exemption and the conditions to which the granting of such an exemption may be subject;
- (10) determine the duration of apprenticeship, the number of apprentices in relation to the number of journeymen employed by an employer or on a job site, as well as how those ratios are applied and the wage rate of an apprentice in relation to that of a journeyman;
- (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;
- (12) determine the fee exigible for the granting of an exemption from the obligation to hold a journeyman competency certificate, an occupation competency certificate or an apprentice competency certificate and apprenticeship booklet;
- (13) establish rules for labour pool management and regional priority rules in matters of labour hiring and labour mobility management and provide exceptions to those rules and, for those purposes, divide the territory of Québec into regions and define and delimit bordering zones;
 - (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;

(14) generally, adopt any other related or suppletive provision considered necessary to give effect to the provisions of this section and of this Act with respect to vocational training.

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.

A regulation made under subparagraph 9 of the first paragraph may, with respect to work described in subparagraph 13 of the first paragraph of section 19 done by a person not referred to in that subparagraph or work involving the use of old techniques, make the granting of exemptions conditional on an examination or recommendation of a committee established for that purpose, specify the powers and duties, composition and mode of operation of the committee and the term of office of its members, and determine the criteria to be taken into account by the committee.

The provisions of the regulations made under this section may vary according to sector, region, bordering zone and target group; they may also vary to facilitate recognition of qualifications, skills and work experience as well as the mobility and hiring of persons in order to give effect to an intergovernmental agreement to which the Gouvernement du Québec is party respecting labour mobility or the mutual recognition of qualifications, skills and work experience in trades and occupations in the construction industry.

The regulations may also prescribe different standards in respect of women, 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 and greater representation on the labour market in the construction industry.

1986, c. 89, s. 24; 1995, c. 8, s. 43; 2001, c. 79, s. 4; 2007, c. 3, s. 72; 2009, c. 16, s. 8; 2011, c. 30, s. 67.

123.2. Every regulation of the Commission made under section 123.1 shall be transmitted to the Minister who shall recommend it to the Government for approval.

The Government may amend any regulation submitted for approval under the first paragraph.

Where the Commission fails to adopt or amend a regulation made under section 123.1 within such time as the Government may consider reasonable, the Government, on the recommendation of the Minister, may, itself, make the regulation.

1986, c. 89, s. 24; 1992, c. 44, s. 81; 1993, c. 61, s. 64; 1994, c. 12, s. 56.

123.3. The Commission shall submit to the Committee on vocational training, for consultation, every regulation it may adopt under section 123.1, before it is adopted.

The Committee shall, within thirty days, send its comments to the Commission. At the expiry of that time, the Commission may adopt the regulation.

1979, c. 2, s. 24; 1986, c. 89, s. 25; 2011, c. 30, s. 68.

CHAPTER XIII.1

COMMUNICATION OF INFORMATION

1992, c. 42, s. 21.

123.4. For the purposes of this Act and the regulations, the Commission may obtain from a body that is subject to the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1) any information or document in its possession relating to the carrying out of

construction work and to the persons who carry out such work or cause such work to be carried out and the body shall furnish such information or document to the Commission in accordance with that Act.

1992, c. 42, s. 21; 1992, c. 44, s. 81; 1993, c. 61, s. 65.

123.4.1. The Commission may, according to law, enter into an agreement with a government in Canada or abroad or with a department or body of such a government for the carrying out of this Act and the regulations or of an Act for the carrying out of which such a government, department or body is responsible.

Such an agreement may permit the exchange of personal information for the prevention, detection or repression of offences under any such Act.

1993, c. 61, s. 65; 2006, c. 22, s. 177.

123.4.2. The Commission shall collect and keep updated all data necessary for the purposes of a regulation under subparagraphs 8.2 and 8.3 of the first paragraph of section 123, the provisions of the Building Act (chapter B-1.1) pertaining to licences that contain a restriction as regards the obtention of a public contract and sections 21.26 to 21.28 of the Act respecting contracting by public bodies (chapter C-65.1).

1997, c. 85, s. 399; 2012, c. 25, s. 98.

123.4.3. The Director of Criminal and Penal Prosecutions shall communicate to the Commission all information necessary for the purposes of the provisions referred to in section 123.4.2 that relate to a conviction for an offence under this Act or a regulation under it.

1997, c. 85, s. 399; 2005, c. 34, s. 85.

123.4.4. The Commission shall communicate to the Régie du bâtiment du Québec, a mandatory Corporation referred to in section 129.3 of the Building Act (chapter B-1.1) and the Autorité des marchés publics, the information it holds in respect of a contractor and, in the case of a legal person, any of its directors or, in the case of a partnership, any of its partners, that is necessary for the purposes of the provisions of the Building Act pertaining to licences that contain a restriction as regards the obtention of a public contract and for the purposes of Chapter V.1 of the Act respecting contracting by public bodies (chapter C-65.1).

1997, c. 85, s. 399; 1998, c. 46, s. 123; 1999, c. 40, s. 257; 2012, c. 25, s. 99; 2013, c. 23, s. 139; 2022, c. 18, s. 131.

123.4.5. A public body listed or described in section 4 or 7 of the Act respecting contracting by public bodies (chapter C-65.1) or a municipal body that carries out or causes to be carried out construction work within the meaning of this Act must report to the Commission all demonstrations of violence, threats or intimidation in connection with the carrying out of that work that are brought to its attention.

For the purposes of this section,

(1) “municipal body” means a municipality, metropolitan community, intermunicipal board, public transit authority or northern village, the Kativik Regional Government, a mixed enterprise company or any other body that, under the law, is subject to sections 573 to 573.3.4 of the Cities and Towns Act (chapter C-19), articles 934 to 938.4 of the Municipal Code of Québec (chapter C-27.1), sections 106 to 118.2 of the Act respecting the Communauté métropolitaine de Montréal (chapter C-37.01), sections 99 to 111.2 of the Act respecting the Communauté métropolitaine de Québec (chapter C-37.02) or sections 92.1 to 108.2 of the Act respecting public transit authorities (chapter S-30.01); and

(2) “mixed enterprise company” means such a company established under the Act respecting mixed enterprise companies in the municipal sector (chapter S-25.01) or any similar body established under any of

chapters 56, 61 and 69 of the statutes of 1994, chapter 84 of the statutes of 1995 and chapter 47 of the statutes of 2004.

2018, c. 12, s. 23.

CHAPTER XIII.2

IMMUNITY AND PROTECTION AGAINST REPRISALS

2018, c. 12, s. 24.

123.5. Any person may communicate to the Commission information concerning an act or omission that the person believes constitutes a violation or offence with respect to this Act or the regulations.

The first paragraph applies despite the provisions on the communication of information provided for in the Act respecting the protection of personal information in the private sector (chapter P-39.1) and the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), except those provided for in section 33 of the latter Act. It also applies despite any other communication restrictions under a law and any duty of confidentiality or loyalty that may be binding on the person, including toward his employer or, if applicable, his client.

However, the lifting of professional secrecy authorized under this section does not apply to professional secrecy between a lawyer or a notary and a client.

1992, c. 42, s. 21; 2018, c. 12, s. 24.

123.6. Any person who, in good faith, communicates to the Commission information referred to in section 123.5 or any other information required or authorized to be communicated under this Act or the regulations does not incur any civil liability for doing so.

2018, c. 12, s. 24.

123.7. It is forbidden to take a reprisal against a person on the ground that the person has, in good faith, communicated information referred to in section 123.6 or cooperated in an inquiry, verification or inspection carried out on the basis of such a communication.

It is also forbidden to threaten to take a reprisal against a person so that the person will abstain from communicating information to the Commission or from cooperating in an inquiry, verification or inspection carried out on the basis of such a communication.

The demotion, suspension, dismissal or transfer of a person having communicated information or any measure that adversely affects such a person's employment or conditions of employment is presumed to be a reprisal.

2018, c. 12, s. 24.

123.8. The Commission shall take the measures necessary to ensure that any information communicated to it, including the identity of the person who communicated it, remains confidential.

Despite sections 9, 83 and 89 of the Act respecting Access to documents held by public bodies and the Protection of personal information (chapter A-2.1), no one may have access to or rectify information communicated to the Commission.

2018, c. 12, s. 24.

CHAPTER XIV

FINAL PROVISIONS

124. The provisions of the Labour Code (chapter C-27), of the Act respecting collective agreement decrees (chapter D-2) and of the Act respecting workforce vocational training and qualification (chapter F-5) do not apply in the construction industry, except where expressly provided to the contrary.

However, the provisions of the Act to establish the Administrative Labour Tribunal (chapter T-15.1) and the Labour Code (chapter C-27) that pertain to the Administrative Labour Tribunal, its members and its labour relations officers and the relevant provisions of regulations made under them apply in the construction industry to any request, application, motion, complaint or proceedings brought before the Tribunal under this Act.

1968, c. 45, s. 59; 1986, c. 89, s. 26; 2007, c. 3, s. 72; 2006, c. 58, s. 50; 2015, c. 15, s. 197.

125. Notwithstanding this Act, the provisions of the Labour Code (chapter C-27) shall apply to Hydro-Québec and to its employees at the job sites at Manicouagan, Outardes, Gentilly and Témiscamingue Falls 1, for the duration of the work now in hand.

1968, c. 45, s. 69.

126. *(Repealed).*

1978, c. 58, s. 13; 1993, c. 61, s. 66.

126.0.1. The Commission, after consultation with the Commission des droits de la personne et des droits de la jeunesse, shall develop measures to favour the access of women to and their maintenance and greater representation on the labour market in the construction industry.

The Commission shall transmit to the Minister, at his request, any report or other information concerning the application of the first paragraph, within the time and in the form he determines.

1995, c. 8, s. 44; 1995, c. 27, s. 41.

126.0.2. A fee of \$0.075 per hour of work is payable to the Commission by every person who transmits to it contributions and assessments under supplemental fringe benefit plans in respect of an employee who is not an employee subject to this Act.

A fee of \$0.075 per hour of work is payable to the Commission by an employee referred to in the first paragraph; such fee may be deducted from the employee's salary or wages.

This section takes effect on 26 February 1995 and shall remain in effect until the coming into force of a regulation concerning such fees made by the Government under paragraph 8.1 of section 123.

1995, c. 8, s. 44.

126.0.3. *(Repealed).*

1997, c. 74, s. 3; 2011, c. 30, s. 69.

126.0.4. The Minister may generally or specially delegate to a member of the personnel of the Minister's department or to a person designated by the Minister the exercise of the powers conferred on the Minister by this Act.

1998, c. 46, s. 124.

126.0.5. Every five years, in collaboration with the Commission, the Minister shall conduct or commission a study on developments in the Québec construction industry.

2011, c. 30, s. 70.

126.0.6. At least once every 10 years, the Minister must report to the Government on the carrying out of the provisions of this Act concerning the Commission. The report must include recommendations concerning the updating of the mission of the Commission and its governance.

The Minister shall table the report in the National Assembly.

2022, c. 19, s. 280.

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

1986, c. 89, s. 27; 1994, c. 12, s. 57; 1996, c. 29, s. 43.

127. *(This section ceased to have effect on 17 April 1987).*

1982, c. 21, s. 1; U. K., 1982, c. 11, Sch. B, Part I, s. 33.

REPEAL SCHEDULES

In accordance with section 17 of the Act respecting the consolidation of the statutes (chapter R-3), chapter 45 of the statutes of 1968, in force on 31 December 1977, is repealed, except sections 60, 61 and 70, effective from the coming into force of chapter R-20 of the Revised Statutes.

In accordance with section 17 of the Act respecting the consolidation of the statutes and regulations (chapter R-3), paragraph *t* of section 1, the second and third paragraphs of section 2, subparagraph *t* of section 1, the second and third paragraphs of section 2, subparagraph *t* of section 1, the second and third paragraphs of section 2, subparagraph *b*¹ of the first paragraph of section 32*d* and subsection 4 of section 32*s* of chapter 45 of the statutes of 1968, in force on 1 November 1980 are repealed effective from the coming into force of the updating to 1 November 1980 of chapter R-20 of the Revised Statutes.