

chapter R-20, r. 11

Regulation respecting the register, monthly report, notices from employers and the designation of a representative

Act respecting labour relations, vocational training and workforce management in the construction industry
(chapter R-20, ss. 19.1 and 82)

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DIVISION I

REGISTRATION OF AN EMPLOYER AND NOTICE TO THE COMMISSION DE LA CONSTRUCTION DU QUÉBEC

1. Every employer must register with the Commission de la construction du Québec, which will assign the employer an identification number for administrative purposes.

O.C. 1528-96, s. 1.

2. Every employer must send to the Commission a written notice containing the following information:

- (1) the employer's name;
- (2) in the case of a natural person, the person's birthdate and the address of the person's domicile;
- (3) in the case of a legal person, the reference for the statute under which it was incorporated or continued, the date of incorporation or continuation and the names, birthdates and addresses of its directors;
- (4) in the case of a partnership, the date of its formation and the names, birthdates and addresses of its partners;
- (5) the address of the employer's head office, the address of the principal establishment in Québec and the address of each of the employer's establishments in Québec;
- (6) the place where the employer's registers and payrolls may be examined;
- (7) the number of the licence the employer holds under the Building Act (chapter B-1.1);
- (8) the number that the employer was assigned by the Commission des normes, de l'équité, de la santé et de la sécurité du travail, where applicable;
- (9) the business number that the employer was assigned under the Act respecting the legal publicity of enterprises (chapter P-44.1), where applicable;
- (10) the employer's number under the Act respecting the Québec sales tax (chapter T-0.1).

The employer must notify the Commission as soon as any change occurs in the information mentioned in the first paragraph.

O.C. 1528-96, s. 2.

3. The employer must send the notice provided for in section 2 prior to the date on which he undertakes construction work subject to the Act.

O.C. 1528-96, s. 3.

4. An employer is exempted from sending the notice provided for in the first paragraph of section 2 where, during a 26-month period preceding the date on which he resumes construction work, the following conditions have been fulfilled:

- (1) the employer has caused work to be performed by an employee in the construction industry;
- (2) the Commission has received from the employer a monthly report in accordance with the conditions and within the deadline provided for in this Regulation, and in which the employer indicates that he caused such work to be performed by the employee.

O.C. 1528-96, s. 4.

5. The notice provided for in the first paragraph of section 2 is deemed not to have been received unless it contains all the information required and is accompanied by the fee exigible under the Regulation respecting certain fees required by the Commission de la construction du Québec (chapter R-20, r. 2), where applicable.

O.C. 1528-96, s. 5.

DIVISION II

DESIGNATION OF A REPRESENTATIVE

6. Any legal person or partnership referred to in section 19.1 of the Act may designate a representative on the following conditions:

(1) it has sent to the Commission the notice mentioned in section 2, unless exempted therefrom under section 4, and paid the fee determined in respect of that notice by the Regulation respecting certain fees required by the Commission de la construction du Québec (chapter R-20, r. 2), where applicable;

(2) it indicates the name, birthdate and domicile of its lone representative and his capacity in respect of the legal person or partnership;

(3) it indicates the date on which the designation takes effect;

(4) the designated representative holds a journeyman certificate, an occupation competency certificate or an apprentice competency certificate or, where applicable, has applied, no later than the date on which the Commission receives the designation, for an apprentice competency certificate in accordance with paragraph 4 of section 2 of the Regulation respecting the issuance of competency certificates (chapter R-20, r. 5), or for an occupation competency certificate in accordance with paragraph 2 of section 4 of that Regulation.

O.C. 1528-96, s. 6.

7. A designation made under section 6 must be made in writing and must be received by the Commission before the date prescribed for it to take effect; otherwise, it shall take effect on the date it is received.

A legal person or partnership may, in accordance with the terms and conditions provided for in section 6 and in the first paragraph of this section, designate a new representative to replace the previously designated representative. Such new designation terminates the previous designation as of the date on which the new designation takes effect.

No designation or modification of a designation is deemed to have been received unless it contains the prescribed information and, in the case of a modification, is accompanied by the fee exigible under the Regulation respecting certain fees required by the Commission de la construction du Québec (chapter R-20, r. 2).

O.C. 1528-96, s. 7.

DIVISION III

THE KEEPING OF A REGISTER

8. Every employer must keep a register in which he must enter the following information for each employee and for himself, where applicable:

(1) the name, address and social insurance number;

(2) the name of the job: occupation, trade or specialty carried on and the apprenticeship period, where applicable;

(3) for each day of work, the exact times at which the work begins, is interrupted and ends, the hours of work paid at regular, time and a half and double rates, for each job site on which the employees have worked and for each owner for whom the employer is performing work;

- (4) the nature of the work, the type of job site and where it is located;
- (5) the wages paid, the date and the method of payment;
- (6) the amounts payable for vacations and paid holidays;
- (7) the amount deducted as a levy;
- (8) the contribution deducted from wages for complementary social benefits plans;
- (9) union dues deducted.

For the purposes of this Regulation, the expression “job site” means the work performed by an employer on a single project.

O.C. 1528-96, s. 8.

9. The registers must indicate the number of the licence held by the employer under the Building Act (chapter B-1.1); it shall be kept at the place indicated on the notice sent in accordance with section 2.

O.C. 1528-96, s. 9.

10. The register may be composed of time cards containing the information provided for in subparagraphs 1 to 4 of the first paragraph of section 8, and a payroll containing the information provided for in subparagraphs 5 to 9.

O.C. 1528-96, s. 10.

DIVISION IV

MONTHLY REPORT

11. Every employer must send to the Commission a monthly report giving the necessary information allowing to identify each of his employees and indicating, for each of them and for each week, his competency including, as the case may be, the apprenticeship period, the regular and extra hours done each week and the nature of such work, the designation of the sector in which the work was performed, the wage paid including, as the case may be, the presentation hours, the paid holidays, the levy and the applicable contributions, assessments and dues. The independent contractor must indicate that information concerning the hours he worked himself.

This report may be sent:

(1) on paper, either by completing the form provided by the Commission or by means of a printout of data processed by software, provided that, in the latter case, the information is clear and intelligible, and is presented in the same order as on that form;

(2) by computer medium, either by sending magnetic tapes or diskettes or by sending data by modem, provided that the report contains all the information prescribed in the form provided by the Commission and that the equipment and software used are compatible with those used by the Commission;

(3) by telephone, under the conditions and in the manner set forth in section 11.1.

O.C. 1528-96, s. 11; O.C. 218-2000, s. 1.

11.1. An employer who meets the requirements provided for in Division I and for whom fewer than 11 employees usually work during a monthly period of work may transmit his report by telephone.

The employer shall first register to that effect with the Commission, which shall provide him with a security code which, with the identification number provided for in section 1, makes it possible to identify the employer when he transmits the report. The Commission may change the code upon request.

The report may be transmitted by calling the Commission at the number and during the periods provided for this purpose.

After the report is transmitted, the Commission shall send the employer a notice of assessment indicating the amounts referred to in section 13 that he must pay, according to the information provided.

O.C. 218-2000, s. 1.

12. The report must be sent to the Commission not later than the 15th day of each month; it covers the previous monthly working period.

The employer must send a report for every monthly period of work, whether work was performed or not by himself or his employees.

The monthly period of work must consist of not less than 4 and not more than 5 weeks, and must end on the last Saturday of the month. A monthly period begins on the Sunday following the last day of the previous monthly period.

The working week begins at 12:01 a.m. on Sunday and ends at 12:00 p.m. on Saturday.

O.C. 1528-96, s. 12.

13. The employer must, at the latest on the date provided for in the first paragraph of section 12, pay amounts equal to the following:

- (1) allowances payable for vacations and paid holidays;
- (2) employer contributions to the complementary social benefits plans and the applicable sales tax;
- (3) union dues;
- (4) the employer contribution referred to in section 40 of the Act;
- (5) contributions to the special compensation fund;
- (6) contributions deducted as a levy;
- (7) contributions to the welding qualification fund;
- (8) contributions to any training fund;
- (8.1) contributions for measures relating to the residential sector workforce;
- (9) fees provided for in section 126.0.2 of the Act.

O.C. 1528-96, s. 13; O.C. 218-2000, s. 2; O.C. 994-2003, s. 1.

DIVISION V

TRANSITIONAL AND FINAL

14. A designation made under section 25 of the Act to amend the Act respecting labour relations, vocational training and workforce management in the construction industry (1992, chapter 42) or under section 5 of the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a legal person or a partnership (O.C. 1364-93, 93-09-22), has the same effect as a designation made under section 6.

O.C. 1528-96, s. 14.

15. This Regulation replaces the Regulation respecting the notice from an employer to the Commission de la construction du Québec and the terms and conditions of the designation of a representative by a legal person or a partnership (O.C. 1364-93, 93-09-22) and the Regulation respecting the keeping of a register and the sending of a monthly report (O.C. 875-93, 93-06-16).

O.C. 1528-96, s. 15.

16. *(Omitted).*

O.C. 1528-96, s. 16.

SCHEDULE I

(Revoked)

O.C. 1528-96, Sch. I; O.C. 218-2000, s. 3.

UPDATES

O.C. 1528-96, 1996 G.O. 2, 5358

O.C. 218-2000, 2000 G.O. 2, 1302

O.C. 994-2003, 2003 G.O. 2, 3004

S.Q. 2010, c. 7, s. 282

S.Q. 2015, c. 15, s. 237

