

chapter S-2.1, r. 1

Updated to 1 May 2017

Joint Sector-Based Construction Association on Occupational Health and Safety Regulation

Act respecting occupational health and safety

(chapter S-2.1, s. 223)

DIVISION I

DEFINITIONS

1. In this Regulation, unless the context indicates otherwise,

“agreement” means the agreement provided for in section 99 of the Act respecting occupational health and safety (chapter S-2.1);

“fiscal period” means the period extending from 1 January to 31 December;

“program of activities” means all the projects developed or promoted by the sector-based association to attain the objectives defined in section 101 of the Act.

O.C. 209-84, s. 1.

DIVISION II

COMPONENTS OF THE AGREEMENT

2. The agreement made between the representative associations as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and the Association of Building Contractors of Québec, or, in the absence of such agreement, the agreement established by the Commission des normes, de l'équité, de la santé et de la sécurité du travail (Commission) includes at least the elements prescribed in this Division.

O.C. 209-84, s. 2.

3. A sector-based association is constituted under the name “Joint Sector-Based Construction Association on Occupational Health and Safety”.

O.C. 209-84, s. 3.

4. The head office of the sector-based association is situated in a place in Québec.

O.C. 209-84, s. 4.

5. The representative associations, as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20) and the Association of Building Contractors of Québec, are members of the sector-based association.

O.C. 209-84, s. 5.

6. The members meet for the first time within 5 months after the agreement has been approved or concluded by the Commission and, thereafter, annually, within 5 months after the end of the fiscal period.

O.C. 209-84, s. 6.

7. The board of directors of the sector-based association is composed of at least 10 members, half of whom are elected or appointed by the Association of Building Contractors of

Québec and half by the representative associations as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

The Commission may name the members of the board of directors who have not been, in this way, elected or appointed.

O.C. 209-84, s. 7.

8. Are eligible for the position of director elected or appointed by the members of the second-based association, those who have the following qualifications:

(1) be an employer or officer of an employer, or a member of the personnel of an employer, a member of the Association of Building Contractors of Quebec and a representative of that association in the sector-based association; or

(2) (a) be a worker member of a representative association as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20), and a representative of that association in the sector-based association; or

(b) be a worker member of an association as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry, that association being a member of a representative association as defined in that Act, and a representative of that association in the sector-based association.

These provisions for eligibility do not apply to directors named by the Commission.

O.C. 209-84, s. 8.

9. The directors are elected at the annual meeting, appointed or named, for a term of 1 or 2 years.

Where the term is 2 years, half the directors elected or appointed by the members at the first meeting or named by the Commission have a 1-year term. The name of directors with a 1-year term is determined by a draw.

O.C. 209-84, s. 9.

10. If the directors are not elected or appointed at the set time, the sector-based association is in default.

The association may remedy the situation by holding an election at a subsequent meeting of the members of the sector-based association called for this purpose or, by making the appointment. The Commission may, also, remedy the situation by naming the directors that have not been elected or appointed by the members.

The retiring directors continue in office until their successors are elected, appointed or named. The term of the successors expires when it would have expired had the successors been elected, appointed or named in accordance with the rules.

O.C. 209-84, s. 10.

11. Any vacancy on the board of directors is filled in accordance with the rules governing elections, appointments or nominations.

O.C. 209-84, s. 11.

12. The board of directors meets at least 4 times per year.

O.C. 209-84, s. 12.

13. To be valid, a decision of the board of directors must have been approved both by a majority of the members of the board of directors representing the Association of the Building Contractors of Québec attending the meeting, and a majority of the members of the board of directors representing the representative associations as defined in the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20).

In order to insure the latter majority, each representative of the representative associations has, in a vote, a number of votes proportional to the degree of representation, as defined in that Act, of the association he represents.

When a representative association has more than one representative at the meeting, they equally divide the number of votes pertaining to that association between them.

O.C. 209-84, s. 13.

14. In the event of a tie-vote at a meeting of the executive committee, where applicable, no second vote or casting-vote is permitted.

O.C. 209-84, s. 14.

15. Subject to the components of the agreement prescribed in this Regulation, the members of the sector-based association may agree to amend or replace the agreement, in whole or in part.

The amendment or replacement comes into force upon its approval by the Commission.

O.C. 209-84, s. 15.

16. In the event of the cessation of the activities of the sector-based association, the property of the sector-based association remaining after its debts have been paid, is allotted to the Commission.

O.C. 209-84, s. 16.

17. The procedure for the settlement of disagreements comprises the settlement of disagreements existing between the members of the sector-based association.

O.C. 209-84, s. 17.

18. The members of the sector-based association agree to pursue the objectives of the sector-based association and to exercise the powers and civil rights thereof by means of a legal person constituted under Part III of the Companies Act (chapter C-38):

- (1) with the same name as that of the sector-based association;
- (2) with the same objectives as those of the sector-based association;
- (3) with the same head office as that of the sector-based association;
- (4) whose members are the members of the sector-based association;
- (5) whose powers comprise those of the sector-based association;
- (6) with the same limitations as those of the sector-based associations;
- (7) whose meeting of the members of the sector-based association is the general meeting;

- (8) with the same board of directors as that of the sector-based association;
- (9) with the same executive committee as that of the sector-based association, where applicable;
- (10) whose property remaining after its debts have been paid is allotted to the Commission when, in whatever way, it ceases to exist;
- (11) with letters patent or supplementary letters patent whose content states what is prescribed above, as well as the provisions of the Act that govern a sector-based association and whose content coincides at all times and accurately with the content of the agreement, through insertion of the necessary regulatory provisions that may not be revoked or amended by by-law.

O.C. 209-84, s. 18.

19. The members of the sector-based association may agree to refer to the provisions of this Division. In such an event the agreement is considered to contain the rules provided for in this Division as if they had been restated integrally therein.

O.C. 209-84, s. 19.

DIVISION III

CONDITIONS AND CRITERIA OF SUBSIDIES

20. The Commission grants an annual subsidy to a sector-based association applying therefor, on the conditions and in accordance with the criteria determined in this Division.

O.C. 209-84, s. 20.

21. The members of the sector-based association and the sector-based association must have complied with the terms of the agreement and have carried out its obligations.

Periodic payments of the subsidy are also subject to the absence of default provided for above. However, the Commission may not suspend payment of a subsidy without notifying the association in default 3 months beforehand.

O.C. 209-84, s. 21.

22. The sector-based association shall promise to the Commission:

- (1) to pursue its objectives and carry out its program of activities inasmuch as possible;
- (2) subject to the second paragraph of section 25, to use the subsidy for the sole purpose for which it was granted.

O.C. 209-84, s. 22.

23. Application for the subsidy is sent to the Commission by registered mail, not later than 30 September of each year. In particular, it must specify:

- (1) the general objectives the sector-based association intends to pursue during the next fiscal period;
- (2) the program of activities it intends to carry out during the next fiscal period;
- (3) the budgetary estimates for the next fiscal period;
- (4) its organization plan, including the following information:

- (a) a chart showing the different services of the association and their interrelations;
- (b) the number of employees and their occupation;
- (c) a summary description of duties and responsibilities assigned to each employee.

O.C. 209-84, s. 23; I.N. 2016-01-01 (NCCP).

24. To obtain a subsidy, the sector-based association undertakes:

- (1) to pay its employees in accordance with the wage policies set by the Commission for the sector-based association; and
- (2) to reimburse travel expenses incurred by its employees in accordance with the policies set by the Commission for the sector-based association.

“Travel” means any authorized travelling by an employee in the performance of his duties, during which he incurs transportation, accommodation or meal expenses.

O.C. 209-84, s. 24.

25. The budget is drawn up in accordance with the following programs: training and information, research, counselling and administrative support.

During a fiscal period, the sector-based association may not transfer funds from one program to another unless it has already obtained written authorization of the Commission to do so.

O.C. 209-84, s. 25.

26. A budget deficit incurred without the permission of the Commission remains the responsibility of the sector-based association; at no time is the deficit made up by the Commission.

O.C. 209-84, s. 26.

DIVISION IV

INFORMATION AND ANNUAL REPORT OF ACTIVITIES

27. The Commission evaluates the subsidy application submitted to it in accordance with this Division, with regard to the following criteria:

- (1) the number of establishments and building site, and the number of workers belonging to the construction sector;
- (2) the type of risks inherent to the construction sector and the number of workers directly exposed thereto;
- (3) the pertinence of the objectives pursued by the association with regard to those defined in section 101 of the Act;
- (4) the equivalence between the program of activities of the association and the priorities the Commission intends to undertake during the next fiscal period;
- (5) consideration of the information and the annual reports of activities sent to the Commission in accordance with this Regulation.

O.C. 209-84, s. 27.

28. The sector-based association sends to the Commission a description of its current program of activities and an evaluation of the results obtained on 30 April with regard to the

objectives set, before 1 June of each year.

O.C. 209-84, s. 28.

29. The sector-based association sends to the Commission, before 31 March of each year, an annual report of its activities containing the following information:

- (1) the names of the members of the sector-based association;
- (2) the names of the members of the board of directors;
- (3) the names of the members of the executive committee, where applicable;
- (4) the number of representatives that each member may delegate to a meeting of the sector-based association;
- (5) the number of meetings held by the board of directors during the last year;
- (6) where applicable, the number of meetings held by the executive committee during the last year;
- (7) a summary description of the general objectives set for the last fiscal period;
- (8) the program of activities carried out during the last fiscal period and the positive or negative factors that influenced its carrying out;
- (9) the evaluation of the program of activities carried out with regard to the general objectives pursued during the last fiscal period;
- (10) the list of health and safety committees already established or currently being established in the establishments of the construction sector;
- (11) the list of building site committees currently established or that existed during the year.

O.C. 209-84, s. 29.

30. *(Omitted).*

O.C. 209-84, s. 30.

REFERENCES

O.C. 209-84, 1984 G.O. 2, 840

S.Q. 1986, c. 89, s. 50

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