

chapter R-20, r. 1

Regulation respecting the application of the Act respecting labour relations, vocational training and workforce management in the construction industry

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

R.R.Q., 1981, c. R-20, r. 1; O.C. 16-96, s. 1.

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1. Machinery:

(a) **Definitions:** For the purposes of this section,

- i. “production machinery” means any machinery and equipment other than the machinery of buildings;
- ii. “building’s machinery” means any machinery and equipment installed for the purposes of the building itself, namely, amongst others, a heating system, a ventilation system, a refrigeration system with a capacity of more than 200 W, the elevators or hoists.

This expression also includes any other refrigeration system with a capacity of more than 200 W installed inside a building.

(b) **Scope:** The installation of building machinery is, in all cases, included in the word “construction” as defined in subparagraph *f* of the first paragraph of section 1 of the Act respecting labour relations, vocational training and workforce management in the construction industry (chapter R-20). However, the erection, repair, and the maintenance of building machinery are only included in the word “construction” when they are performed by construction employees in the employ of professional employers.

Notwithstanding the first paragraph of paragraph *b*, when reference is to elevators, freight-elevators, or escalators, the erection, repair, and maintenance are also included, in all cases, in the word “construction”.

Despite the first paragraph of paragraph *b*, when reference is to a refrigeration system as mentioned in paragraph *a*, the assembly, repair and maintenance are also included in the word “construction”. Such work, however, is not included in the word “construction” if performed:

- (a) by the habitual employees of the manufacturer or user of such systems;
- (b) inside a building having no more than 2 refrigeration systems with a maximum capacity of 600 W;
- (c) on a manufactured refrigeration unit, self-contained or plug-in type;
- (d) inside a residential building with less than 9 apartments.

The installation, repair and maintenance of production machinery are included in the word “construction” when they are carried out by construction employees in the employ of professional employers.

The installation of production machinery on the job site itself and vicinity during the construction phase of an electric power plant and related works involving such construction are also included in the word “construction”.

In addition, any part of the installation or repair of production machinery that is carried out on the job site itself and vicinity in the industrial sector or in the civil engineering and roads sector that requires the use of professional expertise mainly from the construction industry is also included in the word “construction” where,

(a) in the case of an installation, the work is part of a project for the initial construction or structural alteration of a building, industrial complex or civil engineering work;

(b) in the case of an installation or repair, the work is carried out on a production unit or line shut down for that purpose during regular operating hours, or is preparatory to such work, and it is anticipated that the work will involve at least 40 construction employees; and

(c) in the case of an installation or repair, the work is carried out in an establishment where all production has stopped, and it is anticipated that the work will involve at least 40 construction employees.

The work referred to in the sixth paragraph of paragraph *b* is, however, not included in the word “construction” where

(a) a decree made under section 2 of the Act respecting collective agreement decrees (chapter D-2) applies in respect of the work;

(b) the work is carried out by regular employees of the user of the machinery or of an enterprise at least 40% of which is owned by the user;

(c) the work is carried out by regular employees of the machinery manufacturer, of the machinery manufacturer’s successor or of a person whose main activity is to carry out such work, which is exclusively entrusted to that person by the manufacturer or the machinery manufacturer’s successor; or

(d) the work is carried out by regular employees of an employer, other than a professional employer, where that employer regularly carries out work in an establishment of the user of the machinery pursuant to a repair or maintenance contract, subject, however, to the number of employees not exceeding the number that the employer usually assigns to those activities in the establishment.

The repair and maintenance of building machinery and equipment are included in the word “construction” where they are carried out by employees in the employ of a professional employer and Hydro-Québec on the job site itself and vicinity.

R.R.Q., 1981, c. R-20, r. 1, s. 1; O.C. 1688-82, s. 1; O.C. 1247-85, s. 1; O.C. 315-2003, s. 1.

1.1. Notwithstanding the first paragraph of paragraph *b* of section 1, the installation, assembly, repair and maintenance of a private underground water collection system with regard to a building reserved exclusively for residential use, having no more than 6 storeys above ground when seen from its full frontal view, are not included in the word “construction”.

O.C. 16-96, s. 2.

2. Cutting and trimming of trees and bushes: The cutting and trimming of trees and bushes to clear distribution lines as well the spraying of chemical products carried out for the same purpose shall be comprised in the scope of the Act only if such operations are carried out, on the occasion of construction or maintenance of circuits and supports of distribution lines, by the employees of a professional employer.

R.R.Q., 1981, c. R-20, r. 1, s. 2.

3. Shop-work: Any employee of a construction industry professional employer occasionally called upon to perform in the workshop any work pertaining to the work he currently performs at a construction job-site remains subject to the provisions of the Act and to those of the Construction Decree (R.R.Q., 1981, c. R-20, r. 5).

R.R.Q., 1981, c. R-20, r. 1, s. 3.

4. Crane operator: Any crane operator who is usually called upon by his employer to do construction work and occasionally called upon as a crane operator to do work other than construction work remains governed by the Act.

R.R.Q., 1981, c. R-20, r. 1, s. 4.

5. Casual employee:

(a) **Definitions:** For the purposes of this section,

i. “casual employee” means any employee who holds a card such as mentioned in subparagraph ii of paragraph *b* and who usually performs work other than construction work but who may be called upon, in the

carrying out of his usual work, to perform work within or outside the scope of the Act, either occasionally or periodically;

ii. “casual employer” means an employer of the employee mentioned in subparagraph i of paragraph *a*.

(b) Control:

i. Despite any other regulation, the Commission de la construction du Québec may issue identification cards for casual employees on the conditions mentioned hereunder:

(A) the employee must usually work for the employer mentioned on the card and belong to the employer’s active workforce when submitting his application for a card;

(B) the employee must hold a qualification or service certificate when such certificate is compulsory to work for his employer beyond the scope of the Act or Decree;

(C) the request must be made by both the employer and the certified labour association or by the employer and the employee if there is no certified labour association;

(D) applicants must prove that the employee usually works outside the scope of the Act and of the Decree;

(E) within the 30 days following acceptance of his application, the employee must notify the Commission of the name of the representative association chosen by him or, as the case may be, of the syndicate, union or certified local affiliated to a representative association of which he is a member.

The Commission may refuse to issue the card if the employee does not notify it of his union allegiance, within the prescribed time.

ii. **Identification card:** The following details shall appear on the card of the casual employee:

(A) the term “casual employee” in bold type and the name of the region for which the card was issued;

(B) the period covered by the card;

(C) the name and address of the employee;

(D) the trade or occupation of the employee;

(E) the name and address of the employer;

(F) the date of birth and social insurance number of the employee;

(G) the precise description of the work that may be performed by the employee;

(H) the name of the association as notified to the Commission by the employee under subparagraph E of subparagraph i of paragraph *b*.

iii. **Access to job-site:** The employee who holds such card shall have access to a job-site only to carry out such work as specified on his identification card.

The employee shall, upon request, show his card to an inspector from the Commission de la construction du Québec or to any person authorized to this effect by the Commission.

iv. **Revocation:** Any card may be revoked at all times.

v. **Additional information:** The Commission may, at all times, request from the casual employer any information that it considers advisable concerning the utilization of such card.

vi. **Decree:** Subject to the second paragraph, only clauses of the decree concerning remuneration, working hours, overtime, general holidays and union security shall apply.

However, the clauses of the decree concerning union security shall not apply to the casual employee when the latter is a member of a syndicate, a union or a certified local affiliated to a representative association.

R.R.Q., 1981, c. R-20, r. 1, s. 5; O.C. 1259-84, s. 1; O.C. 768-85, s. 1.

6. Transportation of employees: The decree may determine travelling expenses as well as time spent travelling to be reimbursed to construction industry employees for all travelling from the dwelling-place of the employee to the job-site and for all travelling from one job-site to another within Québec.

R.R.Q., 1981, c. R-20, r. 1, s. 6.

UPDATES

R.R.Q., 1981, c. R-20, r. 1
O.C. 1688-82, 1982 G.O. 2, 1933; Suppl. 1140
O.C. 1259-84, 1984 G.O. 2, 2026
O.C. 768-85, 1985 G.O. 2, 1570
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S.Q. 1986, c. 89, s. 50
O.C. 16-96, 1996 G.O. 2, 507
O.C. 315-2003, 2003 G.O. 2, 1183
S.Q. 2007, c. 3, s. 72

