

# Ontario-Quebec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry (1996)

## Part 1: Preamble

**WHEREAS** the governments of Ontario and Quebec signed, on December 24, 1993, the *Ontario-Quebec Agreement on Public Procurement and Construction Labour Mobility*;

**WHEREAS** the Agreement of December 24, 1993, included commitments by the governments of Ontario and Quebec to equitable treatment of persons, goods, services and capital regardless of where they originate in Canada;

**WHEREAS** that Agreement provided that, among other things, province of residence shall not be permitted to be a prerequisite for, or an effective bar to, access to apprenticeship training, trades certification or allocation of employment;

**WHEREAS** the governments of Ontario and Quebec also signed, on May 3, 1994, the *Agreement on the Mutual Recognition of Construction Workers' Qualifications, Skills and Work Experience*;

**WHEREAS** since the Agreement was signed, the government of Quebec adopted *An Act to amend the Act respecting Labour Relations, Vocational Training and Manpower Management in the Construction Industry and other Legislative Provisions* (Bill 46 now chapter 8 of the 1995 statutes);

**WHEREAS** since that Act came into force, the governments of Ontario and Quebec reached, in October 1996, an agreement in principle to make the rules governing access to job opportunities in the construction industry less restrictive;

**WHEREAS** the governments of Ontario and Quebec acknowledge that the systems to govern and manage training and certification in the construction industries of Quebec and Ontario are different; and

**WHEREAS** this does not prevent the full and effective mutual recognition of qualifications, skills and work experience of workers by both jurisdictions,

The two governments hereby agree, therefore, to implement the following terms so that the qualifications, skills and work experience of construction workers and contractors in both provinces will be recognized by the competent authorities and responsible bodies in both Ontario and Quebec. These bodies include: for Ontario, the Ministry of Consumer and Commercial Relations, the Ministry of Education and Training,<sup>(1)</sup> the Ministry of Labour and other authorized agencies expressly designated for that purpose; and for Quebec, the ministère du Travail, the Commission de la construction du Québec (CCQ), the Commission de la santé et de la sécurité du travail (CSST) or any other body recognized by it, the Régie du bâtiment du Québec (RBQ), the Société québécoise de développement de la main-d'oeuvre (SQDM), and other authorized agencies expressly designated for that purpose.

<sup>(1)</sup> Throughout this document, unless otherwise specified, the Ministry of Education and Training also includes the Ontario Training and Adjustment Board (OTAB) and the Ministry of Skills Development that preceded it. The masculine form designates both men and women unless otherwise specified.

# Part 2: Mutual Recognition of the Qualifications, Skills and Work Experience of Ontario and Quebec Construction Workers

## A. General Principles

### Trades Deemed Equivalent

- 2.1 The governments of Ontario and Quebec fully recognize the principle of the mutual recognition of the qualifications, skills and work experience of the construction workers of the other jurisdiction in the trades listed in section 2.2.

In this agreement Ontario worker and Quebec worker refers to individuals domiciled in either jurisdiction of Ontario or of Quebec respectively.

- 2.2 The governments of Ontario and Quebec have determined that the following trades are equivalent<sup>(2)</sup>:

	Quebec Title	Ontario Title	Interprovincial Red Seal Title
1)	Électricien / Electrician <sup>(3)</sup> (in the regulated and non-regulated sectors)	Electrician – construction and maintenance / Électricien – construction et entretien <sup>(3)</sup>	Construction Electrician / Électricien (construction)
2)	Ferblantier / Tinsmith	Sheet metal worker / Tôlier	Sheet metal worker / Ferblantier
3)	Frigoriste ou Tuyauteur – spécialité du frigoriste / Refrigeration mechanic or pipe-fitter – specialty of refrigeration	Refrigeration and air conditioning mechanic / Mécanicien en réfrigération et en climatisation	Refrigeration and air conditioning mechanic / Mécanicien de réfrigération et d'air climatisé
4)	Tuyauteur – spécialité du plombier / Pipe-fitter – specialty of plumber (in the regulated and non-regulated sectors)	Plumber / Plombier	Plumber / Plombier
5)	Tuyauteur – spécialité du poseur d'appareils de chauffage / Pipe-fitter – specialty of the heating systems installer (in the regulated and non-regulated sectors)	Steamfitter / Monteur de tuyaux de vapeur	Steamfitter – Pipe-fitter / Monteur d'appareils de chauffage
6)	Briqueteur-maçon / Bricklayer- mason	Brick and stone mason / Maçon	Bricklayer / Briqueteur – maçon
7)	Calorifugeur / Insulator	Insulator (heat and frost) / Poseur de matériaux isolants	Not Applicable (N/A)
8)	Carreleur / Tile setter	Terrazzo, tile and marble craft / Métier de carrelage	N/A

9)	Charpentier-menuisier / Carpenter-joiner	General carpenter / Charpentier-menuisier général	Carpenter / Charpentier
10)	Chaudronnier / Boilermaker	Construction boilermaker / Chaudronnier de construction	Boilermaker / Chaudronnier
11)	Cimentier-applicateur / Cement finisher	Cement mason (includes Cement finisher) / Cimentier (y compris le finisseur de béton)	N/A
12)	Couvreur / Roofer	Roofer / Couvreur	Roofer / Couvreur (Quebec only)
13)	Ferrailleur / Reinforcing steel erector	Reinforcing rodworker / Monteur de barres d'armature	N/A
14)	Mécanicien de chantier / Millwright	Construction Millwright / Mécanicien – monteur de construction	Industrial mechanic (millwright) / Mécanicien industriel (de chantier)
15)	Mécanicien de machines lourdes / Heavy equipment mechanic	Heavy duty equipment mechanic / Mécanicien d'équipement lourd	Heavy duty equipment mechanic / Mécanicien d'équipement lourd
16)	Mécanicien en protection – incendie ou tuyauteur – spécialité de poseur de gicleurs / Pipe-fitter – specialty of the fire protection mechanic or pipe-fitter – specialty of the sprinkler installer	Sprinkler and fire protection installer / Installateur de systèmes de protection contre les incendies	Sprinkler system installer / Poseur de gicleurs
17)	Monteur d'acier de structure / Structural steel erector	Ironworker / Ferronnier	N/A
18)	Peintre / Painter	Painter decorator (commercial and residential) / Peintre – décorateur – secteur commercial et résidentiel	Painter and decorator / Peintre et décorateur
19)	Plâtrier / Plasterer	Plasterer / Plâtrier	N/A
20)	Poseur de revêtements souples / Resilient flooring layer	Floor covering installer / Installateur de revêtements de sol	Floor covering installer / Poseur de revêtements souples (Quebec only)
21)	Poseur de systèmes intérieurs / Interior systems installer	Lather (Drywall, acoustic and lathing applicator) / Poseur de lattes	N/A
22)	Serrurier de bâtiment / Ornamental ironworker	Ironworker / Ferronnier	N/A
23)	Vitrier et monteur mécanicien (code 310) / Setter mechanic (Glazier) (code 310)	Glazier and Metal Mechanic / Vitrier et mécanicien des métaux	Glazier / Vitrier (Ontario only)*

2.3 The governments of Ontario and Quebec commit, where feasible, to work together to develop measures to recognize trades listed in section 2.10 of this agreement and any additional trades or specialities developed by either jurisdiction, thereby adding to the list of equivalent trades so as to promote labour mobility and access to the construction industry for workers in these trades. Both governments also commit to work together to recognize training and certification programs not presently covered in this agreement which may be developed by Quebec or Ontario to increase the competency of construction workers.

**Certificates Recognized by both Jurisdictions**

2.4 With respect to the trades listed in 2.2, the governments of Ontario and Quebec recognize at face value, without further validation, the certification of workers performing one or more of the jobs connected to these trades.

2.5 Subject to the terms of Part 4 of this agreement, the governments of Ontario and Quebec will fully recognize the following certificates:

<b>Quebec</b>	<b>Ontario</b>
Certificat de qualification (Sceau Rouge) Certificate of Qualification (Red Seal)	Certificate of Qualification (Red Seal) / Certificat de qualification (Sceau Rouge)
Certificat de compétence – compagnon / Journeyman Competency Certificate <sup>(4)</sup>	Certificate of Qualification / Certificat de qualification professionnelle <sup>(5)</sup>
Not applicable (N/A)	Certificate of Apprenticeship / Certificat d'apprentissage <sup>(6)</sup>
Not applicable (N/A)	Provisional Certificate of Qualification / Certificat de qualification professionnelle provisoire <sup>(7)</sup>
Certificat de compétence-apprenti / Apprentice Competency Certificate <sup>(8)</sup>	Apprentice Identification Card / Carte d'identification d'apprenti <sup>(9)</sup>

2.6 Based on the principle of mutual recognition at face value of the certificates listed in 2.5 above, workers holding any of the above certification are not required to obtain further certificates of competency when working in the other jurisdiction in one of the trades listed in section 2.2.

2.7 The government of Quebec confirms that an Ontario worker covered by this agreement may work in any region in Quebec where employment is found. Such workers will be deemed to be domiciled in the region where the work is being carried out for the entire duration of their employment.

**B. Provisions for Access to Job Opportunities in Quebec and Ontario (Journeyman and Apprentices)**

2.8 Subject to the terms of Part 4 of this agreement, the government of Quebec will fully recognize, with no further requirements other than those specified in the Guide (see section 2.12), the qualifications, skills and work experience of Ontario workers as follows:

Subject to the terms of Part 4 of this agreement, the government of Quebec will fully recognize, with no further requirements other than those specified in the Guide (see section 2.12), the qualifications, skills and work experience of Ontario workers as follows:

- a. Certificates issued by the Ministry of Education and Training, or by another agency of the Ontario government authorized to do so.
  - i. Workers with Ontario Certificates of Qualification for any of the trades numbered 1-23 in section 2.2 or workers with an Interprovincial Red Seal for those trades.
  - ii. Workers with Ontario Certificates of Apprenticeship or Provisional Certificates for any of the trades numbered 6-23 in section 2.2.

For the purpose of working in Quebec, Ontario workers with these certificates will be recognized as apprentices in their final stage.

- iii. Workers with Ontario Apprentice identification cards for any of the trades numbered 1-23 in section 2.2.

The hours of apprenticeship training put in by Ontario workers on construction sites will be fully recognized by the Commission de la construction du Quebec, to the extent that they have been validated by the Ministry of Education and Training, for the purpose of determining the period of apprenticeship that will apply to an Ontario worker in Quebec.

- b. Workers with no certification.

Ontario workers with no certification in trades numbered 6-23 may present their qualifications and their work experience to the appropriate authorities in Ontario and obtain certification by fulfilling the requirements set by these authorities.

The government of Ontario will fully recognize, with no further requirements other than those specified in the Guide (see section 2.12), the qualifications, skills and work experience of Quebec workers as follows.

- a. Certificates issued by the Commission de la construction du Québec or by any other agency of the Quebec government authorized to do so.
  - i. Workers with Journeyman Competency Certificates for any of the trades numbered 1-23 in section 2.2, or workers with an Interprovincial Red Seal Certificate for those trades.
  - ii. Workers with Apprentice Competency Certificates or a Quebec Apprenticeship Booklet for any of the trades numbered 1-23 in section 2.2. The hours of apprenticeship training put in by Quebec apprentices on construction sites will be fully recognized by the Ministry of Education and Training to the extent that they have been validated by the Commission de la construction du Québec, for the purpose of determining the period of apprenticeship that will apply in Ontario.
- b. Workers with no certification

Quebec workers with no certification in trades numbered 1-5 may present their qualifications and their work experience to the appropriate authorities in Quebec and obtain certification by fulfilling the requirements set by these authorities.

### C. Trades Not Deemed Equivalent

2.10 The governments of Ontario and Quebec recognize that the trades listed below currently have no direct equivalents in the other jurisdiction and that they are described as follows.

	Quebec Title	Ontario Title	Interprovincial Red Seal Title
24)	Opérateur d'équipement lourd / Heavy equipment operator (compulsory certification)	No equivalent in the construction industry / Sans équivalence dans l'industrie de la construction	N/A
25)	Opérateur de pelles mécaniques / Shovel operator (compulsory certification)	No equivalent in the construction industry / Sans équivalence dans l'industrie de la construction	N/A
26)	Mécanicien d'ascenseur / Elevator mechanic (compulsory certification)	Elevating device mechanic / Mécanicien d'ascenseur (compulsory certification)	N/A*
27)	Sans équivalence dans l'industrie de la construction / No equivalent in the construction industry	Oil burner technician / Mécanicien de brûleur à mazout (compulsory certification)	N/A
28)	Grutier / Crane operator (compulsory certification)	Hoisting Engineer Branch 1, Hoisting Engineer Branch 2, and Hoisting Engineer Branch 3 <sup>(10)</sup> / Opérateur de grues Division 1, Opérateur de grues Division 2 et Opérateur de grues Division 3 (compulsory certification)	Mobile Crane Operator / Opérateur de grues mobiles (Ontario only)
29)	Sans équivalence dans l'industrie de la construction / No equivalent in the construction industry	Petroleum equipment mechanic / Mécanicien d'équipement pétrolier	N/A

2.11 To work in any of the trades listed in section 2.10, Ontario and Quebec workers may present their qualifications and experience to the appropriate authorities in Ontario and Quebec and meet the requirements set out in the Guide referred to in section 2.12 of this agreement.

2.12 All of the requirements to work in the construction industries in Ontario and Quebec that apply to workers in this agreement are set out in the Guide 10 the Ontario-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the

Construction Industry, dated January 31 1997.

The governments of Ontario and Quebec recognize that these requirements reflect the regulations in place in both jurisdictions and that they may be amended from time to time. Before introducing any changes to the regulations or requirements relating to this agreement, the government initiating the changes will consult with the other government.

(2) Trades numbered 1-5 are subject to a system of compulsory certification in both provinces. To work in any of these trades in Ontario or Quebec appropriate certification is mandatory, except when working in trade number 2 (tinsmith) in the "de-regulated" sector of the Quebec construction industry where certification is not required.

Trades numbered 6-23 are subject to a system of compulsory certification in Quebec in the regulated sector of the Quebec construction industry. In Ontario these trades are subject to a system of voluntary certification. To work in the regulated sector of the Quebec construction industry in any of the trades numbered 6-23, appropriate certification is mandatory. To work in the "de-regulated" sector of the Quebec construction industry in these trades, certification is mandatory only in trade number 16 (Pipe-fitter - specialty of the fire protection mechanic or pipe fitter - specialty of the sprinkle installer), but may be required as a condition of employment. To work in the Ontario construction industry in any of the trades numbered 6-23 certification is not mandatory, but may be required as a condition of employment.

(3) The trade of Electrician has two Branches in Ontario: Branch 1 (Construction and Maintenance Electricians) and Branch 2 (Domestic and Rural Electrician). An Ontario Electrician-Branch 1 may perform the work of an Electrician in Quebec. An Ontario Electrician-Branch 2 must fulfil CCQ requirements to work in Quebec. A Quebec Electrician may perform the work of Electrician Branch 1 and Electrician Branch 2 in Ontario. Also, in Quebec, security systems installation is a specialty included under the trade of Electrician. Quebec workers in this specialty are not fully qualified electricians and as such must fulfil other Quebec requirements to perform the work of an Electrician in Ontario.

\* Amendment approved by the Bilateral Coordinating Committee September 10, 1998.

(4) The Quebec Journeyman Competency Certificate is issued to a worker who has completed a Quebec apprenticeship program and who has passed the Commission de la construction du Québec qualifying examinations for a given trade or specialty, provided that he also supplies a certificate showing that he has taken the safety course required under the *Safety Code for the Construction Industry*.

(5) The Ontario Certificate of Qualification is issued to workers who have successfully completed an Ontario apprenticeship program or who can demonstrate they have acquired the skills and experience equivalent to those attained through an Ontario apprenticeship program, and who have passed a provincial qualification exam for a given trade or specialty.

(6) The Ontario Apprenticeship Certificate is issued to a worker who has successfully completed an Ontario apprenticeship program approved by the Ministry of Education and Training for a given trade or specialty.

(7) The Ontario Provisional Certificate is issued to workers who demonstrate they have acquired the skills and experience equivalent to those attained through an Ontario apprenticeship program for a given trade or specialty. The Provisional Certificate is conditional on a worker taking the appropriate provincial qualification exam within the time period established by the Ministry of Education and Training.

(8) The Quebec Apprenticeship Competency Certificate is generally issued to an individual who has

completed vocational training at the secondary level in a construction trade, and who has taken the required safety course and has a job guarantee with an employer registered with the Commission de la Construction du Québec.

<sup>(9)</sup> The Ontario Apprentice Identification Card is issued to an individual who enters into a contract of apprenticeship with an employer and who registers this contract with the Ministry of Education and Training. In-school training (at community colleges or other approved training delivery organization) is subject to provincial curriculum standards approved by the Ministry of Education and Training.

<sup>(10)</sup> The trade of hoisting engineer has three branches as follows :  
Branch 1 (Mobile Crane), Branch 2 (Boom Truck) and Branch 3 (Tower Crane)

## Part 3: Access to Job Opportunities in the Quebec Occupations

- 3.1 In addition to the trades and specialties for which certification is compulsory in the regulated sector of the Quebec construction industry, Quebec also has a set of clearly defined occupations. These occupations' titles are listed in section 3.4.

Subject to the terms of Part 4 of this agreement, the government of Quebec undertakes that the Commission de la construction du Québec will provide an exemption, that is a waiver of the requirements to take the course entitled "Construction, projects, equipment and organization" and of the requirement to hold an Occupation Competency Certificate, to Ontario workers who meet the requirements set out in the Guide referred to in section 2. 12 of this agreement.

- 3.2 With respect to the occupations listed in section 3.3, the governments of Ontario and Quebec recognize at face value, without further validation, the certification of workers performing one or more of the jobs connected to those occupations.

- 3.3 Subject to the terms of Part 4 of this agreement, the government of Quebec will fully recognize, with no further requirements other than those specified in the Guide referred to in section 2.12 of this agreement, the qualifications, skills and work experience of Ontario workers as follows:

- a. Certification issued by the Ministry of Education and Training, or by another agency of the Ontario government authorized to do so.
  - i. Workers with Ontario Certificates of Qualification as Power Lineworker or Construction Lineworker corresponding to occupation number 22.
  - ii. Workers with Ontario Certificates of Qualification as Cutter-Skidder or workers with Certificates of Qualification or Certificates of Apprenticeship as Arborist corresponding to occupation number 36.
  - iii. Workers with Ontario Certificates of Apprenticeship as Pump System Installer corresponding to occupation number 27.
  - iv. Workers with Ontario Certificates of Apprenticeship as Surface Blaster corresponding to occupation number 29.



- v. Workers with Ontario Certificates of Apprenticeship as Welder corresponding to occupations numbered 32 and 40.
- b. Certificates issued by the Ministry of Consumer and Commercial Relations, or by another agency of the Ontario government authorized to do so for workers with Ontario Certificates of Qualification as Stationary Engineer corresponding to occupations numbered 2 and 14.
- 3.4 The occupations <sup>(11)</sup> that currently exist in the regulated sector of the Quebec construction industry are as follows:

1. Assembler / Assembleur
2. Boiler driver / Chauffeur de chaudières à vapeur
3. Chainperson / Chaîneur
4. Clerk / Commis
5. Compressor operator / Opérateur de pompes et de compresseurs
6. Distribution welder (gas) / Soudeur de distribution (gaz)
7. Diver / Plongeur
8. Driller / Foreur
9. Equipment operator (lines) / Conducteur d'engins (lignes)
10. Equipment and vehicle operator / Opérateur d'équipements et de véhicules
11. Gas fitter / Spécialiste en branchement d'immeubles
12. General helper / Manoeuvre spécialisé
13. General helper (tile setter) / Manoeuvre spécialisé (carreleur)
14. Generator operator / Opérateur de génératrices
15. Groundsperson / Aide-monteur de lignes
16. Heavy equipment serviceman / Homme de service sur machines lourdes
17. Hoisting equipment operator "A" and "B" / Opérateur d'appareils de levage "A" et "B"
18. Instrument man (surveyor) / Homme d'instrument (arpenteur)
19. Labourer (pipe-line) / Manoeuvre (pipe-line)
20. Labourer / Manoeuvre
21. Line truck driver / Conducteur de camion de lignes
22. Lineperson (transmission and distribution lines) / Monteur (lignes de transport d'énergie et de distribution)
23. Mechanic (lines) / Mécanicien (lignes)
24. Oiler / Graisseur-huileur
25. Pipe welder / Soudeur en tuyauterie
26. Pipeline welder / Soudeur de pipe-line
27. Pump and compressor operator / Opérateur de pompes et de compresseurs
28. Rope puller / Tireur de câbles
29. Shotfirer / Boutefeu
30. Splicer / Épisseur (homme de joint)
31. Stationary or portable mixing plant operator / Opérateur d'usines fixes ou mobiles
32. Steel erector welder / Soudeur monteur d'acier
33. Storeperson / Magasinier
34. "T" Lineperson (communication network) / Monteur "T" (réseaux de communication)
35. Tire and Body repairperson / Préposé au pneus et au débosselage
36. Trimmer / Émondeur
37. Truck driver / Conducteur de camion

- 38. Underground worker (miner) / Travailleur souterrain (mineur)
- 39. Watchperson / Gardien
- 40. Welder / Soudeur

- 3.5 The government of Quebec confirms that an Ontario worker covered by this agreement may work in any region in Quebec where employment is found. Such workers will be deemed to be domiciled in the region where the work is being carried out for the entire duration of their employment.

(11) To work in any of the construction jobs listed in section 3.4, in the regulated sector of the Quebec construction industry, certification or an exemption issued by the Commission de la construction du Québec is mandatory. To work in occupations numbered 2, 14, 25, 26 and 29 in both the regulated and "de-regulated" sectors in Quebec, additional specialized certification is required. To work in occupations numbered 6 and 11 in both regulated and "de-regulated" sectors, additional certification is required for any supervisors (crew leader, foreman or inspector) and other employees who are responsible for the quality of work on construction sites.

To work in occupations numbered 2, 5, 6, 11, 14, 25, 26, 31 and 40 in Ontario, certification is required from the Ontario Ministry of Consumer and Commercial Relations. To work in occupations numbered 17, 36 and 38 in Ontario, certification may be required from the Ontario Ministry of Education and Training. When working in any of the other occupations in Ontario, certification is not mandatory, but may be required as a condition of employment.

## Part 4: Recognition of Occupational Health & Safety Training

- 4.1 For the sole purpose of implementing the terms of this agreement, the Commission de la santé et de la sécurité du travail or another body recognized by this Commission is mandated to recognize training courses in occupational health and safety on the basis of content evaluation and to issue the necessary certificates of completion.
- 4.2 Within the framework of this agreement, the government of Quebec recognizes that the training provided in the compulsory Quebec course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) is equivalent to the training received or acquired by holders of the following Ontario certificates:
1. a certificate of qualification issued under the Interprovincial Red Seal Program to an Ontario worker in one of the trades listed in section 2.2 of this agreement;
  2. a Certificate of Qualification issued to an Ontario worker in one of the trades listed in sections 2.2, 3.3 a), and 3.3 b);
  3. a Certificate of Apprenticeship issued to an Ontario worker in one of the trades numbered 6-23 in sections 2.2 or 3.3 a);

4. a Provisional Certificate issued to an Ontario worker in one of the trades numbered 6-23 in section 2.2.

4.3 Within the framework of this agreement, the government of Quebec also recognizes that the compulsory Quebec course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) is equivalent to the following Ontario courses.<sup>(12)</sup>

- a. Courses taken by holders of a certificate of construction health and safety training issued or endorsed by the Workers' Health and Safety Centre and delivered by qualified union, management, college or school board trainers:
  - o Level I - III or any successor programs.
- b. Courses taken by holders of a certificate issued by the Workplace Health and Safety Agency's:
  - o Core Certification Program.
- c. Courses taken by holders of a training certificate of any of the following courses issued or endorsed by the Construction Safety Association of Ontario (CSAO) and delivered by qualified union, management, college or school board trainers.
  - o Health and Safety Representatives Program;
  - o Trade Specific Multi-level Training Programs:
    - Refrigeration and Air-Conditioning Program (Level I - III);
    - Carpenters Program (level I - III);
    - Acoustical, Drywall and Interior Systems;
    - Pipe Trades (Level I - III);
    - Electrical Utilities Program;
    - Millwrights Program.
- d. The course developed by the Ontario General Contractors' Association in conjunction with the Construction Safety Association of Ontario:
  - o Construction Safety.

4.4 Within the framework of this agreement, the government of Quebec recognizes that the course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) is equivalent to the training acquired in the field of occupational health and safety by Ontario workers who perform or who have performed tasks in Ontario in any of the occupations listed in section 3.4 if they provide proof of 750 hours or more of work experience in the construction industry.

4.5 The government of Quebec also undertakes to have the Commission de la santé et de la sécurité du travail or another agency recognized by this Commission handle expeditiously any other request for recognition of possible equivalence between the compulsory Quebec course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) and other health and safety courses delivered in Ontario.

<sup>(12)</sup> Ontario and Quebec acknowledge that at the time of drafting of this agreement, health and safety organizations in Ontario were the subject of policy and program review and possible reform. In the event that, as a result of this review, only the name of an Ontario health and safety organization changes, equivalence will be maintained.

## Part 5: Recognition of Ontario Construction Contractors' Qualifications, Skills and Experience

- 5.1 The government of Quebec undertakes, for the purpose of issuing a construction contractor's licence, which is compulsory in Quebec under the provisions of the *Building Act* (R.S.Q., c. B- 1.1), to permanently exempt building contractors domiciled in Ontario from examinations to verify their knowledge of construction project management, construction site safety management, and administrative management, provided they meet one of the following conditions:
- a. prove to the Régie du bâtiment du Québec, with supporting documents, that they have been registered under the Ontario New Home Warranties Plan for at least three years (3); or,
  - b. establish that they have been registered as a construction contractor with the Companies Branch of the Ontario Ministry of Consumer and Commercial Relations as a corporation for at least five years (5); or,
  - c. establish that the name of their construction business, constituted as a partnership, limited partnership, or as a sole proprietorship, has been registered with the Companies Branch of the Ontario Ministry of Consumer and Commercial Relations for at least five years (5).
- 5.2 Ontario contractors defined in section 5.1 who meet one of these conditions must also comply with the other provisions of the *Regulation respecting the professional qualifications of building contractors and owner-builders* (B-1.1, r.1) to obtain a construction contractor's licence in Quebec.
- 5.3 In the case of contractors who specialize in electricity, plumbing, heating, heating systems, natural gas burner systems or oil burner systems, the applicants must also provide proof of payment of the registration fees and annual dues of the applicable professional association, i.e., either the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec.
- 5.4 Contractors domiciled in Ontario, who do not meet any of the conditions set out in section 5.1 above must comply with all of the regulatory provisions governing the issuance of construction licences in Quebec. However, these Ontario contractors may be eligible for partial or complete exemption from the contractor exams described in section 5.1 if they meet other equivalency provisions specified by the Régie du bâtiment du Québec.

## Part 6: Specific Legal and Administrative Commitments

- 6.1 The government of Quebec undertakes to make any regulatory changes that are required to bring into force the agreement's provisions by January 15, 1997. Furthermore, and subject to sections 2.12 and 6.7, the government of Quebec agrees that all other commitments it makes under this agreement will be operational no later than December 31, 1996.
- 6.2 The government of Quebec undertakes to have the Régie du bâtiment du Québec issue a

construction contractor's licence to an applicant within one (1) working day, provided that the file accompanying the application be complete and comply with the regulatory requirements. The government of Quebec also confirms that the only licence or permit required for Ontario contractors before they respond to a call for tender on any construction project open to Ontario contractors is the licence issued by the Régie du bâtiment du Québec.

- 6.3 The government of Ontario recognizes that even if a Quebec building contractor's licence is issued, contractors domiciled in Ontario must still meet their other obligations to register with other government departments and agencies responsible for governing enterprises and companies in Quebec.
- 6.4 The government of Quebec undertakes to have the Commission de la santé et de la sécurité du travail, the Commission de la construction du Québec, and the Inspector General of Financial Institutions process Ontario contractor applications and other necessary documents within ten (10) working days of receipt of those applications or documents, provided that the file accompanying the application is complete, and complies with the legal requirements in effect.
- 6.5 The government of Ontario undertakes to have the Ministry of Consumer and Commercial Relations expeditiously process Quebec contractor applications. If registration is done in person an identification number will be issued within one (1) working day of receipt of those applications, provided that the information accompanying the application is complete and complies with the legal requirements in effect.
- 6.6 The government of Ontario also undertakes to have the Ministry of Consumer and Commercial Relations process Quebec contractor applications for registration in any of the following categories: gasoline handling contractors, elevator contractors, energy contractors, and equipment installation contractors, within 30 working days of receipt of those applications, provided that the file accompanying the application is complete and complies with the legal requirements in effect.
- 6.7 The Quebec government undertakes to have the Régie du bâtiment du Québec, the Commission de la santé et de la sécurité du travail, the Commission de la construction du Québec, and the Inspector General of Financial Institutions translate into English forms and examinations relevant to this agreement in use by these departments or agencies within 30 working days of the signing of this agreement. It also undertakes to have the Régie du bâtiment du Québec, the Commission de la santé et de la sécurité du travail and the Commission de la construction du Québec provide toll-free telephone service, in English and French, in Ontario for construction contractors and workers.
- 6.8 The government of Ontario confirms that forms and examinations relevant to this agreement in use by the Ministry of Education and Training and the Ministry of Consumer and Commercial Relations are available in French and English. Furthermore, the Ontario government confirms that free telephone information service is available in English and French from the Ministry of Education and Training.
- 6.9 The government of Quebec confirms that there is no charge for the registration certificate issued by the Commission de la construction du Québec under the *Regulation respecting the registration certificate issued by la Commission de la construction du Québec (R-20, r.3)*, to enable workers domiciled in Ontario to select a representative association. The government of Quebec agrees to consult the government of Ontario before changing this

regulation or introducing other requirements for the registration certificate, and confirms that no other fees will be associated with obtaining this registration certificate without the mutual agreement of Ontario and Quebec.

- 6.10 The government of Quebec undertakes to have the Commission de la construction du Québec issue a registration certificate to an Ontario worker within one (1) working day of application provided that the file accompanying the application is complete and complies with the legal requirements in effect.
- 6.11 The government of Quebec undertakes to have the Commission de la construction du Québec process applications for exemption from the competency certificate requirement mentioned in section 3.1 in this agreement within one (1) working day provided that the file accompanying the application is complete and complies with the legal requirements in effect. Furthermore, it undertakes to have the Commission de la construction du Québec and the Société québécoise de développement et de la main-d'oeuvre process applications to take the qualification exams, schedule the appropriate examination and issue a certificate for any of the trades or occupations listed in sections 2.10, 3.3 and 3.4 of this agreement within 30 working days of receipt of the application.

In all instances where the Commission de la construction du Québec questions the professional qualifications of an Ontario worker applying for a qualification exam in a regulated trade in Quebec, the official contacts, contemplated in section 8.1 of this agreement, will agree on a procedure for handling these cases before the Commission de la construction du Québec renders its written decision to the worker.

- 6.12 The government of Ontario undertakes to have the Ministry of Education and Training register a Quebec apprentice and issue an Apprentice identification card within one (1) working day of application, provided that the file accompanying the application is complete and complies with the legal requirements in effect.

Furthermore, the government of Ontario undertakes to have the Ministry of Education and Training and the Ministry of Consumer and Commercial Relations process applications to take qualification exams, schedule exams and issue a certificate for any of the trades or occupations listed in sections 2.10 and 3.4 of this agreement, within 30 working days of receipt of the application, provided that the file accompanying the application is complete and meets the legal requirements in effect.

- 6.13 The government of Quebec undertakes to have the Commission de la construction du Québec revise its internal guideline on issuance of occupation exemptions to Ontario workers described in section 3.1 in this agreement, if recurring problems result in such a request by Ontario.

## Part 7: Administration of the Agreement

### 7.1 Exchanges of Information

Each government will promptly send to the other government a copy of its statutes,

regulations, and administrative procedures, as well as the factual information that is required for proper administration of this agreement.

- 7.2.1 The governments of Ontario and Quebec agree to continue the Bilateral Coordinating Committee, which is made up of three people designated by the Ministers responsible for this agreement.
- 7.2.2 The Committee will meet as required, but at least twice a year, starting in January 1997, to ensure implementation of this agreement, to monitor developments, to promote labour mobility and access to construction work and to address any other relevant questions.
- 7.2.3 The Committee will consider requests for recognizing other construction trades or specialties and training and certification programs. In such cases, a determination of whether an equivalency exists, or whether recognition will be granted, will be made and conveyed to the requesting province within 30 days.

The Committee may, by mutual agreement, modify the list of trades or occupations in sections 2.2, 2.10, 3.3 and 3.4 of this agreement.

- 7.2.4 The Committee will also process formal complaints associated with the implementation of this agreement and will deal with any other issues relevant to construction labour mobility between Ontario and Quebec.

#### *Monitoring Body*

- 7.2.5 The governments of Ontario and Quebec also agree to create a Monitoring Body, made up of a maximum of 10 people from each province, of whom six shall represent management and labour and the others shall represent governments and agencies involved in the agreement. The members of the Monitoring Body shall be designated by the Ministers responsible for this agreement.
- 7.2.6 The Monitoring Body shall work to ensure a common understanding of the terms and conditions of the agreement and, if necessary, identify the difficulties that may result from its application.
- 7.2.7 The Monitoring Body shall meet as needed, but at least once a year.

## Part 8: Dispute Resolution

- 8.1 The Ministers responsible for the agreement shall designate one person to act as official contact for any disputes that may arise over the implementation of the agreement with respect to recognition of the qualifications, skills and work experience of contractors and workers in all sectors of the construction industries in Ontario and Quebec.
- 8.2 Construction workers and contractors should refer to the official contact in their own province any complaint with respect to the implementation of the agreement by the government of the other jurisdiction, by one of its official representatives, or by a representative of a government or broader public sector agency involved in the agreement.

- 8.3 If official contacts cannot find a satisfactory solution to a problem brought before them, the government from which the formal complaint originates may lodge an official complaint with the Co-Chair of the other party on the Bilateral Coordinating Committee.
- 8.4 The Committee must deal with any formal complaint and decide how it will be resolved within three weeks (3) of receiving it. If the Committee chooses to recommend action concerning the complaint, the government whose actions have been challenged shall make known to the Committee, as soon as possible thereafter, the measures it is taking to rectify the situation. These measures will then be implemented as soon as possible. If the Committee is unable to reach a mutually acceptable solution, the Committee must report the situation forthwith to the ministers who are responsible for this agreement.
- 8.5 The Committee shall also submit an annual report of its activities to the ministers responsible for the agreement and to the members of the Monitoring Body. This report must contain statistical information on construction labour mobility between the two provinces, descriptions of all formal complaints handled by the Committee over the course of the year, and the steps taken to resolve them. The reference period for the annual report is the calendar year.

## Part 9: Other Agreements

- 9.1 In the event that a provision of this agreement conflicts with a provision of the **Agreement on Internal Trade** concerning labour mobility, the provision that favours the greater mobility among Ontario and Quebec workers in the construction industry shall prevail.
- 9.2 Unless modified by this agreement, provisions concerning employment opportunities and business opportunities in the construction industry covered in the *Ontario-Quebec Agreement on Public Procurement and Construction Labour Mobility*, signed on December 24, 1993, shall continue to apply.

## Part 10: Final Provisions

- 10.1 This agreement shall come into effect on the day it is signed.
- 10.2 This agreement replaces the *Ontario-Quebec Agreement on the Mutual Recognition of Construction Workers' Qualifications, Skills, and Work Experience* signed on May 3, 1994.
- 10.3 Exemptions and certificates issued under the May 1994 Agreement shall, however, continue to be recognized until they expire.
- 10.4 The government of Ontario and the government of Quebec agree that they may, by mutual consent, change in writing the terms of this agreement at any time.
- 10.5 The government of Ontario and the government of Quebec agree that either party to the agreement may terminate it on six months' written notice to the other party.



In witness whereof, this agreement was signed on the 6th day of the month of December, 1996.

Original signed by Elizabeth Witmer, Ontario Minister of Labour, and Matthias Rioux, Quebec Minister of Labour.

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For Ontario

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For Quebec