

**NEWFOUNDLAND & LABRADOR - QUÉBEC  
AGREEMENT ON LABOUR MOBILITY  
AND RECOGNITION OF QUALIFICATIONS,  
SKILLS AND WORK EXPERIENCE  
IN THE CONSTRUCTION INDUSTRY**

## TABLE OF CONTENTS

PART 1:	PREAMBLE .....	2
PART 2:	MUTUAL RECOGNITION OF THE QUALIFICATIONS, SKILLS AND WORK EXPERIENCE OF NEWFOUNDLAND AND LABRADOR AND QUÉ- BEC CONSTRUCTION WORKERS .....	3
	A. General Principles .....	3
	Trades Deemed Equivalent .....	3
	Certificates Recognized by Both Jurisdictions .....	6
	B. Provisions for Access to Job Opportunities in Newfoundland & Labrador- Québec (journeypersons and apprentices) .....	8
	C. Trades Deemed Not Equivalent .....	9
PART 3:	ACCESS TO OTHER JOB OPPORTUNITIES IN THE NEWFOUNDLAND AND QUÉBEC OCCUPATIONS .....	10
PART 4:	RECOGNITION OF OCCUPATIONAL HEALTH AND SAFETY TRAINING .....	14
PART 5:	RECOGNITION OF CONSTRUCTION CONTRACTOR'S QUALIFI- CATIONS, SKILLS AND EXPERIENCE .....	16
PART 6:	SPECIFIC LEGAL AND ADMINISTRATIVE COMMITMENTS .....	17
PART 7:	ADMINISTRATION OF THE AGREEMENT .....	20
PART 8:	DISPUTE RESOLUTION .....	21
PART 9:	OTHER AGREEMENTS .....	22
PART 10:	FINAL PROVISIONS .....	22

DECISION OF THE QUÉBEC/NEWFOUNDLAND AND LABRADOR  
BILATERAL COORDINATING COMMITTEE

SUBJECT: Matching of the Newfoundland glazier trade and the Québec erector  
mechanic (glazier) trade

---

Given that upon ratification of the labour mobility agreement between Québec, Newfoundland and Labrador and the recognition of professional qualification, skill and work experience in the construction industry (April 24, 1998), the Newfoundland glazier trade and the Québec erector mechanic (glazier) trade were deemed non equivalent and registered as such in Section C of the agreement;

Given that, in Québec, flat glass works are now subject to the *Act respecting labour relations, vocational training and manpower management in the construction industry* (R.S.Q., c. R-20):

The Bilateral Coordinating Committee, created in accordance with article 7.2.2 of the above-mentioned agreement, has decided, during its 2nd meeting held on December 14, 1998, as authorized by article 7.2.4, to establish an equivalence between the glazier trade in Newfoundland and the erector mechanic (glazier) trade in Québec.

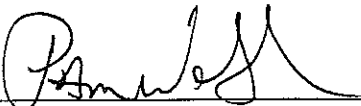
Consequently, that a new paragraph 23 regarding the above-mentioned trade equivalence be added to paragraph 2.2 of the agreement and that this trade, currently appearing in paragraph 23 of the list of trades deemed non equivalent, be withdrawn from Section C.


July 5 1999

For Newfoundland and Labrador

July 5th 1999

For Québec

  
Pamela Walsh – Co-chairwoman  
Assistant to the Deputy Minister  
Ministry of Education and Training

  
Roger Lecourt – Co-chairman  
Assistant to the Deputy Minister  
Department of Labour

**DECISION OF THE QUÉBEC/NEWFOUNDLAND AND LABRADOR  
BILATERAL COORDINATING COMMITTEE**

**SUBJECT: Matching of the Newfoundland ironworker trade and the Québec  
structural steel erector and reinforcing steel erector trades**

---

Given that upon ratification of the labour mobility agreement between Québec, Newfoundland and Labrador and the recognition of professional qualification, skill and work experience in the construction industry (April 24, 1998), the Newfoundland ironworker trade and the Québec structural steel erector trade were deemed non equivalent and registered as such in Section C of the agreement;

Given that the above-mentioned Newfoundland trade includes both the structural steel erector and reinforcing steel erector trades in Québec;


The Bilateral Coordinating Committee, created in accordance with article 7.2.2 of the above-mentioned agreement, has decided, during its 2nd meeting held on December 14, 1998, as authorized by article 7.2.4, to establish an equivalence between the ironworker trade in Newfoundland and the structural steel erector and reinforcing steel erector trades in Québec.

Consequently, that a new paragraph 22 regarding the above-mentioned trade equivalence be added to paragraph 2.2 of the agreement and that this trade, currently appearing in paragraph 22 of the list of trades deemed non equivalent, be withdrawn from Section C.

Equivalency will only be recognized where Quebec residents hold certification in both structural steel erector and reinforcing steel erector. Persons holding certification from Newfoundland as an Ironworker will be recognized for both structural steel and reinforcing steel erector.

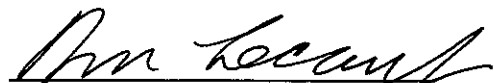
July 5 1999

**For Newfoundland and Labrador**

  
Pamela Walsh – Co-chairwoman  
Assistant to the Deputy Minister  
Ministry of Education and Training

July 5th 1999

**For Québec**

  
Roger Lecourt – Co-chairman  
Assistant to the Deputy Minister  
Department of Labour

**PART I PREAMBLE**

WHEREAS the governments of Newfoundland & Labrador and Québec endorse the objective of reducing or eliminating, where possible, barriers to interprovincial trade;

WHEREAS the governments of Newfoundland & Labrador and Québec also endorse the principle of greater labour mobility in the construction industry among others;

WHEREAS the governments of Newfoundland & Labrador and Québec acknowledge that the systems to govern and manage training and certification in the construction industries of Newfoundland & Labrador and Québec differ;

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

The two governments hereby agree, therefore, to implement the following terms so that the qualifications, skills and work experience of Newfoundland & Labrador and Québec construction workers and contractors in both provinces will be recognized by the competent authorities and responsible bodies in both Newfoundland & Labrador and Québec. These bodies include: for Newfoundland & Labrador, the Department of Education, the Department of Environment and Labour, the Department of Government Services and Lands and the Worker's Compensation Commission and other authorized agencies expressly designated for that purpose; for Québec, the Ministère du Travail, the Commission de la construction du Québec, the Commission de la santé et de la sécurité du travail or any other body recognized by it, the Régie du bâtiment du Québec, the Société québécoise de développement de la main-d'oeuvre<sup>1</sup> and other authorized agencies expressly designated for that purpose.

---

1 The Ministère de l'Emploi et de la Solidarité will replace the Société québécoise de développement de la main-d'oeuvre as of April 1, 1998.

**PART 2. MUTUAL RECOGNITION OF THE QUALIFICATIONS, SKILLS AND WORK EXPERIENCE OF NEWFOUNDLAND & LABRADOR AND QUÉBEC CONSTRUCTION WORKERS**

**A. GENERAL PRINCIPLES**

**Trades Deemed Equivalent**

- 2.1 The governments of Newfoundland & Labrador and Québec endorse 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, the terms "Newfoundland & Labrador worker" and "Québec worker" refer to individuals domiciled in Newfoundland & Labrador and Québec respectively.

- 2.2 The governments of Newfoundland & Labrador and Québec have agreed that the following trades are equivalent:<sup>2</sup>

---

2 Only trade number 1 (section 2.2) is subject to a system of compulsory certification in both Newfoundland & Labrador and Québec. To work in this trade, appropriate certification is mandatory.

Trades numbered 1-21 (section 2.2) are subject to a system of compulsory certification in Québec in the regulated sector of the Québec construction industry. To work in the regulated sector of the Québec construction industry in any of the trades numbered 1-21, appropriate certification is mandatory. To work in the "de-regulated" sector of the Québec construction industry in these trades, certification is mandatory only for trades number 1, 3, 4, 5 and 14, but may be required as a condition of employment. To work in the Newfoundland & Labrador construction industry in any of the trades numbered 2-21, certification is not mandatory, but may be required as a condition of employment. Québec workers holding qualification for trades 20 and 21, listed in section 2.2, will receive an exemption from Newfoundland & Labrador and Québec to work only in their trade speciality.

QUÉBEC TITLE	NEWFOUNDLAND & LABRADOR TITLE	INTERPROVINCIAL RED SEAL TITLE
1) Électricien / Electrician (in the regulated and "de-regulated" sectors)	Electrical construction	Construction Electrician / Électricien (construction)
2) Ferblantier / Tinsmith	Sheet metal worker	Sheet metal worker / Fer-blantier
3) Frigoriste ou tuyau-teur - spécialité du frigoriste / Refrigeration mechanic or pipe fitter - specialty of refrigeration	Refrigeration & air conditioning mechanic	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 "de-regulated" sectors)	Plumber	Plumber / Plombier
5) Tuyauteur - spécialité de poseur d'appareils de chauffage / Pipe fitter - specialty of the heating systems installer (in the regulated and "de-regulated" sectors)	Steamfitter - Pipe Fitter	Steamfitter - Pipe Fitter / Monteur d'appareils de chauffage
6) Briqueteur-maçon / Bricklayer-mason	Bricklayer	Bricklayer / Briqueteur-maçon
7) Calorifugeur / Insulator	Insulator	Insulator (heat and frost) / Calorifugeur (chaleur et froid)
8) Charpentier-menuisier / Carpenter-joiner	Carpenter	Carpenter / Charpentier

<b>QUÉBEC TITLE</b>	<b>NEWFOUNDLAND &amp; LABRADOR TITLE</b>	<b>INTERPROVINCIAL RED SEAL TITLE</b>
9) Chaudronnier / Boilermaker	Boilermaker	Boilermaker / Chaudronnier
10) Cimentier- applicateur / Cement finisher	Cement Finisher	Cement finisher / Finisseur de béton
11) Couvreur / Roofer	Roofer	Roofer / Couvreur (Québec only)
12) Mécanicien de chantier / Millwright	Industrial Mechanic (Millwright)	Industrial Mechanic (millwright) / Mécanicien industriel (de chantier)
13) Mécanicien de machinerie lourde / Heavy equipment mechanic	Heavy Duty Repair Mechanic	Heavy duty equipment mechanic / Mécanicien d'équipement lourd
14) Mécanicien en protection d'incendie ou tuyauteur - spécialité du poseur de gicleurs / Pipe fitter - specialty of the fire protection mechanic or pipe fitter - specialty of the sprinkler installer	Sprinkler Fitter	Sprinkler system installer / Poseur de gicleurs
15) Peintre / Painter	Painter and decorator	Painter and decorator / Peintre et décorateur
16) Poseur de revêtements souples / Resilient flooring layer	Floor Covering Installer	Floor covering installer / Poseur de revêtements souples (Québec only)
17) Poseur de systèmes intérieurs / Interior systems installer	Lather (Interior systems mechanic)	Lather (interior systems mechanic) / Latter
18) Grutier / Crane operator	Mobile Crane operator	Mobile crane operator / Opérateur de grues mobiles



QUÉBEC TITLE	NEWFOUNDLAND & LABRADOR TITLE	INTERPROVINCIAL RED SEAL TITLE
19) Opérateur d'équipement lourd - spécialité opérateur de tracteurs / Heavy equipment operator - speciality of the tractor operator	Heavy equipment operator - speciality: backhoe, front and loader bulldozer	N/A
20) Opérateur d'équipement lourd - spécialité opérateur de niveleuses / Heavy equipment operator - speciality of the grader operator	Heavy equipment operator	N/A
21) Opérateur de pelles mécaniques / Shovel operator	Heavy equipment operator	N/A

2.3 The governments of Newfoundland & Labrador and Québec commit, where feasible, to work together to develop measures to recognize trades listed in section 2.11 of this agreement and any additional trades or specialties 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 Newfoundland & Labrador or Québec to increase the competency of construction workers.

### **Certificates Recognized by Both Jurisdictions**

2.4 With respect to the trades listed in section 2.2, the governments of Newfoundland & Labrador and Québec recognize at face value, without further validation, the certificates 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 Newfoundland & Labrador and Québec will fully recognize the following certificates:

## QUÉBEC

## NEWFOUNDLAND & LABRADOR

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<sup>3</sup>

Certificat de compétence-apprenti/  
Apprentice Competency Certificate<sup>5</sup>

Apprentice Identification Card /  
Carte d'identification d'apprenti<sup>6</sup>

2.6 Based on the principle of mutual recognition of the certificates listed in section 2.5 above, workers with 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.

- 
- 3 The Newfoundland & Labrador Certificate of Qualification is issued to workers who have successfully completed a Newfoundland apprenticeship program or who can demonstrate they have acquired the skills and experience equivalent to those attained through a Newfoundland apprenticeship program, and who have passed an interprovincial or provincial qualification exam for a given trade or specialty.
  - 4 The Québec Journeyman Competency Certificate is issued to a worker who has completed a Québec 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 Québec 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 with an employer registered with the Commission de la construction du Québec.
  - 6 The Newfoundland & Labrador 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 Department of Education. In-school training (at community colleges or other approved training delivery organizations) is subject to provincial curriculum standards approved by the Department of Education.

- 2.7 The Québec government confirms that a Newfoundland & Labrador worker covered by this agreement may work in any region of Québec 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.
- 2.8 The Newfoundland & Labrador government confirms that a Québec worker covered by this agreement may work anywhere employment is found in Newfoundland & Labrador.

**B. PROVISIONS FOR ACCESS  
TO JOB OPPORTUNITIES IN  
NEWFOUNDLAND & LABRADOR AND  
QUÉBEC  
(Journeypersons and Apprentices)**

- 2.9 Subject to the terms of Part 4 of this agreement, the Québec government fully recognizes, with no further requirements other than those specified in section 2.13 of this agreement, the qualifications, skills and work experience of Newfoundland & Labrador workers as follows:
- a) Certificates issued by the Department of Education, or by any other agency of the Newfoundland & Labrador government authorized to do so:
    - i) Workers with a Newfoundland & Labrador Certificate of Qualification for any of the trades numbered 1-21 in section 2.2 or workers with an Interprovincial Red Seal Certificate for those trades;
    - ii) workers with a Newfoundland & Labrador Apprentice Identification Card for any of the trades numbered 1-21 in section 2.2.

The hours of apprenticeship training put in by Newfoundland & Labrador workers on construction sites are fully recognized by the Commission de la construction du Québec, to the extent that they have been validated by the Department of Education, for the purpose of determining the period of apprenticeship that will apply in Québec.

- b) Workers with no certification:

Newfoundland & Labrador workers with no certification in trades numbered 2-21 in section 2.2 may present their qualifications and their work experience to the appropriate authorities in Newfoundland & Labrador and obtain certification by fulfilling the requirements set by these authorities.

2.10 The Newfoundland & Labrador government fully recognizes, with no further requirements other than those specified in section 2.13 of this agreement, the qualifications, skills and work experience of Québec workers as follows:

- a) Certificates issued by the Commission de la construction du Québec, or by any other agency of the Québec government authorized to do so:
  - i) Workers with Journeyman Competency Certificates for any of the trades numbered 1-21 in section 2.2 or workers with an Interprovincial Red Seal Certificate for those trades;
  - ii) Workers with an Apprenticeship Competency Certificate or a Québec Apprenticeship Booklet for any of the trades numbered 1-21 in section 2.2. The hours of apprenticeship training put in by Québec workers on construction sites are fully recognized by the Newfoundland & Labrador government, 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 Newfoundland & Labrador.
- b) Workers with no certification:

Québec workers with no certification in trade number 1 in section 2.2 may present their qualifications and their work experience to the appropriate authorities in Québec and obtain certification by fulfilling the requirements set by these authorities.

<b>C. TRADES DEEMED NOT EQUIVALENT</b>
--

2.11 The governments of Newfoundland & Labrador and Québec recognize that the trades listed below currently have no direct equivalents in the other jurisdiction and that they are described as follows:

QUÉBEC TITLE	NEWFOUNDLAND & LABRADOR TITLE	INTERPROVINCIAL RED SEAL TITLE
22) Monteur d'acier / Structural steel erector	Iron worker	Iron worker / Monteur de charpentes en acier
23) Monteur-mécanicien (vitrier) / Erector mechanic (glazier)	Glazier	Glazier / Vitrier
24) Carreleur / Tile setter	Tile setter	N/A
25) Ferrailleur / Reinforcing steel erector	Rebar worker	N/A

2.12 To work in any of the trades listed in section 2.11, Newfoundland & Labrador and Québec workers may present their qualifications and experience to the appropriate authorities in Newfoundland & Labrador and Québec and meet the requirements set out in the Guide referred to in section 2.13 of this agreement.

2.13 All of the requirements for working in the construction industries in Newfoundland & Labrador and Québec that apply to workers covered by this agreement are set out in the Guide to the Newfoundland & Labrador-Québec Agreement on Labour Mobility and Recognition of Qualifications, Skills and Work Experience in the Construction Industry, which will be available in French and English by late 1998.

The governments of Newfoundland & Labrador and Québec 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 inform the other government.

### **PART 3: ACCESS TO OTHER JOB OPPORTUNITIES IN NEWFOUNDLAND & LABRADOR AND QUÉBEC OCCUPATIONS**

3.1 In addition to the trades and specialties for which certification is compulsory in the regulated sector of the Québec construction industry, Québec also has a set of clearly defined occupations. These occupations' titles are listed in section 3.5.

Subject to the terms of Part 4 of this agreement, the Québec government 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 Newfoundland & Labrador workers who meet the requirement set out in the Guide referred to in section 2.13 of this agreement.

3.2 With respect to the occupations listed in section 3.3, the governments of Newfoundland & Labrador and Québec 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 Québec government fully recognizes, with no further requirements than those specified in the Guide referred to in section 2.13 of this agreement, the qualification, skills and work experience of Newfoundland & Labrador workers as follows:

3.3.1 Certification issued by the Department of Education and the Department of Environment and Labour or by another agency of the Newfoundland & Labrador government authorized to do so:

3.3.1.1 Workers with a Newfoundland & Labrador Certificate of Qualification as Power Lineworker corresponding to occupation number 22 in section 3.5;

3.3.1.2 Workers with a Newfoundland & Labrador Certificate of Qualification as Welder corresponding to occupations 32 and 40 in section 3.5;

3.3.1.3 Workers with a Newfoundland & Labrador Blaster Safety Certificate as Blaster level II and III corresponding to occupation 29 in section 3.5.

3.4 Subject to the terms of Part 4 of this agreement, the Newfoundland & Labrador government fully recognizes, with no further requirements other than those specified in the Guide referred to in section 2.13 of this agreement, the qualifications, skills and work experience of Québec workers as follows:

3.4.1 Certification issued by the Commission de la construction du Québec:

3.4.1.1 Workers with a Québec Competency Certificate as Power Lineperson, who have declared their hours worked in this occupation to the Commission de la construction du Québec;

3.4.1.2 Workers with a Québec Competency Certificate as Welder, who have declared their hours worked in this occupation to the Commission de la construction du Québec;

3.4.1.3 Workers with a Québec Competency Certificate as Shotfirer, who have declared their hours worked in this occupation to the Commission de la construction du Québec and who hold Commission de la santé et de la sécurité du travail du Québec shotfirer certification. For these workers, equivalencies are as follows:

QUÉBEC	NEWFOUNDLAND & LABRADOR
. Have passed Québec's Forage-dynamitage (Drilling-Blasting) course (no work experience)	Blaster - Level I (no restriction)
. Have passed Québec's Forage-dynamitage (Drilling-Blasting) course with 400 hours work experience	Blaster - Level II
. Have passed Québec's Forage-dynamitage (Drilling-Blasting) course with 1 100 hours work experience	Blaster - Level III
. Québec Blaster with 400 hours work experience	Blaster - Level I (no restriction)
. Québec Blaster with 1100 hours work experience	Blaster - Level II
. Québec Blaster with 2100 hours work experience	Blaster - Level III

3.5 The occupations<sup>7</sup> that currently exist in the regulated sector of the Québec construction industry are as follows:

- 1) Assembleur / Assembler
- 2) Chauffeur de chaudières à vapeur / Boiler driver
- 3) Chaîneur / Chainperson
- 4) Commis / Clerk
- 5) Opérateur de pompes et de compresseurs / Compressor operator
- 6) Soudeur de distribution (gaz) / Distribution welder (gas)
- 7) Plongeur / Diver
- 8) Foreur / Driller
- 9) Conducteur d'engins (lignes) / Equipment operator (lines)
- 10) Opérateur d'équipements et de véhicules / Equipment and vehicle operator
- 11) Spécialiste en branchement d'immeubles / Gas fitter
- 12) Manoeuvre spécialisé / General helper
- 13) Manoeuvre spécialisé (carreleur) / General helper (tile setter)
- 14) Opérateur de génératrices / Generator operator
- 15) Aide-monteur de lignes / Groundsperson
- 16) Homme de service sur machines lourdes / Heavy equipment serviceman
- 17) Opérateur d'appareils de levage « A » et « B » / Hoisting equipment operator "A" and "B"
- 18) Homme d'instrument (arpenteur) / Instrument man (surveyor)
- 19) Manoeuvre (pipe-line) / Labourer (pipe-line)
- 20) Manoeuvre / Labourer
- 21) Conducteur de camion de lignes / Line truck driver
- 22) Monteur (lignes de transport d'énergie et de distribution) / Lineperson (transmission and distribution lines)
- 23) Mécanicien (lignes) / Mechanic (lines)
- 24) Graisseur-huileur / Oiler
- 25) Soudeur en tuyauterie / Pipe welder
- 26) Soudeur de pipe-line / Pipeline welder

---

7 To work in any of the construction jobs listed in section 3.5, in the regulated sector of the Québec construction industry, certification or an exemption issued by the Commission de la construction du Québec is mandatory. To work in occupations number 2, 14, 25, 26 or 29, in both the regulated and "de-regulated" sectors in Québec, additional specialized certification is required. To work in occupations number 6 or 11, in both the regulated and "de-regulated" sectors, additional certification is required for supervisors (crew leader, foreman or inspector) and other employees who are responsible for the quality of work on construction sites.

To work in occupation numbered 29 in Newfoundland & Labrador, certification is required from the Department of Environment and Labour. When working in any of the other listed occupations in Newfoundland & Labrador, certification is not mandatory but may be required as a condition of employment.



- 27) Opérateur de pompes et de compresseurs / Pump and compressor operator
- 28) Tireur de câbles / Rope puller
- 29) Boutefeu / Shotfirer
- 30) Épisseur (homme de joint) / Splicer
- 31) Opérateur d'usines fixes ou mobiles / Stationary or portable mixing plant operator
- 32) Soudeur monteur d'acier / Steel erector welder
- 33) Magasinier / Storeperson
- 34) Monteur « T » (réseaux de communication) / "T" Lineperson (communication network)
- 35) Préposé aux pneus et au débosselage / Tire and body repairperson
- 36) Émondeur / Trimmer
- 37) Conducteur de camion / Truck driver
- 38) Travailleur souterrain (mineur) / Underground worker (miner)
- 39) Gardien / Watchperson
- 40) Soudeur / Welder

3.6 The Québec government confirms that Newfoundland & Labrador workers covered by this agreement may work in any region in Québec where employment is found. Such workers are deemed to be domiciled in the region where the work is being carried out for the duration of their employment.

3.7 The Newfoundland & Labrador government confirms that a Québec worker covered by this agreement may work anywhere employment is found in Newfoundland & Labrador.

3.8 Québec government undertakes to deliver a shottire certificate to Newfoundland & Labrador workers holding a blaster safety certificate level II and III, and to exempt those workers from passing a shottire exam requested under the "Safety Code for the Construction Industry" of Québec.

#### **PART 4:            RECOGNITION OF OCCUPATIONAL HEALTH AND 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 necessary certificates of completion.

- 4.2 Within the framework of this agreement, the Québec government recognizes that the training provided in the compulsory Québec 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 Newfoundland & Labrador certificates:
- a) a certificate of qualification issued under the Interprovincial Red Seal Program to a Newfoundland & Labrador worker in one of the trades listed in sections 2.2;
  - b) a certificate of qualification issued to a Newfoundland & Labrador worker in any of the trades or occupations listed in sections 2.2 , 3.3.1.1 and 3.3.1.2 of this agreement, and a Blaster Safety Certificate issued to a Newfoundland & Labrador worker as listed in section 3.3.1.3 of this agreement.
- 4.3 Within the framework of this agreement, the Québec government also recognizes that the compulsory Québec course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) is equivalent to the Newfoundland & Labrador course "Modular Training Program" taken by holders of certification issued by the Newfoundland & Labrador Department of Environment and Labour.
- 4.4 Within the framework of this agreement, the Québec government 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 Newfoundland & Labrador workers who perform tasks in Newfoundland & Labrador in occupations listed in section 3.5, if they provide proof of 750 hours or more of work experience in the construction industry.
- 4.5 The Québec government 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 Québec course entitled "Santé et sécurité générale sur les chantiers de construction" (Health and Safety on Construction Sites) and other occupational health and safety courses given in Newfoundland & Labrador.

**PART 5: RECOGNITION OF CONSTRUCTION CONTRACTORS' QUALIFICATIONS, SKILLS AND EXPERIENCE**

- 5.1 The Québec government undertakes, for the purpose of issuing a construction contractor's licence, which is compulsory in Québec under the provisions of the *Building Act* (R.S.Q., c. B-1.1), to permanently exempt building contractors domiciled in Newfoundland & Labrador 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 that they have been registered as a construction contractor with the Commercial and Corporate Affairs Branch of the Newfoundland & Labrador Department of Government Services and Lands as a corporation for at least five (5) years; or
  - b) show that the name of their construction business, constituted as a partnership, limited partnership, or as a sole proprietorship, has been registered with the Worker's Compensation Commission for at least five (5) years.
- 5.2 The Newfoundland & Labrador 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 Québec.
- 5.3 In the case of contractors who specialize in electricity, plumbing, heating systems, natural gas burner systems or oil burner systems, applicants must also provide proof of payment of the registration fees and annual dues to the Corporation des maîtres électriciens du Québec or the Corporation des maîtres mécaniciens en tuyauterie du Québec, as the case may be.
- 5.4 Contractors domiciled in Newfoundland & Labrador, 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 contractor's licences in Québec. However, these Newfoundland & Labrador contractors may be eligible for partial or complete exemption from the contractor exams referred to in section 5.1 if they meet other equivalency provisions specified by the Régie du bâtiment du Québec.
- 5.5 The Newfoundland & Labrador government undertakes to relieve construction contractors domiciled in Québec of the training requirements of the "Newfoundland & Labrador Construction Safety Association" (NLCSA) program until January 1, 2000 upon demonstration that they have developed and

implemented a health and safety program under section 198 of the *Act respecting Occupational Health and Safety*

## **PART 6: SPECIFIC LEGAL AND ADMINISTRATIVE COMMITMENTS**

- 6.1 The Québec government undertakes to make any regulatory changes that are required to bring into force this agreement's provisions by (*state here the date of the 45<sup>th</sup> day following the signature of this agreement*). However, in the case of the " Safety Code for the Construction Industry ", the regulatory changes that are required to give effect to section 3.8 of this agreement will be made by (*state here the date of the 180<sup>th</sup> day following the signature of this agreement*).
- 6.2 The Québec government undertakes to have the Régie du bâtiment du Québec issue a construction contractor's licence to an applicant domiciled in Newfoundland & Labrador within one (1) working day, provided that the file accompanying the application be complete and comply with the regulatory requirements. The Québec government also confirms that the only licence or permit required for Newfoundland & Labrador contractors before they respond to a call for tender on any construction project open to Newfoundland & Labrador contractors is the licence issued by the Régie du bâtiment du Québec.
- 6.3 The Québec government 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 the Commission de la construction du Québec* (R-20, r. 3) to enable workers domiciled in Newfoundland & Labrador to select a representative association.
- 6.4 The Québec government undertakes to have the Commission de la santé et de la sécurité du travail, the Commission de la construction du Québec and the Inspecteur général des institutions financières process Newfoundland & Labrador 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 Québec government undertakes to have the Commission de la construction du Québec issue a registration certificate to a Newfoundland & Labrador worker within one (1) working day of receiving the application, provided that the file accompanying the application is complete and complies with the legal requirements in effect.

- 6.6 The Québec 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 Inspecteur général des institutions financières translate into English forms and examinations relevant to this agreement in use by these departments or agencies within thirty (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 la Commission de la construction du Québec provide a toll-free telephone service, in English and French, in Newfoundland & Labrador for construction contractors and workers.
- 6.7 The Québec government undertakes to have the Commission de la construction du Québec process applications for exemption from competency certificate referred to in section 3.1 of 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 de la main-d'oeuvre process applications to take qualification exams, schedule the appropriate examinations and issue a certificate for any of the trades or occupations listed in sections 2.11 and 3.5 of this agreement within thirty (30) working days of receiving the application.

In all instances where the Commission de la construction du Québec questions the professional qualifications of a Newfoundland & Labrador worker applying for a qualification exam in a regulated trade in Québec, the official contacts referred to 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.

- 6.8 The Newfoundland & Labrador government confirms that no competent authority with jurisdiction in matters targeted by this agreement other than those listed herein, i.e. an entity to which this authority delegates powers or any form of municipal government, may stipulate that Québec construction workers or contractors meet requirements other than, or in addition to, those stipulated in this agreement or in the Guide referred to in section 2.13.
- 6.9 The Newfoundland & Labrador government undertakes to make any regulatory changes that are required to bring into force this agreement's provisions by (*state here the date of the 45<sup>th</sup> following the signature of this agreement*).
- 6.10 The Government of Newfoundland & Labrador confirms that all contractors domiciled in Quebec, and licensed with the Régie du bâtiment du Québec, will be recognized in Newfoundland & Labrador in accordance with Section 6.11. In order for a building contractor domiciled in Quebec to obtain a contractor's licence

or contractor certification, the Newfoundland & Labrador government deems there to be equivalence between Quebec's Journeyperson Competency Certificate and Newfoundland & Labrador's Certificate of Qualification contemplated in section 2.5 of this agreement.

- 6.11 The Newfoundland & Labrador government recognizes that, even if a Québec building contractor's licence is issued, contractors domiciled in Newfoundland & Labrador must still meet their other obligations to register with other government departments and agencies responsible for governing enterprises and companies in Québec.
- 6.12 The Newfoundland & Labrador government undertakes to have the Department of Government Services and Lands and the Worker's Compensation Commission process Québec contractor applications within ten (10) working days of receipt of those applications, provided that the file accompanying them is complete, and complies with the legal requirements in effect. If registration is done in person, an identification number shall be issued within one (1) working day of receiving the applications, provided that the information accompanying the application is complete, and complies with the legal requirements in effect.
- 6.13 The Newfoundland & Labrador government also undertakes to have the Department of Government Services and Lands and the Worker's Compensation Commission process Québec contractor applications for registration in any of the following categories: gasoline handling contractors, elevator contractors, energy contractors, and equipment installation contractors, within thirty (30) working days of receiving those applications, provided that the file accompanying the application is complete, and complies with the legal requirements in effect.
- 6.14 The Newfoundland & Labrador government undertakes to have NLCSA, Department of Education and Department of Government Services and Lands, translate into french forms relevant to the agreement in use by that organisation within thirty (30) working days of the signing of this agreement. It also undertakes to have the NLCSA and the Department of Education provide a toll-free telephone service, in English and French, in Québec for construction contractors and workers.
- 6.15 The Newfoundland & Labrador government undertakes to have the Department of Education register a Québec apprentice and issue an Apprentice Identification Card within one (1) working day of receiving the application, provided that the file accompanying the application is complete, and complies with the legal requirements in effect.

Furthermore, the Newfoundland & Labrador government undertakes to have the Department of Education and the Department of Government Services and Lands process applications to take qualification exams, schedule the appropriate

examination and issue a certificate for any of the trades or occupations listed in sections 2.11 and 3.5 of this agreement within thirty (30) working days of receiving the application, provided that the file accompanying the application is complete, and complies with the legal requirements in effect.

- 6.16 The Newfoundland & Labrador government undertakes to have the NLCSA issue a "Letter of Good Standing" to an applicant domiciled in Québec within two (2) working days following the reception of the registration application by the Worker's Compensation Commission.

## **PART 7: ADMINISTRATION OF THE AGREEMENT**

### **7.1 Exchanges of Information**

Each government will promptly send 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 Mechanisms for Monitoring the Agreement**

#### Bilateral Coordinating Committee

- 7.2.1 The Newfoundland & Labrador Minister of Education and the Québec Minister of Labour are the Ministers responsible for the application of this agreement.
- 7.2.2 The governments of Newfoundland & Labrador and Québec agree to create a bilateral coordinating committee made up of six (6) persons, of whom three, including a co-chair shall be designated by each Minister responsible for the application of this agreement.
- 7.2.3 The Committee will meet as required, but at least once a year, beginning in 1998, 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.
- 7.2.4 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 government within thirty (30) days.

The Committee may, by mutual agreement, modify the list of trades or occupations in sections 2.2, 2.11, 3.3 and 3.5 of this agreement.

- 7.2.5 The Committee also processes formal complaints associated with the implementation of this agreement and deals with any other issues relevant to construction labour mobility in Newfoundland & Labrador and Québec.
- 7.2.6 Before January 1, 2000, the Committee will assess the level of commonality between the health and safety requirements for construction contractors referred to in Section 5.5 in both jurisdictions, and determine whether to maintain or modify such relief from training courses of the NLCSA program.

In the absence of such a determination by the Committee, the matter shall be referred for decision to the Ministers responsible for the application of this agreement.

#### Monitoring Body

- 7.2.7 The governments of Newfoundland & Labrador and Québec also agree to create a Monitoring Body, made up of a maximum of ten (10) people from each province, of whom six (6) 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 the application of this agreement.
- 7.2.8 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.
- 7.2.9 The Monitoring Body shall meet as needed, at the request of the Ministers responsible for the application of this agreement.

### **PART-8: DISPUTE RESOLUTION**

- 8.1 The Ministers responsible for the application of this agreement shall designate one person to act as the 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 industry in Newfoundland & Labrador and Québec.
- 8.2 Construction workers and contractors should refer to the official contact designated by their government any complaint with respect to the implementation



of this 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 the 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 to the Bilateral Coordinating Committee.
- 8.4 The Committee must deal with any formal complaint and decide how it will be resolved within three (3) weeks 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 responsible for the application of this agreement.
- 8.5 The Committee shall also submit an annual report of its activities to the Ministers responsible for the application of this agreement and to the members of the Monitoring Body. This report must contain statistical information on construction labour mobility between Newfoundland & Labrador and Québec, 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 greater mobility among Newfoundland & Labrador and Québec construction workers shall prevail.

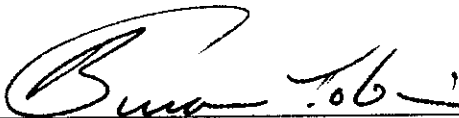
## **PART 10: FINAL PROVISIONS**

- 10.1 This agreement shall come into effect on the day it is signed.

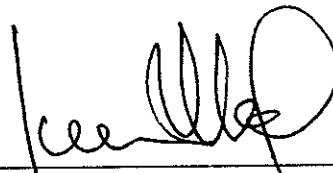
10.2 The governments of Newfoundland & Labrador and Québec agree that they may, by mutual consent, change in writing the terms of this agreement at any time.

10.3 The governments of Newfoundland & Labrador and Québec agree that either party to the agreement may terminate it on six (6) months' written notice to the other party.

In witness whereof, this agreement was signed on the April, 24<sup>th</sup> 1998.



**Brian Tobin**  
Premier of Newfoundland & Labrador



**Lucien Bouchard**  
Premier Ministre du Québec