



**AGREEMENT**

**BETWEEN**

**THE GOVERNMENT OF NEW BRUNSWICK**

**AND**

**THE GOUVERNEMENT DU QUÉBEC**

**ON**

**LABOUR MOBILITY**

**AND THE RECOGNITION OF QUALIFICATIONS,**

**SKILLS AND WORK EXPERIENCE**

**IN THE CONSTRUCTION INDUSTRY**

## TABLE OF CONTENTS

<b>Part 1</b>	<b>Introduction</b> .....	1
1.1	General Principles That Have Guided the Development of This Agreement .....	1
1.2	Other Clauses in Principle .....	1
1.3	Implementation .....	1
1.4	Scope of the Agreement.....	2
<b>Part 2</b>	<b>Mutual Recognition of the Qualifications, Skills, Experience and Occupational Health and Safety Training of Construction Workers</b> .....	3
2.1	General Principles .....	3
2.2	Access to Matched Trades for Journeypersons and Apprentices.....	3
2.3	Access to Quebec Occupations and New Brunswick Occupations .....	4
2.4	Mutual Recognition of Occupational Health and Safety Training.....	4
<b>Part 3</b>	<b>Mutual Recognition of the Qualifications, Skills and Experience of Construction Contractors</b> .....	6
3.1	Requirements for New Brunswick Contractors to Work in Quebec.....	6
3.2	Requirements for Quebec Contractors to Work in New Brunswick.....	7
<b>Part 4</b>	<b>Specific Legal and Administrative Commitments</b> .....	8
4.1	Legal Commitments .....	8
4.2	Matters Related to Contractors.....	8
4.3	Matters Related to Workers.....	9
4.4	Access to Services .....	10
<b>Part 5</b>	<b>Administration and Promotion of the Agreement</b> .....	11
5.1	Exchange of Information.....	11
5.2	Bilateral Coordinating Committee.....	11
5.3	Consultation with Stakeholders .....	12
5.4	Promotion of the Agreement.....	12
<b>Part 6</b>	<b>Complaint Handling</b> .....	13
<b>Part 7</b>	<b>Final Provisions</b> .....	14
<b>Part 8</b>	<b>Coming into Force</b> .....	15
 <b>APPENDICES</b>		
<b>Appendix 1</b>	<b>Matched Trades in Quebec and Occupations in New Brunswick</b> .....	16
<b>Appendix 2</b>	<b>Certifications Recognized by New Brunswick and Quebec</b> .....	17
<b>Appendix 3</b>	<b>Requirements to Work in Occupations in Quebec and Occupations in New Brunswick</b> .....	18
<b>Appendix 4</b>	<b>Trades and Occupations – Measures of Access to be Developed</b> .....	20

## **PART 1: INTRODUCTION**

This agreement sets out measures agreed to by the governments of New Brunswick and Quebec to facilitate access to the construction labour markets in both provinces.

### **1.1 The following general principles have guided the development of this agreement:**

New Brunswick and Quebec are committed to the fair treatment of persons, goods, services, and investments, regardless of where they originate in Canada.

The province in which a person lives will not be a bar to employment, apprenticeship training or trade certification in the other province.

New Brunswick and Quebec each agree to treat construction contractors and workers from the other province in a manner that is equivalent to the best treatment that each accords to its own construction contractors and workers.

New Brunswick and Quebec agree that membership in a trade union or contractors' association will not inhibit the mobility of construction workers or construction contractors. At the same time, both provinces acknowledge that membership in a trade union or contractors' association may be required by provincial law, by regulation or by collective agreement.

In order to ensure maximum mobility of workers and contractors in the construction industry, New Brunswick and Quebec agree to use the person designated as Official Contact in section 6.1 to facilitate the resolution of disputes relating to access to work or business opportunities when membership in a labour organization or contractors' association is compulsory under an act, a regulation, a collective agreement or any special agreement.

New Brunswick and Quebec each have the right to regulate their construction industries in their own way.

The different regulatory systems in New Brunswick and Quebec that govern training and certification in the construction industry will not prevent full recognition, by both jurisdictions, of the qualifications, skills, and work experience of contractors and workers.

### **1.2 Other Clauses in Principle**

In accordance with Chapter 7 of the *Agreement on Internal Trade* and subject to section 7.1 of this agreement, New Brunswick and Quebec agree that any worker certified by either party to work in a trade or occupation in accordance with the Interprovincial Standards (Red Seal) Program is automatically certified by the other party to work in the equivalent trade or occupation listed in Appendix 1.

Furthermore, subject to sections 2.4 and 7.1 of this agreement, any worker certified by a regulatory agency of either party to work in a trade or occupation is automatically certified by the other party to work in the equivalent trade or occupation listed in Appendix 1.

### **1.3 Implementation**

In New Brunswick, the organizations responsible for implementing this agreement are the Department of Post-Secondary Education, Training and Labour (DPETL), the Department of Public Safety (DPS), the Workplace Health, Safety and Compensation Commission (WHSCC), the New Brunswick Construction Safety Association (NBCSA), Service New Brunswick (SNB), the Department of Intergovernmental Affairs (DIA), and any other agency specifically designated for that purpose.

In Quebec, the organizations responsible for implementing this agreement are the Ministère du Travail, the Commission de la construction du Québec (CCQ), the Commission de la santé et de la sécurité du travail (CSST), the Association paritaire pour la santé et la sécurité du travail du secteur de la construction (ASP Construction) or any other body recognized by the CSST, the Régie du bâtiment du Québec (RBQ), the Corporation des maîtres électriciens du Québec (CMEQ), the Corporation des maîtres mécaniciens en tuyauterie du Québec (CMMTQ), the Ministère de l'Emploi et de la Solidarité sociale (MESS), le ministère de l'Éducation, du Loisir et du Sport (MELS) and any other agency specifically designated for that purpose.

The parties agree to ensure that all departments and agencies involved in the implementation of this agreement comply with the terms and conditions set out herein.

#### **1.4 Scope of the Agreement**

This agreement applies to construction work performed by contractors and workers engaged in any of the trades or occupations listed in Appendices 1 and 3.

A "New Brunswick worker" is a construction worker whose principal residence is in New Brunswick. A New Brunswick worker who meets the requirements of this agreement may work anywhere in Quebec and will be deemed, for the entire duration of the employment, to be a resident of the region in which the work is carried out, as defined in the *Regulation respecting the hiring and mobility of employees in the construction industry*, R.S.Q., c. R-20, r. 5.3.

A "Quebec worker" is a construction worker whose principal residence is in Quebec. A Quebec worker who meets the requirements of this agreement may work anywhere in New Brunswick.

Both New Brunswick and Quebec have certain requirements that apply universally to all construction contractors; for example, requirements for licensing or for registration with tax authorities. Such requirements are explained in the guidance material that supports this agreement, but are not part of the agreement itself (see section 4.4).

## **PART 2: MUTUAL RECOGNITION OF THE QUALIFICATIONS, SKILLS, EXPERIENCE, AND OCCUPATIONAL HEALTH AND SAFETY TRAINING OF CONSTRUCTION WORKERS**

### **2.1 General Principles**

#### **Matched Trades**

2.1.1 New Brunswick and Quebec agree that the trades listed in Appendix 1 are matched for the purposes of this agreement but are not equivalent with respect to training requirements or qualifications.

#### **Certifications Recognized by Both Provinces**

2.1.2 Subject to section 2.4, New Brunswick and Quebec fully recognize the certifications in Appendix 2.

2.1.3 New Brunswick workers holding any of the New Brunswick certifications in Appendix 2 are not required to obtain further certificates of competency when working in Quebec in the corresponding trade listed in Appendix 1.

2.1.4 Quebec workers holding any of the Quebec certifications in Appendix 2 are not required to obtain further certifications when working in New Brunswick in the corresponding trade listed in Appendix 1.

2.1.5 New Brunswick workers who do not hold any of the certifications in Appendix 2 and who wish to work in Quebec may present their qualifications and work experience to the appropriate authorities in either New Brunswick or Quebec and obtain one of the certifications in Appendix 2 by fulfilling the requirements set by these authorities.

2.1.6 Quebec workers who do not hold any of the certifications in Appendix 2 and who wish to work in New Brunswick may present their qualifications and work experience to the appropriate authorities in either New Brunswick or Quebec and obtain one of the certifications in Appendix 2 by fulfilling the requirements set by these authorities.

#### **Recognition of New Trades or Training Programs**

2.1.7 New Brunswick and Quebec agree, where feasible, to work together to develop measures to recognize any additional trades (or specialties) and occupations developed by either jurisdiction, thereby adding to the list of matched trades in order to promote labour mobility and access to the construction industry for workers in these trades.

Both governments also undertake to work together to recognize training and certification programs not currently covered by this agreement, which may be developed by Quebec or New Brunswick to increase the competency of construction workers.

Applications for recognition submitted by either of the parties are processed by the Bilateral Coordinating Committee (BCC) according to the procedures set out in section 5.

2.1.8 New Brunswick and Quebec agree to give priority to developing measures of access for the trades and occupations listed in Appendix 4.

### **2.2 Access to Matched Trades for Journeypersons and Apprentices**

#### **Access to Quebec**

2.2.1 Subject to section 2.4, Quebec will fully recognize the following certifications issued to New Brunswick workers by the Department of Post-Secondary Education, Training and Labour or by any other agency of the New Brunswick government authorized to do so:

- a) Certificate of Qualification (Red Seal), New Brunswick Certificate of Qualification or Diploma of Apprenticeship for any of the trades listed in Appendix 1.
- b) New Brunswick Apprentice ID Card for any of the trades listed in Appendix 1.

The Commission de la construction du Québec (CCQ) will fully recognize the hours of apprenticeship training put in by a New Brunswick worker on construction sites in either New Brunswick or Quebec, provided that those hours have been validated by the Department of Post-Secondary Education, Training and Labour, for the purpose of determining the period of apprenticeship that will apply to that worker in Quebec.

### **Access to New Brunswick**

- 2.2.2 Subject to section 2.4, New Brunswick will fully recognize the following certificates issued to Quebec workers by the Commission de la construction du Québec (CCQ) or by any other agency of the Quebec government authorized to do so:
- a) Certificate of Qualification (Red Seal) or Journeyman Competency Certificate for any of the trades listed in Appendix 1.
  - b) Apprentice Competency Certificate for any of the trades listed in Appendix 1.

However, in order to work in New Brunswick, a Quebec worker who holds an Apprentice Competency Certificate in one of these trades must obtain an Apprentice ID Card issued free of charge by the New Brunswick Department of Post-Secondary Education, Training and Labour.

The Department of Post-Secondary Education, Training and Labour will fully recognize the hours of apprenticeship training put in by a Quebec worker on construction sites in either Quebec or New Brunswick, provided that those hours have been validated by the Commission de la construction du Québec (CCQ), for the purpose of determining the period of apprenticeship that will apply to that worker in New Brunswick.

### **2.3 Access to Quebec Occupations and New Brunswick Occupations**

- 2.3.1 In addition to the trades and specialties for which certification is compulsory in the construction industry, there is also a set of defined occupations in each jurisdiction. Appendix 3 lists these occupations and sets out the regulatory requirements that must be met in order to work in these occupations in Quebec or New Brunswick.
- 2.3.2 Subject to section 2.4, in order to work in Quebec in any of the occupations listed in Appendix 3 for which there are no MESS certification requirements, the CCQ will exempt New Brunswick workers from having to take the course entitled "Chantiers, équipements et organismes" and from having to hold an Occupation Competency Certificate, if they can provide proof of 750 or more hours of work experience in the construction industry.

### **2.4 Mutual Recognition of Occupational Health and Safety Training**

- 2.4.1 New Brunswick and Quebec recognize and agree that construction workers in both provinces, in addition to being qualified or certified to work in a particular trade, sometimes need to take training in occupational health and safety. In Quebec, all workers must take a compulsory course entitled "Santé et sécurité générale sur les chantiers de construction". In New Brunswick, instruction in occupational health and safety is offered to construction workers in a number of courses and is also incorporated into trade-specific certification and training programs.
- 2.4.2 Upon presentation of a certificate issued by the New Brunswick Construction Safety Association (NBCSA) indicating that a New Brunswick worker has completed occupational health and safety training judged to be equivalent by ASP Construction, the latter will issue a card confirming that the worker satisfies the requirements of the course entitled "Santé et sécurité générale sur les chantiers de construction."
- 2.4.3 Upon presentation of a certificate issued by ASP Construction indicating that a Quebec worker has completed the course entitled "Santé et sécurité générale sur les chantiers de construction" or any other occupational health and safety training judged to be equivalent, the NBCSA will issue a letter confirming that the worker satisfies all of New Brunswick's regulatory requirements respecting occupational health and safety, as identified by the NBCSA.

- 2.4.4 To implement this agreement, the NBCSA and ASP Construction are authorized to:
- a) Evaluate requests and, where appropriate, recognize occupational health and safety training courses; and
  - b) Issue certificates of completion.
- 2.4.5 New Brunswick and Quebec agree to work together to recognize the equivalence of occupational health and safety training courses that exist already or that may be developed or amended by either province in the future in order to increase the competency of construction workers in occupational health and safety.

## **PART 3: MUTUAL RECOGNITION OF THE QUALIFICATIONS, SKILLS AND EXPERIENCE OF CONSTRUCTION CONTRACTORS**

### **3.1 Requirements for New Brunswick Contractors to Work in Quebec**

- 3.1.1 A New Brunswick construction contractor must obtain a licence from the Régie du bâtiment du Québec (RBQ) before bidding on a contract in Quebec. Subject to section 3.1.2, the licence is issued upon successful completion of a series of examinations and confirms the contractor's professional qualifications. This licence remains valid provided that the contractor pays the required fees every year. (Contractors in the electrical or plumbing trades – see sections 3.1.5 and 3.1.6.)
- 3.1.2 A New Brunswick contractor may obtain a licence from the RBQ without writing examinations to verify knowledge of administration, construction site safety management, project and site management, and performance of construction work, if the contractor provides written confirmation issued by the Workplace Health, Safety and Compensation Commission of New Brunswick (WHSCC) that he/she has been registered with the WHSCC for at least five (5) years. (Contractors in the electrical or plumbing trades – see sections 3.1.5 and 3.1.6.)
- 3.1.3 New Brunswick contractors who do not meet the conditions set out in section 3.1.2 must comply with all regulatory requirements governing the issuance of construction licences in Quebec. However, these New Brunswick contractors may be eligible for exemption from the contractor examinations described in section 3.1.1 if they meet other equivalency provisions specified by the RBQ.
- 3.1.4 New Brunswick contractors who do not meet the conditions set out in section 3.1.2 must also comply with the other provisions of Quebec's *Regulation respecting the professional qualifications of building contractors and owner-builders* (B-1.1, r. 1.01) in order to obtain a construction contractor's licence in Quebec.
- 3.1.5 Notwithstanding section 3.1.1, New Brunswick contractors who specialize in electrical work must be members of the Corporation des maîtres électriciens du Québec (CMEQ). For CMEQ licensing purposes, such contractors are exempt from the written examinations designed to verify knowledge of administration, construction site safety management, project and site management, and performance of construction work, provided they can prove that:
- a) They have been registered with the Workplace Health, Safety and Compensation Commission of New Brunswick (WHSCC) for at least five (5) years; and
  - b) They have held a licence issued by the New Brunswick Department of Public Safety for at least five (5) years.

For these contractors, the CMEQ assumes all roles and responsibilities otherwise carried out by the RBQ in this agreement.

- 3.1.6 Notwithstanding section 3.1.1, New Brunswick contractors who hold a plumbing contractor licence issued by the New Brunswick Department of Public Safety must be members of the Corporation des maîtres mécaniciens en tuyauterie du Québec (CMMTQ). For CMMTQ licensing purposes, such contractors are exempt from the written examinations designed to verify knowledge of administration, construction site safety management, project and site management, and performance of construction work, provided they can prove that:
- a) they have been registered with the Workplace Health, Safety and Compensation Commission of New Brunswick (WHSCC) for at least five (5) years; and
  - b) they have held a licence issued by the New Brunswick Department of Public Safety for at least five (5) years.

Notwithstanding section 3.1.1, New Brunswick contractors wishing to do work in the specialties of heating, heating systems, natural gas burner systems or oil burner systems must be members of the CMMTQ. For CMMTQ licensing purposes, such contractors are exempt from the written examinations designed to verify knowledge of administration, construction site safety management, project and site management, and performance of construction work, provided they can prove that:



- a) They have been registered with the Workplace Health, Safety and Compensation Commission of New Brunswick (WHSCC) for at least five (5) years; and
- b) They have been operating for at least five (5) years in the specialty in which they wish to do work.

For these contractors, the CMMTQ assumes all roles and responsibilities otherwise carried out by the RBQ in this agreement.

### **3.2 Requirements for Quebec Contractors to Work in New Brunswick**

- 3.2.1 In the eventuality that New Brunswick implements a system of professional qualifications for construction contractors in the entire province or a portion thereof, New Brunswick undertakes to exempt from all qualifying examinations Quebec contractors who hold a contractor's licence from the RBQ, the CMEQ or the CMMTQ. If the implementation goes forward, New Brunswick and Quebec agree to work together to recognize equivalencies between their respective contractor's licences.
- 3.2.2 Quebec contractors who hold a licence issued by the CMEQ must obtain an electrical contractor licence issued by the New Brunswick Department of Public Safety. For licensing purposes, the Department of Public Safety will exempt such contractors from all licensing examinations.
- 3.2.3 Quebec contractors who hold a plumbing licence issued by the CMMTQ must obtain a plumbing contractor licence issued by the New Brunswick Department of Public Safety. For licensing purposes, the Department of Public Safety will exempt such contractors from all licensing examinations.

## **PART 4: SPECIFIC LEGAL AND ADMINISTRATIVE COMMITMENTS**

### **4.1 Legal Commitments**

- 4.1.1 Within 150 days of the signing of this agreement, Quebec and New Brunswick agree to make any regulatory changes that are required to implement this agreement.
- 4.1.2 New Brunswick and Quebec confirm that no competent authority other than those listed herein, such as an entity to which this authority delegates powers, or any form of municipal government, may stipulate that Quebec or New Brunswick construction workers or contractors must meet any requirements respecting qualifications, skills or work experience other than or in addition to those set out in this agreement.
- 4.1.3 New Brunswick and Quebec recognize that the regulations related to this agreement may be amended from time to time. However, each party agrees to consult the other before introducing any such amendments.

### **4.2 Matters Related to Contractors**

- 4.2.1 The Gouvernement du Québec undertakes to have the RBQ issue a construction contractor's licence to a New Brunswick contractor within ten (10) working days following receipt of a licence application, provided that the latter is complete and complies with all relevant legal requirements. With the exception of contractors in the electrical and plumbing trades (see sections 3.1.5 and 3.1.6), Quebec confirms that this is the only licence required by a New Brunswick contractor before responding to a call for tender on any construction project open to New Brunswick contractors.

The Gouvernement du Québec undertakes to have the CMEQ and the CMMTQ issue a contractor's licence within ten (10) working days to a New Brunswick contractor in the electrical or plumbing trades who has passed the written examinations mentioned in sections 3.1.5 and 3.1.6, respectively, provided that the application is complete and complies with all relevant legal requirements.

- 4.2.2 The Gouvernement du Québec undertakes to have the RBQ refund, within fifteen (15) working days of receipt of a request to that effect, all fees paid by a New Brunswick contractor who requests that his/her licence for tender be terminated, and who submits that request within 15 days of being notified of an unsuccessful bid, along with proof of the unsuccessful bid, unless previous construction work has already been performed under that licence.

- 4.2.3 The Gouvernement du Québec undertakes to have:

- (a) the CCQ issue an Employer Number to a New Brunswick contractor within ten (10) working days following receipt of an application to that effect, provided that the application is complete and complies with all relevant legal requirements;
- (b) the CSST process applications from a New Brunswick contractor within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements;
- (c) the Registraire des entreprises process applications from New Brunswick contractors within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements.

- 4.2.4 The Government of New Brunswick undertakes to have:

- (a) the Department of Post-Secondary Education, Training and Labour process any application submitted by a Quebec contractor within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements;
- (b) the Workplace Health, Safety and Compensation Commission process any application submitted by a Quebec contractor within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements;

- (c) Service New Brunswick issue a Business Number to a Quebec contractor within ten (10) working days following receipt of an application to that effect, provided that the application is complete and complies with all relevant legal requirements;
- (d) the Department of Public Safety process any application for a permit submitted by a Quebec contractor in any of the following categories within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements:
  - i. electrical installations;
  - ii. plumbing installations;
  - iii. elevating devices.

4.2.5 The NBCSA shall immediately issue a letter to any Quebec contractor who holds a certificate issued by ASP Construction following an audit performed by the latter, attesting that the contractor meets the requirements of the NBCSA.

### 4.3 Matters Related to Workers

4.3.1 The Gouvernement du Québec undertakes to have the CCQ issue a card identifying the representative association chosen by a New Brunswick worker within ten (10) working days following receipt of an application to that effect, provided that the worker's application is complete and complies with all relevant legal requirements.

The Gouvernement du Québec confirms that there is no charge for the identification card issued by the CCQ under the *Regulation respecting the election of a representative association by the employees of the construction industry* (R-20, r. 3.1) and also agrees that no other fees will be charged for it without the prior consent of New Brunswick.

4.3.2 The Gouvernement du Québec undertakes to have the CCQ process applications from workers for exemption from the requirement to have an Occupation Competency Certificate (referred to in section 2.3.2), within ten (10) working days following receipt thereof, provided that the application is complete and complies with all relevant legal requirements.

The Gouvernement du Québec also undertakes to have the CCQ and the MESS (a) process any application from a New Brunswick worker to take the qualifying examinations, (b) schedule the appropriate examinations, and (c) issue a certificate for any of the occupations listed in Appendix 3, or for any unmatched trade or occupation, within thirty (30) working days, provided that the application is complete and complies with all relevant legal requirements.

If the CCQ or the MESS questions the professional qualifications of a New Brunswick worker applying for a qualifying examination in a regulated trade in Quebec, the worker may involve New Brunswick's Official Contact, who will follow the complaint resolution process set out in Part 6.

4.3.3 The Government of New Brunswick also undertakes that within thirty (30) working days, it will see that (a) any application to take the qualifying examinations is processed, (b) the appropriate examinations are scheduled, and (c) a certificate is issued for any of the occupations listed in Appendix 3 or for any unmatched trade or occupation, provided that the application is complete and complies with all relevant legal requirements.

If the Department of Post-Secondary Education, Training and Labour, the Department of Public Safety, or any other department or agency concerned, questions the professional qualifications of a Quebec worker applying for a qualifying examination to obtain certification for one of the occupations listed in the agreement, the worker may involve Quebec's Official Contact, who will follow the complaint resolution process set out in Part 6.

4.3.4 The Government of New Brunswick undertakes to have the Department of Post-Secondary Education, Training and Labour issue an Apprentice ID Card immediately and free of charge to any Quebec worker who applies for one by letter, fax, or e-mail, provided that the application is complete and complies with all relevant legal requirements.

#### **4.4 Access to Services**

4.4.1 To promote understanding of the regulations and to improve services to workers and contractors, New Brunswick and Quebec will:

- a) translate all current forms within one hundred and fifty (150) days of the signing of this agreement;
- b) produce guidance material, such as fact sheets, in English and French, within one hundred and fifty (150) days of the signing of this agreement, and post this material on their respective Web sites;
- c) implement toll-free telephone services in English and French;
- d) regularly update the guidance material supporting this agreement and review all documentation annually.

## **PART 5: ADMINISTRATION AND PROMOTION OF THE AGREEMENT**

### **5.1 Exchange of Information**

5.1.1 New Brunswick and Quebec will promptly exchange copies of all statutes, regulations, administrative procedures, and any other information that is required to administer this agreement.

### **5.2 Bilateral Coordinating Committee**

5.2.1 New Brunswick and Quebec agree to form a Bilateral Coordinating Committee (BCC) to monitor implementation of the agreement, promote workforce and contractor mobility and access to construction sites, and deal with all other relevant issues.

5.2.2 The BCC is composed of three members from each province: 1) one assistant deputy minister from the Ministère du Travail du Québec and one assistant deputy minister from the Department of Post-Secondary Education, Training and Labour, or a substitute, 2) the person designated as Official Contact (see section 6.1), and 3) one other person designated by each of the parties.

5.2.3 The BCC will meet as required, but at least once a year.

5.2.4 New Brunswick and Quebec agree to work together to recognize training and certification programs that may be developed by either province after the signing of this agreement to increase the competency of construction workers.

5.2.5 The BCC will review applications from the New Brunswick and Quebec governments to recognize trades, trade specialties, occupations, training programs and competencies related to construction that are not in this agreement.

The BCC will determine whether these applications for additional trades have merit and should be included in the agreement.

5.2.6 The BCC will consider applications from the Quebec and New Brunswick governments to review and amend the content of trades, trade specialties, occupations, training programs, and competencies related to construction that are already recognized in this agreement.

The BCC will determine whether these applications for proposed changes have merit and should be approved.

5.2.7 The BCC may call upon subcommittees to assist in carrying out its mandates.

5.2.8 When appropriate, the BCC will recommend to the parties that changes be made in the lists of trades and occupations found in Appendices 1 and 3.

5.2.9 The BCC will inform the government having made an application of its decision within thirty (30) days of receipt.

5.2.10 The BCC will also deal with formal complaints transmitted by either of the Official Contacts pursuant to section 6.3.

5.2.11 The BCC will also deal with disputes concerning the implementation of this agreement, at the request of either party.

5.2.12 The BCC will address all other issues relating to construction labour and contractor mobility between the two provinces and may, to that end, take whatever initiatives it deems appropriate to foster such mobility and healthy competition in the construction industry in New Brunswick and Quebec.

5.2.13 Both parties agree to include the departments and agencies concerned in the discussions of the BCC so that issues raised will be dealt with and resolved quickly in compliance with the mandate of these departments and agencies.

5.2.14 The BCC shall submit to the ministers responsible for the agreement an annual report describing all formal complaints handled during the year and the steps taken to resolve them.

### **5.3 Consultation with Stakeholders**

5.3.1 The Quebec and New Brunswick governments may establish an agreement monitoring body in each respective province. In the event that such a monitoring body is established in either province, the members will be designated by the minister concerned, who may designate interested representatives from management and labour and from the departments and agencies affected by the agreement.

5.3.2 Such a monitoring body would work to foster understanding of the terms and conditions of the agreement in the industry and, if necessary, identify the difficulties that may result from their application.

5.3.3 If established, the monitoring body would meet as needed, at the request of the minister responsible for the application of the agreement in the province concerned.

### **5.4 Promotion of the Agreement**

5.4.1 The New Brunswick and Quebec governments agree to promote this agreement by:

(a) Issuing a joint news release expressing full support for the agreement and summarizing its main elements;

(b) Developing and distributing brochures and pamphlets outlining the procedures to be followed to work in New Brunswick and Quebec (for example, permits or licences needed, government agencies to contact, etc.).

5.4.2 Furthermore, the two governments will communicate and support the provisions of this agreement through their respective departments and agencies.

## **PART 6: COMPLAINT HANDLING**

- 6.1 The ministers responsible for the application of this agreement will each designate an Official Contact to receive complaints about the implementation of the agreement with respect to access to work or business opportunities or the recognition of qualifications, skills, and experience of contractors and workers in all sectors of the construction industry in New Brunswick and Quebec.
- 6.2 Construction workers and contractors shall refer to the Official Contact designated by their government any complaint concerning disputes about the implementation of this agreement by the government of the other jurisdiction, by one of its official representatives, or by a representative of one of the agencies affected by the agreement.
- 6.3 The Official Contacts have five (5) days to try to resolve a complaint filed by a contractor or worker:
- (a) If they agree that the complaint is valid, the appropriate Official Contact takes the measures necessary to resolve the complaint;
  - (b) If they agree that the complaint is not valid, the Official Contact who received the complaint informs the complainant of the decision not to act on it;
  - (c) If they do not agree on the validity of a complaint or are unable to resolve it, the complaint is submitted to the BCC.
- 6.4 Following receipt of a complaint submitted by an Official Contact, the BCC has three (3) weeks to make a decision. If the BCC chooses to recommend corrective action related to the nature of the complaint, the party whose actions have been challenged shall make known to the BCC, 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 a mutually acceptable solution cannot be found, the BCC must report the situation forthwith to the ministers responsible for the application of this agreement.

**PART 7: FINAL PROVISIONS**

- 7.1 If a provision of this agreement conflicts with a provision in the *Agreement on Internal Trade* (AIT) that concerns labour mobility, the provision that ensures the greater mobility of New Brunswick and Quebec construction workers and contractors shall prevail.
- 7.2 New Brunswick and Quebec agree that they may, by mutual consent, change the terms of this agreement in writing at any time.
- 7.3 New Brunswick and Quebec agree that either party may terminate this agreement with six (6) months written notice to the other party.
- 7.4 The Quebec Minister of Labour and the New Brunswick Minister of Post-Secondary Education, Training and Labour are the ministers responsible for the application of this agreement.



**APPENDIX 1**

**MATCHED TRADES IN QUEBEC AND OCCUPATIONS IN NEW BRUNSWICK**

	<b>Quebec Title</b>	<b>New Brunswick Title</b>	<b>Interprovincial (IP) Red Seal Title</b>
<b>1</b>	Electrician / Électricien	Construction Electrician / Electricien en bâtiment	Construction Electrician / Electricien (construction)
<b>2</b>	Tinsmith / Ferblantier	Sheet Metal Worker / Tôlier	Sheet Metal Worker / Ferblantier
<b>3</b>	Refrigeration Mechanic or Pipefitter – Specialty of Refrigeration / Frigoriste ou Tuyauteur – spécialité du frigoriste	Refrigeration and Air Conditioning Mechanic / Mécanicien de réfrigération et de climatisation	Refrigeration and Air Conditioning Mechanic / Mécanicien de réfrigération et d'air climatisé
<b>4</b>	Pipefitter – Specialty of Plumber / Tuyauteur – spécialité du plombier	Plumber / Plombier	Plumber / Plombier
<b>5</b>	Pipefitter – Specialty of Heating Systems Installer / Tuyauteur – spécialité du poseur d'appareils de chauffage	Steamfitter – Pipefitter / Tuyauteur-monteur de tuyaux à vapeur	Steamfitter – Pipefitter / Monteur d'appareils de chauffage
<b>6</b>	Bricklayer-Mason / Briqueteur-maçon	Bricklayer / Briqueteur	Bricklayer / Briqueteur – Maçon
<b>7</b>	Insulator / Calorifugeur	Insulator (Heat and Frost) / Calorifugeur (Chaleur et Froid)	Insulator (Heat and Frost) / Calorifugeur (Chaleur et Froid)
<b>8</b>	Carpenter-Joiner / Charpentier-menuisier	Carpenter / Charpentier	Carpenter / Charpentier
<b>9</b>	Boilermaker / Chaudronnier	Construction Boilermaker / Chaudronnier-monteur	Boilermaker / Chaudronnier
<b>10</b>	Cement Finisher / Cimentier-applicateur	Concrete Finisher / Finisseur de béton	Concrete Finisher / Finisseur de béton
<b>11</b>	Roofer / Couvreur	Roofer / Couvreur	Roofer / Couvreur
<b>12</b>	Millwright / Mécanicien de chantier	Industrial Mechanic (Millwright) / Mécanicien monteur industriel	Industrial Mechanic (Millwright) / Mécanicien industriel (de chantier)
<b>13</b>	Heavy Equipment Mechanic / Mécanicien de machines lourdes	Heavy Equipment Service Technician / Technicien d'entretien d'équipement lourd	Heavy Duty Equipment Technician / Mécanicien d'équipement lourd
<b>14</b>	Pipefitter – Specialty of Fire Protection Mechanic or Pipefitter – Specialty of Sprinkler Installer / Mécanicien en protection – incendie ou tuyauteur – spécialité de poseur de gicleurs	Sprinkler System Installer / Monteur de réseaux gicleurs	Sprinkler System Installer / Mécanicien en protection-incendie
<b>15</b>	Painter / Peintre	Painter and Decorator / Peintre et décorateur	Painter and Decorator / Peintre et décorateur
<b>16</b>	Resilient Flooring Layer / Poseur de revêtements souples	Floor Covering Installer / Poseur de revêtements souples	Floor Covering Installer / Poseur de revêtements souples
<b>17</b>	Interior Systems Installer / Poseur de systèmes intérieurs	Lather (Interior Systems Mechanic) / Latteur (spécialiste de systèmes d'intérieur)	Lather (Interior Systems Mechanic) / Latteur (spécialiste de systèmes d'intérieur)
<b>18</b>	Mobile Crane Operator / Opérateur de grue automotrice – sceau rouge	Mobile Crane Operator / Grutier	Mobile Crane Operator / Opérateur de grue automotrice
<b>19</b>	Erector Mechanic (Glazier) (code 310) / Monteur mécanicien (vitrier)(code 310)	Glazier / Vitrier	Glazier / Vitrier

**NOTES:**

- (1) The trades listed in this table are matched for the purposes of this agreement but are not equivalent with respect to training requirements or qualifications.
- (2) A New Brunswick Ironworker (Generalist) certified under the Interprovincial Standards Red Seal Program may work in Quebec in the Reinforcing Steel Erector and Structural Steel Erector trades.

## APPENDIX 2

### CERTIFICATIONS RECOGNIZED BY NEW BRUNSWICK AND QUEBEC (SUBJECT TO SECTION 2.4)

	Quebec	New Brunswick
1	Certificate of Qualification (Red Seal) / Certificat de qualification (Sceau Rouge) (1a)	Certificate of Qualification (Red Seal) / Certificat d'aptitude (Sceau Rouge) (1b)  Diploma of Apprenticeship (Red Seal) / Diplôme d'apprentissage (Sceau Rouge) (1c)
2	Journeyman Competency Certificate / Certificat de compétence-compagnon (2)	Certificate of Qualification / Certificat d'aptitude (3)  Diploma of Apprenticeship / Diplôme d'apprentissage (4)
3	Apprentice Competency Certificate / Certificat de compétence-apprenti (5)	Apprentice Identification Card / Carte d'identification d'apprenti (6)

**NOTES:**

- (1a) In Quebec, in accordance with the Interprovincial Standards Red Seal Program, this certificate is issued to workers who have completed an apprenticeship program and passed the examination that evaluates the knowledge and competencies identified in the National Occupational Analysis (NOA).
- (1b) In New Brunswick, the Red Seal Certificate of Qualification is issued to workers who demonstrate that they have worked the required number of hours, covered all the activities of the trade, and passed the certification examination that evaluates the knowledge and competencies identified in the National Occupational Analysis (NOA).
- (1c) In New Brunswick, the Red Seal Diploma of Apprenticeship is issued to workers who have completed an apprenticeship program and passed the certification examination that evaluates the knowledge and competencies identified in the National Occupational Analysis (NOA).
- (2) The Quebec Journeyman Competency Certificate is generally issued to a worker who has completed a Quebec apprenticeship program and passed the qualifying examination administered by the Commission de la construction du Québec for a given trade or specialty, provided that the worker also supplies a certificate showing that he/she has taken the safety course required under the *Safety Code for the Construction Industry*.
- (3) The New Brunswick Certificate of Qualification is issued to workers who demonstrate that they have worked the number of hours required, covered all the activities of the trade, and passed the certification examination administered by the Department of Post-Secondary Education, Training and Labour.
- (4) The New Brunswick Diploma of Apprenticeship is issued to workers who have completed an apprenticeship program and passed the certification examination administered by the Department of Post-Secondary Education, Training and Labour.
- (5) The Quebec Apprentice Competency Certificate is generally issued to individuals who have completed vocational training at the secondary level in a construction trade and who have taken the safety course required under the *Safety Code for the Construction Industry* and have a job guarantee with an employer registered with the Commission de la construction du Québec.
- (6) The New Brunswick Apprentice Identification Card is issued to workers who enrol in the apprenticeship program with the Department of Post-Secondary Education, Training and Labour.

**APPENDIX 3**

**REQUIREMENTS TO WORK IN OCCUPATIONS IN QUEBEC  
AND IN OCCUPATIONS IN NEW BRUNSWICK**

	<b>Occupation</b>	<b>Requirements to work in Quebec</b>	<b>Requirements to work in New Brunswick</b>
<b>1</b>	Assembler / Assembleur	CCQ Occupation Competency Certificate	Voluntary trade
<b>2</b>	Boiler Driver / Chauffeur de chaudières à vapeur	CCQ Occupation Competency Certificate plus MESS certification	Permits issued by the Department of Public Safety (DPS): Power Engineer / Ingénieur spécialisé en force motrice
<b>3</b>	Chainperson / Chaîneur	CCQ Occupation Competency Certificate	Voluntary trade
<b>4</b>	Clerk / Commis	CCQ Occupation Competency Certificate	Voluntary trade
<b>5</b>	Compressor Operator / Opérateur de pompes et de compresseurs	CCQ Occupation Competency Certificate	Voluntary trade
<b>6</b>	Distribution Welder (Gas) / Soudeur de distribution (gaz)	CCQ Occupation Competency Certificate plus either MESS or RBQ certification	Permits issued by the Department of Public Safety: F3 & F4
<b>7</b>	Diver / Plongeur	CCQ Occupation Competency Certificate plus additional occupational health and safety requirements	Voluntary trade
<b>8</b>	Driller / Foreur	CCQ Occupation Competency Certificate	Voluntary trade with the exception of drilling included in the Blaster trade
<b>9</b>	Equipment Operator (Lines) / Conducteur d'engins (lignes)	CCQ Occupation Competency Certificate	Voluntary trade
<b>10</b>	Equipment and Vehicle Operator / Opérateur d'équipements et de véhicules	CCQ Occupation Competency Certificate	Voluntary trade
<b>11</b>	Gas Fitter / Spécialiste en branchement d'immeubles	CCQ Occupation Competency Certificate	Permits issued by the Department of Public Safety: Compressed Gas / Gaz comprimé
<b>12</b>	General Helper / Manoeuvre spécialisé	CCQ Occupation Competency Certificate	Voluntary trade
<b>13</b>	General Helper (Tile Setter) / Manoeuvre spécialisé (carreleur)	CCQ Occupation Competency Certificate	Voluntary trade
<b>14</b>	Generator Operator / Opérateur de génératrices	CCQ Occupation Competency Certificate plus MESS certification	Voluntary trade
<b>15</b>	Groundsperson / Aide-monteur de lignes	CCQ Occupation Competency Certificate	Voluntary trade
<b>16</b>	Heavy Equipment Serviceman / Homme de service sur machines lourdes	CCQ Occupation Competency Certificate	Voluntary trade
<b>17</b>	Hoisting Equipment Operator "A" and "B" / Opérateur d'appareils de levage "A" et "B"	CCQ Occupation Competency Certificate	Voluntary trade for operator. Permits issued by the DPS for installation.
<b>18</b>	Instrument Man (Surveyor) / Homme d'instrument (arpenteur)	CCQ Occupation Competency Certificate	Voluntary trade
<b>19</b>	Labourer (Pipeline) / Manoeuvre (pipe-line)	CCQ Occupation Competency Certificate	Voluntary trade
<b>20</b>	Labourer / Manoeuvre	CCQ Occupation Competency Certificate	Voluntary trade
<b>21</b>	Line Truck Driver / Conducteur de camion de lignes	CCQ Occupation Competency Certificate	Voluntary trade
<b>22</b>	Lineperson (Transmission and Distribution Lines) / Monteur	CCQ Occupation Competency Certificate	Voluntary trade

	<b>Occupation</b>	<b>Requirements to work in Quebec</b>	<b>Requirements to work in New Brunswick</b>
	(lignes de transport d'énergie et de distribution)		
<b>23</b>	Mechanic (Lines) / Mécanicien (lignes)	CCQ Occupation Competency Certificate	Voluntary trade
<b>24</b>	Oiler / Graisseur-huileur	CCQ Occupation Competency Certificate	Voluntary trade
<b>25</b>	Pipe Welder / Soudeur en tuyauterie	CCQ Occupation Competency Certificate plus either MESS or RBQ certification	Permits issued by the Department of Public Safety: F3 & F4
<b>26</b>	Pipeline Welder / Soudeur de pipe-line	CCQ Occupation Competency Certificate plus either MESS or RBQ certification	Permits issued by the Department of Public Safety
<b>27</b>	Pump and Compressor Operator / Opérateur de pompes et de compresseurs	CCQ Occupation Competency Certificate	Voluntary trade
<b>28</b>	Rope Puller / Tireur de câbles	CCQ Occupation Competency Certificate	Voluntary trade
<b>29</b>	Splicer / Épisseur (homme de joint)	CCQ Occupation Competency Certificate	Voluntary trade
<b>30</b>	Stationary or Portable Mixing Plant Operator / Opérateur d'usines fixes ou mobiles	CCQ Occupation Competency Certificate	Voluntary trade
<b>31</b>	Steel Erector Welder / Soudeur monteur d'acier	CCQ Occupation Competency Certificate plus either MESS or RBQ certification for high pressure welding	Voluntary trade
<b>32</b>	Storeperson / Magasinier	CCQ Occupation Competency Certificate	Voluntary trade
<b>33</b>	"T" Lineperson (Communication Network) / Monteur "T" (réseaux de communication)	CCQ Occupation Competency Certificate	Voluntary trade
<b>34</b>	Tire and Body Repairperson / Préposé aux pneus et au débosselage	CCQ Occupation Competency Certificate	Voluntary trade
<b>35</b>	Trimmer / Émondeur	CCQ Occupation Competency Certificate	Voluntary trade
<b>36</b>	Truck Driver / Conducteur de camion	CCQ Occupation Competency Certificate	Voluntary trade
<b>37</b>	Underground Worker (Miner) / Travailleur souterrain (mineur)	CCQ Occupation Competency Certificate	Voluntary trade
<b>38</b>	Watchperson / Gardien	CCQ Occupation Competency Certificate	Voluntary trade
<b>39</b>	Welder / Soudeur	CCQ Occupation Competency Certificate	Permits issued by the Department of Public Safety

**NOTES:**

- (1) New Brunswick workers are required to join a representative association for workers before working in Quebec.
- (2) Both New Brunswick and Quebec workers are required to pay registration fees in order to work in the other province (fees vary depending upon the occupation).

## APPENDIX 4

### TRADES AND OCCUPATIONS – MEASURES OF ACCESS TO BE DEVELOPED

1.	Elevator Mechanic / Mécanicien d'ascenseurs
2.	Reinforcing Steel Erector / Ferrailleur
3.	Structural Steel Erector / Monteur d'acier de structure
4.	Tile Setter / Carreleur
5.	Mobile Crane Operator / Opérateur de grue automotrice

NOTE:

This table contains a list of trades in Quebec and occupations in New Brunswick for which the Parties agree to start working on developing measures of access, in accordance with section 2.1.8.

**PART 8: COMING INTO FORCE**

8.1 This agreement shall come into force one hundred and fifty (150) days after its signature.

In witness whereof this agreement was signed in Caraquet on 03 OCT. 2008

**FOR THE GOVERNMENT OF  
NEW BRUNSWICK**

**FOR THE GOUVERNMENT DU  
QUÉBEC**

Handwritten signatures of Shawn Graham and Jean Charest. The signature of Shawn Graham is on the left, and the signature of Jean Charest is on the right. Both signatures are written in black ink and are positioned above a horizontal line.

Shawn Graham  
Premier

Jean Charest  
Premier