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Summary

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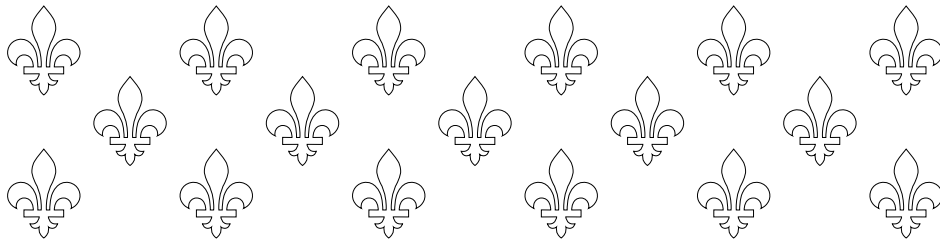
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NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 5
(2007, chapter 3)

**An Act to amend the Act to foster
the development of manpower training
and other legislative provisions**

**Introduced 15 May 2007
Passed in principle 30 May 2007
Passed 7 June 2007
Assented to 8 June 2007**

**Québec Official Publisher
2007**

EXPLANATORY NOTES

This bill amends various provisions of the Act to foster the development of manpower training in order to promote workforce skills development and recognition. It replaces the title of the Act and amends its purpose statement accordingly, and establishes a workforce skills development and recognition framework. This framework allows the Minister of Employment and Social Solidarity to issue certificates certifying that their holders have mastered the skills required for a trade as set out in an approved occupational standard.

The bill also gives the Commission des partenaires du marché du travail the power to determine, by regulation, the fees charged for issuing those certificates. It further gives the Commission the power to establish workplace skills development strategies under the framework. The bill adjusts the role played by the sector-based manpower committees, now called sectoral workforce committees, to reflect these changes and provides that they are to exercise their mandate in keeping with the sectoral intervention policy framed by the Commission and submitted to the Minister for approval.

In addition, the bill proposes that payments made to or expenditures incurred with a recognized training mutual be recognized as eligible expenditures incurred for the benefit of personnel, on conditions to be set by a regulation of the Commission, in replacement of payments made to a recognized body for the implementation of an accredited training plan.

The bill changes the composition of the Québec manpower training fund known as the Fonds national de formation de la main-d'œuvre and further specifies what the monies may be used for.

The bill allows the Minister to delegate certain functions to the Commission by agreement. To that end, the bill gives the Commission the general power to make agreements and to appear before the courts as plaintiff or defendant, and grants members of the Commission immunity for acts in good faith in the exercise of their functions.

The bill also amends the operating rules of the department and outlines administrative procedures that are to apply to services-sharing agreements between public bodies.

Lastly, the bill contains consequential amendments and technical as well as transitional provisions.

LEGISLATION AMENDED BY THIS BILL:

- Financial Administration Act (R.S.Q., chapter A-6.001);
- Building Act (R.S.Q., chapter B-1.1);
- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1);
- Act respecting collective agreement decrees (R.S.Q., chapter D-2);
- Act to foster the development of manpower training (R.S.Q., chapter D-7.1);
- Public Service Act (R.S.Q., chapter F-3.1.1);
- Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5);
- Taxation Act (R.S.Q., chapter I-3);
- Act respecting the Ministère de l'Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001);
- Act respecting the Ministère du Revenu (R.S.Q., chapter M-31);
- Act respecting labour standards (R.S.Q., chapter N-1.1);
- Police Act (R.S.Q., chapter P-13.1);
- Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20).

Bill 5

AN ACT TO AMEND THE ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

ACT TO FOSTER THE DEVELOPMENT OF MANPOWER TRAINING

1. The title of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1) is replaced by the following title:

“ACT TO PROMOTE WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION”.

2. Section 1 of the Act is replaced by the following section:

“**1.** The purpose of this Act is to improve workforce qualifications and skills through investment in training, concerted action between management, unions and community partners and the education sector, the development of training modes and the recognition of employed workers’ skills.

By doing so, this Act seeks to promote employment, labour adjustment, employment integration and workforce mobility.”

3. Section 3 of the Act is amended by replacing “the development of manpower training” by “workforce skills development”.

4. Section 4 of the Act, amended by section 13 of chapter 13 of the statutes of 2006, is again amended by replacing “the development of manpower training” in the second paragraph by “workforce skills development”.

5. Section 5 of the Act is amended

(1) by striking out “, including apprentices,” in the second paragraph;

(2) by striking out “or the implementation of a training plan referred to in section 8” in the third paragraph;

(3) by adding the following paragraph at the end:

“At the request of an employer and on payment of the fees prescribed by regulation of the Commission, the Minister shall issue a certificate certifying

that a proposed initiative, action or activity, if carried out, is eligible as a training expenditure.”

6. Section 6 of the Act is amended by striking out “transferable or qualifying” in subparagraph 4 of the first paragraph.

7. Section 8 of the Act is replaced by the following section:

“**8.** Payments made by an employer to a training mutual recognized by the Minister or expenditures incurred with such a mutual are eligible, on the conditions fixed by regulation of the Commission as expenditures incurred for the benefit of personnel.”

8. Section 10 of the Act is repealed.

9. Section 12 of the Act is amended by replacing “the development of manpower training” in the fifth and sixth lines of the first paragraph by “workforce skills development”.

10. Section 13 of the Act is amended by replacing “to training” by “to workforce skills development”.

11. Section 14 of the Act is amended by replacing “Fonds national de formation de la main-d’œuvre” by “Workforce Skills Development and Recognition Fund”.

12. Section 16 of the Act is amended by replacing “the development of manpower training” in the first paragraph by “workforce skills development”.

13. The heading of Division III of Chapter II of the Act is amended by striking out “AND CERTIFICATES”.

14. Section 20 of the Act is amended by replacing subparagraph 3 of the first paragraph by the following subparagraph:

“(3) exempt employers or enterprises from this chapter or any part of this chapter on specified conditions, including conditions for the issue of a certificate, and prescribe, as appropriate, the related inspections and verifications, the fees payable and the circumstances in which the exemption may be renewed, suspended or cancelled, as well as the administrative penalties applicable for a breach of the exemption conditions by an exempted employer or enterprise;”.

15. Section 21 of the Act is amended

(1) by inserting “du premier alinéa” before “de l’article 20” in the part before paragraph 1 in the French text;

(2) by striking out “for the benefit of apprentices or” in paragraph 1;

(3) by replacing “or bodies” in paragraph 1 by “, bodies or training mutuals”.

16. Section 23 of the Act is repealed.

17. The heading of Division III.1 of Chapter II of the Act is amended by striking out “RELATING TO ACCREDITATION AND RECOGNITION”.

18. Section 23.1 of the Act is amended by replacing “or recognition” by “recognition or exemption or the imposition of an administrative penalty for a breach of the exemption conditions by an exempted employer or enterprise”.

19. Section 24 of the Act is amended

(1) by striking out “establishing”;

(2) by replacing “the development of manpower training” by “workforce skills development”.

20. The Act is amended by inserting the following chapter before Chapter III:

“CHAPTER II.1

“WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION FRAMEWORK

“**25.1.** The purpose of the workforce skills development and recognition framework is to promote the development of various training modes so that workers may acquire and master skills in the workplace and have those skills recognized, with a view to increasing access to trades and enhancing the transferability of learning.

In this chapter, “trade” includes a job function.

“**25.2.** An occupational standard is the benchmark for the development of training modes and for skills acquisition, mastery and recognition in the workplace under the framework.

“**25.3.** An occupational standard describes a trade and is broken down into as many skills as are required for autonomous practice and mastery of the trade.

“**25.4.** An occupational standard is developed by a sectoral workforce committee. It must meet a labour market need and enjoy consensus in the sector concerned. An occupational standard may exceptionally be developed by another organization recognized by the Commission for that purpose.

If compliant with the conditions set in this Act and the formalities determined by the Minister, the occupational standard is approved by the Minister, on the Commission's recommendation. As well, on the Commission's recommendation, an occupational standard that no longer meets labour market needs may be disallowed by the Minister.

“25.5. The Minister shall make public by any appropriate means a notice that an occupational standard has been approved or that an approved occupational standard has been amended or disallowed.

“25.6. For the purposes of the framework, the Commission may establish workplace skills development strategies that are to be proposed to employers as training modes for one or more occupational standards and are aimed at enabling workers to master the trade described by an occupational standard.

A sectoral workforce committee or an employer may participate in the development of such strategies, to the extent agreed with the Commission.

Workplace skills development strategies may, in particular,

(1) determine the conditions for worker participation in any action or activity designed to allow workers to acquire or master the skills described in an occupational standard;

(2) determine the details and nature of such an action or activity;

(3) determine the conditions to be met and the qualifications and aptitudes required to act as a supervising journeyworker, tutor, coach or apprenticeship supervisor or to otherwise supervise an apprentice as a part of such strategies;

(4) determine the conditions for employer participation;

(5) determine the requirements for recognition of the skills acquired or mastered; and

(6) determine any other measure considered necessary to implement the strategies or facilitate their application.

“25.7. On application, the Minister issues an occupational qualification certificate to any person who meets one of the following conditions regarding a trade described in an occupational standard:

(1) the person has met the skills recognition requirements determined for a workplace skills development strategy established under the framework; or

(2) the person exercises or has exercised the trade and an organization or sectoral workforce committee recognized by the Commission for the trade confirms that the person has met the skills recognition requirements that a

person must meet in order to demonstrate mastery of all the skills described in the occupational standard.

On application, the Minister issues a competency certificate to a person who, in one of the situations described in the first paragraph, demonstrates mastery of one or more of the skills described in an occupational standard.

If an organization or sectoral workforce committee recognized as specified in subparagraph 2 of the first paragraph charges fees to persons who wish to be recognized for mastery of all or some of the skills described in an occupational standard, the fees must comply with the limits agreed with the Commission, which must be brought to the attention of the Minister. Not later than 1 April 2011 and every three years after that date, the Commission must report to the Minister on the carrying out of this paragraph as regards the fees charged.

The Commission may, by regulation, set the fees payable for the issue of an occupational qualification certificate or a competency certificate under this section. Such a regulation must be submitted to the Government for approval.”

21. The heading of Chapter III of the Act is replaced by the following heading:

“WORKFORCE SKILLS DEVELOPMENT AND RECOGNITION FUND”.

22. Section 26 of the Act is amended

(1) by replacing “Fonds national de formation de la main-d’œuvre” by “Workforce Skills Development and Recognition Fund”;

(2) by replacing “manpower training” by “workforce skills development”.

23. Section 27 of the Act is amended

(1) by replacing “Chapter II” in paragraph 3 by “Chapters II and II.1”;

(2) by adding the following paragraphs at the end:

“(4) the gifts, legacies and other contributions paid into the Fund to further its objects;

“(5) amounts collected as a result of the imposition of administrative penalties under a regulation under paragraph 3 of section 20.”

24. Section 28 of the Act is amended by replacing “II and III” in the first paragraph by “II to III” and by replacing “those chapters” in that paragraph by “Chapters II and III”.

- 25.** Section 31 of the Act is amended by striking out “establishing”.
- 26.** Section 33 of the Act is amended by replacing “to manpower training” by “for workforce skills development”.
- 27.** Chapter III.1 of the Act, comprising sections 44.1 to 44.4, is repealed.
- 28.** Sections 44.5 and 44.6 of the Act are replaced by the following sections:

“44.5. The Commission may recognize any sectoral workforce committee constituted as a legal person whose objects include identifying workforce development needs in a sector of economic activity and supporting workforce skills improvement in that sector. A sectoral workforce committee so recognized carries out its mandate in keeping with the sectoral intervention policy framed under the second paragraph of section 17 of the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (chapter M-15.001). A sectoral workforce committee may also act as a training mutual if recognized as such.

Only one sectoral workforce committee may be recognized for a sector of economic activity.

“44.6. To support workforce skills improvement in its sector of economic activity, a recognized sectoral workforce committee may participate in implementing the workforce skills development and recognition framework to the extent provided for in Chapter II.1 or, together with the main partners in that sector, develop and implement strategies or action plans designed to meet the particular needs of the enterprises and workers in that sector.”

- 29.** Section 68 of the Act is amended by replacing “2000” in the first paragraph by “2013”.

ACT RESPECTING THE MINISTÈRE DE L’EMPLOI ET DE LA
SOLIDARITÉ SOCIALE AND ESTABLISHING THE COMMISSION DES
PARTENAIRES DU MARCHÉ DU TRAVAIL

- 30.** The title of the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail (R.S.Q., chapter M-15.001) is amended by striking out “ESTABLISHING”.
- 31.** Section 5 of the Act is amended by striking out “, including the Emploi-Québec management agreement referred to in section 31” at the end of paragraph 4.
- 32.** Section 7 of the Act is amended by replacing the first sentence of the first paragraph by the following sentence: “An agreement with the Government of Canada or between the Minister and a body may provide for the transfer of Government of Canada personnel, or of personnel from that body, to the department, and prescribe the transfer procedure.”

33. The Act is amended by inserting the following section after section 7:

“7.1. The Minister may, by agreement, to the extent and on the conditions specified, delegate to the Commission des partenaires du marché du travail the Minister’s functions under this Act or an Act under the Minister’s responsibility that relate to sectoral intervention, to workforce skills development and recognition, and to the administration of the Act to promote workforce skills development and recognition (chapter D-7.1), including the administration of the Workforce Skills Development and Recognition Fund.

The agreement must, among other things, set out the manner in which the human, financial, physical and information resources made available to the Commission by the Minister to exercise the delegated functions are to be determined, as well as follow-up, evaluation and accountability reporting mechanisms.

When exercising such delegated functions, the chairman of the Commission is considered to be part of the department and to have the administrative powers needed to exercise such functions.

The agreement may be unilaterally cancelled by the Minister.”

34. Section 17 of the Act is amended

(1) by replacing “into the management agreement referred to in section 31 with the Minister” in subparagraph 8 of the first paragraph by “with the Minister into the performance and accountability agreement described in section 31 regarding workforce training and employment”;

(2) by replacing the second paragraph by the following paragraphs:

“The Commission shall have any other powers and duties assigned to it by the Act to promote workforce skills development and recognition (chapter D-7.1). It shall also be responsible for drafting a sectoral intervention policy that it must submit to the Minister for approval.

In addition, the Commission shall exercise the functions delegated to it under section 7.1.”

35. The Act is amended by inserting the following sections after section 17:

“17.1. The Commission may, to exercise its powers and duties, make agreements with any person, association, partnership or body.

“17.2. The Commission may appear before the courts as plaintiff or as defendant.

Articles 94, 94.2, 94.6, 94.7 and 94.9 of the Code of Civil Procedure (chapter C-25) apply to the Commission, with the necessary modifications.

“17.3. No judicial proceedings may be brought against Commission members for acts in good faith in the exercise of their functions.”

36. Section 21 of the Act is amended by adding the following subparagraph after subparagraph 4 of the third paragraph:

“(5) the Deputy Minister of Immigration and Cultural Communities or an Assistant or Associate Deputy Minister designated by the Deputy Minister.”

37. Section 30 of the Act is amended by adding the following paragraphs at the end:

“Emploi-Québec shall supervise the implementation and management of measures and programs under the responsibility of the Minister in the areas of income security and social solidarity.

Emploi-Québec shall exercise any other function delegated to it by the Minister.”

38. The Act is amended by inserting the following section after section 30:

“30.1. A performance and accountability agreement for Emploi-Québec is made in accordance with the Public Administration Act (chapter A-6.01).”

39. Section 31 of the Act is amended

(1) by replacing the portion before paragraph 1 by the following:

“31. The performance and accountability agreement for Emploi-Québec regarding workforce training and employment is entered into by the Minister, the Commission and the Associate Deputy Minister responsible for Emploi-Québec. The agreement must set out, in particular;”

(2) by replacing “Act to foster the development of manpower training” in paragraph 2 by “Act to promote workforce skills development and recognition”;

(3) by adding the following paragraphs at the end:

“In addition, the performance and accountability agreement for Emploi-Québec must contain the elements set out in section 13 of the Public Administration Act.

If applicable, a management agreement under section 19 of the Public Administration Act is entered into by the Minister, the Commission and the Conseil du trésor regarding workforce training and employment.”

40. Section 32 of the Act is amended by replacing “plan of action complementing the Emploi-Québec management agreement” by “workforce

training and employment plan of action complementing the performance and accountability agreement for Emploi-Québec”.

41. Section 33 of the Act is amended

(1) by replacing subparagraph 1 of the first paragraph by the following subparagraph:

“(1) the drafting of the performance and accountability agreement for Emploi-Québec regarding workforce training and employment, and the preparation of the annual workforce training and employment plan of action and the annual report on workforce training and employment;”;

(2) by replacing “Act to foster the development of manpower training” in subparagraph 4 of the first paragraph by “Act to promote workforce skills development and recognition”;

(3) by replacing “Emploi-Québec management agreement” in the second paragraph by “performance and accountability agreement for Emploi-Québec” and by replacing “cette entente de gestion” in that paragraph in the French text by “cette convention”.

42. Section 34 of the Act is amended by inserting “in the areas of workforce training and employment” after “Emploi-Québec”.

43. Section 35 of the Act is replaced by the following section:

“35. The Minister shall ask representatives from the regional councils of labour market partners to sit on panels to select persons to fill regional or local director positions within Emploi-Québec.”

44. Section 36 of the Act is amended by replacing “services” in the first paragraph by “workforce training and employment services”.

45. Section 40 of the Act is amended by adding the following subparagraph after subparagraph 3 of the third paragraph:

“(4) the regional director of the Ministère de l’Immigration et des Communautés culturelles or a regional representative from that department designated by the Deputy Minister of Immigration and Cultural Communities.”

46. Section 50 of the Act is amended by replacing the first paragraph by the following paragraph:

“50. The Deputy Minister may, in writing and to the extent specified, delegate the Deputy Minister’s functions under this Act to a public servant of the department or the holder of a position within the department or to any other person within a body.”

47. Section 52 of the Act is amended by replacing “and, in the latter two cases,” in the second paragraph by “or to any other person within a body, but in the latter three cases,”.

48. Section 60 of the Act is amended by replacing “Act to foster the development of manpower training” in subparagraph 2 of the first paragraph by “Act to promote workforce skills development and recognition”.

49. Section 149 of the Act is amended by adding “as it applies to an agreement with a body” at the end.

FINANCIAL ADMINISTRATION ACT

50. Section 27 of the Financial Administration Act (R.S.Q., chapter A-6.001) is amended by inserting “or another department or body” after “body concerned”.

BUILDING ACT

51. Section 141 of the Building Act (R.S.Q., chapter B-1.1) is amended

(1) by replacing “the Ministère du Travail” in the second paragraph by “a government department or body”;

(2) by inserting “or body” after “that government department” in the second paragraph.

ACT RESPECTING THE CENTRE DE SERVICES PARTAGÉS DU QUÉBEC

52. The Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended by inserting the following section after section 9:

“9.1. A public body may enter into an agreement with another public body by which it agrees to provide services to that other public body. The agreement may not be for services for which that other public body is required to call on the Centre, unless the Centre is party to the agreement.

The public body to which services are provided may, in the manner set out in its constituting Act, designate a member of the personnel of or the holder of a position within the body providing the services so that that person’s signature may bind the public body to which services are provided and any document signed by that person may be attributed to the public body to which services are provided.”

ACT RESPECTING COLLECTIVE AGREEMENT DECREES

53. Section 9 of the Act respecting collective agreement decrees (R.S.Q., chapter D-2) is amended by replacing “the development of manpower training” in paragraph 2 by “workforce skills development”.

54. Section 12.1 of the Act is repealed.

55. Section 22 of the Act is amended by replacing subparagraphs *q* and *r* of the second paragraph by the following subparagraphs:

“(q) Participate, on the conditions and to the extent set out in the decree, in workforce skills development as a training mutual recognized under section 8 of the Act to promote workforce skills development and recognition (chapter D-7.1);

“(r) Use, as a training mutual, the subsidies paid to the committee for that purpose or, by a regulation approved with or without amendment by the Government, apply the following modes of financing only:

(1) levy an amount not exceeding 1/2% of the professional employer’s total payroll calculated in accordance with section 4 of the Act to promote workforce skills development and recognition; such a regulation does not apply to professional employers exempted under that Act or under the committee regulation;

(2) charge fees for the use of services offered as a training mutual and determine exemptions.

The Government may, at any time, by order published in the *Gazette officielle du Québec*, terminate or suspend any levy or reduce or increase the rate thereof.”

PUBLIC SERVICE ACT

56. Sections 40 and 41 of the Public Service Act (R.S.Q., chapter F-3.1.1) are replaced by the following sections:

“**40.** Deputy ministers and chief executive officers shall, in exercising their responsibilities, favour delegation.

“**41.** A deputy minister or a chief executive officer may, in writing and to the extent he indicates, delegate the functions and powers conferred on him by this Act to a public servant, the holder of a position or any other person within his department or body or another department or body.

He may, in the instrument of delegation, authorize the subdelegation of the functions and powers he indicates and, in that case, shall specify the public servant, the holder of the position or the person to whom they may be subdelegated.”

ACT RESPECTING MANPOWER VOCATIONAL TRAINING AND QUALIFICATION

57. The heading of Chapter II.1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is replaced by the following heading:

“VOCATIONAL TRAINING AND QUALIFICATION PROGRAMS”.

58. Section 29.1 of the Act is amended

(1) by adding “and the skills to be mastered in order to practise it” at the end of paragraph 1;

(2) by replacing “and examinations” in paragraph 2 by “, examinations or evaluations”;

(3) by inserting “or the evaluation methods” after “examinations” in paragraph 3;

(4) by inserting “, for evaluations” after “examinations” in paragraph 4;

(5) by adding the following paragraph at the end:

“When an Act or regulation requires a certificate of qualification for a trade or vocation for which such a program has been established, the Minister shall make the content of that program public by any appropriate means.”

59. Section 47 of the Act is amended by replacing “undergone the examination” in subparagraph *c* of the first paragraph by “successfully completed the examination or evaluation”.

TAXATION ACT

60. Section 1029.8.33.2 of the Taxation Act (R.S.Q., chapter I-3), amended by section 108 of chapter 13 of the statutes of 2006, is again amended by replacing paragraphs *a* and *a.1* of the definition of “eligible trainee” in the first paragraph by the following paragraph:

“(a) a person enrolled in the workplace apprenticeship program established under section 25.6 of the Act to promote workforce skills development and recognition (chapter D-7.1) and administered by the Minister of Employment and Social Solidarity or, as the case may be, by the Kativik Regional Government established by the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1);”.

61. Section 1029.8.33.4.1 of the Act, replaced by section 117 of chapter 36 of the statutes of 2006, is amended by replacing “in paragraph *a.1* or” in the third line by “in paragraph”.

62. Section 1029.8.33.10 of the Act, amended by section 111 of chapter 13 and section 122 of chapter 36 of the statutes of 2006, is again amended by replacing paragraph *a* by the following paragraph:

“(a) where the qualified training period is served by one or more eligible trainees referred to in paragraph *a* of the definition of “eligible trainee” in the first paragraph of section 1029.8.33.2, the Minister of Employment and Social Solidarity or, as the case may be, the Kativik Regional Government established by the Act respecting Northern villages and the Kativik Regional Government (chapter V-6.1), issues to the eligible taxpayer or qualified partnership, as the case may be, a certificate certifying that the qualified training period is within the framework of the workplace apprenticeship program referred to in that paragraph *a*;”.

ACT RESPECTING THE MINISTÈRE DU REVENU

63. Section 69.1 of the Act respecting the Ministère du Revenu (R.S.Q., chapter M-31), amended by section 163 of chapter 15 of the statutes of 2005, by section 35 of chapter 3, section 11 of chapter 32 and section 44 of chapter 38 of the statutes of 2006, is again amended by replacing “Fonds national de formation de la main-d’œuvre” in subparagraph *h* of the second paragraph by “Workforce Skills Development and Recognition Fund”.

ACT RESPECTING LABOUR STANDARDS

64. Section 40.1 of the Act respecting labour standards (R.S.Q., chapter N-1.1) is repealed.

POLICE ACT

65. Section 43 of the Police Act (R.S.Q., chapter P-13.1) is amended by replacing “the development of manpower training prescribed by the Act to foster the development of manpower training” in the third paragraph by “workforce skills development prescribed by the Act to promote workforce skills development and recognition”.

ACT RESPECTING LABOUR RELATIONS, VOCATIONAL TRAINING AND MANPOWER MANAGEMENT IN THE CONSTRUCTION INDUSTRY

66. Section 9 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., chapter R-20) is amended by replacing “Act to foster the development of manpower training (chapter D-7.1), taking into account the manpower training development participation imposed by the Act on employers” in the third paragraph by “Act to promote workforce skills development and recognition (chapter D-7.1), given that employer participation in workforce skills development is mandatory under the Act”.

67. Section 18.2 of the Act is amended by replacing “Act to foster the development of manpower training (chapter D-7.1), taking into account the manpower training development participation imposed by the Act on employers” in the second paragraph by “Act to promote workforce skills development and recognition (chapter D-7.1), given that employer participation in workforce skills development is mandatory under the Act”.

TRANSITIONAL AND FINAL PROVISIONS

68. Unless the context indicates a different meaning,

(1) in any Act or regulation, “Act to foster the development of manpower training” is replaced by “Act to promote workforce skills development and recognition”;

(2) in any other document, a reference to the Act to foster the development of manpower training is a reference to the Act to promote workforce skills development and recognition.

69. Unless the context indicates a different meaning,

(1) in any Act or regulation, “Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail” is replaced by “Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail”;

(2) in any other document, a reference to the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and establishing the Commission des partenaires du marché du travail is a reference to the Act respecting the Ministère de l’Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

70. Unless the context indicates a different meaning,

(1) in any Act or regulation, “Fonds national de formation de la main-d’œuvre” is replaced by “Workforce Skills Development and Recognition Fund”;

(2) in any other document, a reference to the Fonds national de formation de la main-d’œuvre is a reference to the Workforce Skills Development and Recognition Fund.

71. In any regulation, a reference to section 23 of the Act to foster the development of manpower training (R.S.Q., chapter D-7.1) is a reference to the fourth paragraph of section 5 of the Act to promote workforce skills development and recognition, enacted by paragraph 3 of section 5 of this Act.

72. In the Act to foster the development of manpower training,

(1) the heading of Chapter III.2 is replaced by the following heading:

“SECTORAL WORKFORCE COMMITTEES”;

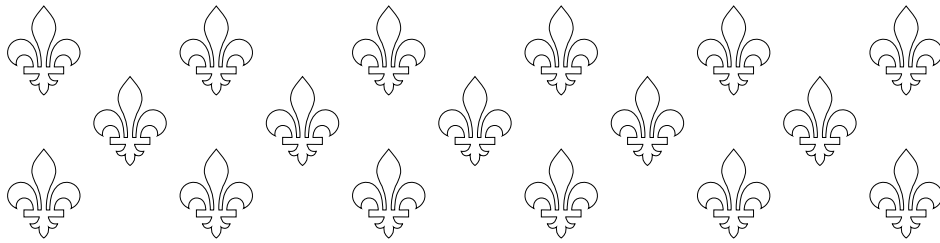
(2) “manpower training” in sections 64 and 64.1 is replaced by “workforce training”.

In any other Act and in any regulation, unless the context indicates a different meaning, “manpower” is replaced by “workforce”.

73. The workplace apprenticeship program established under section 29.1 of the Act respecting manpower vocational training and qualification (R.S.Q., chapter F-5) is deemed to be a workplace skills development strategy established under section 25.6 of the Act to promote workforce skills development and recognition.

74. An occupational standard approved by the Minister under the general workforce skills development and recognition framework before the date of coming into force of section 20 is deemed to have been approved in accordance with the second paragraph of section 25.4 of the Act to promote workforce skills development and recognition and a certificate of qualification issued before that date under section 29.1 of the Act respecting manpower vocational training and qualification for a trade for which an occupational standard has been established is equivalent, as of that date, to the corresponding occupational qualification certificate issued for the purposes of the workforce skills development and recognition framework under the first paragraph of section 25.7 of the Act to promote workforce skills development and recognition.

75. This Act comes into force on 8 June 2007, except paragraph 2 of section 5, sections 7, 8 and 14, paragraph 3 of section 15, sections 17 and 18, paragraph 2 of section 23 insofar as it enacts paragraph 5 of section 27 of the Act to promote workforce skills development and recognition, and section 55, which come into force on the date or dates to be set by the Government, and subparagraph 2 of the first paragraph and the third paragraph of section 25.7 of the Act to promote workforce skills development and recognition, enacted by section 20, which come into force on 1 April 2008.



NATIONAL ASSEMBLY

FIRST SESSION

THIRTY-EIGHTH LEGISLATURE

Bill 10
(2007, chapter 4)

An Act to amend the National Holiday Act and other legislative provisions

Introduced 1 June 2007
Passed in principle 6 June 2007
Passed 7 June 2007
Assented to 8 June 2007

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EXPLANATORY NOTES

This bill provides that on the occasion of the National Holiday, the public holiday will no longer be moved to the 25th of June when the 24th of June falls on a Sunday except for employees who do not normally work on Sundays.

The bill also changes the days on which the public may not gain admission to retail sales establishments by abolishing the obligation for the establishments to close on Monday instead of Sunday when the 24th of June and the 1st of July fall on a Sunday.

Lastly, the bill sets out provisions to ensure that the references to the 24th of June and the 1st of July in collective agreements or in leases or other agreements conform with the proposed amendments.

LEGISLATION AMENDED BY THIS BILL:

- National Holiday Act (R.S.Q., chapter F-1.1);
- Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1).

Bill 10

AN ACT TO AMEND THE NATIONAL HOLIDAY ACT AND OTHER LEGISLATIVE PROVISIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

1. Section 2 of the National Holiday Act (R.S.Q., chapter F-1.1) is amended by replacing the second paragraph by the following paragraph:

“Where the date specified in the first paragraph falls on a Sunday and Sunday is not a regular working day for the employee, the 25th of June is a public holiday for the employee for the purposes of sections 4 to 6, which must then be read as though that day were substituted for the 24th of June.”

2. Section 3 of the Act respecting hours and days of admission to commercial establishments (R.S.Q., chapter H-2.1), amended by section 2 of chapter 47 of the statutes of 2006, is again amended

(1) by striking out “, or 25 June where the 24th falls on a Sunday” in paragraph 4;

(2) by striking out “, or 2 July where the 1st falls on a Sunday” in paragraph 5.

3. In a collective agreement entered into before 8 June 2007, the following rules apply when the 24th of June and the 1st of July fall on a Sunday:

(1) with respect to an employee for whom Sunday is a regular working day, a reference to the 25th of June as a public holiday must be read as a reference to the 24th of June, unless the latter is also a public holiday under the collective agreement; and

(2) with respect to an employee of an establishment to which the Act respecting hours and days of admission to commercial establishments applies and for whom Sunday is a regular working day, a reference to the 2nd of July as a public holiday must be read as a reference to the 1st of July, unless the latter is also a public holiday under the collective agreement.

4. In a lease or other agreement entered into before 8 June 2007 by a person operating an establishment to which the Act respecting hours and days of admission to commercial establishments applies, any clause by which the person undertakes to admit the public to the establishment on the 24th of June and the 1st of July when those dates fall on a Sunday and not to admit the

public on the 25th of June and the 2nd of July, must be read as the person's undertaking not to admit the public on the 24th of June and the 1st of July and undertaking to admit the public on the 25th of June and the 2nd of July.

5. This Act comes into force on 8 June 2007.

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Abbreviations : **A**: Abrogated, **N**: New, **M**: Modified

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