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## **Summary**

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## Regulations and other acts

Gouvernement du Québec

### O.C. 689-2007, 22 August 2007

Lobbying Transparency and Ethics Act  
(R.S.Q., c. T-11.011)

#### Lobbyists registry — Amendment

Regulation to amend the Lobbyists Registry Regulation

WHEREAS paragraph 7 of section 66 of the Lobbying Transparency and Ethics Act (R.S.Q., c. T-11.011) empowers the Government to make regulations prescribing any measure necessary for the carrying out of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Lobbyists Registry Regulation was published in Part 2 of the *Gazette officielle du Québec* of 1 November 2006 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were received following the publication of the draft Regulation;

WHEREAS it is expedient to make the Regulation, without amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Justice:

THAT the Regulation to amend the Lobbyists Registry Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Lobbyists Registry Regulation\*

Lobbying Transparency and Ethics Act  
(R.S.Q., c. T-11.011, s. 66, par. 7)

**1.** Section 16 of the Lobbyists Registry Regulation is revoked.

**2.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8290

Gouvernement du Québec

### O.C. 702-2007, 22 August 2007

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail  
(R.S.Q., c. M-15.001)

#### Signing of certain deeds, documents and writings

Signing of certain deeds, documents and writings of the Ministère de l'Emploi et de la Solidarité sociale

WHEREAS, under the second paragraph of section 52 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), amended by section 47 of chapter 3 of the Statutes of 2007, a deed, document or writing may bind the Minister or be attributed to the Minister only if it is signed by the Minister, the Deputy Minister, a member of the personnel of the department or the holder of a position, or any other person within a body, but in the latter three cases, only to the extent determined by the Government;

WHEREAS, under the third paragraph of section 52 of the Act, a member of the personnel of an organization is, to the extent that the member is assigned to the adminis-

\* The Lobbyists Registry Regulation made by Order in Council 1299-2002 dated 6 November 2002 (2002, *G.O.* 2, 5845) has never been amended.

tration of a program that the Minister has delegated by agreement to that organization, considered to be a member of the personnel of the department for the purposes of the second paragraph of that section;

WHEREAS, under section 9.1 of the Act respecting the Centre de services partagés du Québec (R.S.Q., c. C-8.1.1), enacted by section 52 of chapter 3 of the Statutes of 2007, a public body may enter into an agreement with another public body by which it agrees to provide services to that other public body, and 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;

WHEREAS it is expedient to replace the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de l'Emploi et de la Solidarité sociale, made by Order in Council 869-2005 dated 21 September 2005;

IT IS ORDERED, therefore, on the recommendation of the Minister of Employment and Social Solidarity:

THAT the Terms and conditions for the signing of certain deeds, documents and writings of the Ministère de l'Emploi et de la Solidarité sociale, attached to this Order in Council, be made;

THAT this Order in Council replace Order in Council 869-2005 dated 21 September 2005;

THAT this Order in Council come into force on the date of its publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## SCHEDULE

### TERMS AND CONDITIONS FOR THE SIGNING OF CERTAIN DEEDS, DOCUMENTS AND WRITINGS OF THE MINISTÈRE DE L'EMPLOI ET DE LA SOLIDARITÉ SOCIALE

#### DIVISION I GENERAL

**1.** Subject to other conditions of validity that may be prescribed by law, members of the personnel of the Ministère de l'Emploi et de la Solidarité sociale who

hold the positions listed hereafter are authorized to sign alone and with the same authority and effect as the Minister of Employment and Social Solidarity the deeds, documents and writings listed after their respective positions.

The same applies when those deeds, documents and writings are signed by a person authorized in writing to perform the duties on an interim or temporary basis or as a temporary replacement.

**2.** The Associate Deputy Minister of Emploi-Québec and an assistant deputy minister are authorized to sign, for their sector of activity,

(1) supply contracts;

(2) contracts for services, except contracts pertaining to advertising and workforce development activities;

(3) contracts entered into with the Société immobilière du Québec to lease space; and

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001).

**3.** In addition to the authorizations referred to in section 2, the Associate Deputy Minister of Emploi-Québec is authorized to sign, for the Associate Deputy Minister's sector of activity,

(1) contracts for services pertaining to advertising and workforce development activities;

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister of Employment and Social Solidarity in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(3) agreements pertaining to the granting of subsidies in connection with implementation of the allocation plan for the resources of the Workforce Skills Development and Recognition Fund, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister; and

(4) agreements entered into pursuant to a social assistance and support program, the normative framework of which has been approved by the Government or the Conseil du trésor.

**4.** In addition to the authorizations referred to in section 2, the Assistant Deputy Minister of operations for Emploi-Québec is authorized to sign, for the Assistant Deputy Minister's sector of activity,

(1) contracts for services pertaining to advertising and workforce development activities;

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor; and

(3) agreements entered into pursuant to a social assistance and support program, the normative framework of which has been approved by the Government or the Conseil du trésor.

**5.** In addition to the authorizations referred to in section 2, the Assistant Deputy Minister of the Direction générale des affaires gouvernementales et des relations avec les citoyens is authorized to sign, for the Assistant Deputy Minister's sector of activity, contracts for services pertaining to advertising.

**6.** The Assistant Deputy Minister of the Direction générale des services à la gestion is authorized to sign, for all the department's activities,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) contracts for services including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(3) contracts entered into with the Société immobilière du Québec to lease space;

(4) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor;

(5) agreements pertaining to the granting of subsidies in connection with implementation of the allocation plan for the resources of the Workforce Skills Development and Recognition Fund, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister;

(6) agreements pertaining to the granting of subsidies or other financial contributions paid under the Assistance Fund for Independent Community Action for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor;

(7) agreements pertaining to the granting of subsidies under the program entitled "Programme de soutien financier en appui à la mission globale des corporations de développement communautaire intervenant dans la lutte contre la pauvreté confiée au MESS", the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor;

(8) agreements pertaining to the granting of subsidies under the program entitled "Programme de soutien aux initiatives sociales et communautaires", the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor;

(9) agreements pertaining to the granting of subsidies or other financial contributions paid under the Québec Social Initiatives Fund for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor;

(10) agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor; and

(11) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

**7.** The director general of the Direction générale du développement de la main-d'oeuvre is authorized to sign, for the director general's sector of activity,

(1) supply contracts;

(2) contracts for services up to \$200,000, except contracts pertaining to advertising and workforce development activities;

(3) contracts for services pertaining to advertising, up to \$100,000;

(4) contracts for services pertaining to workforce development activities;

(5) contracts entered into with the Société immobilière du Québec to lease space;

(6) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500,000;

(7) agreements pertaining to the granting of subsidies in connection with implementation of the allocation plan for the resources of the Workforce Skills Development and Recognition Fund, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$500,000; and

(8) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

**8.** An assistant director general is authorized to sign, for the assistant director general's sector of activity,

(1) supply contracts;

(2) contracts for services up to \$100,000, except contracts pertaining to advertising and workforce development activities;

(3) contracts entered into with the Société immobilière du Québec to lease space; and

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

**9.** In addition to the authorizations referred to in section 8, an assistant director general of operations for Emploi-Québec and the director of the Direction du budget et des services administratifs are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to workforce development activities;

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$500,000;

(3) agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor; and

(4) contracts for services pertaining to advertising, up to \$100,000.

**10.** An assistant director general of the Direction générale adjointe des ressources budgétaires, financières et matérielles is authorized to sign, for all the department's activities,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$200,000, except contracts pertaining to advertising and workforce development activities;

(3) contracts entered into with the Société immobilière du Québec to lease space; and

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

**11.** The director of the Deputy Minister's office, a branch director, an assistant branch director, the director of the Bureau des renseignements et plaintes, the director of the Centre de recouvrement, the director of the Centre d'appels du Centre de recouvrement, the director of the Centre d'assistance SAGIR, the director of the Centre d'études sur l'emploi et la technologie, a project director and the director of the Secrétariat Entraide are authorized to sign, for their sector of activity,

(1) supply contracts up to \$25,000; and

(2) contracts for services up to \$25,000, except contracts pertaining to advertising and workforce development activities.

**12.** In addition to the authorizations referred to in section 11, the director of the Secrétariat à l'action communautaire autonome et aux initiatives sociales is authorized to sign, for the director's sector of activity,

(1) agreements pertaining to the granting of subsidies or other financial contributions paid under the Assistance Fund for Independent Community Action for which



the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, up to \$750,000;

(2) agreements pertaining to the granting of subsidies under the program entitled “Programme de soutien financier en appui à la mission globale des corporations de développement communautaire intervenant dans la lutte contre la pauvreté confiée au MESS”, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$750,000;

(3) agreements pertaining to the granting of subsidies under the program entitled “Programme de soutien aux initiatives sociales et communautaires”, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$150,000; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid under the Québec Social Initiatives Fund for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, up to \$750,000.

**13.** In addition to the authorizations referred to in section 11, the director of the Direction du soutien financier is authorized to sign, for the director’s sector of activity,

(1) agreements pertaining to the granting of subsidies or other financial contributions paid under the Assistance Fund for Independent Community Action for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, up to \$500,000;

(2) agreements pertaining to the granting of subsidies under the program entitled “Programme de soutien financier en appui à la mission globale des corporations de développement communautaire intervenant dans la lutte contre la pauvreté confiée au MESS”, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$500,000;

(3) agreements pertaining to the granting of subsidies under the program entitled “Programme de soutien aux initiatives sociales et communautaires”, the terms of allocation or eligibility criteria of which have been approved by the Government or the Conseil du trésor, up to \$100,000; and

(4) agreements pertaining to the granting of subsidies or other financial contributions paid under the Québec Social Initiatives Fund for which the terms of allocation, by means of a normative framework or otherwise, have been approved by the Government or the Conseil du trésor, up to \$350,000.

**14.** In addition to the authorizations referred to in section 11, the director of the Direction du soutien au développement de la main-d’oeuvre is authorized to sign, for the director’s sector of activity, agreements pertaining to the granting of subsidies in connection with implementation of the allocation plan for the resources of the Workforce Skills Development and Recognition Fund, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister, up to \$100,000.

**15.** In addition to the authorizations referred to in section 11, the director of the Direction de la qualification réglementée and the director of the Direction du développement des compétences et de l’intervention sectorielle are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to workforce development activities, up to \$350,000; and

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$350,000.

**16.** In addition to the authorizations referred to in section 11, the assistant director of the Direction du développement des compétences et de l’intervention sectorielle is authorized to sign, for the assistant director’s sector of activity,

(1) contracts for services pertaining to workforce development activities, up to \$150,000; and

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$150,000.

**17.** In addition to the authorizations referred to in section 11, the director of the Direction de la révision et de la représentation au Tribunal administratif du Québec and the director of the Direction de la conformité et de la performance are authorized to sign contracts for services for the purpose of hiring physicians, up to \$100,000.

**18.** In addition to the authorizations referred to in section 11, the director of the Direction des ressources humaines is authorized to sign, for all the department's activities pertaining to human resources development,

(1) supply contracts; and

(2) contracts for services up to \$25,000, except contracts for services pertaining to advertising and workforce development activities.

**19.** In addition to the authorizations referred to in section 11, the director of the Direction des communications is authorized to sign, for all the department's activities, contracts for services pertaining to advertising, up to \$25,000.

**20.** The director of the Direction des opérations financières et contractuelles is authorized to sign, for all the department's activities,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$100,000, except contracts for services pertaining to advertising and workforce development activities;

(3) contracts entered into with the Société immobilière du Québec to lease space; and

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail.

**21.** In addition to the authorizations referred to in section 11, the director of the Direction de la gestion des espaces et des services auxiliaires is authorized to sign, for all the department's activities pertaining to the physical reorganization of departmental administrative units,

(1) supply contracts up to \$100,000;

(2) contracts for services up to \$100,000; and

(3) contracts entered into with the Société immobilière du Québec to lease space.

**22.** A regional director, an assistant regional director, an assistant to the regional director of Emploi-Québec and the director of the Centre de services à la clientèle du Régime québécois d'assurance parentale are authorized to sign, for their sector of activity,

(1) supply contracts up to \$25,000;

(2) contracts for services up to \$25,000, except contracts pertaining to advertising and workforce development activities; and

(3) contracts entered into with the Société immobilière du Québec to lease space.

**23.** In addition to the authorizations referred to in section 22, a regional director, an assistant regional director and an assistant to the regional director of Emploi-Québec are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to workforce development activities, up to \$350,000;

(2) contracts for services pertaining to advertising, up to \$10,000;

(3) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$350,000; and

(4) agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor, up to \$350,000.

**24.** The directors of Emploi-Québec who are members of the Table des instances de coordination d'Emploi-Québec are authorized to sign, for their sector of activity, contracts and agreements referred to in sections 22 and 23.

**25.** The director of support operations and community resources of Emploi-Québec is authorized to sign, for the director's sector of activity, contracts and agreements referred to in sections 22 and 23, except contracts for services pertaining to advertising.

**26.** The director of the Centre des garants défaillants et du service aux parrainés, the director of the Direction des relations avec les partenaires, an organizational group director, a director of a local employment centre, an

assistant director of a local employment centre, an assistant to the director of a local employment centre, the director and an assistant to the director of a unit of the Centre de communication avec la clientèle are authorized to sign, for their sector of activity,

(1) supply contracts up to \$10,000;

(2) contracts for services up to \$10,000, except contracts for services pertaining to advertising and workforce development activities; and

(3) contracts entered into with the Société immobilière du Québec to lease space.

**27.** In addition to the authorizations referred to in section 26, the director of the Direction des relations avec les partenaires, an organizational group director, a director of a local employment centre, an assistant director of a local employment centre and an assistant to the director of a local employment centre are authorized to sign, for their sector of activity in the areas of workforce and employment,

(1) contracts for services pertaining to workforce development activities, up to \$150,000;

(2) contracts for services pertaining to advertising, up to \$5,000;

(3) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$150,000; and

(4) agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor, up to \$150,000.

**28.** The director of the Service du soutien au réseau is authorized to sign, for the director's sector of activity, contracts and agreements referred to in sections 26 and 27, except contracts for services pertaining to advertising.

**29.** A service head, an assistant service head, an assistant to the Assistant Deputy Minister, an assistant to the Associate Deputy Minister and an assistant to the director general are authorized to sign, for their sector of activity,

(1) supply contracts up to \$10,000; and

(2) contracts for services up to \$10,000, except contracts pertaining to advertising and workforce development activities.

**30.** The head of the Service du développement et de la santé des personnes of the Direction des ressources humaines is authorized to sign, for all the department's activities pertaining to human resources development, contracts referred to in section 29.

**31.** In addition to the authorizations referred to in section 29, the head of the Service de l'Est et de la révision médicale is authorized to sign contracts for services for the purpose of hiring physicians, up to \$100,000.

**32.** The head of the Service des opérations financières et contractuelles is authorized to sign, for all the department's activities,

(1) supply contracts, including supply contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$100,000, except contracts pertaining to advertising and workforce development activities; and

(3) contracts entered into with the Société immobilière du Québec to lease space.

**33.** A workforce and employment development counsellor and a sector intervention coordinator are authorized to sign, for their sector of activity,

(1) contracts for services pertaining to workforce development activities, up to \$50,000; and

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$50,000.

**34.** In addition to the authorizations referred to in section 33, a workforce and employment development counsellor is authorized to sign, for the counsellor's sector of activity, agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor, up to \$50,000.

**35.** An employment officer is authorized to sign, for the officer's sector of activity,

(1) contracts for services pertaining to workforce development activities, up to \$25,000;

(2) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor, up to \$25,000; and

(3) agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor, up to \$25,000.

**36.** A socio-economic aid officer is authorized to sign, for the officer's sector of activity, agreements entered into pursuant to a social assistance and support program the normative framework of which has been approved by the Government or the Conseil du trésor, up to \$25,000.

**37.** A procurement officer is authorized to sign, in respect of the units to which the officer provides administrative support,

(1) supply contracts up to \$1,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund; and

(2) contracts for services up to \$1,000, except contracts pertaining to advertising and workforce development activities and contracts for services chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund.

A compliance officer and a purchaser of the Division des opérations contractuelles of the Service des opérations financières et contractuelles are authorized to sign, for all the department's activities, the contracts referred to in the first paragraph, up to \$5,000.

**38.** An administrative officer, in respect of the units to which the administrative officer provides administrative support, an assistant to the assistant director general and an assistant to the branch director, are authorized to sign, for their sector of activity,

(1) supply contracts up to \$5,000; and

(2) contracts for services up to \$5,000, except contracts pertaining to advertising and workforce development activities.

**39.** The person in charge of communications for Emploi-Québec is authorized to sign, for the person's sector of activity, contracts for services pertaining to advertising, up to \$1,000.

**40.** The person responsible for the Division des opérations contractuelles of the Service des opérations financières et contractuelles is authorized to sign, for all the department's activities,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund; and

(2) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$100,000, except contracts for services pertaining to advertising and workforce development activities.

**41.** The person responsible for the Secteur des imprimés administratifs of the Direction générale adjointe des ressources budgétaires, financières et matérielles, is authorized to sign, for all the department's activities, supply contracts and contracts for services pertaining to administrative forms, up to \$10,000.

**42.** The Assistant Deputy Minister of the Direction générale des services à la gestion, the head of the Division de la sécurité du revenu et du développement social of Ville de Montréal, the director of the Centre de recouvrement, a branch director of the Centre de recouvrement and a service head of the Centre de recouvrement are authorized to sign any document required to set up a hypothec or to otherwise secure a claim by the Minister, and any related document.

## **DIVISION II**

### **PROVISIONS PERTAINING TO INFORMATION TECHNOLOGIES AND THE SUPPLY OF GOODS AND SERVICES**

**43.** The assistant director general of the Direction générale adjointe des technologies de l'information is authorized to sign, for the assistant director general's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) supply contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$500,000; and

(3) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$500,000.

**44.** A director of the Direction générale adjointe des technologies de l'information is authorized to sign, for the director's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts up to \$100,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund;

(2) contracts for services up to \$100,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund; and

(3) contracts for services chargeable to the Information Technologies Fund, up to \$100,000.

**45.** In addition to the authorizations referred to in section 44, the director of the Direction des systèmes de la clientèle des services partagés and the director of the Direction de la gestion de la transition are authorized to sign, for the sector of activity pertaining to the supply of goods and services, contracts for services chargeable to the Supply of Goods and Services Fund, up to \$100,000.

**46.** The director of the Direction des infrastructures technologiques et des services spécialisés is authorized to sign, for the director's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts up to \$100,000, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund; and

(2) contracts for services up to \$100,000, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund.

**47.** A service head of the Direction générale adjointe des technologies de l'information, except the service head referred to in section 48, is authorized to sign, for the service head's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts up to \$25,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund; and

(2) contracts for services up to \$25,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund.

**48.** A service head of the Direction des infrastructures technologiques et des services spécialisés is authorized to sign, for the service head's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$50,000; and

(2) contracts for services, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$50,000.

**49.** The administrative officer of the Direction des infrastructures technologiques et des services spécialisés is authorized to sign, for the administrative officer's sector of activity pertaining to information technologies and for the sector of activity pertaining to the supply of goods and services,

(1) supply contracts, including contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund, up to \$5,000; and

(2) contracts for services up to \$5,000, except contracts chargeable to the Information Technologies Fund or the Supply of Goods and Services Fund.

### DIVISION III

#### PROVISION PERTAINING TO THE EXERCISE OF FUNCTIONS DELEGATED TO THE COMMISSION DES PARTENAIRES DU MARCHÉ DU TRAVAIL

**50.** The chair of the Commission des partenaires du marché du travail is authorized to sign, when exercising functions delegated to the Commission pursuant to section 7.1 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail,

(1) supply contracts;

(2) contracts for services, including contracts pertaining to advertising and workforce development activities;

(3) contracts entered into with the Société immobilière du Québec to lease space;

(4) agreements entered into with any person, association, partnership or body under paragraph 4 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail;

(5) agreements pertaining to the granting of subsidies, the principles and guidelines of which have been established by the Minister in cooperation with the Commission des partenaires du marché du travail and approved by the Conseil du trésor; and

(6) agreements pertaining to the granting of subsidies in connection with implementation of the allocation plan for the resources of the Workforce Skills Development and Recognition Fund, prepared annually by the Commission des partenaires du marché du travail and approved by the Minister.

#### **DIVISION IV PROVISIONS PERTAINING TO CERTIFICATION**

**51.** The executive officers referred to in this Order in Council are authorized to certify as true the documents and copies of documents issued by the department or belonging to its archives that they are authorized to sign under the provisions applying to them or under the authorizations inherent to their functions. They may also certify as true any document or copy of a document, including the transcription of a decision, certificate or any other data stored for the Minister on any medium based on information technology and that is part of the records pertaining to their sector of activity or administrative unit.

**52.** The Assistant Deputy Minister of the Direction générale des services à la gestion, the director and an assistant director of internal audit and administrative inquiries and the director of the Centre de recouvrement are authorized to certify as true, for the Minister, any document or copy of a document issued by the department or belonging to its archives, including the transcription of a decision, certificate or any other data stored for the Minister on any medium based on information technology.

8291

#### **M.O., 2007**

##### **Order number 2007-013 of the Minister of Health and Social Services dated 24 August 2007 for the designation of a breast cancer detection centre**

Health Insurance Act  
(R.S.Q., c. A-29)

THE MINISTER OF HEALTH AND SOCIAL SERVICES,

CONSIDERING subparagraph *b.3* of the first paragraph of section 69 of the Health Insurance Act (R.S.Q., c. A-29);

CONSIDERING subparagraph *ii* of paragraph *o* of section 22 of the Regulation respecting the application of the Health Insurance Act (R.R.Q., 1981, c. A-29, r.1);

ORDERS:

THAT the following breast cancer detection centre is designated for the Montréal region:

“Radiologie Jean-Talon Bélanger  
1470, rue Bélanger Est  
Montréal (Québec)  
H2G 1A7”

Québec, 24 August 2007

PHILIPPE COUILLARD,  
*Minister of Health and Social Services*

8298

#### **M.O., 2007-06**

##### **Order number V-1.1-2007-06 of the Minister of Finance, 23 August 2007**

Securities Act  
(R.S.Q., c. V-1.1)

CONCERNING Regulation to amend Regulation 55-101 respecting insider reporting exemptions

Whereas subparagraphs 1, 2, 3, 11 and 34 of section 331.1 of the Securities Act (R.S.Q., c. V-1.1), amended by section 108 of chapter 50 of the statutes of 2006, stipulate that the Autorité des marchés financiers may make regulations concerning the matters referred to in those paragraphs;

WHEREAS the third and fourth paragraphs of section 331.2 of the said Act, amended by section 109 of chapter 50 of the statutes of 2006, stipulate that a draft regulation shall be published in the Bulletin of the Authority, accompanied with the notice required under section 10 of the Regulations Act (R.S.Q., c. R-18.1) and may not be submitted for approval or be made before 30 days have elapsed since its publication;

WHEREAS the first and fifth paragraphs of the said section 331.1 must be approved, with or without amendment, by the Minister of Finance and comes into force on the date of its publication in the *Gazette officielle du Québec* or any later date specified in the regulation;

Whereas the Regulation 55-101 respecting insider reporting exemptions was made by ministerial order 2005-26 dated November 30, 2005;

Whereas there is cause to amend this regulation;

WHEREAS the draft Regulation to amend Regulation 55-101 respecting insider reporting exemptions was published in the Bulletin of the Autorité des marchés financiers, volume 3, No. 43 of October 27, 2006;

WHEREAS on June 12, 2007, by the decision no. 2007-PDG-0118, the Authority made Regulation to amend Regulation 55-101 respecting insider reporting exemptions;

WHEREAS there is cause to approve this regulation without amendment;

CONSEQUENTLY, the Minister of Finance approves without amendment Regulation to amend Regulation 55-101 respecting insider reporting exemptions appended hereto.

August 23, 2007

MINISTER OF FINANCE,  
*Monique Jérôme-Forget*

## Regulation to amend Regulation 55-101 respecting insider reporting exemptions\*

Securities Act  
(R.S.Q., c. V-1.1, s. 331.1, par. (1), (2), (3), (11) and (34); 2006, c. 50)

**1.** Section 1.1 of Regulation 55-101 respecting Insider Reporting Exemptions is amended:

(1) by replacing “10” with “20” in paragraphs (a) and (b) of the definition of “major subsidiary”;

(2) in the definition of “normal course issuer bid”, by replacing paragraph (b) with the following:

“(b) a normal course issuer bid as defined in the rules or policies of the Toronto Stock Exchange (TSX), the TSX Venture Exchange or an exchange that is a recognized exchange, as defined in Regulation 21-101 respecting Marketplace Operation adopted by the Com-

mission des valeurs mobilières du Québec pursuant to decision no. 2001-C-0409 dated August 28, 2001, that is conducted in accordance with the rules or policies of that exchange;”;

(3) by adding the following definition after the definition of “normal course issuer bid”:

““senior officer”, in a jurisdiction whose legislation does not define that term, means an officer as defined in the legislation of that jurisdiction;”.

**2.** The title of part 4 and sections 4.1 and 4.2 of the Regulation are repealed.

**3.** Section 5.2 of the Regulation is amended by adding the following paragraph after paragraph (2):

“(3) An insider who is an executive officer, as defined in Regulation 51-102 respecting Continuous Disclosure Obligations approved by Ministerial Order no. 2005-03 dated May 19, 2005, or a director of the reporting issuer or of a major subsidiary may not rely on the exemption in section 5.1 for the acquisition of stock options or similar securities granted to the insider unless the reporting issuer has previously disclosed in a notice filed on SEDAR the existence and material terms of the grant, including without limitation

(a) the date the options or other securities were issued or granted,

(b) the number of options or other securities issued or granted to each insider who is an executive officer or director referred to above,

(c) the price at which the options or other securities were issued or granted and the exercise price, and

(d) the number and type of securities issuable on the exercise of the options or other securities.”.

**4.** This Regulation comes into force on September 10, 2007.

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\* Regulation 55-101 respecting Insider Reporting Exemptions was approved by Ministerial Order 2005-26 dated November 30, 2005 (2005, G.O. 2, 5234) and has not since been amended.





## Draft Regulations

### Draft Regulation

An Act respecting labour relations, vocational training and manpower management in the construction industry  
(R.S.Q. c. R-20)

#### Commission de la construction du Québec

##### — Levy

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Levy Regulation of the Commission de la construction du Québec, the text of which appears below, may be submitted to the Government for approval on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to levy upon the employer alone or upon both the employer and the employee or upon the employee alone or, where applicable, upon the independent contractor, the amounts required for its administration and fix a minimum amount which an employer is bound to pay per monthly period. Such levy, similar to that of the year 2007, constitutes the main source of financing of the Commission.

Further information may be obtained by contacting André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, Jean-Talon Ouest, Montréal, H3R 2G3; tél. 514 341-7740, poste 6296.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to André Ménard, Chair and Chief Executive Officer, Commission de la construction du Québec, 3530, Jean-Talon Ouest, Montréal, H3R 2G3, tél. 514 341-7740, poste 6296.

*Minister of Labour,*  
DAVID WHISELL

### Levy regulation of the Commission de la construction du Québec

An Act respecting labour relations, vocational training and manpower management in the construction industry  
(R.S.Q., c. R-20, s. 82, 1st par. Subpar. c)

**1.** The levy imposed by the Commission de la construction du Québec for the year 2008 is:

(1) in the case of an employer, 0.75 of 1% of the total remuneration paid to his employees;

(2) in the case of an independent contractor, 0.75 of 1% of his remuneration as an independent contractor;

(3) in the case of an employee, 0.75 of 1% of his remuneration.

Notwithstanding the first paragraph, the minimum amount that an employer or an independent contractor is bound to pay the Commission per monthly period is \$10.

**2.** The employer shall collect, on behalf of the Commission, the amount levied upon his employees by means of a weekly deduction on their wages.

**3.** The independent contractor shall deduct weekly, out of the remuneration he received as an independent contractor, the amount levied upon him.

**4.** The employer and the independent contractor shall remit to the Commission the amount levied for a monthly period in pursuance of this Regulation, not later than the 15th of the following month.

**5.** This Regulation comes into force on 1 January 2008.

8297

## Draft Regulation

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2)

### Financial planners

#### — Compulsory professional development

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the compulsory professional development of financial planners, appearing below, may be submitted to the Government which may approve it with or without amendment on the expiry of 45 days following this publication.

The draft Regulation proposes to replace the Regulation respecting the compulsory professional development of financial planners, approved by Order in Council 1451-2001 dated 5 December 2001 and which is currently in force.

The purpose of the draft Regulation is to reduce the administrative and regulatory burden on financial planners.

The draft Regulation harmonizes the rules relating to compulsory professional development with the new Regulation of the Chambre de la sécurité financière respecting compulsory professional development, approved by Order in Council 1010-2006 dated 8 November 2006 and which came into force on 30 November 2006. Approximately 4,300 financial planners are also members of the Chambre de la sécurité financière for another sector. It therefore would be desirable to standardize the rules and procedures. The draft Regulation proposes the same reference period be used to accumulate the required professional development units (“PDUs”), namely a two-year period beginning on 1 December.

Although a decrease in the number of required PDUs is also proposed, the draft Regulation enhances the professional development requirements, favouring the maintenance and acquisition of more relevant knowledge in the areas of compliance with standards, ethics and business conduct.

Technological arrangements are proposed to permit the forwarding of proof of training via secured access to a website.

Further information on the draft Regulation may be obtained by contacting Marie-Christine Dorval, Autorité des marchés financiers, Place-de-la-Cité, tour Cominar,

2640, boulevard Laurier, bureau 400, Québec (Québec) G1V 5C1; telephone: 418 525-0337; fax: 418 525-9512; e-mail: marie-christine.dorval@lautorite.qc.ca

Interested persons having comments to make on the draft Regulation are asked to send them in writing before the expiry of the 45-day period to the Minister of Finance, 12, rue Saint-Louis, 1<sup>er</sup> étage, Québec (Québec) G1R 5L3.

MONIQUE JÉRÔME-FORGET,  
*Minister of Finance*

## Regulation respecting the compulsory professional development of financial planners

An Act respecting the distribution of financial products and services  
(R.S.Q., c. D-9.2, s. 200, par. 5.1)

### DIVISION I SCOPE AND INTERPRETATION

**1.** This Regulation applies to every natural person who holds a certificate issued by the Autorité des marchés financiers (the “Authority”) authorizing the person to use the title of financial planner.

**2.** In this Regulation,

“professional development unit”, or “PDU”, means one hour of training activity developed and provided by or in partnership with the Institut québécois de planification financière (the “IQPF”) or recognized by the Authority pursuant to Division III;

“reference period” means any 24-month period beginning on or after 1 December 2007.

### DIVISION II TRAINING

**§1.** *Period, frequency and content of training*

**3.** A financial planner referred to in section 1 must, for any reference period, take part in professional development activities and accumulate 40 PDUs apportioned as follows:

(1) 15 PDUs related to training activities developed and provided by or in partnership with the IQPF involving integrated financial planning in the following seven areas:

- (a) finance;
- (b) taxation;
- (c) legal aspects;
- (d) retirement planning;
- (e) estate planning;
- (f) investment;
- (g) insurance.

(2) 15 PDUs related to training activities recognized by the Authority in one or more of the seven areas listed in paragraph 1; and

(3) 10 PDUs related to training activities recognized by the Authority in subjects pertaining to compliance with standards, ethics and business conduct, including five PDUs related directly to financial planning.

## §2. Variations in the training requirement

**4.** A financial planner referred to in section 1 who is issued a certificate by the Authority during a reference period that has already begun must accumulate, according to the apportionment in section 3, a number of PDUs equal to the proportion that the number of full months for which the certificate has been held is to a reference period.

**5.** A financial planner who is issued a certificate by the Authority during the first year following the awarding of the IQPF diploma is exempt from the requirement to take part in professional development activities for a 12-month period following the date on which the diploma was awarded.

**6.** The Authority may exempt a financial planner from the requirements of sections 3 and 4 if, owing to superior force, the financial planner is unable to comply with the requirements.

The situations described in section 8 do not constitute superior force.

## §3. Awarding and assignment of PDUs

**7.** A financial planner who acts as an activity trainer, instructor or facilitator is entitled, only once for the activity, to double the number of PDUs awarded for the activity.

**8.** A financial planner who is suspended or has been struck off the roll or whose certificate has been cancelled or revoked pursuant to a decision of the disciplinary committee of the Chambre de la sécurité financière or an organization referred to in section 59 of the Act respecting the distribution of financial products and services (R.S.Q., c. D-9.2), or whose certificate has been revoked, suspended, not renewed or includes conditions or restrictions imposed by the Authority may not provide professional development activities and earn PDUs as an activity trainer, instructor or facilitator.

**9.** A financial planner who, during a reference period, has accumulated more PDUs than the number required under paragraphs 2 and 3 of section 3 may not carry the excess PDUs over to a subsequent reference period.

Despite the foregoing, a financial planner who, during a reference period, has accumulated more PDUs than the number required under paragraph 1 of section 3 may include the excess PDUs under paragraph 2 of section 3, but solely in respect of the same period.

## §4. Notice from the Authority

**10.** At least 30 days before the end of a reference period, the Authority sends a notice to each financial planner who has not accumulated the required number of PDUs informing the financial planner of the consequences under section 118.1 or 126 of the Regulation respecting the issuance and renewal of representatives' certificates adopted by the Autorité des marchés financiers by Resolution 99.07.08 dated 6 July 1999.

**11.** Within 30 days after the end of the reference period, the Authority sends a notice to each financial planner who has not accumulated the required number of PDUs informing the financial planner of the consequences of the failure or default to which section 118.1 or 126 of the Regulation respecting the issuance and renewal of representatives' certificates refers.

## §5. Keeping and sending of documents

**12.** A financial planner must keep the attendance vouchers or certificates of exam or test results issued by the person, organization or educational institution providing the professional development activities for a 24-month period following the end of the reference period concerned.

**13.** During a reference period, a financial planner must, personally or through the firm for which the financial planner is acting or the independent partnership of which the financial planner is a partner or employee,

send to the Authority a copy of the attendance vouchers that the financial planner is required to keep in accordance with section 12.

Despite the foregoing, a financial planner is exempt from the requirement under the first paragraph if the financial planner or the firm for which the financial planner is acting or the independent partnership of which the financial planner is a partner or employee, sends the attendance vouchers for professional development activities by means of secured access to the IQPF's website. The financial planner is required to send a copy of the vouchers only if the Authority so requires for data verification purposes, in which case paper copies must be provided within 30 days of the Authority's request.

### DIVISION III RECOGNITION OF TRAINING ACTIVITIES

**14.** The Authority does not recognize activities pertaining to the sale of specific financial products or services, including securities.

**15.** The Authority recognizes a training activity if it enables the following skills and competencies to be developed:

(1) development and betterment of a comprehensive and integrated vision of personal financial planning;

(2) acquisition, comprehension and application of theoretical and technical knowledge in the areas related to personal financial planning; and

(3) acquisition, comprehension and application of theoretical and technical knowledge in subjects pertaining to compliance with standards, ethics and business conduct.

**16.** An application for recognition of an activity may be submitted to the Authority before or not more than six months after the activity is held, but not later than the last day of the reference period during which the activity is held, by the financial planner personally or by the person, organization or educational institution providing the activity.

**17.** The Authority is to recognize or refuse to recognize an activity within 30 days of receipt of the application. If the recognition is refused or the activity is recognized for fewer PDUs than requested, the Authority must give reasons to the person, organization or educational institution that made the application for recognition.

**18.** The application for recognition must include

(1) a description of the training activity;

(2) the training procedure for and duration of the activity;

(3) the number of PDUs requested for the training activity;

(4) a document explaining how the activity develops the skills and competencies referred to in section 15;

(5) if the application is submitted before the activity is held, the name and address of the person responsible for the activity;

(6) if the application is submitted after the activity is held by the financial planner personally, a voucher attesting that the financial planner attended the activity; and

(7) if the application is submitted after the activity is held by the person, organization or educational institution providing the activity, a list of participants.

**19.** The recognition is valid for the reference period in effect when the activity is held. A person wishing to renew the recognition must make a new application to the Authority.

**20.** The person responsible for an activity must inform the Authority of any change in any of the elements listed in section 18.

Further to the notice of change referred to in the first paragraph, the Authority may terminate recognition of the activity or increase or decrease the number of PDUs awarded for the activity.

**21.** The Authority may terminate recognition of an activity or increase or decrease the number of PDUs awarded for it if the Authority becomes aware that the activity being provided is different from the activity that was recognized.

### DIVISION IV TRANSITIONAL AND FINAL PROVISIONS

**22.** For the purposes of this Regulation, the first reference period ends on 30 November 2007.

**23.** For the purposes of this Regulation and for the reference period ending on 30 November 2007, the Authority recognizes the PDUs accumulated by finan-

cial planners for professional development activities taken between 1 January 2006 and the date of coming into force of this Regulation.

**24.** For the reference period ending on 30 November 2007, the requirement under paragraph 3 of section 3 to accumulate 10 PDUs in subjects pertaining to compliance with standards, ethics and business conduct and the time periods set out in sections 10 and 11 for the issue of failure or default notices do not apply.

Despite the foregoing, the requirement to accumulate 15 PDUs for obtaining, updating and reviewing knowledge obtain, update and review knowledge and skills, prescribed by subparagraph 3 of the first paragraph of section 2 of the Regulation respecting the compulsory professional development of financial planners, approved by Order in Council 1451-2001 dated 5 December 2001, remains applicable.

**25.** This Regulation replaces the Regulation respecting the compulsory professional development of financial planners approved by Order in Council 1451-2001 dated 5 December 2001.

**26.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8292

## Draft Regulation

Charter of human rights and freedoms  
(R.S.Q., c. C-12)

### Human Rights Tribunal

#### — Code of ethics of the members

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Code of ethics of the members of the Human Rights Tribunal, the text of which appears below, may be made by the president of the Human Rights Tribunal upon the expiry of 45 days following this publication.

Any interested person having comments to make is asked to send them in writing, before the expiry of the 45-day period, to the president of the Human Rights Tribunal, palais de justice, 1, rue Notre-Dame Est, Montréal (Québec) H2Y 1B6.

MICHÈLE RIVET, *Judge*  
*President of the Human Rights Tribunal*

## Code of Ethics of the Members of the Human Rights Tribunal

Charter of human rights and freedoms  
(R.S.Q., c. C-12, s. 106, 2nd par., subpar. 3)

### PREAMBLE

WHEREAS the Charter of Human Rights and Freedoms confers on the Human Rights Tribunal, composed of judges and assessors, the responsibility of hearing and deciding matters regarding discrimination, harassment, exploitation of the elderly or handicapped and affirmative action programs;

WHEREAS the members of the Human Rights Tribunal must have notable experience and expertise in, sensitivity to and interest for matters of human rights and freedoms;

WHEREAS the Human Rights Tribunal, in keeping with general principles of justice, must give a broad and liberal interpretation to the Charter of Human Rights and Freedoms that is conducive to the furtherance of the Charter's general objectives;

WHEREAS the President of the Human Rights Tribunal prescribes this Code of Ethics:

### DIVISION I

#### RULES OF CONDUCT AND DUTIES OF THE MEMBERS

- 1.** Members must exercise their functions with integrity, honour, dignity and complete independence.
- 2.** Members must be, and be seen to be, impartial and objective.
- 3.** Members must exercise their functions with diligence, in keeping with the Tribunal's principles of accessibility and timeliness.
- 4.** Members must respect the secrecy of deliberations. Members are bound to confidentiality regarding any information they obtain and to discretion regarding any matter brought to their knowledge in the performance of their functions.
- 5.** Members must refrain from any intervention regarding an application before the Tribunal.
- 6.** Members must act with reserve and prudence in public representations, avoiding any comment liable to undermine the integrity of the Tribunal or discredit the administration of justice.

**7.** Members must conduct themselves and proceedings before them so as to ensure that all are treated equally and according to the law.

**8.** Members must maintain their knowledge up to date, specifically regarding matters of human rights and freedoms, in particular by participating in the Tribunal's professional development activities. They must take appropriate measures to improve the skills necessary to the exercise of their functions.

**9.** Members must comply with the President's administrative directives in the performance of their duties.

## DIVISION 2

### INCOMPATIBLE SITUATIONS AND ACTIVITIES

**10.** Members must avoid placing themselves in a situation of conflict between their personal interest and their duties as members.

**11.** Members must refrain from engaging in any activity or placing themselves in any situation that could affect the dignity of their duties or discredit the Tribunal.

**12.** Members must refrain from engaging in any activity that is incompatible with the exercise of their functions. In particular, members must refrain from becoming involved in any cause or participating in any organization or pressure group having objectives that deal with matters falling within the jurisdiction of the Tribunal and from engaging in a political activity.

**13.** Members must refrain from engaging in any activity that could constitute a ground of recusation. A member who is aware of a valid ground of recusation to which the member is liable must abstain from sitting.

## DIVISION 3

### FINAL

**14.** This Code replaces the Code of ethics of the members of the Human Rights Tribunal (R.Q. c. C-12, r.0.001).

**15.** This Code comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec*.

8300

## Draft Regulation

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1)

### Training bodies, training instructors and training services — Accreditation — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting the accreditation of training bodies, training instructors and training services, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

The draft Regulation updates the conditions on which training bodies, training instructors and training services referred to in subparagraph 2 of the first paragraph of section 6 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1) will be accredited by the Minister.

The draft Regulation has no negative impact on the public or enterprises.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca.

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loiselle, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,  
*Minister of Employment  
and Social Solidarity*

## Regulation to amend the Regulation respecting the accreditation of training bodies, training instructors and training services\*

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1, s. 20, 1st par., subpar. 1, and s. 21, pars. 2 and 3)

**1.** Section 1 of the Regulation respecting the accreditation of training bodies, training instructors and training services is amended in section 1

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

“**1.** A legal person, including a non-profit organization, or a partnership wishing to be accredited as a training body for the purposes of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1) must apply in writing to the Minister of Employment and Social Solidarity using the form provided, giving the following information:”;

(2) by replacing “the registration number attributed to it under” in subparagraph 1 of the first paragraph by “its Québec business number assigned under section 21 of”;

(3) by striking out subparagraph 2 of the first paragraph;

(4) by striking out the second paragraph;

(5) by replacing “Société” in the third paragraph by “Minister”.

**2.** Section 2 is amended by replacing “Société” by “Minister”.

**3.** Section 3 is amended by replacing “Société” wherever it appears by “Minister”.

**4.** Section 4 is amended

(1) by replacing “The Société will accredit the training service of an employer subject to the provisions of section 1 of the Act to foster the development of manpower training when it” in the part preceding paragraph 1 by “The

Minister is to accredit the training service of an employer subject to the provisions of Division I of the Act if the Minister”;

(2) by striking out paragraph 3;

(3) by replacing “written statement by the representative authorized for this purpose specifying the skills” in paragraph 5 by “description of the skills and qualifications”.

**5.** Section 5 is amended

(1) by inserting “must demonstrate that it” in the part preceding paragraph 1 after “services”;

(2) by inserting the following before paragraph 1:

“(0.1) identification of training needs;”;

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

“(4) follow-up to training activities.

**6.** Section 6 is revoked.

**7.** Section 7 is amended by replacing “to 6” by “and 5”.

**8.** Section 8 is amended

(1) by inserting “, du Loisir et du Sport” in paragraph 3 after “Éducation”;

(2) by replacing “, a municipality, an urban community” in paragraph 4 by “et des Régions, a municipality, a metropolitan community”.

**9.** Section 10 is amended

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

“**10.** Accredited training bodies and training instructors must inform the Minister without delay of any change in the conditions to be satisfied for accreditation or in the information provided in their initial application for accreditation or in their application for renewal.”;

(2) by replacing “stipulated in the 3rd sub-section” in the second paragraph by “required by the second paragraph”;

(3) by striking out “, at least every 6 months,” in the second paragraph.

\* The Regulation respecting the accreditation of training bodies, training instructors and training services, approved by Order in Council 764-97 dated 11 June 1997 (1997, G.O. 2, 2737), has not been amended since.

**10.** Sections 16 and 17 are amended by striking out “actively” wherever it appears.

**11.** The following is inserted after section 17:

“**17.1.** The holder of an accreditation must give to any participant who so requests a detailed statement of the content of the training provided to the participant in the last 24 months.

The first paragraph is applicable to training provided as of 1 January 2008.”.

**12.** Section 20 is amended by replacing “board of directors of the Société can” by “Minister may” and by replacing “it” by “the Minister”.

**13.** The first paragraph of section 22 is replaced by the following:

“**22.** The holder of an accreditation wishing to renew the accreditation must apply to the Minister in writing, using the form provided, at least 30 days before the accreditation expires.”.

**14.** Sections 23 and 24 are replaced by the following:

“**23.** The fees for processing an application for accreditation or a renewal application are

- |  |          |
|--|----------|
| (1) for a training body:                   | \$550;   |
| (2) for a non-profit organization:         | \$200;   |
| (3) for a training instructor:             | \$300;   |
| (4) for a training service:                | \$250;   |
| (5) for a multi-employer training service: | \$500.”. |

**15.** This Regulation comes into force on 1 January 2008.

8295

## Draft Regulation

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1)

### Eligible training expenditures — Amendments

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation to amend the Regulation respecting eligible training expenditures, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

The draft Regulation proposes to adapt the Regulation respecting eligible training expenditures to the new realities in the Act to promote workforce skills development and recognition and to refocus eligible training expenditures on those that contribute directly to workforce skills improvement and development.

Accordingly, it modifies certain rules applicable to the calculation of eligible expenditures and to the supporting documents that must be kept. In that perspective, the draft Regulation will have a positive impact on enterprises since the administrative burden of employers will be reduced.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loiselle, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD.  
*Minister of Employment  
and Social Solidarity*



## Regulation to amend the Regulation respecting eligible training expenditures\*

An Act to promote workforce skills development and recognition

(R.S.Q., c. D-7.1, ss. 5, 20, 1st par., subpars. 1 and 2 and 2nd par., and s. 21, pars. 1 and 5)

**1.** Section 1 of the Regulation respecting eligible training expenditures is amended

(1) by replacing “Act to foster the development of manpower training” in the part preceding subparagraph 1 of the first paragraph by “Act to promote workforce skills development and recognition”;

(2) by replacing “Société québécoise de développement de la main-d’oeuvre” in subparagraph 1 of the first paragraph by “Minister of Employment and Social Solidarity”;

(3) by replacing “Société” in subparagraph 3 of the first paragraph by “Minister”;

(4) by replacing “, within Québec, gives training to the personnel of his employer within the framework of an activity organized by a training service accredited by the Société” in subparagraph 4 of the first paragraph by “gives training to the personnel of his employer within the framework of an activity organized by a training service accredited by the Minister”;

(5) by replacing “, in Québec, with training during an activity organized by a multi-employer training service accredited by the Société” in subparagraph 4.1 of the first paragraph by “with training during an activity organized by a multi-employer training service accredited by the Minister”;

(6) by striking out “, within Québec,” in subparagraph 5 of the first paragraph;

(7) by replacing “or according to a training plan accredited under section 8 of the Act and, for on-the-job training, provided that apprenticeship tasks are performed for a specific period established within the framework of a training plan” in subparagraph 7 of the first paragraph by “and, for on-the-job training and individual learning

activities by means of information technologies, provided that the learning of the tasks or skills covered by the training has a specific duration set under a training plan and provided that, in the course of those activities, the participant can be supervised or can interact with the organizer for the duration of the learning”;

(8) by replacing subparagraph 8 of the first paragraph by the following:

“(8) the additional salary or wages paid by an employer to replace an employee in training for the portion in excess of the employee’s salary or wages;”;

(9) by striking out “or to any other body for the development and implementation of a training plan referred to in section 8 of the Act” in subparagraph 10 of the first paragraph;

(10) by replacing “Société” in subparagraph 11 of the first paragraph by “Minister”;

(11) by replacing “within the framework of such a plan for assessing the employees’ needs and experiential learning or for drawing up a list of the employees’ skills” in subparagraph 12 of the first paragraph by “for determining the employees’ needs, for identifying training lacking and for assessing and recognizing their experience and skills”;

(12) by replacing “, adapting or assessing training or an apprenticeship program” in subparagraph 13 of the first paragraph by “or adapting training or a workplace skills development strategy in accordance with the workforce skills development and recognition framework, as well as for assessing the training or strategy, including its impact”;

(13) by replacing “the journeyman for an apprentice or the guide for a teacher undergoing refresher training in the workplace” in subparagraph 14 of the first paragraph by “the guide for a teacher undergoing refresher training in the workplace or the person supervising a learner pursuant to subparagraph 3 of the second paragraph of section 25.6 of the Act”;

(14) by replacing subparagraph 15 of the first paragraph by the following:

“(15) the salary or wages of a trainee, the supervisor for a trainee, the guide for a teacher undergoing refresher training in the workplace, a learner and the person supervising the learner pursuant to paragraph 3 of the second paragraph of section 25.6 of the Act, for the time devoted exclusively to supervision, support and guidance activities;”;

\* The Regulation respecting eligible training expenditures, made by Order in Council 1586-95 dated 6 December 1995 (1995, *G.O.* 2, 3567), was last amended by the Regulation made by Order in Council 765-97 dated 11 June 1997 (1997, *G.O.* 2, 2740). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2007, updated to 1 March 2007.

(15) by replacing “the journeyman for an apprentice or the guide for a teacher undergoing refresher training in the workplace” in subparagraph 16 of the first paragraph by “the guide for a teacher undergoing refresher training in the workplace or the person supervising a learner pursuant to subparagraph 3 of the second paragraph of section 25.6 of the Act”;

(16) by replacing subparagraph 17 of the first paragraph by the following:

“(17) the salary or wages paid by an employer for creating or translating teaching materials;

(17.1) the expenses incurred by an employer for creating, translating or leasing teaching materials, the cost of acquiring such materials and the expenses for using information technologies in the proportion that they are used for the purposes of the training referred to in subparagraphs 1 to 4 of the first paragraph of section 6 of the Act;”;

(17) by replacing “used chiefly” in subparagraph 18 of the first paragraph by “for the time used”;

(18) by striking out subparagraphs 19 to 22 of the first paragraph;

(19) by inserting “including living expenses in proportion to the duration of the training and the travelling expenses,” in subparagraph 23 of the first paragraph after “seminar;”

(20) by striking out subparagraph 25 of the first paragraph;

(21) by striking out the second paragraph.

**2.** Section 2 is revoked.

**3.** Section 3 is amended

(1) by replacing “Société the required general information using the form provided to him by the Société” by “Minister the required general information using the form provided by the Commission”;

(2) by adding “, unless the employer holds a training initiative quality certificate” at the end.

**4.** Sections 4 to 6 are replaced by the following:

“4. An employer must be able to justify eligible or accepted training expenditures and to provide proof thereof. The employer must keep supporting documents concerning the expenditures for 6 years after the last year to which they relate.

For expenditures in salary or wages, justification is proved by the name of the employee to whom a salary or wages are paid as an eligible training expenditure and the total amount of the salary or wages paid for the time during which the employee’s salary or wages constitute such an expenditure.

For expenditures for training given in accordance with subparagraph 4 of the first paragraph of section 6 of the Act, the employer must keep proof of the consultations held on the training plan of the enterprise. The employer must also be able to demonstrate the ability to issue attestations of training every year to every employee having participated in the training if the educational institution, body or instructor that gave the training does not issue an attestation specifying the purpose of the training activity in which the employee participated.

For an expenditure complying with section 12 of the Act, the employer must keep the statement referred to in section 85.4.1 of the Act respecting labour relations, vocational training and manpower management in the construction industry (R.S.Q., c. R-20).”.

**5.** Section 7 is amended

(1) by striking out paragraph 2;

(2) by replacing “Société” in paragraph 3.1 by “Minister;

(3) by replacing “related to the performance of a job” in paragraph 3.2 by “an integral part of the skills to be acquired to perform a job”;

(4) by inserting the following after paragraph 4:

“(4.1) an eligible expenditure as salary or wages includes contributions, premiums and assessments paid by an employer in respect of an employee for that salary or those wages, and provided for in the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001), the Act respecting parental insurance (R.S.Q., c. A-29.011), the Act respecting the Québec Pension Plan (R.S.Q., c. R-9) and the Employment Insurance Act (S.C. 1996, c. 23);”;

(5) by replacing “, trainee or apprentice” in paragraph 5 by “or trainee”;

(6) by replacing “, including the apprentices and, where applicable, the trainees and the teachers” in paragraph 7 by “and, where applicable, trainees or teachers”;

(7) by replacing paragraphs 8 to 11 by the following:

“(8) no part of an expenditure referred to in paragraphs 1 to 3 and 6 of section 1 corresponding to the amount paid or to be paid by the training instructor, in connection with the training given by the training instructor for the benefit of the employer or a person with whom the employer does not deal at arm’s length within the meaning of section 18 of the Taxation Act for the use of premises, facilities or material, or as a consideration for the disposal of property, unless that consideration pertains to the part of the property that was consumed in the training process, is to be calculated;”;

(8) by replacing “expenditure referred to in subparagraphs 1 to 19, 21, 23, 24 and 26 of the first paragraph of section 1” in paragraph 13 by “eligible training expenditure” and by replacing “a day care centre with a permit from the Minister of Families, Seniors and the Status of Women by virtue of section 3 of the Act respecting childcare centres and childcare services (R.S.Q., c. C-8.2)” by “a person holding a childcare centre permit or a day care centre permit issued respectively under section 7 and section 11 of the Educational Childcare Act (R.S.Q., c. S-4.1.1) or accredited as a home childcare coordinating office pursuant to section 40 of that Act”;

(9) by replacing paragraph 14 by the following:

“(14) an eligible training expenditure may not be declared for a year prior to the year for which the training activity was completed.”.

**6.** Schedule 1 to the Regulation is revoked.

**7.** This Regulation comes into force on 1 January 2008.

8296

## Draft Regulation

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1)

### Training initiative quality certificate — Exemption applicable

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting the exemption applicable to a holder of a training initiative quality certificate, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

The draft Regulation proposes to allow an employer to be exempted from the requirement to participate in workforce skills development if 1% of the employer’s payroll is allocated to eligible training expenditures. To that end, the draft Regulation determines the conditions for the issue of a training initiative quality certificate, which entitles an employer to be exempted from the application of Divisions I and II of Chapter II of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1).

The draft Regulation also determines the conditions for the issue, renewal and revocation of a certificate, its effective period, the issue and renewal fees, the related verifications and the administrative penalties applicable in a case of revocation.

The draft Regulation will also provide employers with means of participating in workforce skills development other than accounting for eligible training expenditures. It does not impose any new requirement on enterprises and therefore has no negative impact on them.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loiselle, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,  
*Minister of Employment  
and Social Solidarity*

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## Regulation respecting the exemption applicable to a holder of a training initiative quality certificate

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1, s. 20, 1st par., subpar. 3 and 2nd par.; 2007, c. 3, s. 14)

### DIVISION I TRAINING INITIATIVE QUALITY CERTIFICATE

#### §1. *Object and publicity*

**1.** An employer who holds a training initiative quality certificate is exempt from the application of Divisions I and II of Chapter II of the Act. The employer is presumed to participate in workforce skills development for the effective period of the certificate.

**2.** The Minister is to make the list of employers holding a training initiative quality certificate public by any means the Minister considers appropriate.

#### §2. *Conditions for issue*

**3.** A training initiative quality certificate is issued by the Minister to an employer who applies therefor in writing, using the form provided, if the following conditions are met:

(1) the employer undertakes, for the effective period of the certificate, to engage in continuous training of its employees by implementing and applying a skills development process in keeping with the strategy of the enterprise, department or body, which includes

(a) an analysis of the situation of the enterprise, department or body, its perspectives as regards skills improvement and development and identification of its training needs;

(b) a plan of the proposed training activities, including a mechanism to follow up on their implementation; and

(c) mention of the method chosen to assess the effects of the training given to employees;

(2) the skills development process is prepared within the enterprise, department or body, within the framework of a formal cooperation structure requiring the participation of representatives of both the employer and the employees;

(3) the skills development process involves the participation of representatives of both the employer and the employees at every step of its implementation; and

(4) the employer undertakes to allow verification in accordance with section 7

**4.** For the purposes of paragraphs 2 and 3 of section 3, each certified association of employees representing the employees of the employer, and the employees who are not represented by a certified association may designate at least one representative.

#### §3. *Term, conditions for renewal and revocation*

**5.** A training initiative quality certificate is effective for three calendar years, including the calendar year of the application.

It may be renewed thereafter for periods of 3 calendar years, provided that the employer applying for renewal complies with all the conditions set out in this Regulation and maintains the skills development process.

**6.** Following verification or a complaint, or on the Minister's own initiative, the Minister may revoke a training initiative quality certificate in a case of fraud or misrepresentation, or if the Minister becomes aware that the conditions and undertakings set out in this Regulation were not or are no longer being complied with.

Before making such a decision, the Minister must notify the certificate holder in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and grant the certificate holder at least 10 days to present observations.

For the calendar year in which the certificate is revoked, the employer is required to participate in workforce training development by allocating an amount for eligible training expenditures that is at least 1% of its payroll.

In addition, as an administrative penalty, such an employer must pay an amount equal to 1% of its payroll into the Workforce Skills Development and Recognition Fund for the years in which the employer was exempted without entitlement. The employer may, however, deduct from that amount the eligible training expenditures that the employer can justify in accordance with the Act for that period. The employer may not apply for another training initiative quality certificate before the expiry of a 5-year period.

## DIVISION II VERIFICATION

**7.** The Minister may verify or cause to be verified the manner in which the skills development process of an employer holding a training initiative quality certificate is implemented and applied. The verification pertains to the application of this Regulation, in particular compliance with the conditions and undertakings under section 3.

On request, the person conducting the verification must produce identity and the certificate signed by the Minister attesting to the person's status.

## DIVISION III FEES

**8.** The fees for the issue or renewal of a training initiative quality certificate are \$1,000.

## DIVISION IV TRANSITIONAL AND FINAL

**9.** This Regulation replaces the Regulation respecting exemptions to the application of Division II of Chapter II of the Act to foster the development of manpower training, made by Order in Council 1178-99 dated 13 October 1999. However, an exemption granted under that Regulation remains valid for its remaining term.

**10.** This Regulation comes into force on 1 January 2008.

8293

## Draft Regulation

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1)

### Training mutuals

Notice is hereby given, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), that the Regulation respecting training mutuals, appearing below, may be approved by the Government on the expiry of 45 days following this publication.

The draft Regulation is incidental to the implementation of the Act to amend the Act to foster the development of manpower training and other legislative provisions (2007, c. 3), which seeks to promote workforce skills development and recognition.

Pursuant to section 8 of the Act to promote workforce skills development and recognition (R.S.Q., c. D-7.1), the draft Regulation determines the conditions on which the Minister will recognize training mutuals that are to structure, develop and implement a training services offer adapted to the workforce characteristics and needs in a sector of economic activity or a region, to their socio-economic environment and to technological or structural changes in the market.

The draft Regulation determines the duration of a training mutual's recognition, the attendant financial provisions, a mechanism for accountability, and the fees for the processing of a recognition application. It also provides for the revocation or suspension of recognition for non-compliance with the Act or Regulation.

The draft Regulation restates or simplifies various conditions currently required for a collector organization to be recognized, in addition to offering employers the possibility of incurring eligible training expenditures with a recognized training mutual. In that perspective, the impact on enterprises will be beneficial because it opens new avenues of participation in workforce skills development.

Further information may be obtained by contacting Danielle Amyot, Secretariat of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7; telephone: 514 864-8218; fax: 514 864-8005; e-mail: danielle.amyot@mess.gouv.qc.ca

Any interested person having comments to make on the matter is asked to send them in writing, before the expiry of the 45-day period, to Marjolaine Loisel, Chair of the Commission des partenaires du marché du travail, 800, rue du Square-Victoria, 28<sup>e</sup> étage, C.P. 100, Montréal (Québec) H4Z 1B7.

SAM HAMAD,  
*Minister of Employment  
and Social Solidarity*

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## Regulation respecting training mutuals

An Act to promote workforce skills development and recognition  
(R.S.Q., c. D-7.1, ss. 8, 20, 1st par., subpars. 1 and 2 and 2nd par., and s. 21, pars. 1 to 3; 2007, c. 3, ss. 7 and 15)

### DIVISION I OBJECT

**1.** The payments made by an employer to a training mutual or the expenditures incurred by an employer with such a mutual are eligible as training expenditures insofar as the training mutual is recognized by the Minister of Employment and Social Solidarity pursuant to this Regulation.

**2.** The purpose of a training mutual is to structure, develop and implement a training services offer adapted to the workforce characteristics and needs in a sector of economic activity or a region, to their socio-economic environment and to technological or structural changes in the market.

### DIVISION II RECOGNITION AS A TRAINING MUTUAL

**3.** Only a sectoral workforce committee, a parity committee constituted under the Act respecting collective agreement decrees (R.S.Q., c. D-2) or a regional grouping of employers constituted as a legal person under Part III of the Companies Act (R.S.Q., c. C-38), having a multiparty board of directors composed of a majority of representatives of employers and of representatives of the workforce of the employer members, may be recognized as a training mutual.

**4.** To be recognized as a training mutual, the applicant must show that the employers prepared to participate in the training mutual belong to the same sector of economic activity or are from the same region and share common problems associated with skills development and recognition.

The applicant must also show that the mutualisation of training services is an appropriate manner of addressing those problems and that a sufficient number of employers share a desire to work collaboratively to that end.

Problems are considered common if the employers have similar training or training management and organization needs, or the characteristics specific to a sector of

economic activity or a region are such that it is difficult for the employers in that sector or region to allocate an amount for eligible training expenditures that is at least 1% of their payroll.

**5.** An application to have a training mutual recognized must contain the following information provided by the applicant:

(1) the applicant's name and address;

(2) the applicant's Québec business number assigned under section 21 of the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45);

(3) the sector of economic activity or the region concerned;

(4) a description of the composition of its board of directors; and

(5) identification of the employers who are members of the group.

### DIVISION III DURATION, SUSPENSION AND REVOCATION OF RECOGNITION

**6.** A training mutual is recognized for a period of three years.

The recognition may be renewed thereafter for the same period provided that the applicant complies with the conditions set out in this Regulation.

**7.** The Minister may suspend or revoke a training mutual's recognition for fraud or misrepresentation or if the Minister becomes aware that the conditions set out in the Act or in this Regulation were not or are no longer being complied with.

Before making such a decision, the Minister must notify the holder of the recognition in writing as prescribed by section 5 of the Act respecting administrative justice (R.S.Q., c. J-3) and allow the holder at least 10 days to present observations.

**8.** The Minister is to give public notice of the suspension or revocation of a training mutual's recognition by any means the Minister considers appropriate.

#### **DIVISION IV** FINANCIAL PROVISIONS, STATEMENT AND ATTESTATION

**9.** The sums received by a training mutual as employer payments or employer expenditures must be used in their entirety for

(1) the services or activities relating to skills development and recognition for the workforce of the employers having made a payment or incurred an expenditure, such as determination of personnel training needs, preparation of an adapted training offer, training planning, management and organization, training impact analyses or negotiation of agreements with service providers;

(2) training activities and their assessment; and

(3) the training mutual's expenses.

The same applies to interest earned on employer payments.

**10.** A training mutual must maintain a detailed statement of revenue and expenditure for the purposes of this Regulation and retain all relevant vouchers. It must forward to the Minister any voucher the Minister may request.

The accounting must be separate from that of its other activities.

**11.** Payments received by a training mutual must be deposited in a trust account, a chartered bank or other institution authorized by law to receive deposits.

**12.** When the activities of a training mutual cease by reason of a refusal to renew its recognition or because of a suspension or revocation of its recognition, or for any other reason, the sums collected by the training mutual and the interest earned on unexpended sums must be paid into the Workforce Skills Development and Recognition Fund.

If the training mutual's activities cease because of a revocation, the sums are maintained in the Fund for a period not exceeding three years after the date of the decision, to be used to train the personnel of the employers having made a payment to the training mutual whose recognition is revoked.

**13.** For each calendar year and for the purposes of the Act, a training mutual is to give each employer having participated in the training mutual a statement of the employer's expenditures that are eligible as payments made to or expenditures incurred with the training mutual.

**14.** A training mutual must ensure that employees participating in a training activity it organizes receive a participation voucher once their participation has ended. It must also be able to issue such a voucher at any subsequent time, at the request of a participant.

#### **DIVISION V** ACCOUNTABILITY

**15.** A training mutual must maintain and make available to the Minister a record in which it enters, for each training activity,

(1) the title;

(2) a statement of the objectives, content and duration of the activity;

(3) the names of the recognized educational institution, instructor or training body;

(4) the names of the employers involved;

(5) the number of participating employees and the classes of employment involved;

(6) the cost; and

(7) the result of the assessment.

**16.** A training mutual must file with the Minister, on or before 31 March of each year, audited financial statements and an annual report of activities. The report must include

(1) a list of employers having made a payment or incurred an expenditure;

(2) the amount of the sums obtained from the employers referred to in paragraph 1;

(3) a list of the activities held; and

(4) the clientele to whom the activities were directed and the number of participation vouchers issued pursuant to section 14.

#### **DIVISION VI** FEES

**17.** The fees for the processing of a recognition application or renewal application are \$250, except for a sectoral committee.

**DIVISION VII**  
TRANSITIONAL AND FINAL

**18.** This Regulation replaces the Regulation respecting collector organizations made by Order in Council 874-97 dated 2 July 1997.

A collector organization recognized by that Regulation has six months from the date of coming into force of this section to obtain recognition pursuant to this Regulation as a training mutual. If that recognition is not obtained, the sums collected by the organization and the interest earned on unexpended sums must be paid into the Workforce Skills Development and Recognition Fund. The second paragraph of section 12 of this Regulation applies, with the necessary modifications, to those sums.

**19.** This Regulation comes into force on 1 January 2008.

8294



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

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Training mutuals . . . . . (An Act to promote workforce skills development and recognition, R.S.Q., c. D-7.1)	2519	Draft
Workforce skills development and recognition, An Act to promote... — Eligible training expenditures . . . . . (R.S.Q., c. D-7.1)	2514	Draft
Workforce skills development and recognition, An Act to promote... — Training bodies, training instructors and training services — Accreditation . . . . . (R.S.Q. c. D-71)	2512	Draft
Workforce skills development and recognition, An Act to promote... — Training initiative quality certificate — Exemption applicable . . . . . (R.S.Q., c. D-7.1)	2517	Draft
Workforce skills development and recognition, An Act to promote... — Training mutuals . . . . . (R.S.Q., c. D-7.1)	2519	Draft