

**Gazette**  
officielle

<sup>DU</sup>  
**Québec**

**Part**

**2**

**No. 43**

28 October 2009

## **Laws and Regulations**

Volume 141

### **Summary**

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Legal deposit – 1st Quarter 1968  
Bibliothèque nationale du Québec  
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### Contents

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- (2) proclamations of Acts;
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- (7) drafts of the texts mentioned in paragraph 3 whose publication in the *Gazette officielle du Québec* is required by law before their adoption or approval by the Government.

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**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 30 SEPTEMBER 2009

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 30 September 2009*

This day, at six minutes past four o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 7 An Act to establish an early childhood development fund and to amend the Act to establish the Fund for the promotion of a healthy lifestyle (*modified title*)

To these bills the Royal assent was affixed by His Excellency the Lieutenant-Governor.



**PROVINCE OF QUÉBEC**

1ST SESSION

39TH LEGISLATURE

QUÉBEC, 6 OCTOBER 2009

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## OFFICE OF THE LIEUTENANT-GOVERNOR

*Québec, 6 October 2009*

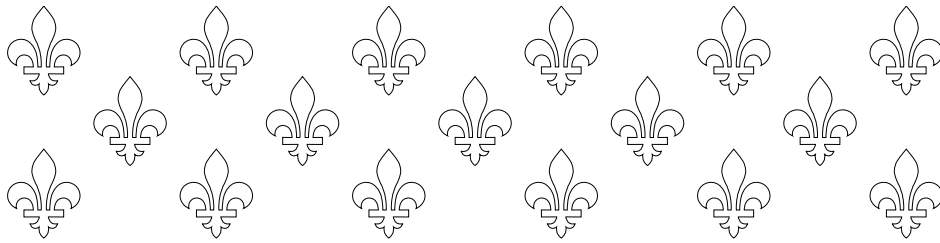
This day, at thirty-one minutes past three o'clock in the afternoon, His Excellency the Lieutenant-Governor was pleased to sanction the following bill:

- 18 An Act respecting the Compilation of Québec Laws and Regulations

To this bill the Royal assent was affixed by His Excellency the Lieutenant-Governor.







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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 7  
(2009, chapter 39)

**An Act to establish an early childhood  
development fund and to amend the  
Act to establish the Fund for the  
promotion of a healthy lifestyle**

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**Introduced 11 March 2009  
Passed in principle 4 June 2009  
Passed 24 September 2009  
Assented to 30 September 2009**

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**Québec Official Publisher  
2009**

## **EXPLANATORY NOTES**

*This Act establishes an early childhood development fund. The purpose of the fund is to support the overall development of children five years of age and under living in poverty.*

*The fund will be dedicated to the financing of activities, projects and initiatives that foster, as early as possible, the overall development of the children, targeting not only their physical development but also their psychological, cognitive, language, social and emotional development, with due recognition for the primary role the parents play. The fund will also be used to finance activities, projects and initiatives that support the parents from pregnancy onwards by providing them with the tools most likely to contribute to the development of their children, and that support innovation and the acquisition and transfer of knowledge in the area of early childhood development.*

*The Act also provides for the constitution and management of the fund and sets certain rules applicable to the Société de gestion du fonds pour le développement des jeunes enfants.*

## **LEGISLATION AMENDED BY THIS ACT:**

- Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021).

## Bill 7

### **AN ACT TO ESTABLISH AN EARLY CHILDHOOD DEVELOPMENT FUND AND TO AMEND THE ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE**

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

**1.** An early childhood development fund is established at the Ministère de la Famille et des Aînés.

The purpose of the fund is to contribute to the achievement of the mission of the Minister of Families by supporting the overall development of children five years of age and under living in poverty, in order to promote their successful entry into the school system and the continuation of their schooling.

**2.** The fund is dedicated to the financing of activities, projects and initiatives that

(1) foster, as early as possible, the overall development of the children, targeting not only their physical development but also their psychological, cognitive, language, social and emotional development, with due recognition for the primary role the parents play;

(2) support the parents from pregnancy onwards by providing them with the tools most likely to contribute to such development; and

(3) support innovation and the acquisition and transfer of knowledge in the area of early childhood development.

Only activities, projects and initiatives that do not come under regular programs established or approved by the Government may be financed by the fund.

**3.** The Government sets the date on which the fund begins to operate and determines its assets and liabilities and the nature of the costs that may be charged to it.

**4.** The fund is made up of

(1) the sums paid into it by the Minister of Revenue under section 6;

(2) the sums paid into it by a minister out of the appropriations granted for that purpose by Parliament;

(3) the gifts, legacies and other contributions paid into it to further the achievement of the purpose of the fund;

(4) the sums paid into it by the Minister of Finance under sections 7 and 8; and

(5) the interest earned on bank balances in proportion to the sums referred to in paragraphs 1 and 3.

**5.** The management of the sums making up the fund is entrusted to the Minister of Finance. The sums are paid to the order of the Minister of Finance and deposited with the financial institutions designated by the Minister of Finance.

The Minister of Families keeps the books of account of the fund and records the financial commitments chargeable to it. The Minister also ensures that the commitments and the payments arising from them do not exceed the available balances and are consistent with them.

The particulars of the management of the fund are determined by the Conseil du trésor.

**6.** On the dates and in the manner determined by the Government, the Minister of Revenue pays into the fund part of the proceeds of the tobacco tax collected under the Tobacco Tax Act (R.S.Q., chapter I-2) for a total amount of \$15,000,000 per year.

**7.** The Minister of Finance may, with the authorization of the Government and subject to the conditions it determines, advance to the fund sums taken out of the consolidated revenue fund.

Conversely, subject to the conditions determined by the Minister of Finance, that minister may advance to the consolidated revenue fund on a short-term basis any part of the sums making up the fund that is not required for its operation.

Any sum advanced to a fund is repayable out of that fund.

**8.** The Minister of Families, as manager of the fund, may borrow sums from the Minister of Finance out of the financing fund of the Ministère des Finances.

**9.** The sums required for the following purposes are taken out of the fund:

(1) the payment of subsidies or contributions by the Minister of Families to the Société de gestion du fonds pour le développement des jeunes enfants or any other body for the purposes set out in sections 1 and 2;

(2) the payment of the remuneration and expenses pertaining to the employee benefits and other conditions of employment of the persons assigned, in accordance with the Public Service Act (R.S.Q., chapter F-3.1.1), to the activities related to the fund; and

(3) the payment of any expense necessary for carrying out the functions entrusted to the Minister of Families by this Act.

The Government determines how and on what terms payments are to be made to the Société de gestion du fonds pour le développement des jeunes enfants or any other body.

**10.** The Société de gestion du fonds pour le développement des jeunes enfants is a non-profit legal person whose board of directors includes an equal number of women and men, for a total of 10 members, as follows:

(1) four members from among persons proposed as candidates by the Minister of Families;

(2) four members from among persons proposed as candidates by the Fondation Lucie et André Chagnon; and

(3) two members from among persons proposed jointly as candidates by the Minister of Families and the Fondation Lucie et André Chagnon.

The members referred to in subparagraph 3 of the first paragraph may not, in the three years preceding their election, have had a contractual or employment relationship with the Government, the Fondation Lucie et André Chagnon or the recipient of a subsidy or funding granted by the Société.

The chair of the Société's board of directors is a member proposed by the Minister of Families from among those referred to in subparagraph 1 of the first paragraph. In the case of a tie vote, the chair has a casting vote, except if the vote concerns the appointment of the Société's chief executive officer.

The Société's chief executive officer is appointed from among the persons proposed jointly by the Minister of Families and the Fondation Lucie et André Chagnon.

**11.** The Société de gestion du fonds pour le développement des jeunes enfants is not a government agency or enterprise within the meaning of the Auditor General Act (R.S.Q., chapter V-5.01).

However, the Auditor General has, with respect to the Société, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the Société's books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has

the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the Société and, in all cases, enjoys the immunity attached to the Auditor General's activities under that Act.

**12.** The Société de gestion du fonds pour le développement des jeunes enfants may form a relevance and monitoring committee to advise the Société in assessing the activities, projects and initiatives that may be financed.

If a relevance and monitoring committee is formed, it must be made up of an odd number of members but not more than nine, including two members of the Société's board of directors. The committee members are chosen taking into consideration the expertise and experience profiles determined by the Société's board of directors.

The Société must also establish a code of ethics and professional conduct applicable to the members of the board of directors, the members of the relevance and monitoring committee, if such a committee is formed, and the Société's officers and personnel.

**13.** Sections 20, 21 and 26 to 28, Chapters IV and VI and sections 89 and 90 of the Financial Administration Act (R.S.Q., chapter A-6.001) apply to the fund, with the necessary modifications.

**14.** Despite any provision to the contrary, the Minister of Finance must, in the event of a deficiency in the consolidated revenue fund, pay out of the early childhood development fund the sums required for the execution of a judgment against the State that has become *res judicata*.

**15.** The fiscal year of the fund ends on 31 March.

**16.** For every fiscal year, the Minister of Families tables a report in the National Assembly on the activities of the fund and of the Société de gestion du fonds pour le développement des jeunes enfants or any other body to which the Minister pays subsidies or contributions for the purposes set out in sections 1 and 2. The report must include a list of the activities, projects and initiatives financed and highlight any amendments made to the partnership memorandum of agreement between the Minister of Families and the Fondation Lucie et André Chagnon. The report is examined by the competent committee of the National Assembly every three years.

Moreover, in the tenth report, the Minister of Families must assess all the activities of the fund and express an opinion on the relevance of maintaining or reviewing the fund's financing. The tenth report must also be examined by the committee referred to in the first paragraph.

## AMENDING PROVISIONS

### ACT TO ESTABLISH THE FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE

**17.** The Act to establish the Fund for the promotion of a healthy lifestyle (R.S.Q., chapter F-4.0021) is amended by inserting the following headings before section 1:

#### “CHAPTER I

“FUND FOR THE PROMOTION OF A HEALTHY LIFESTYLE”.

**18.** The Act is amended by inserting the following section after section 8:

“**8.1.** The Société de gestion du Fonds pour la promotion des saines habitudes de vie is not a government agency or enterprise within the meaning of the Auditor General Act (chapter V-5.01).”

However, the Auditor General has, with respect to the Société, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the Société’s books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the Société and, in all cases, enjoys the immunity attached to the Auditor General’s activities under that Act.”

**19.** The Act is amended by inserting the following after section 12:

#### “CHAPTER II

“OTHER PARTNERSHIPS

“**12.1.** A non-profit legal person whose board of directors is composed mainly and in equal numbers of persons proposed as candidates by the Fondation Lucie et André Chagnon and persons proposed as candidates by the Government or a Minister is not a government agency or enterprise within the meaning of the Auditor General Act (chapter V-5.01).”

However, the Auditor General has, with respect to such a legal person, the competence and powers conferred by section 30.2 of the Auditor General Act and, with respect to the auditor of the legal person’s books and accounts, the competence and powers conferred by section 32 of that Act. The Auditor General also has the powers set out in section 30 of that Act with respect to any recipient of a subsidy or funding granted by the legal person and, in all cases, enjoys the immunity attached to the Auditor General’s activities under that Act.

In addition, the Minister responsible designated under section 13 must notify the Auditor General in writing of the existence of the legal person not later than the thirtieth day after the making of a partnership agreement between the Minister and the Fondation Lucie et André Chagnon.

**“CHAPTER III****“MISCELLANEOUS AND FINAL PROVISIONS”.**

**20.** Section 13 of the Act is amended by inserting the following after “Act”:  
“, except section 12.1, the administration of which falls under the responsibility of the Minister or Ministers designated by the Government”.

**MISCELLANEOUS AND FINAL PROVISIONS**

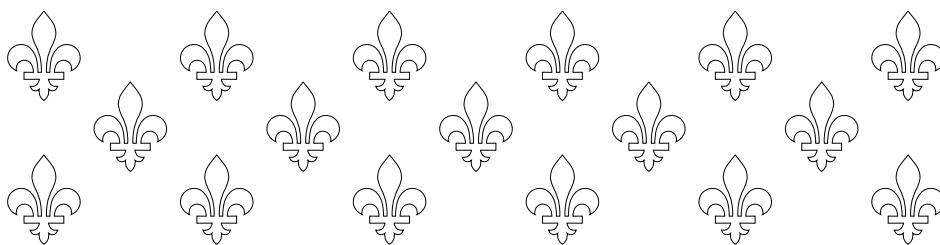
**21.** The Minister of Families is responsible for the administration of this Act.

**22.** The provisions of this Act cease to have effect on the date or dates to be set by the Government, which may not be prior to 1 April 2019.

Any sum remaining in the fund on the date section 1 ceases to have effect is paid into the consolidated revenue fund and appropriated, in the manner established by the Government, to the funding of such complementary measures consistent with the purpose of the early childhood development fund as are determined by the Government.

**23.** This Act comes into force on 30 September 2009.





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# NATIONAL ASSEMBLY

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FIRST SESSION

THIRTY-NINTH LEGISLATURE

Bill 18  
(2009, chapter 40)

## **An Act respecting the Compilation of Québec Laws and Regulations**

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**Introduced 17 March 2009  
Passed in principle 9 April 2009  
Passed 30 September 2009  
Assented to 6 October 2009**

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**Québec Official Publisher  
2009**

## EXPLANATORY NOTES

*This Act institutes the Compilation of Québec Laws and Regulations and provides for its publication in an official technological version. It gives the Minister of Justice the power to determine which laws and regulations are to be included in the compilation, and requires the Minister to ensure that the compilation is regularly updated. The Minister is also granted the power, in certain circumstances, to initiate a full consolidation of the laws and regulations or a partial consolidation involving specific texts.*

*The Act specifies the powers that the Minister may exercise in the course of updating or consolidation activities. It requires the Minister to report annually to the National Assembly on updating and consolidating operations; the National Assembly may make recommendations, give general directions on the matter or request that the Minister reconsider a decision concerning the updating of laws or a consolidation.*

*The Act makes publication by the Québec Official Publisher the sole requisite for the enactment and coming into force of updates. It also provides that published updates and consolidations must include documents which explain the nature and scope of the operations carried out.*

*Finally, the Act recognizes the official status of any edition produced by the Québec Official Publisher from documents it receives from the Minister.*

### LEGISLATION REPLACED BY THIS ACT:

- Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3).

### LEGISLATION AMENDED BY THIS ACT:

- Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1).

## Bill 18

### AN ACT RESPECTING THE COMPILATION OF QUÉBEC LAWS AND REGULATIONS

THE PARLIAMENT OF QUÉBEC ENACTS AS FOLLOWS:

#### DIVISION I

##### COMPILATION OF QUÉBEC LAWS AND REGULATIONS AND UPDATING

**1.** The Compilation of Québec Laws and Regulations brings together the laws and regulations in force that are of a general and permanent nature, as well as those that, although not of a general and permanent nature, are nonetheless in regular use.

The compilation is updated regularly and made available to the public as an official publication.

**2.** The Minister of Justice determines which laws and regulations are of such a nature as to justify their inclusion in the compilation and provides for their regular updating.

The Minister formulates a policy setting out rules for the inclusion, identification, classification and citation of laws and regulations, particulars for the preparation of information notes, rules for the preservation of the historical record of updated provisions or the removal of certain texts and directions as to the frequency of updates; the Minister may also give instructions on any other subject relating to updating activities.

Such a policy must be published as a notice in the *Gazette officielle du Québec* and included in the compilation.

**3.** Updating the compilation consists in incorporating into the text of the laws and regulations the repeals, replacements, additions and other amendments that are in force among those made by Parliament, the Government or another competent regulatory authority; it also involves removing expired provisions and provisions whose purpose has been achieved, while ensuring the compilation's overall consistency.

Updating includes the power to proceed with the following operations, without changing the substance of any text:

(1) making such alterations as are necessary to ensure terminological uniformity and a high quality of language, particularly with regard to grammar;

(2) correcting obvious errors of reference, data-entry and transcription, and errors of a similar nature;

(3) eliminating needless repetition, and clarifying phrases by means of references;

(4) if the intended meaning is otherwise clear, making minor corrections with a view to reconciling, among other things, the French and English versions; and

(5) updating amounts, rates and other figures whose indexation according to a predetermined index is expressly provided for in the law or regulation in which they appear.

**4.** Updates of the compilation become official as soon as they are published on an information technology-based medium by the Québec Official Publisher, and come into force on the date set in that publication.

Published updates must include an information note explaining the nature and scope of the updating operations carried out. The note must be posted on the website of the Québec Official Publisher at least five days prior to publication of the updated compilation.

**5.** As of the date they come into force, updates replace earlier provisions of the concerned laws and regulations by new provisions. If the new provisions differ from the earlier provisions, the new provisions prevail for events occurring on or after the date on which the update comes into force, and the former provisions, for events occurring before that date.

## **DIVISION II**

### **PUBLICATION AND DISSEMINATION OF COMPILATION OF QUÉBEC LAWS AND REGULATIONS**

**6.** In accordance with a publishing agreement entered into with the Minister and on the basis of the documents provided by the Minister, the Québec Official Publisher publishes and disseminates the compilation. The publishing agreement may provide for the use of any process or tool that facilitates access to the laws and regulations, makes them easier to read or understand, or helps preserve earlier versions.

The Québec Official Publisher and the Minister may also agree with a third party to include in the compilation data held by that party, provided the integrity of the data is assured.

**7.** Publication of the compilation, or of any extract from it, by the Québec Official Publisher, whatever the medium used, confers official status on the texts.

The Québec Official Publisher may also develop and publish any derivative edition it considers conducive to disseminating the laws and regulations included in the compilation.

Hard copies of extracts from the compilation may be obtained from the Québec Official Publisher in accordance with the terms and conditions prescribed under the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1).

**8.** Once every year, a copy of the Compilation of Québec Laws and Regulations in force on 1 April is filed for archival purposes with the office of the Secretary General of the National Assembly and with Bibliothèque et Archives nationales du Québec.

**9.** Government departments and bodies that provide public access to the laws and regulations they administer must only use texts taken from the official versions published by the Québec Official Publisher, unless otherwise authorized by the Minister of Justice and the Québec Official Publisher.

### **DIVISION III**

#### **CONSOLIDATION OF TEXTS IN COMPILATION OF QUÉBEC LAWS AND REGULATIONS**

**10.** The Minister may initiate a full or partial consolidation of the laws and regulations when necessary to ensure consistency or to prevent or correct a serious problem of accessibility or intelligibility.

The Minister's decision to carry out a full consolidation or a consolidation by subject or sector of activity of the laws and regulations the Minister determines, together with any necessary instructions concerning such operations, must be published as a notice in the *Gazette officielle du Québec*.

**11.** Consolidation involves no change to the substance of the texts. It may entail, among other things, the reordering of texts, the revision of law and regulation titles, text divisions and text numbering, the simplification of the organization of the texts, the incorporation of provisions of one text into another or the regrouping of texts in some useful way.

As of its coming into force, a consolidation operates to repeal earlier provisions of the laws and regulations that have been consolidated.

**12.** Laws and regulations that have been consolidated are enacted, as consolidated texts, by a Government order made on the basis of a summary of the consolidation, and come into force on the date set in the order. Unless the

consolidation is limited to regulations, a copy of the consolidated texts is delivered to the Lieutenant Governor for certification and signature, then deposited in the office of the Secretary-General of the National Assembly.

The Government order and the summary must be published in the *Gazette officielle du Québec* at least 15 days before the date set for the coming into force of the consolidated texts, and included in the compilation when the first update following the coming into force of the consolidated texts is made.

#### **DIVISION IV**

##### **ANNUAL REPORT AND NATIONAL ASSEMBLY'S OVERSIGHT ROLE**

**13.** Under a separate heading in the annual report tabled in the National Assembly under the Act respecting the Ministère de la Justice (R.S.Q., chapter M-19), the Minister must report on activities carried out with regard to the updating of laws and regulations and, if applicable, with regard to their consolidation.

The competent committee of the National Assembly examines the report within 60 days after its being tabled in the Assembly. The committee may make the recommendations it believes appropriate with regard to those activities, give general directions concerning them or request that the Minister reconsider a decision made with regard to the updating of laws or a consolidation.

#### **DIVISION V**

##### **MISCELLANEOUS, TRANSITIONAL AND FINAL PROVISIONS**

**14.** The Minister of Justice is responsible for the administration of this Act.

**15.** This Act replaces the Act respecting the consolidation of the statutes and regulations (R.S.Q., chapter R-3).

**16.** Section 41 of the Act respecting the Centre de services partagés du Québec (R.S.Q., chapter C-8.1.1) is amended

(1) by replacing the part before paragraph 1 by “The Official Publisher publishes or commissions the publishing of”;

(2) by striking out “print or” in paragraph 3.

**17.** The laws published by the Québec Official Publisher on its website, including the Civil Code and the Act respecting the implementation of the Civil Code, are the laws of the compilation and have official status as of 1 January 2010.

Within 24 months following that date, the Minister is to review the administrative version of all regulations, published on that website, with a view to identifying those which, in the Minister's opinion, are of such a nature as to justify their inclusion in the compilation, and to carrying out any updating and consolidation activities the Minister judges appropriate. All regulations published on that website on 1 January 2012 have official status as of that date; the Minister may, however, before that date, indicate upon the publication of certain regulations that they have been revised and that they have official status as of the date of that publication.

A regulation which, prior to being revised, should have been published in French and English but was not so published in an adequate manner is deemed to have been so published on publication of its revised text in French and English.

**18.** This Act comes into force on 1 January 2010.





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## Coming into force of Acts

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Gouvernement du Québec

**O.C. 1102-2009**, 21 October 2009

**An Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 36)**  
**— Coming into force of sections 30 to 48, 56 and 57 of the Act**

COMING INTO FORCE of sections 30 to 48, 56 and 57 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 36)

WHEREAS the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 36) was assented to on 19 June 2009;

WHEREAS the provisions of the Act, except sections 30 to 48, 56 and 57, came into force on the date the Act was assented to;

WHEREAS section 112 of the Act provides that sections 30 to 48, 56 and 57 come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 21 October 2009 as the date of coming into force of sections 30 to 48, 56 and 57 of chapter 36 of the Statutes of 2009;

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

THAT 21 October 2009 be set as the date of coming into force of sections 30 to 48, 56 and 57 of the Act respecting the representation of certain home childcare providers and the negotiation process for their group agreements, and amending various legislative provisions (2009, c. 36).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*



## Draft Regulations

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### Notice

Act respecting occupational health and safety  
(R.S.Q., c. S-2.1)

#### **Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Implementation of the provisions relating to industrial accidents and occupational diseases**

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 implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, the text of which appears below, will be adopted by the Commission de la santé et de la sécurité du travail, with or without amendment, on the expiry of a 45-day period following this publication.

The Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium was signed on March 28, 2006 by representatives of both governments.

With respect to industrial accidents and occupational diseases, the Commission must, under section 170 of the Act respecting occupational health and safety, adopt the Agreement by regulation to make it effective.

The Agreement provides for the issuing of a certificate of coverage in order to avoid duplication of contributions in cases where a job requires the presence of workers in the other party's territory. It also provides for administrative cooperation between the different institutions. The provisions relating to industrial accidents and occupational diseases deal more specifically with occupational diseases and their aggravation.

Any interested party who wishes to comment on this Regulation is asked to send his or her comments in writing, before the expiry of the 45-day period, to Paul Gendron, Secretary General, Commission de la santé et de la sécurité du travail, 1199, rue De Bleury, Montréal (Québec) H3C 4E1.

LUC MEUNIER,  
*Chairman of the Board  
and Chief Executive Officer  
Commission de la santé et  
de la sécurité du travail*

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#### **Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases contained in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium**

An Act respecting occupational health and safety  
(R.S.Q., c. S-2.1, ss. 170 and 223, 1<sup>st</sup> par., subpar. 39)

**1.** Benefits under the Act respecting industrial accidents and occupational diseases (R.S.Q., c. A-3.001) and the regulations thereunder shall be extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, signed on 28 march 2006, and appearing as Schedule 1.

**2.** The benefits shall apply in the manner prescribed in the Agreement and in the Administrative Arrangement and the Complementary Administrative Arrangement appearing as Schedule 2.

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

**SCHEDULE 1****AGREEMENT ON SOCIAL SECURITY BETWEEN  
QUÉBEC AND THE KINGDOM OF BELGIUM**

**The Gouvernement du Québec and the Government of the Kingdom of Belgium having resolved to guarantee to their insured the advantages of the coordination of their social security legislations have agreed as follows:**

**PART I****GENERAL****ARTICLE 1****DEFINITIONS**

## 1. In the Agreement,

(a) “national” means

as regards Belgium: a person of Belgian nationality;

as regards Québec: a person of Canadian citizenship who is subject to the legislation referred to in subparagraph *b* of paragraph 1 of Article 2 or who has been subject to that legislation and has acquired rights under that legislation;

(b) “legislation” means the statutes and regulations referred to in Article 2;

I “competent authority” means the Ministers responsible, each to the extent of his or her responsibilities, for the administration of the legislation referred to in Article 2;

(d) “body” means the institution, organization or authority responsible for administering all or part of the legislation referred to in Article 2;

(e) “period of insurance” means

as regards Belgium: any period recognized as such by the legislation under which that period was completed as well as any period recognized by that legislation as equivalent to a period of insurance;

as regards Québec: any year for which contributions have been paid or for which a disability pension has been paid under the Act respecting the Québec Pension Plan or any other year considered as equivalent; for the purposes of Chapter 3 of Part III, eligibility periods under the legislation relating to Québec’s health insurance;

(f) “pension” means any pension, annuity, lump sum or other benefit in cash, including any supplement or increase applicable under the legislation referred to in Article 2;

(g) “benefit” means any benefit in kind or in cash provided under the legislation of each Party, including any supplement or increase applicable under the legislation referred to in Article 2;

(h) “family member” means

as regards Belgium: any person defined or admitted as family member or designated as member of the household by the legislation of Belgium or, in the case referred to in Article 24, by the legislation of Québec;

as regards Québec: the spouse and dependants as defined in the legislation relating to Québec’s health insurance or, in the case referred to in Article 24, by the legislation of Belgium;

(i) “stateless person” means a person defined as stateless in Article 1 of the Convention Relating to the Status of Stateless Persons of 28 September 1954;

(j) “refugee” means a person who has obtained the recognition of the status of refugee under the Convention Relating to the Status of Refugees of 28 July 1951 and the additional Protocol of 31 January 1967.

2. Any term not defined in paragraph 1 of this Article has the meaning given to it under the applicable legislation.

**ARTICLE 2****MATERIAL SCOPE**

## 1. The Agreement shall apply

(a) as regards Belgium, to the legislation concerning:

i. retirement and survivors’ pensions for salaried workers and for self-employed workers;

ii. disability benefits for salaried workers, mine workers, seamen of the merchant marine and self-employed workers;

iii. sickness insurance for salaried and self-employed workers;

iv. work accidents and occupational diseases;

and, with regard to Part II, to the legislation concerning:

- v. social security for salaried workers;
  - vi. the social status of self-employed workers;
- (b) as regards Québec, to the legislation concerning:
- i. the Québec Pension Plan;
  - ii. health insurance, hospital insurance, prescription drug insurance and other health services;
  - iii. industrial accidents and occupational diseases.

2. The Agreement shall also apply to any statutory or regulatory act which amends, adds to or replaces the legislation referred to in paragraph 1 of this Article.

The Agreement shall apply to any statutory or regulatory act which extends the existing plans to new categories of beneficiaries or to new pensions; notwithstanding the foregoing, that Party may, within six months of the date of official publication of the statutory or regulatory act, notify the other Party that the Agreement shall not apply to it.

This Agreement shall not apply to a statutory or regulatory act covering a new branch of social security, unless an agreement is reached between the Parties to that effect.

#### **ARTICLE 3** PERSONAL SCOPE

1. Unless otherwise provided, this Agreement shall apply, as regards Belgium:

(a) to persons who are or who have been subject to the legislation and who are nationals of one Party, as well as their family members and their survivors;

(b) to survivors and family members of persons who have been subject to the legislation of Belgium, regardless of their nationality, if the survivors or family members are nationals of one Party.

2. For the purposes of paragraph 1, refugees, stateless persons, members of their family and their survivors are considered to be nationals of one Party, provided they reside in the territory of one Party.

3. Unless otherwise provided, this Agreement shall apply, as regards Québec, to persons who are or who have been subject to its legislation and to their dependants, survivors and beneficiaries.

4. Unless otherwise provided, Articles 7 to 11 apply regardless of nationality.

#### **ARTICLE 4** EQUALITY OF TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall be subject to the obligations and shall be eligible for the benefits under the legislation of the other Party, under the same conditions as nationals of that Party.

#### **ARTICLE 5** EXPORT OF PENSIONS AND BENEFITS

1. Unless otherwise provided in the Agreement, retirement, survivors' and disability pensions and industrial accident and occupational disease cash benefits acquired under the legislation of one Party, or under the Agreement, shall not be subject to any reduction, modification, suspension, suppression or confiscation by reason only of the fact that the beneficiary resides or is staying in the territory of the other Party; these pensions and benefits shall be payable in the territory of the other Party.

2. Retirement and survivors' pensions and industrial accident and occupational disease cash benefits payable under the Agreement by one Party in the territory of the other Party shall also be payable outside the territories of both Parties, under the same conditions that the first Party applies to its nationals under its own legislation.

#### **ARTICLE 6** REDUCTION AND SUSPENSION CLAUSES

Reduction and suspension clauses under the legislation of one Party, in case of accumulation of a pension or benefit with other social security benefits or income obtained from the exercise of a professional activity, are opposable to the beneficiaries even when the benefits are acquired under the other Party's plan or if the income is obtained from a professional activity exercised in the territory of the other Party.

This rule does not apply to the accumulation of two pensions or benefits of the same nature.

## **PART II**

### **APPLICABLE STATUTES**

#### **ARTICLE 7**

##### **GENERAL RULE**

Subject to Articles 8 to 11, workers exercising a professional activity in the territory of one Party shall be subject to the legislation of that Party.

#### **ARTICLE 8**

##### **SPECIAL RULES**

1. Salaried workers who, while in the service of an undertaking having in the territory of one Party an establishment for which they normally work, are detached by the undertaking in the territory of the other Party to perform work on behalf of that undertaking, remain, as well as the family members accompanying them, subject to the legislation of the first Party as if they continued to be employed in its territory provided that the expected duration of the work they must perform does not exceed 24 months.

2. Paragraph 1 applies even if the work performed in the territory of the other Party is considered to be an independent activity under the legislation of that Party.

3. Self-employed workers who exercise a professional activity in the territory of both Parties are subject only to the legislation of the Party in whose territory they ordinarily reside.

To determine the amount of contributions owed under the legislation of that Party, self-employed professional income earned in the territory of both Parties may be taken into account.

4. In the case of simultaneous exercise of a self-employed professional activity in Belgium and paid employment in Québec, the latter activity is considered to be employment exercised in Belgium, to determine the obligations resulting from the Belgian legislation relating to the social status of self-employed workers.

#### **ARTICLE 9**

##### **SALARIED WORKERS EMPLOYED BY AN INTERNATIONAL CARRIER**

1. Salaried workers who work in the territory of both Parties as travelling personnel for an international carrier which transports passengers or goods by air or by sea,

and which has its head office in the territory of one Party, shall, with respect to such work, be subject only to the legislation of the Party in whose territory the head office is located.

2. However, if the undertaking has, in the territory of the other Party, a branch or permanent agency, the salaried workers that branch or agency employs are subject to the legislation of the Party in the territory in which the branch or agency is located, except for the salaried workers who are sent there on a temporary basis.

3. If salaried workers work for the most part in the territory of the Party in which they reside, they shall, with respect to such work, be subject only to the legislation of that Party, even if the carrier employing them has no head office, branch or permanent agency in that territory.

#### **ARTICLE 10**

##### **PERSONS EMPLOYED ON BEHALF OF A PUBLIC AUTHORITY**

1. Persons employed on behalf of a public authority of one Party and assigned to a posting in the territory of the other Party shall be subject only to the legislation of the first Party for all matters relative to that posting.

2. Persons residing permanently in the territory of one Party and employed on behalf of a public authority of the other Party, shall, with respect to that employment, be subject only to the legislation applicable in that territory. However, if those persons are nationals of the Party employing them, they may, within six months from the start of the employment or the coming into force of the Agreement, elect to be subject only to the legislation of that Party.

3. As regards Québec, the term “public authority” means the Gouvernement du Québec.

#### **ARTICLE 11**

##### **DEROGATIONS**

The competent authorities may, by mutual agreement, derogate from the provisions of Articles 7 to 10 with respect to any worker or category of workers.

**PART III**  
**PROVISIONS RELATING TO PENSIONS**  
**AND BENEFITS**

**CHAPTER I**  
**PROVISIONS RELATING TO BELGIAN PENSIONS**

**SECTION A**  
**RETIREMENT AND SURVIVORS' PENSIONS**

**ARTICLE 12**

1. Subject to the provisions of paragraph 2, the periods referred to in subparagraphs *a* and *b* of paragraph 4 are totalized to the extent necessary, provided that they do not overlap, with periods of insurance completed under the legislation of Belgium, for the acquisition, maintenance or recovery of the entitlement to pensions.

2. When the legislation of Belgium subordinates the award of certain pensions to the condition that the periods of insurance have been completed in a determined profession, only the periods referred to in subparagraphs *a* and *b* of paragraph 4 during which the same profession was exercised in Québec are totalized for entitlement to the pensions.

3. When the legislation of Belgium subordinates the award of certain pensions to the condition that the periods of insurance have been completed in a determined profession and when the periods did not give entitlement to the said pensions, the said periods are considered to be valid for the payment of pensions provided for in the general plan for salaried workers.

4. When the competent body resorts to totalization,

(*a*) it shall recognize 12 months of contributions under the legislation of Belgium for each period of insurance certified by the competent body in Québec;

(*b*) where entitlement to a pension is not conferred despite the application of subparagraph *a*, it shall recognize one month of contribution under the legislation of Belgium, when that month is considered to be a month of residence within the meaning of the Old Age Security Act that applies in the territory of Québec, provided that that month does not overlap a period of insurance completed under the legislation of Québec;

(*c*) it shall totalize, in accordance with paragraph 1 or 2, the periods of insurance completed under its legislation and the months recognized under subparagraphs *a* and *b*.

**ARTICLE 13**

1. When a person meets the conditions required under the legislation of Belgium to be entitled to the pensions without having recourse to totalization, the Belgian body shall calculate the entitlement to the pension directly on the basis of periods of insurance completed in Belgium and according only to the legislation of Belgium.

That body shall also calculate the amount of the pension that would be obtained by applying the rules provided for in subparagraphs *a* and *b* of paragraph 2. Only the higher amount is kept.

2. If a person may claim a pension under the legislation of Belgium, entitlement to which is conferred only by applying the totalization provided for in Article 12, the following rules shall apply:

(*a*) the Belgian body shall calculate the theoretical amount of the pension that would be owed if all the periods totalized under Article 12 had been completed only under the legislation it applies;

(*b*) the Belgian body shall then calculate the amount owed, on the basis of the amount referred to in subparagraph *a*, in proportion to the duration of the periods of insurance completed under its legislation in relation to the duration of all periods calculated under subparagraph *a*.

**SECTION B**  
**DISABILITY**

**ARTICLE 14**

For the acquisition, maintenance or recovery of entitlement to disability pensions, the provisions of Article 12 shall apply by analogy.

**ARTICLE 15**

1. If entitlement to Belgian disability pensions is conferred only by totalization of the Québec and Belgian periods in accordance with Article 14, the amount of the pension owed shall be determined according to the terms and conditions in paragraph 2 of Article 13.

2. Where entitlement to Belgian disability pensions is conferred without having recourse to Article 14, and the amount resulting from the addition of the Québec pension and the Belgian pension calculated according to paragraph 1 of this Article is lower than the amount of the pension owed under the Belgian legislation only, the

competent Belgian institution shall grant a supplement equal to the difference between the sum of the two pensions mentioned above and the amount owed under the sole legislation of Belgium.

#### ARTICLE 16

Notwithstanding the provisions of Article 14, in the cases referred to in paragraph 1 of Article 15, no disability pension shall be owed by Belgium where the periods of insurance completed under its legislation, prior to the occurrence of the event, do not reach, as a whole, one year.

#### ARTICLE 17

1. By derogation to the provisions of paragraph 1 of Article 12 and Article 16, entitlement to disability pensions of workers who have worked in mines or quarries with underground operations in Belgium and Québec shall be determined following the rules defined in Article 13, when, considering the periods totalized for that purpose, these workers fulfill the conditions provided for in the special legislation of Belgium on the disability of mine workers and equivalent workers.

2. For the purposes of paragraph 1, the periods referred to in paragraph 4 of Article 12, during which the same profession was exercised in Québec for the acquisition and determination of entitlement, shall be totalized with the periods of actual occupation or equivalent periods in Belgian mines or quarries with underground operations.

3. If, taking into account the periods thus totalized, the interested person does not meet the conditions required to receive pensions under the special legislation of Belgium concerning the disability of mine workers and equivalent workers, the periods of actual occupation or equivalent periods in Belgian mines or quarries with underground operations are taken into account for awarding pensions from the disability insurance plan for salaried workers.

#### ARTICLE 18

In case of transfer of residence and temporary stay in the territory of Québec, the competent authority of Belgium may require that the beneficiary of a disability pension obtain authorization by the competent Belgian body. Authorization may only be refused if the displacement of the interested person is not advisable for medical reasons.

### SECTION C PROVISIONS COMMON TO BELGIAN PENSIONS

#### ARTICLE 19

1. If, because of the increase of the cost of living, the variation of the level of salaries or other cause for adjustment, Québec pensions are modified by a determined percentage or amount, Belgian pensions shall not be recalculated.

2. In case of a modification to the method of establishment or to the rules for the calculation of Québec pensions, a new calculation of the Belgian pension shall be performed in accordance with Article 13.

### CHAPTER II PROVISIONS RELATING TO QUÉBEC PENSIONS

#### ARTICLE 20

1. For the acquisition, maintenance or recovery of entitlement to Québec pensions, the periods of insurance completed, in accordance with the legislation of each Party, shall be totalized, to the extent necessary, provided they do not overlap.

2. If persons who have been subject to the legislation of both Parties meet the requirements for entitlement to a pension, for themselves or for dependents, survivors or beneficiaries, under Québec legislation, without having recourse to the totalization referred to in paragraph 1, the competent body of Québec shall determine the amount of the pensions in accordance with the provisions of the legislation it administers.

3. If the persons referred to in paragraph 2 do not meet the requirements for entitlement to a pension without totalization, the competent body of Québec shall:

(a) recognize one year of contribution when the competent body of Belgium certifies that a period of insurance of at least 3 months or 78 days in a calendar year has been credited under the legislation of Belgium, provided that the year is included in the contributory period defined in Québec legislation; and

(b) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec legislation, in accordance with paragraph 1.

4. If the totalization provided for in paragraph 3 entitles persons to a pension, the competent body of Québec shall determine the amount payable by adding the amounts calculated in accordance with the following subparagraphs *a* and *b*:



(a) that part of the pension related to earnings is calculated according to the provisions of the legislation of Québec;

(b) the amount of the flat-rate portion of the pension payable under the provisions of the Agreement is determined by multiplying the amount of the flat-rate pension determined under the provisions of the Québec Pension Plan by the fraction which represents the ratio of the periods of contributions to the Québec Pension Plan in relation to the contributory period as defined in the legislation relating to that Plan.

### **CHAPTER III** **PROVISIONS RELATING TO HEALTH BENEFITS**

#### **ARTICLE 21** **PRINCIPLE OF TOTALIZATION**

For acquisition, maintenance or recovery of entitlement to benefits, the periods of insurance completed under the legislation of each Party shall be totalized provided they do not overlap.

#### **ARTICLE 22** **TRANSFER OF RESIDENCE**

1. Persons insured under the legislation of Belgium, who transfer residence from Belgium to Québec, receive, as well as the family members accompanying them, as of the date of their arrival, benefits provided for by the legislation of Québec.

The same applies to insured persons who stay in Québec to work and to family members who accompany them, regardless of the duration of stay, provided that these persons have the required immigration document to work in Québec.

2. Persons insured under the legislation of Québec, who transfer their residence from Québec to Belgium, receive, as well as the family members accompanying them, benefits provided for in the legislation of Belgium, in accordance with the conditions provided for in that legislation.

#### **ARTICLE 23** **FAMILY MEMBERS RESIDING IN THE** **TERRITORY OF THE OTHER PARTY**

1. The family members of a person subject to the legislation of one Party who reside in the territory of the other Party receive the benefits in the territory of that other Party.

2. Benefits in kind are provided by the body of the place of residence according to the provisions of the legislation it administers and the cost of these benefits shall be borne by the competent body.

3. Paragraphs 1 and 2 do not apply to family members if they are entitled to the benefits under the legislation of the Party in whose territory they reside.

#### **ARTICLE 24** **DETACHED OR INDEPENDENT WORKERS**

1. Persons who, under Articles 8 and 11, are subject to the legislation of one Party, as well as the family members accompanying them, receive benefits for the duration of their stay in the territory of the other Party.

2. Benefits shall be provided by the body of the place of stay according to the provisions of the legislation it administers and the cost of these benefits shall be borne by the competent body.

#### **ARTICLE 25** **PENSION BENEFICIARIES**

1. The beneficiaries of old age, survivors' or disability pensions, owed under the legislations of both Parties, shall receive benefits for themselves and their family members in accordance with the legislation of the Party in whose territory they reside and the cost of these benefits shall be borne by the competent body of that Party.

2. Beneficiaries of old age, survivors' or disability pensions, owed exclusively under the legislation of one Party, who reside in the territory of the other Party, shall receive benefits for themselves and their family members. The benefits are provided by the body of the place of residence according to the provisions of the legislation it administers and the cost of these benefits shall be borne by the competent body.

#### **ARTICLE 26** **STUDENTS, RESEARCHERS AND TRAINEES**

1. To the extent that entitlement to benefits is not conferred in the territory of stay, persons entitled to benefits under the legislation of one Party who pursue studies in the territory of the other Party shall receive, as well as family members accompanying them, benefits for the duration of the studies in the territory of the other Party.

2. Paragraph 1 shall apply by analogy to persons serving a college or university level training period or doing research at the graduate or postgraduate level.

3. For the purposes of paragraph 1, study shall mean being enrolled full time in the school system, at college or university level, for a minimum of three months with a view to obtaining a diploma recognized by the Ministère de l'Éducation, du Loisir et du Sport du Québec or by equivalent authorities in Belgium.

4. For the purposes of paragraph 2, the expression "training period" designates any training period, regardless of the nature of the establishment, in a study program and recognized as such by the trainee's home educational institution.

5. Benefits shall be provided by the body of the place of stay according to the provisions of the legislation it administers and the cost of these benefits shall be borne by the competent body.

#### **ARTICLE 27** REIMBURSEMENT BETWEEN BODIES

1. The actual amount of benefits provided under the provisions of Articles 23, 24, paragraph 2 of Article 25 and Article 26 shall be reimbursed by the competent body to the body having provided the said benefits, according to the terms and conditions provided for in the Administrative Arrangement.

2. The competent authorities may decide, by mutual agreement, to renounce all or part of the reimbursement provided for in paragraph 1.

#### **CHAPTER IV** PROVISIONS RELATING TO WORK ACCIDENT AND OCCUPATIONAL DISEASE BENEFITS

#### **ARTICLE 28** STAY OR RESIDENCE IN THE TERRITORY OF THE OTHER PARTY

1. Persons who, because of a work accident or occupational disease, acquire entitlement or are entitled to benefits in kind in accordance with the legislation of a Party, shall receive, in case of a stay or of residence in the territory of the other Party, benefits in kind.

2. Benefits in kind shall be provided by the body of the place of stay or of residence according to the provisions of the legislation it administers, the duration of the award of benefits being however governed by the legislation of the competent Party. The cost of these benefits shall be borne by the competent body.

3. Benefits in cash shall be paid by the competent body according to the provisions of the legislation it administers.

#### **ARTICLE 29** REIMBURSEMENT BETWEEN ORGANIZATIONS

1. The actual amount of benefits in kind provided under Article 28 shall be reimbursed by the competent body to the body that provided the said benefits according to the terms and conditions provided for in the Administrative Arrangement.

2. The competent authorities may decide, by mutual agreement, to renounce all or part of the reimbursement provided for in paragraph 1.

#### **ARTICLE 30** ASSESSMENT OF THE DEGREE OF DISABILITY

If the legislation of one Party provides implicitly or explicitly that work accidents or occupational diseases that occurred previously are taken into consideration to assess the degree of disability, work accidents and occupational diseases that occurred previously under the legislation of the other Party shall be deemed to have occurred under the legislation of the first Party.

#### **ARTICLE 31** EXPOSITION UNDER THE LEGISLATION OF BOTH PARTIES

When the victim of an occupational disease has exercised an activity likely to have caused the said disease under the legislation of both Parties, the benefits which the victim or the victim's survivors may claim shall be granted exclusively under the legislation under which the activity was last exercised and provided the interested person meets the conditions provided for in that legislation, taking into account, if applicable, the provisions of Article 32.

#### **ARTICLE 32** EXTENSION OF THE CONDITIONS FOR AWARD

1. If the award of occupational disease benefits under the legislation of one Party is subject to the condition that the disease be first diagnosed in the territory of that Party, the condition shall be considered met when the disease is first diagnosed in the territory of the other Party.

2. If the award of occupational disease benefits is subject to the condition that the disease be diagnosed within a fixed period of time after the cessation of the last work likely to have caused the disease, the competent body, in determining when that last work was performed, shall take into account, when necessary, similar work performed under the legislation of the other Party, as if it had been performed under the legislation it administers.

3. If the award of occupational disease benefits is subject to the condition that work likely to have caused the disease be performed for a certain period of time, the competent body shall take into account, when necessary, periods during which such work was performed under the legislation of the other Party, as if it had been performed under the legislation it administers.

#### **ARTICLE 33** AGGRAVATION OF AN OCCUPATIONAL DISEASE

In case of an aggravation of an occupational disease for which a person received or receives benefits under the legislation of one Party, the following provisions shall apply:

(a) if the person did not perform under the legislation of the other Party work likely to have caused an aggravation of the occupational disease, the competent body of the first Party must bear the cost of these benefits, taking into account the aggravation according to the provisions of the legislation it administers;

(b) if the person performed work likely to have caused an aggravation of the occupational disease under the legislation of the other Party, the competent body of the first Party must bear the cost of these benefits, without taking into account the aggravation, according to the legislation it administers; the competent body of the other Party grants the person a supplement the amount of which shall be determined according to the provisions of the legislation it administers and is equal to the difference between the amount of the benefit owed after the aggravation and the amount of the benefit that would have been owed before the aggravation.

#### **PART IV** MISCELLANEOUS PROVISIONS

#### **ARTICLE 34** RESPONSIBILITIES OF THE COMPETENT AUTHORITIES

The competent authorities shall

(a) take all the administrative measures necessary to apply the Agreement and designate liaison agencies;

(b) define the administrative assistance procedures, including the apportionment of expenses related to the obtaining of medical, administrative and other certificates required for the purposes of the Agreement;

(c) communicate directly any information concerning the measures taken for the purposes of the Agreement;

(d) communicate directly, as soon as possible, any modification to their legislation likely to affect the application of the Agreement.

#### **ARTICLE 35** ADMINISTRATIVE COOPERATION

1. For the application of the Agreement, the competent authorities and competent bodies of each Party shall assist each other. This assistance is as a rule free of charge; however, the competent authorities may agree to reimburse certain costs.

2. Any exemption or reduction provided for in the legislation of one Party for taxes, stamp duty, court office or registration for materials or documents to be submitted under the legislation of that Party shall be extended to similar materials and documents to be submitted under the legislation of the other Party.

3. All deeds and documents to be submitted under the Agreement shall be exempt from authentication by the diplomatic or consular authorities.

4. For the application of the Agreement, the competent authorities and competent bodies of the Parties shall be authorized to correspond directly between them and with any person, regardless of his or her place of residence. The correspondence may be in one of the official languages of the Parties.

#### **ARTICLE 36** PROTECTION OF PERSONAL INFORMATION

1. In this Article, “information” means any information from which the identity of a natural or a legal person may be easily established.

2. Unless disclosure is required under the legislation of one Party, any information communicated by a body of one Party to the body of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.

3. Access to a file containing personal information shall be subject to the legislation of the Party in whose territory the file is located.

**ARTICLE 37**  
CLAIM FOR PENSIONS OR BENEFITS

1. To be entitled to a pension or a benefit under the Agreement, a person must file a claim in accordance with the terms and conditions set out in the Administrative Arrangement.

2. A claim for a pension or benefit filed under the legislation of one Party after the date of coming into force of the Agreement shall be deemed to be a claim for a corresponding pension or benefit under the legislation of the other Party

(a) where a person asks that the claim be considered as a claim under the legislation of the other Party; or

(b) where a person indicates, at the time of the claim, that periods of insurance have been completed under the legislation of the other Party.

The date of filing of the claim is presumed to be the date on which the claim was filed in accordance with the legislation of the first Party.

3. The presumption set out in paragraph 2 shall not prevent a person from requesting that a claim for a pension or benefits under the legislation of the other Party be deferred.

**ARTICLE 38**  
DECLARATION AND RECOURSE

The declarations or recourses that should have been submitted under the legislation of one Party, in a fixed time period, to an authority, body or jurisdiction of that Party, are receivable if they are submitted in the same time period to an authority, body or jurisdiction of the other Party. In that case, the authority, body or jurisdiction thus seized shall send immediately the declarations and recourses to the authority, body or jurisdiction of the first Party, directly or through the competent authorities of the Parties. The date on which the declarations or recourses have been submitted to an authority, body or jurisdiction of the other Party is considered to be the date of submission to the competent authority, body or jurisdiction of the other Party.

**ARTICLE 39**  
LANGUAGE OF CORRESPONDENCE

A claim or a document may not be rejected because it is written in an official language of the other Party.

**ARTICLE 40**  
PAYMENT OF PENSIONS AND BENEFITS

Bodies owing pensions or benefits under the Agreement may pay them in the currency of their State, without any deduction for administration costs.

Transfers resulting from the application of the Agreement shall be done in accordance with the agreements in force on that subject between the Parties.

The provisions of the legislation of one Party respecting currency control may not hinder the free transfer of financial amounts resulting from the application of this Agreement.

**ARTICLE 41**  
SETTLEMENT OF DISPUTES

Disputes concerning the interpretation or the application of the Agreement shall be settled, to the extent possible, by the competent authorities.

**PART V**  
TRANSITIONAL AND FINAL**ARTICLE 42**  
EVENTS THAT OCCURRED BEFORE THE  
COMING INTO FORCE OF THE AGREEMENT

1. The Agreement shall also apply to events that occurred before the coming into force of the Agreement.

2. The Agreement shall not confer any right to pensions or benefits for a period prior to the date of coming into force of the Agreement or to death benefits related to an event prior to that date.

3. A period of insurance completed under the legislation of one Party prior to the date of coming into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to a pension under the Agreement.

4. The Agreement shall not apply to the rights liquidated by the awarding of a lump sum indemnity or by the reimbursement of contributions.

**ARTICLE 43**  
REVISION, PRESCRIPTION, FORFEITURE

1. Any pension or benefit that has not been liquidated or that has been suspended because of the nationality of the interested person or the person's residence in the

territory of a Party other than the Party where the debtor body is located is, at the request of the person, liquidated or resumed as of the coming into force of the Agreement.

2. The rights of the interested persons having obtained, prior the coming into force of the Agreement, the liquidation of a pension or a benefit shall be revised at their request, taking into account the provisions of the Agreement. Such a revision shall at no time have the effect of reducing the prior rights of the interested persons.

3. If the request referred to in paragraph 1 or 2 of this Article is made within two years after the date of coming into force of the Agreement, the rights conferred according to the provisions of the Agreement shall be acquired as of that date, and the provisions of the legislation of either Party related to forfeiture or prescription of rights are not enforceable against the interested person.

4. If the request referred to in paragraph 1 or 2 of this Article is made after a period of two years following the date of coming into force of the Agreement, the rights that are not forfeited or prescribed shall be acquired as of the date of the request, subject to more favourable provisions in the legislation of the Party involved.

5. If a pension is payable under paragraph 1 of Article 12 or paragraph 1 of Article 20 and the request for that pension is made within two years after the date of coming into force of the Agreement, the rights conferred in accordance with the provisions of the Agreement shall be acquired as of that date or as of the date of the event conferring the right to the pension if the latter date comes after, notwithstanding the provisions of the legislation of either Party related to forfeiture or prescription of rights.

#### **ARTICLE 44** TERM

The Agreement is entered into for an indefinite term. It may be denounced by either Party by written notice to the other Party with prior notice of 12 months.

#### **ARTICLE 45** GUARANTEE OF RIGHTS ACQUIRED OR IN THE PROCESS OF BEING ACQUIRED

If the Agreement is terminated by denunciation, rights regarding entitlement to and payment of pensions acquired under it shall be maintained. The Parties shall make arrangements dealing with rights in the process of being acquired.

#### **ARTICLE 46** COMING INTO FORCE

The Agreement comes into force on the first day of the third month following the date of receipt of the notice through which the last of the two Parties will have indicated to the other Party that the legal formalities required are fulfilled.

In witness whereof the undersigned, duly authorized, have signed the Agreement.

Done at Québec on 28 March 2006, in two copies, in French and in Dutch, both texts being equally authentic.

For the competent authority of Québec      For the competent authority of Belgium

#### **SCHEDULE 2**

#### **ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND THE KINGDOM OF BELGIUM**

Considering Article 34 of the Agreement on Social Security between Québec and the Kingdom of Belgium, the competent authorities of Québec and Belgium have agreed, by mutual agreement, as follows:

#### **PART I** GENERAL

#### **ARTICLE 1** DEFINITIONS

1. In this Administrative Arrangement,

(a) the term “Agreement” shall mean the Agreement on Social Security between Québec and the Kingdom of Belgium signed at Québec on 28 March 2006; and

(b) the term “Arrangement” shall mean the Administrative Arrangement for the Implementation of the Agreement on Social Security between Québec and the Kingdom of Belgium.

2. All other terms used in this Arrangement shall have the meaning given to them in Article 1 of the Agreement.

**ARTICLE 2**  
DESIGNATION OF BODIES

1. The liaison agencies designated by each Party for the purposes of the Agreement shall be:

in Belgium,

1- Retirement, survivor:

(a) for salaried workers: the Office national des pensions, Brussels;

(b) for self-employed workers: the Institut national d'assurances sociales pour travailleurs indépendants, Brussels,

2- Disability:

(a) general and special disability for mine workers:

the Institut national d'assurance maladie-invalidité, Brussels;

(b) disability of seamen:

the Caisse de secours et de prévoyance en faveur des marins, Antwerp.

3- Health care:

(a) as a general rule:

the Institut national d'assurance maladie-invalidité, Brussels;

(b) for seamen:

the Caisse de secours et de prévoyance en faveur des marins, Antwerp.

4- Work accidents:

the Fonds des accidents du travail, Brussels.

5- Occupational diseases:

the Fonds des maladies professionnelles, Brussels.

In Québec:

the Bureau des ententes de sécurité sociale at the Régie des rentes du Québec, Montréal.

2. The competent bodies for the purposes of the Agreement shall be:

In Belgium:

1- Retirement, survivor:

(a) for salaried workers: the Office national des pensions, Brussels;

(b) for self-employed workers: the Institut national d'assurances sociales pour travailleurs indépendants, Brussels.

2- Disability:

(a) general and special disability of mine workers:

the Institut national d'assurance maladie-invalidité, Brussels, jointly with the insurer institution to which the salaried worker or the self-employed worker is or has been affiliated;

(b) disability of seamen:

the Caisse de secours et de prévoyance en faveur des marins, Antwerp.

3- Health care:

(a) for the award of benefits:

i. as a general rule: the insurer institution to which the salaried worker or the self-employed worker is affiliated;

ii. for seamen: the Caisse de secours et de prévoyance en faveur des marins, Antwerp.

(b) financial provisions:

the Institut national d'assurance maladie-invalidité, Brussels, on behalf of insurer institutions and the Caisse de secours et de prévoyance en faveur des marins.

4- Work accidents:

the Fonds des accidents du travail, Brussels.

5- Occupational diseases:

the Fonds des maladies professionnelles, Brussels.

In Québec:

1- Retirement, survivors and disability:

the Régie des rentes du Québec, Québec.

2- Contributions to the Pension Plan and fund for health services:

Revenu Québec, Québec.

3- Health care:

the Régie de l'assurance maladie du Québec, Québec.

4- Work accident and occupational diseases contributions and benefits:

the Commission de la santé et de la sécurité du travail, Montréal.

3. Bodies of the place of residence and bodies of the place of stay for the purposes of the Agreement shall be:

In Belgium:

I. Bodies of the place of residence:

1. Health care:

(a) as a general rule: the insurer institution to which the salaried worker or the self-employed worker is affiliated;

(b) for seamen: the Caisse de secours et de prévoyance en faveur des marins, Antwerp

or

the insurer institution.

2. Disability:

(a) as a general rule: the Institut national d'assurance maladie-invalidité, Brussels, jointly with the insurer institution to which the salaried worker or the self-employed worker is affiliated;

(b) for seamen: the Caisse de secours et de prévoyance en faveur des marins, Antwerp.

3. Work accidents (benefits in kind)

insurer institutions.

4. Occupational diseases:

the Fonds des maladies professionnelles, Brussels.

II. Bodies of the place of stay.

1. Health care:

the Institut national d'assurance maladie-invalidité, Brussels, through the insurer institution to which the salaried worker or the self-employed worker is affiliated.

2. Work accidents:

the Institut national d'assurance maladie-invalidité, Brussels, through the insurer institution to which the salaried worker is affiliated.

3. Occupational diseases:

the Fonds des maladies professionnelles, Brussels.

in Québec:

The competent bodies identified in paragraph 2 of Article 2.

## **PART II PROVISIONS CONCERNING THE APPLICABLE LEGISLATION**

### **ARTICLE 3**

1. In the cases referred to in paragraphs 1 and 3 of Article 8 and Article 11 of the Agreement, the body designated in paragraph 2 of this Article of the Party whose legislation remain applicable, shall give the worker, at the worker's request or at the request of the worker's employer, a certificate certifying that the worker mentioned therein remains subject to that legislation and indicating up to what date.

2. The certificate referred to in paragraph 1 of this Article is issued,

when the applicable legislation is that of Belgium:

— as regards paragraph 1 of Article 8 of the Agreement,

by the Office national de sécurité sociale, Brussels;

— as regards paragraph 3 of Article 8 of the Agreement,

by the Institut national d'assurances sociales pour travailleurs indépendants, Brussels;

— as regards Article 11 of the Agreement,

\* in individual cases of salaried workers;

the Office national de sécurité sociale, Brussels;

\* in the case of certain categories of salaried workers:

the Service public fédéral sécurité sociale, Administration de la politique sociale, domaine des relations internationales, Brussels;

\* in the case of self-employed workers:

the Service public fédéral sécurité sociale, Administration de la sécurité sociale des travailleurs indépendants, Brussels;

when the applicable legislation is that of Québec, by the liaison agency of Québec.

3. The original of the certificate referred to in paragraph 1 of this Article shall be given to the worker; the worker must have the certificate in his or her possession for the entire period indicated in order to prove to which legislation the worker is subject in the host country.

4. A copy of the certificate issued under paragraph 1 by the competent body of Québec shall be sent, as regards salaried workers, to the Office national de sécurité sociale in Brussels, and, as regards self-employed workers, to the Institut national d'assurances sociales pour travailleurs indépendants in Brussels. A copy of the certificate issued by the competent body in Belgium shall be sent to the liaison agency in Québec.

5. Both Parties may, by mutual agreement, cancel the certificate issued.

6. When the legislation of one Party is applicable, under paragraph 3 of Article 8 of the Agreement, to a self-employed worker as regards a professional activity that the worker exercised in the territory of the other Party during a given year, the body of that other Party, designated in paragraph 7, shall provide to the corresponding body of the first Party, subject to Article 36 of the Agreement, any information available that could be used for determining or verifying the amount of professional income that the worker earned from the activity during the said year. Until the information is

provided, the body of the Party whose legislation is applicable may receive, on a provisional basis, a contribution the amount of which is set by the competent authority of that Party.

7. The competent bodies for the purposes of paragraph 6 are:

In Belgium:

the Institut national d'assurances sociales pour travailleurs indépendants, Brussels.

In Québec:

the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec, Montréal.

### PART III

#### SPECIAL PROVISIONS

##### CHAPTER 1. DISABILITY, RETIREMENT AND SURVIVORS

#### ARTICLE 4

##### CLAIMS FOR PENSION

1. A claim for a pension under the Agreement may be filed with the liaison agency of either Party or the competent body of the Party whose legislation is applicable.

2. When the claim referred to in paragraph 1 is filed with a liaison agency, the agency shall send it immediately to the competent body of the Party whose legislation is applicable or to the liaison agency of that Party, with the required supporting documents.

3. Any information pertaining to the civil status written on a claim form shall be certified by the liaison agency that sends the claim, thereby exempting that agency from attaching the supporting documents.

4. (a) In addition, the liaison agency shall send to the liaison agency of the other Party a form indicating the periods of insurance completed under the legislation of the first Party.

(b) After receiving the form, the liaison agency of the other Party shall add the information relating to the periods of insurance completed under the legislation it administers and return the form to the liaison agency of the first Party.



5. (a) Each competent body shall determine the rights of the claimant and, if applicable, those of the claimant's spouse and send its decision directly to the claimant, with an indication of the periods of insurance retained and the recourses and time limits.

(b) The competent body that awards a pension shall communicate its decision to the liaison agency of the other Party.

#### 6. Subject to Article 36 of the Agreement

(a) when the Québec liaison agency becomes aware that a beneficiary of a Belgian disability, retirement or survivors' pension, residing in Québec or eventually the beneficiary's spouse, did not cease all professional activities or has resumed activities, the liaison agency immediately notifies the Belgian liaison agency;

(b) the Québec liaison agency shall also send all available information regarding the nature of the work performed and the amount of earnings or resources the interested person or the person's spouse receives or has received.

### **ARTICLE 5** PAYMENT OF BENEFITS

The competent bodies shall pay the pensions to the beneficiaries by direct payment.

### **ARTICLE 6** STATISTICAL INFORMATION

The liaison agencies shall exchange annually statistical information on the number of payments made in the territory of the other Party and the related amounts.

## **CHAPTER 2** HEALTH CARE

### **ARTICLE 7** TOTALIZATION OF PERIODS OF INSURANCE

1. To benefit from Articles 21 and 22 of the Agreement, the interested person is required to submit to the competent body a certificate indicating the periods of insurance completed under the legislation of the Party to which that person was last subject.

The certificate shall be issued at the request of the interested person:

In Belgium:

by the insurer institution to which the person was last affiliated.

In Québec:

by the Régie de l'assurance maladie du Québec, Québec.

2. If the interested person does not submit the certificate, the competent body shall contact the competent body of the Party to whose legislation the interested person was last subject to obtain the certificate.

### **ARTICLE 8** BENEFITS IN CASE OF STAY IN THE TERRITORY OF THE OTHER PARTY

1. To receive benefits under Articles 24 and 26 of the Agreement, the interested person is required to submit to the body of the place of stay a certificate indicating that the person is entitled to the benefits. The certificate shall be issued by the competent body at the request of the interested person before the person leaves the territory of the Party in which the person resides. If the interested person does not submit the said certificate, the body of the place of stay shall contact the competent body to obtain the certificate.

The certificate issued shall indicate the maximum duration of the benefits, as provided for in the legislation of the competent Party.

2. At the time of registration or submission of any claim for benefits, the interested person shall submit the supporting documents required by the body of the place of stay.

3. At the time of registration with the Régie de l'assurance maladie du Québec, the interested person may subscribe to the prescription drug insurance plan, for himself or herself and for the members of his or her family, without having to pay the premium, if the person proves that he or she does not have access to a group insurance plan providing the reimbursement of costs related to prescription drugs.

### **ARTICLE 9** BENEFITS IN CASE OF RESIDENCE IN THE TERRITORY OF THE OTHER PARTY

1. To receive benefits under Article 23 of the Agreement, family members are required to be registered with the body of the place of residence, by submitting a

certificate indicating that they are entitled to those benefits. The same applies to the interested person referred to in paragraph 2 of Article 25 of the Agreement. The certificate shall be issued by the competent body. If the interested person or the members of the person's family do not submit the certificate, the body of the place of residence shall contact the competent body to obtain the certificate.

2. The certificate referred to in paragraph 1 of this Article remains valid as long as the body of the place of residence has not received notice of its cancellation.

3. At the time of registration or submission of any claim for benefits, the interested person shall submit the supporting documents required under the legislation of the Party in whose territory the person resides.

4. The interested person or the members of the person's family are required to notify the body of the place of residence of any change in their situation likely to affect the entitlement to benefits, in particular any abandonment or change of employment or professional activity of the interested person or any transfer of residence of the person or member of the person's family. The competent body shall also inform the body of the place of residence of the cessation of affiliation or the end of entitlement to benefits of the interested person. The body of the place of residence may, at any time, ask the competent body to provide information on the affiliation or entitlement to benefits of the interested person.

### **CHAPTER 3**

#### **WORK ACCIDENTS AND OCCUPATIONAL DISEASES**

##### **ARTICLE 10**

###### **BENEFITS IN KIND IN CASE OF STAY IN THE TERRITORY OF THE OTHER PARTY**

To receive benefits in kind in case of stay under Article 28 of the Agreement, the interested person is required to submit to the body of the place of stay a certificate indicating that the person is entitled to benefits in kind. The certificate shall be issued by the competent body at the request of the interested person before that person leaves the territory of the Party where he or she resides. If the interested person does not submit the said certificate, the body of the place of stay shall contact the competent body to obtain the certificate.

The certificate issued shall indicate in particular the maximum duration of the award of benefits in kind, as provided for in the legislation of the competent Party.

##### **ARTICLE 11**

###### **BENEFITS IN KIND IN CASE OF RESIDENCE IN THE TERRITORY OF THE OTHER PARTY**

1. To receive benefits in kind in case of residence in the territory of the other Party under Article 28 of the Agreement, the interested person is required to be registered with the body of the place of residence, by submitting a certificate indicating that he or she is entitled to the benefits. The certificate shall be issued by the competent body. If the interested person does not submit the said certificate, the body of the place of residence shall contact the competent body to obtain the certificate.

2. The certificate referred to in paragraph 1 of this Article shall remain valid as long as the body of the place of residence has not been notified of its cancellation.

3. At the time of registration or submission of any claim for benefits in kind, the interested person shall submit the supporting documents required under the legislation of the Party in whose territory the person resides.

4. The interested person is required to notify the body of the place of residence of any change in his or her situation likely to affect entitlement to benefits in kind, in particular any abandonment or change of employment or professional activity of the interested person or any transfer of residence. The competent body shall also inform the body of the place of residence of the cessation of affiliation or the end of entitlement to benefits of the interested person. The body of the place of residence may ask the competent body to provide information on the affiliation or entitlement to benefits of the interested person at any time.

##### **ARTICLE 12**

###### **ASSESSMENT OF THE DEGREE OF INCAPACITY TO WORK IN CASE OF A WORK ACCIDENT OF OCCUPATIONAL DISEASE THAT OCCURRED PREVIOUSLY**

To assess the degree of incapacity to work, to confer entitlement to benefits and to determine the amount of the benefits in cases referred to in Article 30 of the Agreement, the claimant is required to submit to the competent body of the Party to whose legislation the person was subject when the accident occurred or the first medical diagnosis of the occupational disease was made, any information on the work accidents or occupational diseases suffered previously by the person while subject to the legislation of the other Party, whatever the degree of

incapacity to work caused by the previous cases. The competent body may contact any other body that was previously competent in order to obtain the information it deems necessary.

**ARTICLE 13**  
PROCEDURE IN CASE OF EXPOSURE TO RISK  
OF OCCUPATIONAL DISEASE IN BOTH PARTIES

In the case referred to in Article 31 of the Agreement, the declaration of occupational disease shall be sent to the body competent in matters of occupational diseases of the Party under whose legislation the victim last exercised an activity likely to have caused the disease considered or to the body of the place of residence that sends it to the competent body.

**ARTICLE 14**  
AGGRAVATION OF AN OCCUPATIONAL  
DISEASE

In the case referred to in Article 33 of the Agreement, the interested person is required to submit to the body of the Party from which the person claims entitlement to benefits all information on the benefits awarded previously for the occupational disease considered. That body may contact any other body that was previously competent to obtain the information it deems necessary.

**ARTICLE 15**  
REIMBURSEMENT BETWEEN BODIES

1. The reimbursement of benefits in kind provided by the body of the place of stay or residence under Article 28 of the Agreement shall be made by the competent body on the basis of the actual expenses taking into account the supporting documents submitted.

2. The reimbursement referred to in paragraph 1 of this Article shall be made for each calendar year, in the 12 months that follow the introduction of the claims.

**CHAPTER 4.**  
ADMINISTRATIVE AND MEDICAL CONTROL

**ARTICLE 16**

1. The liaison agency or the competent body of a Party shall send, upon request and free of charge, to the liaison agency or the competent body of the other Party, all medical information and documentation already in its possession regarding the disability of a claimant or a beneficiary.

2. When the competent body of a Party so requires, the competent body of the other Party shall take the necessary measures, according to the terms and conditions provided under the legislation it administers, to provide examinations or the result of the administrative and medical control concerning a person who resides or stays in the territory of the other Party.

3. The costs for the examinations or the control shall be reimbursed to the competent body of the place of stay or residence by the competent body of the other Party. The costs shall be established by the creditor body on the basis of its tariff and reimbursed by the debtor body.

4. The reimbursement shall be made for each calendar year in the 12 months following the introduction of the claims with a detailed note of the expenses incurred.

**PART IV**  
MISCELLANEOUS PROVISIONS

**ARTICLE 17**

The model of the certificates or forms necessary for the application of the Agreement and the Administrative Arrangement is determined, by mutual agreement, by the liaison agencies of both Parties with the approval of the competent authorities.

**ARTICLE 18**

The Administrative Arrangement comes into force on the same date as the Agreement. It shall have the same term as the Agreement.

Done at Québec, on 18 September 2008, in two copies, in French and in Dutch, both texts being equally authentic.

For the competent  
authority of Québec

For the competent  
authority of Belgium

ALAIN CLOUTIER

GODELIEVE VAN DEN BERGH

SUPPLEMENTAL ADMINISTRATIVE  
ARRANGEMENT BETWEEN QUÉBEC  
AND BELGIUM CONCERNING MUTUAL  
RENUNCIATION TO THE REIMBURSEMENT  
OF HEALTH BENEFITS

Considering paragraph 2 of Article 27 of the Agreement on social security between Québec and the Kingdom of Belgium, signed at Québec on 28 March 2006, the competent authorities of Québec and Belgium have mutually agreed to the following provisions:

**ARTICLE 1**

The Parties renounce to the reimbursement of the benefits in kind provided under Articles 23 and 24, paragraph 2 of Article 25 and Article 26 of the Agreement.

**ARTICLE 2**

This Supplemental Administrative Arrangement, which comes into force on the same date as the Agreement, is concluded for a term of one year.

It shall be renewed automatically from year to year, unless notice of termination is given 12 months before the expiry of each term.

Done at Québec on 18 September 2008, in two copies, in French and in Dutch.

For the competent  
authority of Québec

For the competent  
authority of Belgium

ALAIN CLOUTIER

GODELIEVE VAN DEN BERGH

9497

**Notice**

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001)

**Retrospective adjustment of the assessment  
— 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 retrospective adjustment of the assessment, appearing below, may be made by the Commission de la santé et de la sécurité du travail on the expiry of 45 days following this publication.

The purpose of the draft Regulation is to allow an employer subject to retrospective adjustment of its assessment for an assessment year to apply for exemption from retrospective adjustment in order to make an agreement to be part of a prevention mutual group for that year.

Study of the matter has revealed that the Regulation, because of its optional nature, has no significant impact on the enterprises directly concerned.

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to André Beauchemin, Vice-President for Finance, Commission de la santé et de la sécurité du travail, 524, rue Bourdages, Québec (Québec) G1K 7E2.

LUC MEUNIER,  
*Chairman of the board and  
Chief executive officer  
of the Commission de la santé  
et de la sécurité du travail*

**Regulation to amend the Regulation  
respecting retrospective adjustment  
of the assessment\***

An Act respecting industrial accidents and occupational diseases  
(R.S.Q., c. A-3.001, s. 454, 1st par., subpar.9)

**1.** The Regulation respecting retrospective adjustment of the assessment is amended by adding the following after section 6:

“**6.1.** Where an employer subject to retrospective adjustment of its assessment for an assessment year intends to make an agreement with the Commission in accordance with section 284.2 of the Act on the application of personalized rates and procedures for calculating such rates, the employer may, if it satisfies the following conditions, apply for exemption from retrospective adjustment for that assessment year:

(1) the employer was a party to such an agreement during each of the three years preceding the assessment year; and

(2) the product obtained by multiplying the insurable wages earned by the employer’s workers during the year prior to the year preceding the assessment year with respect to the unit in which the employer is classified for the prior year, by that unit’s rate according to risk for the prior year, is less than twice the threshold determined in accordance with section 8 for the year prior to the year preceding the assessment year.

\* The Regulation respecting retrospective adjustment of the assessment, adopted by the Commission de la santé et de la sécurité du travail by resolution A-85-98 dated 17 September 1998 (1998, G.O. 2, 4156), was last amended by the Regulation to amend the Regulation respecting personalized rates, the Regulation respecting retrospective adjustment of the assessment and the Regulation respecting the use of employer experience adopted by the Commission by resolution A-48-07 dated 20 September 2007. For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2009, updated to 1 March 2009.

That employer will not be subject to retrospective adjustment of its assessment for that assessment year if the employer is a party to such an agreement throughout the assessment year.

**6.2.** An employer may not avail itself of the provisions of section 6.1 for more than 3 consecutive years.”.

**2.** The following paragraph is inserted at the end of section 7:

“An application made by an employer under section 6.1 must reach the Commission before 1 October of the year preceding the assessment year; the application is irrevocable for that assessment year from that date forward.”.

**3.** For the 2010 assessment year, an application made by an employer under section 6.1 must reach the Commission before the 45th day following the day of coming into force of this Regulation and is irrevocable for that assessment year from that date forward.

**4.** This Regulation has effect from the 2010 assessment year.



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

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