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**Part**

**2**

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**Laws and Regulations**

Volume 142

**Summary**

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### Contents

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## Coming into force of Acts

Gouvernement du Québec

### **O.C. 552-2010, 23 June 2010**

#### **An Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28)**

##### **— Coming into force of certain provisions of the Act**

COMING INTO FORCE of certain provisions of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations

WHEREAS the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28) was assented to on 19 June 2009;

WHEREAS section 19 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS it is expedient to set 23 June 2010 as the date of coming into force of sections 187.3.1, 187.3.2 and 187.5 to 187.5.6, introduced by section 11 of the Act;

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

THAT 23 June 2010 be set as the date of coming into force of sections 187.3.1, 187.3.2 and 187.5 to 187.5.6, introduced by section 11 of the Act to amend the Professional Code and other legislative provisions in the field of mental health and human relations (2009, c. 28).

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

### **O.C. 573-2010, 23 June 2010**

#### **Private Security Act (2006, c. 23)**

##### **— Coming into force of certain provisions of the Act**

Coming into force of certain provisions of the Private Security Act

WHEREAS the Private Security Act (2006, c. 23) was assented to on 14 June 2006;

WHEREAS section 134 of the Act provides that the provisions of the Act come into force on the date or dates to be set by the Government;

WHEREAS, under Order in Council 817-2006 dated 13 September 2006, sections 39, 40, 43 to 68, 83 to 89, 107 to 113 and 133 of the Act came into force on 15 September 2006;

WHEREAS, under Order in Council 118-2010 dated 17 February 2010, paragraphs 1 and 2 of section 1, sections 2 and 4, subparagraphs 1 and 2 of the first paragraph of section 5, sections 6 to 15, 27 to 29, 31 to 33, 35 to 38 and 41, except the words “and agent licences” in paragraph 2 of the latter section, sections 42, 69 to 77, 79 to 82, 90 to 106, 114, 115, 118 to 122 and 123, as regards the provisions concerning agencies, and sections 125, 126, 128, 129 and 130 of the Act, insofar as the latter section applies to agency licences, came into force on 3 March 2010;

WHEREAS it is expedient to set 22 July 2010 as the date of coming into force of paragraphs 3 to 6 of section 1, section 3, subparagraphs 3 to 5 of the first paragraph and the second paragraph of section 5, sections 16 to 26, 30 and 34, the words “and agent licences” in paragraph 2 of section 41, sections 78, 116, 117 and 123, as regards the provisions concerning agents, sections 124, 127 and 130, insofar as the latter section applies to agent licences, and sections 131 and 132 of the Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT paragraphs 3 to 6 of section 1, section 3, subparagraphs 3 to 5 of the first paragraph and the second paragraph of section 5, sections 16 to 26, 30 and 34, the words “and agent licences” in paragraph 2 of section 41, sections 78, 116, 117 and 123, as regards the provisions concerning agents, sections 124, 127 and 130, insofar as the latter section applies to agent licences, and sections 131 and 132 of the Private Security Act (2006, c. 23) come into force on 22 July 2010.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulations and other Acts

Gouvernement du Québec

### O.C. 515-2010, 23 June 2010

Residential Swimming Pool Safety Act  
(R.S.Q., c. S-3.1.02)

#### Residential Swimming Pool Safety

Residential Swimming Pool Safety Regulation

WHEREAS, under the second paragraph of section 1 of the Residential Swimming Pool Safety Act (R.S.Q., c. S-3.1.02), the Government may, by regulation, set residential swimming pool safety standards;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Residential Swimming Pool Safety Regulation was published in Part 2 of the *Gazette officielle du Québec* of 20 July 2009, with a notice that it could be made by the Government on the expiry of 45 days following that publication and, in accordance with the third paragraph of section 1 of the Residential Swimming Pool Safety Act, after having been examined by the competent committee of the National Assembly;

WHEREAS the Commission de l'aménagement du territoire held special consultations and public hearings and studied the draft Regulation at sittings held on 20 January and 11 and 17 March 2010;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT the Residential Swimming Pool Safety Regulation, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

#### Residential Swimming Pool Safety Regulation

Residential Swimming Pool Safety Act  
(R.S.Q., c. S-3-1.02, s. 1, 2nd par.)

#### DIVISION I INTERPRETATION

**1.** In this Regulation, unless the context indicates otherwise,

(1) “swimming pool” means a permanent or temporary artificially constructed outdoor basin intended for swimming that has a water depth equal to or greater than 60 cm and to which the Regulation respecting safety in public baths (R.R.Q., c. S-3, r. 3) does not apply, but excludes whirlpools and hot tubs where their capacity does not exceed 2,000 litres;

(2) “inground or semi-inground pool” means a swimming pool that is partially or completely buried under the ground surface;

(3) “aboveground pool” means a hard-sided swimming pool installed permanently on the ground surface;

(4) “portable pool” means a soft-sided swimming pool, inflatable or not, designed to be installed on a temporary basis;

(5) “installation” means a swimming pool and any equipment, construction, system and accessory designed to ensure proper functioning of the pool, to ensure the safety of persons or to allow or prevent access to the pool.

#### DIVISION II CONTROL OF ACCESS

**2.** All inground and semi-inground pools must be equipped with a ladder or steps used to enter or exit the water.

**3.** Subject to section 6, a swimming pool must be surrounded by an enclosure to restrict access.

**4.** An enclosure must

- (1) prevent the passage of a spherical object 10 centimetres in diameter;
- (2) be at least 1.2 metres in height;
- (3) have no fixture, projection or open parts enabling it to be climbed.

A wall forming part of an enclosure must not have any opening enabling to enter the enclosure.

A hedge or bushes may not constitute an enclosure.

**5.** Every gate forming part of an enclosure must have the features described in section 4 and be equipped with a self-closing and self-latching passive security device installed on the inside of the enclosure in the upper part of the gate.

**6.** An aboveground pool with a wall height of at least 1.2 metres from the ground at any point or a portable pool with a wall height of 1.4 metres or more is not required to be surrounded by an enclosure if access to the pool is by

- (1) a ladder equipped with a self-closing and self-latching safety gate preventing its use by children;
- (2) a ladder or a platform access to which is protected by an enclosure having the features described in sections 4 and 5; or
- (3) a patio attached to the residence and laid out so that the part giving access to the swimming pool is protected by an enclosure having the features described in sections 4 and 5.

**7.** In order to prevent children from climbing to gain access to the swimming pool, every device linked to its operation must be installed more than 1 metre from the pool wall or, as the case may be, the enclosure.

The pipes linking the device to the swimming pool must be flexible and not be installed in a way that facilitates the climbing of the pool wall or, as the case may be, the enclosure.

Despite the first paragraph, a device may be less than 1 metre from the swimming pool or enclosure if it is installed

(1) inside an enclosure having the features described in sections 4 and 5;

(2) under a structure that prevents access to the swimming pool from the device and that has the features described in subparagraphs 2 and 3 of the first paragraph of section 4; or

(3) in a shed.

**8.** Every installation intended to allow or prevent access to the swimming pool must be kept in good working order.

### DIVISION III PERMITS

**9.** To ensure compliance with the standards set by this Regulation, a permit issued by the local municipality in whose territory the work will be performed is required to build, install or replace a swimming pool or to erect a construction allowing or preventing access to a swimming pool.

A person holding a permit to install a portable pool is not required to make a new application to re-install a portable pool at the same location in the same conditions.

During the time of the work, the person to whom the permit provided for in the first paragraph is issued must take any temporary measures to control access to the pool. Those measures replace those required in Division II provided that the work is completed within a reasonable time.

### DIVISION IV APPLICATION

**10.** This Regulation does not apply to an installation existing before the date of its coming into force or to an installation whose swimming pool was acquired before that date, provided that the pool is installed not later than 31 October 2010.

Re-installing a swimming pool referred to in the first paragraph on the same ground does not make this Regulation applicable to the installation that includes the pool.

Despite the foregoing, when a swimming pool referred to in the first paragraph is replaced, the existing installation must then comply with the provisions of Division II.

**DIVISION V**  
OFFENCES

**11.** A swimming pool owner who contravenes a provision of this Regulation is liable to a fine of not less than \$500 and not more than \$700. Those amounts are increased to \$700 and \$1,000 respectively in the case of a subsequent offence.

**DIVISION VI**  
FINAL

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

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Gouvernement du Québec

**O.C. 524-2010, 23 June 2010**Environment Quality Act  
(R.S.Q., c. Q-2)

Approval of Éco Entreprises Québec's 2008 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes

WHEREAS sections 53.31.1 to 53.31.20 of the Environment Quality Act (R.S.Q., c. Q-2) establish a regime intended to compensate municipalities for part of the net costs of the services they provide for the recovery and reclamation of residual materials;

WHEREAS, under section 53.31.13 of the Act, Éco Entreprises Québec, as a certified body for the "containers and packaging" and "printed matter" classes, may collect, from its members and from persons who or which, without being members, carry on activities similar to those carried on by the members in relation to the classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime;

WHEREAS, under section 53.31.14 of the Act, the contributions payable are to be established on the basis of a schedule of contributions to be approved by the Government, which may provide for exemptions or exclusions and specify the terms according to which the contributions are to be paid to the certified body;

WHEREAS, in accordance with the requirements of that section, Éco Entreprises Québec conducted a special consultation of the persons concerned before determining such a schedule and submitting it to the government for approval;

WHEREAS, under section 53.31.15 of the Act, RECYC-QUÉBEC is to give an opinion to the Government on the advisability of approving the schedule of contributions proposed by a certified body and a favourable opinion was given by RECYC-QUÉBEC as regards the 2008 schedule of contributions established by Éco Entreprises Québec;

WHEREAS, under Order in Council 135-2007 dated 14 February 2007, the Regulations Act (R.S.Q., c. R-18.1) does not apply to the proposed schedules or schedules of contributions established under section 53.31.14 of the Environment Quality Act;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the schedule of contributions established by Éco Entreprises Québec, entitled 2008 schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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**2008 Schedule of Contributions for “Containers and Packaging” and  
“Printed Matter” Classes**

Rules governing the Fees and Contributions table

January 22, 2010

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Questions to clarify the type of materials generated

## PREAMBLE

The *Environment Quality Act*, R.S.Q. c. Q-2 provides for provisions with respect to the compensation to municipalities for the services that the latter offer to ensure the recovery and reclaim of residual materials designated in the *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q. c. Q-2, r.2.3. This regulation specifies the basic principles and main orientations regarding the contribution of the enterprises to the financing of recycling services.

Pursuant to section 53.31.5 of the act, a body certified by the Société québécoise de récupération et de recyclage is in charge of determining, by way of agreement with the municipal groupings, the total amounts of the net costs of the municipal services subject to compensation. The certified body shall remit to the Société québécoise de récupération et de recyclage the amount of the compensation owed to municipalities. In order to fulfill this obligation, the certified body may collect, from its members and from persons who or which, without being members, carry on similar activities to those carried on by the members in relation to the designated materials or classes of materials, the contributions necessary to remit the full amount of compensation and to indemnify the body for its management costs and other expenses incidental to the compensation regime.

From this approach, the certified body also has the responsibility to prepare and propose a schedule of contributions in conformity with the objectives of the act: the proposed rules of contributions must be approved by the Government, and are afterwards published in the *Gazette officielle du Québec*.

It is in this context that Éco Entreprises Québec (ÉEQ) was certified, on June 9, 2005, to represent enterprises that market "containers and packaging" and "printed matter" classes of materials, and collect from the latter monetary compensations that will be remitted to municipalities.

The act dictates a number of requirements guiding ÉEQ's actions in the preparation of the schedule of contributions, of the enterprises, which are :

- The contributions payable must be established on the basis of a schedule of contributions incorporating governing rules and a contribution table that has been the subject of a special consultation of the "targeted persons";
- The criteria taken into account to determine the schedule of contributions must evolve over the years in order to foster the accountability of the various classes of persons as regards the environmental consequences of the products they manufacture, market, distribute or commercialize or the materials they otherwise generate, having regard to the content of recycled materials, the nature of materials used, the volume of residual materials produced and their potential for recovery, recycling and other forms of reclamation.

As for the regulation, it specifies various aspects of the act: more particularly, it specifies the minimal framework applicable to the schedule of contributions namely by establishing certain exemptions to the benefit of certain persons in respect of certain materials or, conversely, by targeting persons that alone may be required to pay contributions in respect of certain materials.

Section 53.31.14 of the act states that the schedule of contributions may provide for exemptions and exclusions and may specify the terms according to which the contributions are to be paid to ÉEQ.

The schedule of contributions prepared and proposed by ÉEQ has been drafted in such a way as to include all the elements enabling a person to determine its liability, to understand the scope of his obligations, to determine the amount of the payable contribution. In order to reach all those clarity and conciseness goals in a sole document, ÉEQ has reproduced certain provisions of the act and the regulation and also proposes a section inherent to the definitions of the wording used.

In the same concern for clarity, ÉEQ proposes explanatory guidelines to targeted persons that are available on its website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca).

ÉEQ favours alternative modes of dispute settlement that is mediation and arbitration, with respect to the quantity or determination of materials that must be taken into account in the report to be submitted.

During the time where ÉEQ is in possession of information that has been transmitted in the scope of the compensation regime, ÉEQ shall see that all agreed upon means are put in place to ensure the safety and confidentiality, and ensure the respect of all other obligations provided for by the act pertaining to the retention of this information.

The document hereunder constitutes the 2008 schedule of contributions for "Containers and Packaging" and "Printed Matter" Classes proposed by ÉEQ for approval by the government.

## 1. DEFINITIONS

### 1.1 DEFINITIONS

In the Schedule of Contributions, unless the context indicates otherwise, the following words and expressions mean or refer to:

- a) "Classes of Materials": two (2) of the three (3) classes of materials targeted by the Compensation Regime, i.e. "containers and packaging" and "printed matter" that are marketed and distributed in Québec and for which, for the purposes of the contribution, exclusions are prescribed under chapter 3 of the Schedule of Contributions;
- b) "Materials": types of containers, packaging, or printed matter included in a Class of Materials and that are listed in Appendix A, column 3;
- c) "Act": the *Environment Quality Act*, R.S.Q., c. Q-2, as amended from time to time;
- d) "Targeted Person": a person obligated by the Compensation Regime and subject, for the purposes of the contribution, to exemptions and other terms prescribed under chapter 2 of the Schedule of Contributions;
- e) "First Supplier": means a person who has a domicile or establishment in Québec and is the first to take title, or possession, or control, in Québec, of printed matter described in the Schedule of Contributions or a Product whose container or packaging is also described in the Schedule of Contributions;
- f) "Product": good or service intended for consumers, whether sold or provided otherwise;
- g) "Compensation Regime": the compensation regime prescribed by Chapter 1, Division VII, subdivision 4.1 of the Act and by the *Regulation*, as amended from time to time;
- h) "Regulation": *Regulation respecting compensation for municipal services provided to recover and reclaim residual materials*, R.S.Q. c. Q-2, r.2.3, as amended from time to time;
- i) "Retailer": means a person whose principal activity consists in the operation of one or several retail outlet(s);
- j) "Brand": means a mark that is used by a person for the purpose of distinguishing or so as to distinguish Products or services manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others, but does not include a certification mark within the meaning of section 2 of the *Trade-marks Act*, R.S.C. 1985, c. T-13;

- k) "Distinguishing Guise": means the shaping of containers or packaging, the appearance of which is used by a person for the purpose of distinguishing or so as to distinguish Products manufactured, sold, leased, hired or performed by the person from those manufactured, sold, leased, hired or performed by others;
- l) "Name": means the name under which any business is carried on, whether or not it is the name of a legal person, a partnership or an individual;
- m) "Written Media": one of the three (3) classes of material also stipulated in the *Regulation*, but not targeted by the Schedule of Contributions, and represented by RecycleMédias.

## 2. DESIGNATION OF PERSONS SUBJECT TO PAYING A CONTRIBUTION

### 2.1 TARGETED PERSONS

2.1.1 The persons referred to in sections 3 and 6 of the Regulation, that is the owners of a Brand, a Name or a Distinguishing Guise are the only ones who may be required to pay a contribution for:

- 1° Containers and packaging used for commercializing or marketing in Québec a Product or service under that Brand, Name or Distinguishing Guise;
- 2° Containers and packaging identified by that Brand, Name or Distinguishing Guise;
- 3° Materials included in the printed matter class identified by that Brand, Name or Distinguishing Guise.

2.1.2 However, if the owner has no domicile or establishment in Québec, the First Supplier in Québec of the Products, or the containers and packaging, or of the printed matter, other than the manufacturer, may be required to pay the contribution, whether or not that supplier is the importer.

2.1.3 The following special rules apply in respect of containers or packaging added at retail outlets, whether or not the containers or packaging are subject to section 2.1.1, paragraphs 1 and 2, and section 2.1.2 of the Schedule of Contributions:

- 1° The payment of a contribution may not be required from the manufacturer of those containers and packaging or of a person having added containers or packaging at a retail outlet, subject to paragraph 2; and
- 2° Where a retail outlet is supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments, the contribution for containers or packaging added at the retail outlet is payable by

the franchisor, owner of the chain, banner or group, as the case may be, or if the franchisor, owner of the chain, banner or group has no domicile or establishment in Québec, by their representative in Québec, or where there is no representative, by the retailer.

## **2.2 EXEMPTIONS**

2.2.1 As provided for in section 5 of the Regulation, the following are exempt from paying a contribution in respect of the containers and packaging in relation to which they are already required to take recovery or reclamation measures:

- 1° Persons who are already required under a regulation made under the Act to take measures or contribute financially towards measures to recover or reclaim containers or packaging;
- 2° Persons already required under a consignment system recognized under Québec law to take measures or contribute financially towards measures to recover or reclaim containers or packaging, such as beer and soft drink non-refillable containers;
- 3° Persons who are able to establish that they participate directly or contribute financially towards another system to recover and reclaim containers or packaging that operates on an established and regular basis in Québec, such as the program for the recovery of refillable beer bottles existing on November 24<sup>th</sup>, 2004.

2.2.2 Are also exempt from paying a contribution in regard to containers and packaging and printed matter:

- 1° The Targeted Persons whose gross sales, receipts, revenues or other inflows in Québec were less than or equal to \$1,000,000 or generated a total weight of less than or equal to 1 metric ton of one or more Material or group of Materials;
- 2° The Targeted Persons who are Retailers and operate only one retail outlet and which location is not supplied or operated as a franchise or a chain, under a banner name, or as part of another similar form of affiliation or group of businesses or establishments.

## **2.3 VOLUNTARY CONTRIBUTOR**

2.3.1 Éco Enterprises Québec may accept that a third party whose domicile or establishment is outside Québec and who is the owner of a Brand, a Name or a Distinguishing Guise becomes a voluntary contributor, notably if that third party satisfies the conditions set out in the following sections.

2.3.2 Voluntary contributors may only act to fulfill obligations that, according to the of Contributions, with regard to their Products, containers and packaging or printed matter, would be the responsibility of the First

Supplier, and therefore may not act to fulfill the obligations of Targeted Persons pursuant to section 2.1.1.

2.3.3 A third party may be recognized as a voluntary contributor after having concluded an agreement with Éco Entreprises Québec that will namely include the following conditions:

- Undertake to pay the contribution pursuant to the Schedule of Contributions;
- Enter into this agreement freely;
- Undertake to file reports pursuant to the terms described in chapter 5;
- Undertake to shoulder the previously described responsibilities for all First Suppliers in Québec;
- Undertake to abide by the Québec laws and agree that lawsuits be instituted in the Province of Québec, according to the Québec laws.

Such a third party who is recognized as a voluntary contributor thus becomes a Targeted Person with regard to the contribution.

2.3.4 Éco Entreprises Québec may decide to conclude the agreement provided under section 2.3.3 with a third party, whose domicile or establishment is in Canada, but outside Québec, and, without being owner of a Brand, a Name or a Distinguishing Guise, is its main distributor in Québec. Section 2.3.2 also applies to this third party.

2.3.5 The First Supplier and the voluntary contributor are jointly responsible for the obligations which they are subject to pursuant to the Schedule of Contributions.

## **2.4 PUBLICATION OF THE NAMES OF TARGETED PERSONS**

2.4.1 Éco Entreprises Québec shall make available a list including the names of any person who registered pursuant to division 5.1.

# **3. DESIGNATION OF CLASSES OF MATERIALS REQUIRING A CONTRIBUTION AND EXCLUSIONS**

## **3.1 "CONTAINERS AND PACKAGING": GENERAL DEFINITION**

3.1.1 As provided for in section 2 of the Regulation, the "containers and packaging" Class of Materials includes all types of flexible or rigid materials, including paper, carton, plastic, glass or metal, used alone or in combination with other materials to contain, protect, wrap or present a Product or a set of Products at any stage in the movement of the Product or set of Products from the producer to the ultimate user or consumer, especially for their presentation.

### **3.2 "CONTAINERS AND PACKAGING" INCLUDED IN THE PAYABLE CONTRIBUTION**

3.2.1 The following containers and packaging must notably be included in the establishment of the payable contribution:

- a) Paperboard
  - Corrugated cardboard
  - Boxboard and other paper packaging
  - Paper laminants
  - Gable-top containers
  - Aseptic containers
- b) Plastics
  - PET bottles
  - HDPE bottles
  - Plastic laminants
  - Plastic HDPE and LDPE film
  - Polystyrene
  - Other rigid plastics, polymers and polyurethane
- c) Steel
  - Aerosol containers
  - Other steel containers
- d) Aluminum
  - Aluminum food and beverages containers
  - Other aluminum packaging
- e) Glass
  - Clear glass
  - Coloured glass
- f) Containers and packaging given out free of charge as Products

### **3.3 "CONTAINERS AND PACKAGING" EXCLUDED FROM THE PAYABLE CONTRIBUTION**

3.3.1 The following containers and packaging are excluded from the establishment of the payable contribution:

- a) Containers and packaging whose ultimate user is an industrial, commercial or institutional establishment;
- b) As provided for in section 2 of the Regulation, tertiary or transport packaging, namely containers and packaging designed to facilitate the handling and transport of a number of sales units or grouped packaging, such as wood pallets and transport containers, in order to prevent physical handling and transport damage. However, containers and packaging likely to be used not only for such transportation but also for delivery of Products directly to ultimate consumers or recipients of the Products, including paper, carton, polystyrene protection or plastic film remain covered and must consequently be included in the establishment of the payable contribution;
- c) Containers and packaging sold as Products subject to those, covered by section 3.2.1. paragraph f);
- d) Long-life containers or packaging: are considered as such containers and packaging designed to accompany, protect or store a Product

throughout its life when the Product is designed to last for five (5) years or more. Examples of long-life containers and packaging include, but are not limited to, compact disc cases, tool boxes, etc;

- e) Containers and packaging accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such containers or packaging are taken into charge on that same site. As an example, but not limited to, such excluded containers and packaging would be those accompanying food in a restaurant, but not those accompanying drive-thru and take-out orders.

### **3.4 "PRINTED MATTER": GENERAL DEFINITION**

- 3.3.1 As provided for in section 2 of the Regulation, the "printed matter" Class of Materials includes paper and other cellulosic fibres, whether or not they are used as a medium for text or images.

### **3.5 "PRINTED MATTER" INCLUDED IN THE PAYABLE CONTRIBUTION**

- 3.5.1 The following types of printed matter must notably be included in the establishment of the payable contribution :
  - a) Newsprint inserts and circulars;
  - b) Catalogues, guides, directories, brochures, calendars of events and other publications which principal object aims at promoting or selling a product or service including publications not included in the "Written Media";
  - c) Telephone book;
  - d) Paper for general use such as blank printer paper, lined, cross-sectioned and blank paper, whether white or coloured, as well as notepads of all sizes;
  - e) Other printed matter such as invoices, envelopes, news letters, annual reports, circulars printed on glossy paper, prospectuses and reports on investments;
  - f) Papers and other cellulosic fibers given out free of charge as a Product such as calendars or greeting cards.

Materials that can be identified by a Brand, a Name or a Distinguishing Guise are considered as a printed matter in the establishment of the payable contribution.

- 3.5.2 Without limitation, the following criteria may be referred to assist in the determination of what constitutes "publications not included in the "Written Media" " as per section 3.5.1 b). The presence of one or several of the following criteria will determine the nature of the writing. A writing will therefore be covered by the category of printed matter included in the payable contribution if one or several of the following criteria are applicable to it:

- a) The main object of the writing is the promotion, the sale, the programming or the raising of awareness of a product, service or event;
- b) The objective of the writing is:
  - i. Promoting products, services or events or supplying any other type of information related to their promotion or marketing or
  - ii. Proposing an item that complements the offered product, service or event or
  - iii. Providing a progress report or an update on an issue;
- c) The content of the writing is:
  - i. Prepared by or for an entity whose function or principal activity is not information or
  - ii. Discretionary;
- d) Distribution of the writing is:
  - i. limited to members, individually or in association, free or for a fee or
  - ii. limited to clients, shareholders, citizens or through other forms of affiliation to a business, a commercial establishment, an institution, an association or a governmental organization;
- e) The authorship of the writing is directed by employees or members of a business, a commercial establishment, an institution, an association or a governmental organization;
- f) The financing of the writing is supported in whole or in part by a business, a commercial establishment, an institution, an association or a governmental organization

### **3.6 "PRINTED MATTER" EXCLUDED FROM THE CONTRIBUTION**

3.6.1 The following printed matter are excluded from the payable contribution:

- a) Printed matter whose ultimate user is an industrial, commercial or institutional establishment;
- b) Books as well as materials included in the Written Media;
- c) Printed matter already included in the containers and packaging class;
- d) Papers and other cellulosic fibres sold as a Product, to the exception of those included in section 3.5.1, paragraphs d) and f);
- e) Printed matter accompanying a Product destined to be used or consumed by a consumer at the site of distribution or sale of the Product when such printed matter is taken into charge on that same site.

## **4. DETERMINATION OF CONTRIBUTION AMOUNTS**

### **4.1 PAYABLE CONTRIBUTION, OBLIGATION YEAR AND REFERENCE YEAR FOR THE CALCULATION OF THE CONTRIBUTION**

- 4.1.1 A Targeted Person that marketed classes of Materials in the course of the year 2007 must contribute for the year 2008, which year constitutes the obligation year.
- 4.1.2 For the purpose of calculating the payable contribution for 2008, the Materials that must be considered are those marketed in Québec from January 1<sup>st</sup>, 2007, to December 31<sup>st</sup>, 2007, which year constitutes the reference year.
- 4.1.3 The contribution amount due for the 2008 obligation year is determined for each Class of Materials. That amount is calculated by multiplying the quantity, in kilograms, of each Material in a Class of Materials by the rate applicable to that Material as indicated in the table of contributions presented in Appendix A and then by adding all these amounts.

### **4.2 OPTION OF LUMP SUM PAYMENT**

- 4.2.1 Any Targeted Person whose gross sales, receipts, revenues or other inflows in Quebec, from January 1<sup>st</sup> to December 31<sup>st</sup>, 2007, were more than \$1,000,000 or who has marketed, for the same period, a total weight of more than 1 metric ton but less than or equal to 5 metric tons of one or more Material or group of Materials may either pay the contribution established under section 4.1.3 of the Schedule of Contributions or opt to pay the lump sum payment set as follows:
- a) When the total weight of Materials or group of Materials is less than or equal to 2.5 metric tons, the lump sum payable contribution is established at \$150;
  - b) When the total weight of Materials or group of Materials is more than 2.5 metric tons but less than or equal to 5 metric tons, the lump sum payable contribution is established at \$300.

### **4.3 DATE, PLACE AND MODE OF PAYMENT OF THE CONTRIBUTION**

- 4.3.1 The payable contribution for the 2008 obligation year shall be paid to Éco Entreprises Québec by the Targeted Person within a period of 120 days following the effective date of the Schedule of Contributions. It shall be made in a single payment.

Éco Entreprises Québec shall publish on its website the deadline for the payment of the payable contribution.

- 4.3.2 All contributions paid according to the Schedule of Contributions must be in Canadian legal currency.

- 4.3.3 The payment of the contribution according to the Schedule of Contributions may be effected by various means such as by cheque, pre-authorized debit, wire transfer or a centralized payment service.

In the event the payment is effected by wire transfer or through a centralized payment service, a written notice to that effect should be submitted to Éco Entreprises Québec. In the event such notice is not forwarded, Éco Entreprises Québec may not be held liable if the amount of the contribution is not applied.

#### **4.4 INTEREST, RECOVERY RATE AND PENALTIES**

- 4.4.1 Pursuant to section 53.31.16 of the Act, any contribution owed to Éco Entreprises Québec that has not been paid by a Targeted Person by the deadline shall be subject to interest at the rate indicated in section 28 of the *Act respecting the Ministère du Revenu*, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, as of the date on which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section.

The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice.

- 4.4.2 In addition to interest applicable under section 4.4.1, any Targeted Person who has not paid the contribution within 210 days following the effective date of the Schedule of Contributions shall be subject to fees equal to a recovery rate of 10% of the contributions owed, this amount corresponding to costs incurred when Éco Entreprises Québec pursues a remedy to claim a sum it is owed.
- 4.4.3 Pursuant to section 53.31.16 of the Act, where Éco Entreprises Québec pursues a remedy to claim a sum it is owed, a penalty equal to 20% of the contribution is applicable.

## **5. REGISTRATION AND REPORTING BY TARGETED PERSONS**

### **5.1 REGISTRATION AND REPORTING BY TARGETED PERSONS**

- 5.1.1 All Targeted Persons shall register with Éco Entreprises Québec by submitting the information required in Appendix B of the Schedule of Contributions.
- 5.1.2 Subject to section 5.1.8, for purposes of establishing the amount of the contribution according to chapter 4, all Targeted Persons shall also submit a Materials report by transmitting to Éco Entreprises Québec the information required in Appendix C of the Schedule of Contributions, notably:

- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report;
  - b) A description of excluded Materials that was not included in the Targeted Person's Materials report;
  - c) A description of deducted Materials from the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials;
  - d) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report;
  - e) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.
- 5.1.3 Targeted Persons shall register and submit a Materials report for year 2008.
- 5.1.4 A Targeted Person shall register no later than the 90<sup>th</sup> day following the effective date of the Schedule of Contributions.
- 5.1.5 A Targeted Person shall submit a Materials report no later than the 90<sup>th</sup> day following the effective date of the Schedule of Contributions.
- 5.1.6 Targeted Persons shall notify Éco Entreprises Québec of any change to information contained in the registration or the Materials report in the form of a notice of amendment within thirty (30) days of such change.
- 5.1.7 The registration, Materials report and notice of amendment shall be transmitted to Éco Entreprises Québec electronically, using the forms provided to this effect in Appendix B and available on Éco Entreprises Québec's website, and according to the submission procedures described on the site.
- 5.1.8 Targeted Persons who opted for lump sum payments established pursuant to section 4.2.1 can, aside from the procedure set out in section 5.1.7, choose to transmit the registration on paper. The registration shall, in this case, be personally signed by the person designated, by resolution, by the Targeted Person, and shall be submitted in one of the following manners: delivered in person to Éco Entreprises, by fax or by mail. This document shall be prepared using the form available on the Éco Entreprises Québec website at [www.ecoentreprises.qc.ca](http://www.ecoentreprises.qc.ca), or from the head office.

## **5.2 BILLING**

- 5.2.1 For each year of contributions, Éco Entreprises Québec sends Targeted Persons an invoice setting out the contribution. The invoice is sent by e-mail upon receipt of the submitted Materials report and on the basis of the information contained in it, before such Materials report has been reviewed and, in some cases, verified by Éco Entreprises Québec according to the procedure described in division 5.3.

- 5.2.2 Any failure of registration, submission of Materials report or submission of incomplete, late or fraudulent Materials report gives rise to Éco Entreprises Québec of the possibility to compute the amount of the contribution payable by means of an estimate based on all elements in its possession, notably on the installation or activities of the Targeted Person, or by a recognized fixed-price estimate method, and without prejudice to any possible lawsuit.

This imposed invoice, which will include the accrued interest as of the date of billing and the cost of recovery, is payable within a delay of 30 days from its date. In the event payment is received within the prescribed delay, the accumulated daily interest between the date of the invoice and the date of payment will be waived.

- 5.2.3 A Targeted Person to whom an imposed invoice is transmitted may, within 90 days from the date of this invoice, attempt to negotiate a settlement with Éco Entreprises Québec regarding the amount of the payable contribution. This attempt does not however exempt the Targeted Person from the obligation to pay the contribution in accordance with section 5.2.2 paragraph 2. Where the agreement reached on the payable contribution results in an over payment, the procedure dealing with the credit of contribution found at paragraph b of section 5.3.3 will apply.
- 5.2.4 Éco Entreprises Québec reserves its rights to request any document and information it deems essential to calculate the payable contribution in accordance with section 5.2.1.

### **5.3 AUDIT OF THE MATERIALS REPORT AND RECORDS RETENTION**

- 5.3.1 Notwithstanding the information and documents that the Targeted Person must produce pursuant to Appendix C, Éco Entreprises Québec reserves the right to request the Targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the Schedule of Contributions, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report, data tables, audit reports, list of Brands reported, and list of Brands excluded from the Materials report and the allocation of percentages that were used by the Targeted Person to prepare its report.
- 5.3.2 Éco Entreprises Québec may review the Materials report submitted by a Targeted Person and require that the necessary corrections be later made by the Targeted Person. Éco Entreprises Québec may also decide to make the necessary corrections after having informed the Targeted Person. Following these corrections, a revised invoice determining the adjustment to the payable contribution will then be sent to the Targeted Person.
- 5.3.3 The amount of the adjustment to the payable contribution indicated in the revised invoice shall be paid to Éco Entreprises Québec by the Targeted Person within thirty (30) days of the issuance of the invoice. It shall be made in a single payment.
- a) Any Targeted Person who availed itself of the lump sum payment option and was eventually found to be erroneously subject to the present

Schedule of Contributions will be reimbursed upon its request for modification being approved by Éco Entreprises Québec.

- b) Any Targeted Person who submitted an amended Materials report resulting in a credit to the contribution will benefit by the value of this credit being applied to the contribution payable for the ensuing year. Any surplus will be reimbursed.

5.3.4 With regard to such revised invoice, any owed or unpaid contribution, at the deadline, by a Targeted Person to Éco Entreprises Québec, may be subject to interest pursuant to terms in section 53.31.16 of the Act, at the rate indicated in section 28 of the *Act respecting the Ministère du Revenu*, R.S.Q., c. M-31. The interests will be calculated daily on the unpaid amount of the contribution, starting from the date at which the contribution becomes due, up to the payment date, at the above mentioned rate. Any changes to this rate will immediately bring a change to the payable interest rate pursuant to the present section. The daily interest computed between the date of the last invoice and the date of payment will be waived if payment is effected no later than 30 days following said invoice

5.3.5 In addition to interest applicable according to section 5.3.4, a Targeted Person who does not pay the contribution indicated in the revised invoice within one hundred and twenty (120) days of receipt of the invoice shall be subject to fees equal to 10% of payable contributions, this amount corresponding to costs incurred by Éco Entreprises Québec for the recovery of the sum it is owed.

5.3.6 Any Targeted person shall keep a record of all documents and other medium used to prepare the Materials Report for a period of at least five (5) years from the date of submission of the Materials report. Any Targeted person shall make those informations available for consulting and copying by Éco Entreprises Québec, during the normal business hours, and following a previous notice from Éco Entreprises Québec to that effect.

## **6. DISPUTE RESOLUTION**

### **6.1 PROCEDURE**

6.1.1 In case of a dispute between the Targeted Person and Éco Entreprises Québec regarding the quantity or the qualification of Materials to be taken into account in the Materials report, Éco Entreprises Québec and the Targeted Person shall endeavour to resolve the dispute either through discussion among their respective representatives within thirty (30) days following the submission of a written notice of dispute, or by mutual agreement, which will be entered in writing.

6.1.2 Éco Entreprises Québec favours alternative modes of dispute settlement, that is mediation and arbitration, and with regard to the quantity or category of Materials that must be taken into account in the Targeted

person's Materials report. The rules set out in the Code of Civil Procedure are applicable if this mode of dispute resolution is chosen.

## **7. ADJUSTMENTS**

### **7.1 ADJUSTMENT PROCEDURES**

- 7.1.1 In cases where, for a particular Class of Materials, Éco Entreprises Québec collects, during the period defined in section 4.3.1., as well as during the year following the expiry of the delay prescribed by said section, an amount that exceeds by five (5) % that necessary to pay the amount of the compensation required pursuant to the Compensation Regime and the amount to cover its management costs and other expenses, Éco Entreprises Québec shall grant the Targeted Person a credit on the payable contribution for the year following the finding of this surplus. This credit shall be distributed on a prorated basis according to amounts paid by Targeted Persons for the Materials of each sub-class of Materials and that for the year during which this surplus will have been accumulated.
- 7.1.2 In cases where, for a particular Class of Materials, Éco Entreprises Québec does not collect during the period defined in section 4.3.1., as well as during the year following the expiry of the delay prescribed by said section, the sufficient sum to pay the amount of the compensation required pursuant to the Compensation Regime as well as to cover its management costs and other expenses related to the Compensation Regime, Éco Entreprises Québec shall claim from the Targeted Persons an adjustment during the year following such a monetary shortfall. This adjustment shall be distributed on a prorated basis according to contributions paid for the Materials of each sub-class of Materials and that for the year of the schedule during which this deficit will have been accumulated.

## **8. EFFECTIVE DATE AND DURATION**

### **8.1 EFFECTIVE DATE**

The Schedule of Contributions shall be effective on the day its publication in the Gazette officielle du Québec, on July 7<sup>th</sup>, 2010.

### **8.2 DURATION**

The Schedule of Contributions shall be valid for the 2008 obligation year.

## APPENDIX A: 2008 CONTRIBUTION TABLE

**Table 1: Contribution for the period from  
January 1<sup>st</sup>, 2008, through December 31<sup>st</sup>, 2008<sup>1</sup>**

Class of Materials	Sub-class of Materials	Materials	Annualized contributions ¢/kg
<b>Printed matter</b>		• Newsprint inserts and circulars	5.522
		• Catalogues and publications	13.483
		• Telephone books	13.483
		• Paper for general use	13.483
		• Other printed matter	13.483
<b>Containers and Packaging</b>	Paperboard	• Corrugated cardboard	7.473
		• Boxboard and other paper packaging	7.473
		• Gable-top containers	10.711
		• Paper laminants	10.711
		• Aseptic containers	10.711
	Plastics	• PET bottles	10.273
		• HDPE bottles	10.556
		• Plastic laminants	19.151
		• Plastic HDPE and LDPE film	19.151
		• Polystyrene	27.098
		• Other rigid plastics, polymers and polyurethane	15.199
	Aluminum	• Aluminum containers for food and beverages	4.485
		• Other aluminum packaging	
	Steel	• Aerosol containers	5.648
		• Other steel containers	
	Glass	• Clear glass	3.680
		• Coloured glass	3.688

<sup>1</sup> For the calculation of the contribution for the 2008 obligation year, the Targeted Persons must, for the purpose of the application of chapters 4 and 5, declare the materials that were marketed in Québec for the 12 months comprised between January 1<sup>st</sup>, 2007 and December 31<sup>st</sup>, 2007, that is for the reference period prescribed in section 4.1.2.

**APPENDIX B: TARGETED PERSON REGISTRATION FORM**

## Registration

**Company Information:**

ÉEQ Company Number  
 Name of the company  
 Address  
 Municipality  
 Province / State / Country  
 Postal Code  
 Company website  
 Telephone Number  
 Fax number

**Primary Contact for the Company:**

The company's primary contact is the person authorized to represent the company with regard to its compensation regime obligations.

Last name  
 First name  
 Title  
 Telephone number at work  
 E-mail

**DISCLOSURE OF THE TARGETED PERSON:****Classification of your company****Submission qualification question**

Obligation year <sup>1</sup>	Civil year <sup>2</sup>	Designated materials ultimately intended to consumers? <sup>3</sup>		Gross sales, receipts, revenue less than or equal \$1 million? <sup>3</sup>		Quantity generated less than or equal 5 metric tons? <sup>3</sup>	
		Yes	No	Yes	No	Yes	No
2008	2007						

<sup>1</sup> Year of the Schedule of Contributions

<sup>2</sup> Year to consider to establish the obligation to contribute for the obligation year as determined in section 4.1.1

<sup>3</sup> For the reference year, from January 1<sup>st</sup> 2007 to December 31<sup>st</sup>, 2007, as determined by section 4.1.2

**Gross sales, receipts, revenues or other inflows of less than or equal \$1,000,000?**

Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated of less than or equal 1 metric ton?**

Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Retailer with only one retail outlet which is not supplied or operated as a banner or as a franchise?**

Yes                       No

If yes, the Targeted Person is exempt from paying. If no, please proceed to the next question.

**Quantity generated more than 1 ton and less than or equal 2.5 metric tons ?**

Yes                       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$150. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, please proceed to the next question.

**Quantity generated more than 2.5 tons and less than or equal 5 metric tons ?**

Yes                       No

If yes, the Targeted Person is admissible to the option of paying a lump sum of \$300. The Targeted Person may alternatively choose to proceed to file the declaration and pay the established contribution. If no, the Targeted Person must file the « standard or formal » declaration and may do so by utilising the suggested model calculators which are available on demand..

**APPENDIX C: MATERIALS REPORT IN KILOGRAMS**

Category of Materials	Sub-category of Materials	Materials	Qty of Materials marketed in Qc- kg
<b>Printed matter</b>		• Newsprint inserts and circulars	
		• Catalogues and publications	
		• Telephone books	
		• Paper for general use	
		• Other printed matter	
<b>Containers and packaging</b>	Paperboard	• Corrugated cardboard	
		• Boxboard and other paper packaging	
		• Gable-top containers	
		• Paper laminants	
		• Aseptic containers	
	Plastics	• PET bottles	
		• HDPE bottles	
		• Plastic laminants	
		• Plastic HDPE and LDPE film	
		• Polystyrene	
		• Other rigid plastics, polymers and polyurethane	
	Aluminum	• Aluminum containers for food and beverages	
		• Other aluminum packaging	
	Steel	• Aerosol containers	
		• Other steel containers	
	Glass	• Clear glass	
		• Coloured glass	

**Questions to clarify the type of materials generated**

<b>Shopping Bags</b>	
You reported having generated HDPE/LDPE film and Corrugated cardboard. Please indicate the number of kg attributable to single-use shopping bag.	
Quantity attributable to plastic shopping bags	Kg
Quantity attributable to corrugated cardboard shopping bags	Kg

**Materials with post-consumer recycled content**

You reported having generated "containers and packaging" and/or "printed matter." In order to apply the environmental criteria described in the next Schedules of Contributions, as prescribed in the Act, please indicate the proportion (%) by category of Materials attributable to **Materials with post-consumer recycled content**, as well as the proportion of that content

<b>Category of Materials</b>	<b>Percentage of Materials with recycled content (out of total reported)</b>	<b>Percentage of recycled content</b>
Printed matter	%	%
Paperboard containers and packaging	%	%
Plastic containers and packaging	%	%
Metal containers and packaging	%	%
Aluminium containers and packaging	%	%
Glass containers and packaging	%	%

**Emerging materials**

You reported having generated paperboard or plastic "containers and packaging". In order to apply the environmental criteria described in the next Schedules of Contributions, as prescribed in the Act, please indicate the proportion (%) by category of Materials attributable to **Emerging materials**, indicating the type and percentage out of quantities reported

<b>Category of Materials</b>	<b>Percentage of emerging materials (out of category total)</b>
<b>Paperboard containers and packaging reported</b>	
Bamboo (bagasse)	%
Eucalyptus	%
<b>Plastic containers and packaging reported</b>	
Biodegradable and oxodegradable	%
Compostable	%
PET opaque (black or red)	%
Polylactic Acid (PLA)	%

Along with the registration form and Materials report, the Targeted Person shall provide:

- a) A description of the methodology and data used to prepare the Targeted Person's registration form and Materials report.
- b) A description of excluded Materials that were not included in the Targeted Person's Materials report as well as the number of kilograms or the percentage applied according to type of Materials.
- c) A list of Brands, Names and Distinguishing Guises that are covered in the Materials report.
- d) A declaration as to the accuracy of the information contained in the Targeted Person's Materials report.

Notwithstanding the above and as determined by section 5.3.1., Éco Entreprises Québec reserves the right to request from the Targeted Person to provide complementary information, such as, the complete list of containers and packaging and printed matter covered by the Contributions, notwithstanding the fact this information might or might not have been used in the preparation of the Materials report as well as the data tables, audit reports, list of Brands reported, and list of Brands excluded from the Materials report and the allocation of percentages that were used by the Targeted Person to prepare its report.

9946

Gouvernement du Québec

## O.C. 526-2010, 23 June 2010

Environment Quality Act  
(R.S.Q., c. Q-2)

### Disposal of residual materials — Charges payable — Amendments

Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials

WHEREAS, under subparagraph *e.1* of the first paragraph of section 31 and paragraph 5 of section 70 of the Environment Quality Act (R.S.Q., c. Q-2), the Government may make regulations on the matters set forth therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1) and section 124 of the Environment Quality Act, a draft of the Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials was published in Part 2 of the *Gazette officielle du Québec* of 25 November 2009 with a notice that it could be made by the Government on the expiry of 60 days following that publication;

WHEREAS it is expedient to make the Regulation with an amendment;

IT IS ORDERED, therefore, on the recommendation of the Minister of Sustainable Development, Environment and Parks:

THAT the Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation to amend the Regulation respecting the charges payable for the disposal of residual materials\*

Environment Quality Act  
(R.S.Q., c. Q-2, s. 31, 1st par., subpar. *e.1* and s. 70, par. 5)

**1.** The Regulation respecting the charges payable for the disposal of residual materials is amended in section 3 by inserting the following after the first paragraph:

\* The Regulation respecting the charges payable for the disposal of residual materials, made by Order in Council 340-2006 dated 26 April 2006 (2006, *G.O.* 2, 1481), has not been amended since it was made.

“In addition, for each metric tonne of residual materials received for disposal from 1 October 2010 to 30 June 2015, an operator of a disposal site must pay, in addition to the charges prescribed in the first paragraph, additional charges of \$9.50.”.

**2.** Section 4 is amended by inserting “prescribed in the first paragraph of section 3” in the first paragraph after “charges”.

**3.** Section 5 is amended

(1) by replacing “30 July, 30 October and 30 January” in the first paragraph by “31 July, 31 October and 31 January”;

(2) by replacing “a document must be sent on those dates to the Minister of Sustainable Development, Environment and Parks in which the following information is provided” in the introductory sentence of the second paragraph by “the following information must be sent on those dates to the Minister of Sustainable Development, Environment and Parks on the form provided by the Minister”.

**4.** Section 9 is amended by inserting “, on the form provided by the Minister for that purpose,” after “Parks”.

**5.** This Regulation comes into force on 1 October 2010.

9912

Gouvernement du Québec

## **O.C. 541-2010, 23 June 2010**

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1)

An Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans  
(2006, c. 42)

### **Funding of pension plans of the municipal and university sectors**

Regulation respecting the funding of pension plans of the municipal and university sectors

WHEREAS, under the second paragraph of section 2 of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1), the Government may, by regulation and on the conditions it determines, exempt any pension plan or category

of pension plan it designates from the application of all or part of that Act, particularly by reason of the special characteristics of the plan or category or by reason of the complexity of the Act in relation to the number of members in the plan, and prescribe special rules applicable to the plan or category;

WHEREAS, under the third paragraph of section 2 of that Act, a regulation made under the second paragraph may, if it so provides, have retroactive effect from a date that is prior to the date of its coming into force but not prior to 31 December of the year preceding the year in which it was published in the *Gazette officielle du Québec* under section 8 of the Regulations Act (R.S.Q., c. R-18.1);

WHEREAS, under the first paragraph of section 53 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of the pension plans (2006, c. 42), the Government may, by regulation made before 1 July 2010, make any other transitional provision concerning the administration of the Supplemental Pension Plans Act as amended by that Act or the administration of the Act respecting the funding of certain pension plans (2005, c. 25);

WHEREAS, under the second paragraph of section 53 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of the pension plans, a regulation made under the first paragraph of that section may, once published in the *Gazette officielle du Québec* and if it so provides, apply from any date not prior to 13 December 2006;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act, a draft of the Regulation attached to this Order in Council was published in Part 2 of the *Gazette officielle du Québec* of 23 December 2009 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments that take into account the comments made by interested persons;

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

THAT the Regulation respecting the funding of pension plans of the municipal and university sectors, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation respecting the funding of pension plans of the municipal and university sectors

Supplemental Pension Plans Act  
(R.S.Q., c. R-15.1, s. 2, 2nd and 3rd pars.)

An Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans  
(2006, c. 42, s. 53)

### DIVISION 1 APPLICATION

**1.** The provisions of this Regulation, except sections 57 and 58, only cover the pension plans to which Chapter X of the Supplemental Pension Plans Act (R.S.Q., c. R-15.1; hereinafter referred to as “the Act”) applies and for which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers (R.S.Q., c. R-9.3), a municipal housing bureau within the meaning of the Act respecting the Société d’habitation du Québec (R.S.Q., c. S-8), or an educational institution at the university level referred to in paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level (R.S.Q., c. E-14.1).

In the case of a multi-employer pension plan, even where it is not considered as such under section 11 of the Act, this Regulation applies only to the extent that, on 31 December 2008 or on the date of coming into force of the plan, if it is after 31 December 2008, and at the end of each fiscal year of the plan thereafter, at least 90% of the active members of the plan are employed by the employers referred to in the first paragraph.

### DIVISION 2 APPLICABLE LEGISLATIVE PROVISIONS

**2.** The following rules apply to a pension plan as of 31 December 2008:

(1) the plan is not subject to the application of paragraph 4 of section 24, sections 39, 39.1, 41, 42, 101, 116 to 146.3 and 172 and paragraph 1 of section 258 of the Act in their version prior to 1 January 2010;

(2) before 1 January 2010, the second paragraph of section 195 of the Act applies to the plan by replacing “in subdivision 1 of Division II of Chapter X” by “in sections 134 to 139”;

(3) even before 1 January 2010, the following provisions of the Act as amended or enacted by chapter 42 of the Statutes of 2006, subject to the amendments made to that Act by chapter 21 of the Statutes of 2008, apply to the plan taking into account the amendments made by this Regulation: sections 39, 39.1, 41, 42, 101, 116 to 127, 129, 134 to 146.1, 146.3.4 and 146.3.6 and paragraph 1 of section 258; and

(4) even before 1 January 2010, sections 60.1 to 60.5 of the Regulation respecting supplemental pension plans approved by Order in Council 1158-90 dated 8 August 1990, as enacted by Order in Council 1073-2009 dated 7 October 2009, apply to the plan taking into account the amendments made by this Regulation.

**3.** A pension plan covered by this Regulation is exempt from the application of sections 42.1, 128, 130 to 133 and 305.2 of the Act, as enacted or amended by chapter 42 of the Statutes of 2006 or chapter 21 of the Statutes of 2008.

It is also exempt from the application of sections 4 to 5.4 of the Regulation respecting supplemental pension plans.

### DIVISION 3 SPECIAL RULES FOR THE FIRST COMPLETE ACTUARIAL VALUATION AFTER 30 DECEMBER 2008

**4.** For the purposes of the first complete actuarial valuation of a pension plan undertaken after 30 December 2008, the following rules apply:

(1) amortization payments remaining to be paid on the valuation date and related to the technical actuarial deficiency determined pursuant to paragraph 3 of section 126 of the Act in its version prior to 1 January 2010 are deemed to be amortization payments related to a technical actuarial deficiency within the meaning of paragraph 1 of section 135 of the Act as replaced by section 20 of this Regulation;

(2) amortization payments remaining to be paid on the valuation date and related to the initial deficiency and to a improvement unfunded actuarial liability determined pursuant to paragraphs 1 and 2 of section 126 of the Act in its version prior to 1 January 2010 are deemed to be amortization payments related to an improvement unfunded actuarial liability within the meaning of paragraph 2 of section 135 of the Act as replaced by section 20 of this Regulation.

#### DIVISION 4 CONTRIBUTIONS

**5.** The following subparagraph replaces subparagraph *b* of subparagraph 2 of the first paragraph of section 39 of the Act mentioned in paragraph 3 of section 2:

“(b) the total of the amortization payments determined in relation to the funding deficiencies and the special amortization payments payable during the fiscal year.”.

**6.** At the beginning of each fiscal year of a pension plan, after any transfer provided for in the first paragraph of section 13 or the first paragraph of section 15, payment of a portion of the amortization payment determined for that fiscal year in relation to the technical actuarial deficiency is made by a transfer from the reserve to the general account. That portion is equal to the lesser of the reserve at that time and 50% of the amortization payment. It is divided equally between each monthly payment relating to the deficiency for the fiscal year.

Where a report on a complete actuarial valuation is sent to the Régie des rentes du Québec during a fiscal year and the amount transferred from the reserve to the general account at the beginning of the fiscal year is less than what it should have been according to that actuarial valuation, the difference must be transferred from the reserve to the general account. If the amount transferred at the beginning of the fiscal year is instead greater than what it should have been according to that actuarial valuation, the difference must be transferred from the general account to the reserve.

A transfer provided for in the second paragraph is made on the date of the first monthly payment due after the report is sent to the Régie and the amount to be transferred is established by taking into account the interest referred to in section 48 of the Act.

#### DIVISION 5 FUNDING RULES

##### §1. General

**7.** The following section replaces section 118 of the Act mentioned in paragraph 3 of section 2:

“**118.** Every pension plan is the subject of an actuarial valuation

(1) at the date on which it becomes effective;

(2) not later than the date of the end of the last fiscal year of the plan occurring within 3 years after the date of the last complete actuarial valuation of the plan;

(3) in case of an amendment having an impact on the funding of the plan, at the date determined in accordance with section 121;

(4) at the date of the end of the fiscal year of the plan that immediately precedes the fiscal year during which the surplus assets is appropriated to the payment of employer contributions in accordance with section 146.3.4; and

(5) whenever so required by the Régie, at the date fixed by the Régie.

The actuarial valuation carried out under the first paragraph must be a complete actuarial valuation, although the valuation provided for in subparagraph 3 or 4 may be a partial actuarial valuation if the date of the valuation corresponds to the date of the end of a fiscal year of the plan and no complete actuarial valuation is required by this Act or the Régie at that date.”.

**8.** The first paragraph of section 119 of the Act mentioned in paragraph 3 of section 2 is replaced by the following:

“**119.** The pension committee must send a report to the Régie on every actuarial valuation referred to in section 118

(1) within 9 months after the date of the actuarial valuation if the report relates to an actuarial valuation required under subparagraph 2 or 4 of the first paragraph of that section; or

(2) within the time fixed by the Régie, which is at least 60 days, if the report relates to an actuarial valuation required under subparagraph 5 of the first paragraph of that section.”.

**9.** The following section replaces section 121 of the Act mentioned in paragraph 3 of section 2:

“**121.** Any amendment to a pension plan having an impact on the funding of the plan must be considered for the first time not later than the latest of the following dates:

(1) the date of the last end of fiscal year of the plan, the date of which is not later than the date the amendment is made; or

(2) the date of the last end of fiscal year of the plan, the date of which is not later than the date the amendment becomes effective.

However, where the date of the last complete actuarial valuation of the plan occurs after the date determined pursuant to the first paragraph without occurring after the latest of the date the amendment is made or the date the amendment becomes effective, the amendment must be considered for the first time not later than the date of the valuation.

If the actuarial valuation report was sent to the Régie and an amendment which should have been considered under the first or second paragraph was not taken into account, the report must be amended or replaced.”.

## §2. Solvency

**10.** The following paragraph replaces the second paragraph of section 127 of the Act mentioned in paragraph 3 of section 2:

“The degree of solvency of the plan at the date of a complete actuarial valuation corresponds to the value of the assets, increased by the special amortization payment provided for in section 21 of the Regulation respecting the funding of pension plans of the municipal and university sectors, but reduced as provided in the first paragraph, over the value of the liabilities reduced in the same manner, expressed as a percentage. “.

## §3. Funding

**11.** For the determination of the funding of a pension plan, the assets must be determined according to the market value.

**12.** The assets of a pension plan are divided between a general account and a reserve. The rate of return of each account corresponds to the rate of return derived from the investment of the plan’s assets.

The general account is initially equal to the value of the plan’s assets and the reserve is equal to zero.

**13.** Where, at the date of the complete actuarial valuation of a pension plan, the reserve exceeds the provision for adverse deviation, the surplus is, at that date, transferred from the reserve to the general account.

The provision for adverse deviation is calculated in accordance with sections 60.1 to 60.5 of the Regulation respecting supplemental pension plans, as amended by sections 16 to 18 of this Regulation, it being understood that the provision is calculated using financial data established on the solvency basis.

**14.** The actuarial gains are determined at the date of a complete actuarial valuation made for a pension plan. The amount corresponds to the amount by which the general account of the plan, increased by the value of the amortization payments remaining to be paid to amortize a funding deficiency determined during a prior actuarial valuation, exceeds the plan’s liabilities, the latter being reduced by the value of the additional obligations arising from an amendment considered for the first time during the valuation.

If actuarial gains are so determined, they are composed of the following elements:

(1) additional contributions corresponding to the amount by which the value of the contributions included in the plan’s assets since the date of the last complete actuarial valuation exceeds the value of the contributions provided for, for the same period, in subparagraph 2 of the first paragraph of section 39 of the Act as amended by section 5;

(2) the technical gains or losses whose amount corresponds to the sum of the variations, since the last complete actuarial valuation, in the value of obligations arising from the plan and its general account, caused by deviations between the results and forecasts and by changes made to the actuarial assumptions and methods, it being understood that the additional contribution determined in paragraph 1 are excluded from that calculation;

(3) other actuarial gains.

**15.** At the date of a complete actuarial valuation of a pension plan, the lesser of the following amounts must be transferred from the general account to the reserve:

(1) the amount of the technical gains determined during the valuation; or

(2) the amount by which the provision for adverse deviation referred to in the second paragraph of section 13 exceeds the reserve.

If there is a balance of actuarial gains after the transfer provided for in the first paragraph and the balance exceeds the value of the amortization payments that would remain to be paid in relation to the technical actuarial deficiency determined during the last complete actuarial valuation of the plan, the surplus may be used to reduce the amortization payments remaining to be paid in relation to any improvement unfunded actuarial liability.

The reduction is made by appropriating the surplus determined in the second paragraph to the reduction of the monthly payments that become due on the later date. It ceases where the residual surplus does not eliminate completely the monthly payments becoming due on a given date.

**16.** The part of section 60.1 of the Regulation respecting supplemental pension plans preceding paragraph 1, and paragraph 1 are replaced by the following:

“**60.1.** The following elements are likely to contribute to the establishment of the reserve provided for in section 12 of the Regulation respecting the funding of pension plans of the municipal and university sectors:

(1) if applicable, the amount by which the special amortization payment provided for in section 21 exceeds the value, using the funding basis, of the additional obligations arising from the amendments in respect of which that payment was made;”;

**17.** The first paragraph of section 60.2 of the Regulation respecting supplemental pension plans is replaced by the following:

“**60.2.** The provision for adverse deviation provided for in the second paragraph of section 13 of the Regulation respecting the funding of pension plans of the municipal and university sectors is calculated at the following dates:

(1) the date of the last complete actuarial valuation of a pension plan, before the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15 of that Regulation; and

(2) the date of the last partial actuarial valuation of a pension plan, before the transfer provided for, as the case may be, in the fourth paragraph of section 146.1 of the Act as replaced by section 23 of this Regulation or the fourth paragraph of section 146.3.4 of the Act as replaced by section 24 of this Regulation, if that actuarial valuation establishes

(a) the maximum amount of surplus assets that may be appropriated to the payment of the value of the additional obligations arising from an amendment to the plan; or

(b) the maximum amount of surplus assets that may be appropriated to the payment of employer contributions.

However, the provision for adverse deviation does not have to be calculated at the date referred to in subparagraph *a* of subparagraph 2 of the first paragraph if the actuary certifies that, if a complete actuarial valuation were carried out on that date, the plan’s general account would be less than the value of its liabilities.”.

**18.** The expressions “of the general account” and “of the plan’s general account” replace the expressions “of the assets” and “of the plan’s assets” in sections 60.4 and 60.5 of the Regulation respecting supplemental pension plans.

**19.** The following section replaces section 134.1 of the Act mentioned in paragraph 3 of section 2:

“**134.1.** A plan is funded if, at the date of the actuarial valuation, the value of its general account is at least equal to the value of its liabilities.

A plan is partially funded if the value of its general account, increased by the value of the amortization payments relating to any funding deficiency determined at the date of the actuarial valuation or during a prior actuarial valuation, is, at that date, at least equal to the value of its liabilities.”.

**20.** The following section replaces section 135 of the Act mentioned in paragraph 3 of section 2:

“**135.** The following are funding deficiencies:

(1) the technical actuarial deficiency that, at the date of a complete actuarial valuation of the pension plan, corresponds to the surplus liabilities of the plan, after deducting the value of the additional obligations arising from an amendment to the plan considered for the first time during the valuation, over the sum of the general account and the value of the amortization payments remaining to be paid to amortize an improvement unfunded actuarial deficiency determined during a prior actuarial valuation; the value of the payments is established by using an interest rate identical to the rate used to establish the plan’s liabilities; and

(2) the improvement unfunded actuarial deficiency that corresponds to the surplus value of the additional obligations arising from an amendment to the plan considered for the first time during the valuation, over the special amortization payment provided for in section 21 of the Regulation respecting the funding of the pension plans of the municipal and university sectors. The deficiency is reduced, if applicable, by the amount representing the portion of the value of the obligations that is paid by appropriating the plan’s surplus assets.”.

**21.** If the actuarial valuation used to determine the value of the additional obligations arising from an amendment to the pension plan shows that the degree of solvency of the plan is less than 90%, a special amortization payment must be paid into the pension fund, payable in full on the day following the date of the valuation and at least equal to the lesser of:

(1) the amount corresponding to the value on a solvency basis of the additional obligations arising from an amendment to the plan considered for the first time during the valuation; or

(2) the amount corresponding to the assets lacking for the plan's degree of solvency to be 90%.

#### *§4. Amortization of unfunded actuarial liabilities*

**22.** The following paragraphs replace paragraphs 1 and 2 of section 142 of the Act mentioned in paragraph 3 of section 2:

“(1) no later than 5 years after the date of the valuation, if the liability is an improvement unfunded actuarial liability; or

(2) no later than 15 years after the date of the valuation, if the liability is a technical actuarial liability.”.

### **DIVISION 6**

#### **APPROPRIATION OF SURPLUS ASSETS**

**23.** Section 146.1 of the Act mentioned in paragraph 3 of section 2 is replaced by the following:

“**146.1.** The surplus assets of a pension plan to which Chapter X applies may only be appropriated to the payment of the value of the additional obligations arising from an amendment to the plan if, without reference to the value of those obligations, the actuarial valuation of the plan determines that there are surplus assets and if either of the following conditions is met:

(1) the value of the obligations is entirely paid by appropriation of the surplus assets;

(2) the maximum amount of surplus assets that may be appropriated for paying that value is entirely devoted to that end.

The maximum amount of surplus assets that may be so appropriated is determined in the valuation referred to in the first paragraph.

In the case of a complete actuarial valuation, that amount must be equal,

(1) on a solvency basis, to the amount by which the plan's assets exceed its liabilities, the latter being reduced by the value of the additional obligations arising from any amendment to the plan considered for the first time in the valuation;

(2) on a funding basis, to the amount by which the plan's general account exceeds its liabilities, the latter being reduced by the value of the additional obligations arising from any amendment to the plan considered for the first time in the valuation.

In the case of a partial actuarial valuation, that amount corresponds to the amount given by the actuary who certifies that, if a complete actuarial valuation taking into account the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15 of the Regulation respecting the funding of pension plans of the municipal and university sectors was carried out at the valuation date, it would allow the establishment, in accordance with the third paragraph, of amounts at least equal to the amounts given.”.

**24.** Section 146.3.4 of the Act mentioned in paragraph 3 of section 2 is replaced by the following:

“**146.3.4.** The surplus assets of a pension plan to which Chapter X applies may only be appropriated to the payment of employer contributions if the actuarial valuation of the plan shows that,

(1) on a solvency basis, assets exceed liabilities; or

(2) on a funding basis, the general account exceeds liabilities.

The maximum amount of surplus assets that may be appropriated to the payment of employer contributions is determined in the valuation referred to in the first paragraph.

In the case of a complete actuarial valuation, that amount is equal to the lesser of the following amounts:

(1) the surplus assets of the plan determined on a solvency basis; or

(2) the surplus of the general account of the plan, on a founding basis, over liabilities.

In the case of a partial actuarial valuation, that amount corresponds to the amount given by the actuary who certifies that, if a complete actuarial valuation taking into account the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15

of the Regulation respecting the funding of pension plans of the municipal and university sectors was carried out at the valuation date, it would allow the establishment, in accordance with the third paragraph, of a maximum amount at least equal to the amount given.”.

**25.** Section 146.3.6 of the Act mentioned in paragraph 3 of section 2 is replaced by the following:

“**146.3.6.** The appropriation of the surplus assets of a pension plan to the payment of employer contributions must cease

(1) at the date of any actuarial valuation showing that there are no surplus assets determined on a solvency basis or that the general account of the plan is no longer greater than its liabilities on a funding basis; and

(2) at the date of the end of the fiscal year that follows the date of an actuarial valuation that complies with the first paragraph of section 146.3.4 where no actuarial valuation is made at that date of the end of the fiscal year.”.

## DIVISION 7 REPORTS

**26.** A report on a complete actuarial valuation referred to in section 120 of the Act must contain the information and statements of the actuary provided for in Section 3600 of the standards of practice of the Canadian Institute of Actuaries, according to the revised version approved on 27 December 2007 by the Actuarial Standards Board of the Canadian Institute of Actuaries, the information provided for in sections 27 to 32 and the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of the actuarial valuation;

(3) the number of active members apportioned, if applicable, according to whether their benefits are accumulated under defined benefit provisions or money purchase provisions within the meaning of section 965.0.1 of the Taxation Act (R.S.Q., c. I-3) or both types of provisions, the number of non-active members to whom no pension is being paid and the number of the other non-active members and beneficiaries whose benefits are covered by the actuarial valuation;

(4) a summary of the provisions of the plan that must be taken into account for the purposes of the valuation, including those bearing on contributions, normal retirement age, conditions to be met to be entitled to an early

pension, pension indexation formula, assumptions used in accordance with the second paragraph of section 61 of the Act and the refunds and benefits payable under the pension plan;

(5) the name of the signatory, the signatory’s professional title, the name and address of the signatory’s office and the date of signing.

**27.** With respect to the portion of the actuarial valuation of the plan performed on a solvency basis, the report must contain the following information:

(1) the value of the plan’s assets, the value of the plan’s liabilities established without reference, if applicable, to any amendment to the plan considered for the first time at the valuation date, and the actuarial assumptions and methods used to determine those values;

(2) the value of the plan’s liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, the actuarial assumptions and methods used to determine the value, and the degree of solvency of the plan;

(3) the estimated amount of the administration costs referred to in the first paragraph of section 123 of the Act;

(4) where the plan provides for obligations to which the last sentence of the first paragraph of section 124 of the Act applies:

(a) a description of the obligations;

(b) the scenario used by the actuary to determine the plan’s liabilities and, where that scenario results in liabilities that are less than the value of the obligations arising from the plan assuming that the plan is terminated at the valuation date in such circumstances that the benefits accrued to the members must be estimated at their maximum value, such maximum value;

(5) the description of the approach used to estimate the premium referred to in section 126 of the Act.

**28.** With respect to the provision for adverse deviation and the reserve, the report must contain the following information:

(1) the amount of the provision for adverse deviation, with an indication of the shares attributable to elements “R” and “S” of section 60.3 of the Regulation respecting supplemental pension plans;

(2) the amount of elements “R” and “S” of section 60.3 and the amount of element “D” determined in accordance with section 60.4 of that Regulation;

(3) element “d<sup>R</sup>” of that section 60.4 and the actuarial assumptions and methods used to determine it;

(4) the amount determined in accordance with paragraph 1 of element “V” of that section 60.4, and element “d<sup>M</sup>” of the same section;

(5) the maximum amount of surplus assets that may be appropriated to the payment of employer contributions, established in accordance with section 146.3.4 of the Act as replaced by section 24;

(6) if applicable, the amount transferred, at the date of the actuarial valuation, from the reserve to the general account or from the general account to the reserve, in accordance with, as the case may be, the first paragraph of section 13 or the first paragraph of section 15, and the amount of the reserve following the transfer;

(7) if applicable, the amount of the actuarial gains determined at the date of the actuarial valuation in accordance with section 14 and the amount of additional contributions, technical gains or losses and other actuarial gains forming them.

**29.** With respect to the portion of the plan’s actuarial valuation performed on a funding basis, the report must contain the following information:

(1) the value of the plan’s assets, the value of the liabilities determined without reference to any amendment to the plan considered for the first time at the valuation date and the actuarial assumptions and methods used to determine those values; and

(2) the value of the plan’s liabilities distributed among the group of active members of the plan, the group of non-active members to whom no pension is paid and the group of the other non-active members and beneficiaries, and the actuarial assumptions and methods used to determine the value.

**30.** Where the actuarial valuation determines the value of the additional obligations arising from an amendment to the plan considered for the first time, the report must also contain the following information:

(1) a summary of the amendment covered by the valuation and the date and effective date of the amendment;

(2) the value, determined on a solvency basis, of the additional obligations arising from the amendment;

(3) the amount of surplus assets determined on a solvency basis that may be appropriated to the payment of that value;

(4) the value, determined on a funding basis, of the additional obligations arising from the amendment;

(5) the amount of surplus assets determined on a funding basis that may be appropriated to the payment of that value; and

(6) the special amortization payment determined under section 21, where applicable;

**31.** With respect to unfunded actuarial liabilities, the report must contain the following information:

(1) for each funding deficiency determined under section 135 of the Act as replaced by section 20 or section 45, as the case may be:

(a) the type;

(b) the date of its determination and the date of the end of the period provided for its amortization;

(c) the monthly amounts, other than those referred to in paragraph 2, related to the amortization payments to be paid until the end of that period and their present value;

(2) when the pension committee was instructed to apply the measures provided for in section 39, the amount of the technical actuarial deficiency referred to in the instructions, the date of its determination, the monthly payments relating to the amortization payments, established in accordance with section 141 of the Act and section 41, becoming due as regards that deficiency until 31 December 2011 and thereafter and their funded value.

**32.** The report must contain the following financial information:

(1) the service contribution projected for the fiscal year or part of a fiscal year immediately following the actuarial valuation and the rule used to determine the service contribution;

(2) the rule used to determine the service contributions for the 2 subsequent fiscal years;

(3) the amounts to be paid respectively by the employer and by the members, and, for each amount, in the case of a defined benefit plan for which certain provisions are identical to those of a defined contribution plan, the share that must be paid for those provisions and the share that must be paid for the defined benefit provisions;

(4) the employer contribution provided for in the plan, if it is greater than the contribution provided for in section 39 of the Act as amended by section 5;

(5) a description of the adjustments to the contributions arising from the application of the third paragraph of section 41 of the Act.

**33.** A report on a partial actuarial valuation carried out under the conditions provided for in the second paragraph of section 118 of the Act as replaced by section 7 must contain the information provided for in sections 34 to 37 and the following information:

(1) the name of the plan and the number assigned to it by the Régie;

(2) the date of the actuarial valuation;

(3) the name of the signatory, the signatory's professional title, the name and address of the signatory's office and the date of signing.

The certifications provided for in sections 34 to 36 must be established on the basis of a conservative estimate made by the actuary.

**34.** Where the provision for adverse deviation is calculated on the basis of estimates authorized by section 60.5 of the Regulation respecting supplemental pension plans, the report must contain the following information:

(1) the amount;

(2) a certification of the actuary certifying that a complete actuarial valuation of the plan carried out at the valuation date would have established an amount for the provision for adverse deviation equal to or less than the amount indicated in paragraph 1.

**35.** Where the actuarial valuation determines the value of the additional obligations arising from an amendment to the plan considered for the first time, the report must contain the following information:

(1) a summary of the amendment covered by the valuation, the date and effective date of the amendment;

(2) the value of the additional obligations arising from the amendment, determined on a solvency basis and on a funding basis;

(3) the certification of the actuary certifying that, on a funding basis, the value of the additional obligations arising from the amendment was estimated using the same actuarial assumptions and methods as those used

during the most recent actuarial valuation of the plan, unless those assumptions and methods are not appropriate to the nature of the amendment;

(4) where the provision for adverse deviation is calculated on the basis of estimates authorized by section 60.5 of the Regulation respecting supplemental pension plans:

(a) the amount of surplus assets that may be appropriated to the payment of the value of the additional obligations arising from the amendment, determined on a solvency basis, and the amount determined on a funding basis;

(b) a certification of the actuary certifying that a complete actuarial valuation taking into account the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15 carried out at the valuation date would allow the establishment of amounts at least equal to the amounts referred to in subparagraph a;

(c) the estimated amount of technical gains or losses and the estimated amount of the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15, for the purposes of the complete actuarial valuation referred to in subparagraph b;

(5) where the provision for adverse deviation is not calculated, a certification of the actuary certifying that, if a calculation of the provision was carried out at the valuation date, the general account of the plan would be less than the value of its liabilities;

(6) for the improvement unfunded actuarial deficiency determined during the valuation pursuant to section 135 of the Act as replaced by section 20 or 45, as the case may be, the date on which it was determined, the date of the end of the period provided for its amortization, the monthly amortization payable until the end of that period and their funded value;

(7) the special amortization payment determined under section 21, where applicable.

**36.** Where an actuarial valuation determines the maximum amount of surplus assets that may be appropriated to the payment of employer contributions, the report must contain the following information:

(1) the maximum amount of surplus assets that may be appropriated to the payment of employer contributions until the date of the end of the fiscal year that follows the date of the actuarial valuation;

(2) the certification of the actuary required by the fourth paragraph of section 146.3.4 of the Act as replaced by section 24;

(3) the estimated amount of technical gains or losses and the estimated amount of the transfer provided for in the first paragraph of section 13 or the first paragraph of section 15, for the purposes of the complete actuarial valuation referred to in the fourth paragraph of section 146.3.4 of the Act as replaced by section 24;

(4) unless the actuarial valuation is also covered by section 35, the certification of the actuary certifying that, on a funding basis, the value of the plan's obligations was estimated using the same actuarial assumptions and methods as those used during the most recent actuarial valuation of the plan;

(5) the actuarial assumptions and methods used to estimate the value of the obligations of the plan on a solvency basis at the date of the valuation.

**37.** The report must contain the following financial information:

(1) any adjustment made to the rule referred to in paragraph 2 of section 32 that is related to the fiscal year immediately following the actuarial valuation, to take into account any amendment considered for the first time upon that valuation;

(2) the amounts that must be paid respectively by the employer and by the members, and, for each amount, in the case of a defined benefit plan for which certain provisions are identical to the provisions of a defined contribution plan, the share that must be paid for those provisions and the share that must be paid for the defined benefit provisions;

(3) the employer contribution provided for in the plan, if the contribution is greater than the contribution provided for in section 39 of the Act as amended by section 5;

(4) a description of the adjustments to the contributions arising from the application of the third paragraph of section 41 of the Act.

**38.** An actuarial valuation report must, in the case of a multi-employer plan, even where it is not considered as such under section 11 of the Act, indicate if at least 90% of the active members of the plan are employed by employers referred to in the first paragraph of section 1.

## DIVISION 8 RELIEF MEASURE

**39.** An employer participating in a pension plan — or, in the case of a multi-employer plan, even where it is not considered as such under section 11 of the Act, the

participating employers jointly — may, in writing, instruct the pension committee managing the plan that the monthly payments relating to a technical actuarial deficiency determined during a complete actuarial valuation of the plan dated after 30 December 2008 and prior to 31 December 2011 be reduced according to the conditions provided for in section 41.

The instructions must be sent to the pension committee for the purposes of the first complete actuarial valuation of the plan dated after 30 December 2008.

**40.** The report on the first complete actuarial valuation of a pension plan dated after 30 December 2008 must, when sent to the Régie, be accompanied by a writing in which the person who has the power to instruct under section 39 or section 6 of the Act to amend the Supplemental Pension Plans Act and other legislative provisions in order to reduce the effects of the financial crisis on plans covered by the Act (2009, c. 1) certifies that the report is established in accordance with the instructions given to the pension committee or that the person did not give such instructions.

**41.** Where the pension committee was instructed to apply the measure provided for in section 39, the monthly amortization established in accordance with section 141 of the Act mentioned in paragraph 3 of section 2 relating to the technical actuarial deficiency determined during a complete actuarial valuation dated after 30 December 2008 and prior to 31 December 2011 and that become due before 1 January 2012 are reduced as follows:

(1) in the case of a pension plan for which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or a municipal housing bureau, to one-third of the payments established otherwise;

(2) in the case of a pension plan for which the employer is an educational institution at the university-level referred to in any of paragraphs 1 to 11 of section 1 of the Act respecting educational institutions at the university level, to 20% of the payments established otherwise.

For the purposes of the first paragraph, the employer employing the greatest number of active members of a multi-employer pension plan, even where it is not considered as such under section 11 of the Act, is considered to be the employer of the plan.

**42.** In case of the merger of all or part of the assets and liabilities of several pension plans into a single plan, the measure provided for in section 39 applies to the absorbing pension plan after the date of the merger, if it applied on that date.

## DIVISION 9 TRANSITIONAL AND FINAL

### §1. *Maintenance of certain actuarial deficiencies*

**43.** Where a number of technical actuarial deficiencies remain with respect to a pension plan, the first paragraph of section 6 applies to all those deficiencies.

**44.** Monthly payments relating to technical actuarial deficiencies determined during an actuarial valuation dated prior to 31 December 2008 are eliminated during the first complete actuarial valuation undertaken after 30 December 2011. The elimination of monthly payments applies after the determination of actuarial gains.

Despite the foregoing, in the case of a pension plan for which an employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers or a municipal housing bureau within the meaning of the Act respecting the Société d'habitation du Québec, the monthly payments relating to the following technical actuarial deficiencies are not eliminated:

(1) a technical actuarial deficiency of a pension plan in which participated a municipality covered by an order of the Government made under section 125.11 of the Act respecting municipal territorial organization, made by section 1 of chapter 27 of the Statutes of 2000, and constituting a local municipality arising from an amalgamation, or by the Act to reform the municipal territorial organization of the metropolitan regions of Montréal, Québec and the Outaouais (2000, c. 56), that ceased to exist and that has not been reconstituted;

(2) a technical actuarial deficiency, other than one referred to in subparagraph 1, determined during an actuarial valuation undertaken neither prior to 31 December 2001 nor later than 1 January 2005;

However, from the first complete actuarial valuation of the plan later than 30 December 2011, such an employer — or, in the case of a multi-employer plan, even where it is not considered as such under section 11 of the Act, the participating employers jointly — may, in writing, instruct the pension committee managing the plan to eliminate the monthly payments related to a technical actuarial deficiency referred to in subparagraph 2 of the second paragraph. The elimination of monthly payments applies after the determination of actuarial gains.

**45.** For the purposes of an actuarial valuation undertaken after 30 December 2008 and prior to 31 December 2011, subparagraph 1 of the first paragraph of section 135 of the Act, as replaced by section 20, is replaced by the following:

“(1) the technical actuarial deficiency that, at the date of a complete actuarial valuation of the pension plan, corresponds to the surplus liabilities of the plan, after deducting the value of the additional obligations arising from an amendment to the plan considered for the first time during the valuation, over the sum of the general account, the value of the amortization payments remaining to be paid to amortize an improvement unfunded actuarial deficiency determined during a prior actuarial valuation and the value of the amortization payments remaining to be paid to amortize a technical actuarial deficiency determined during an actuarial valuation undertaken prior to 31 December 2008; the value of the payments is established by using an interest rate identical to the rate used to establish the plan’s liabilities;”.

The foregoing also applies for the purposes of an actuarial valuation dated after 30 December 2011, in the case of a pension plan for which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or a municipal housing bureau within the meaning of the Act respecting the Société d'habitation du Québec, and in respect of which monthly payments relating to a technical actuarial deficiency described in subparagraph 1 or 2 of the second paragraph of section 44 remain to be paid.

### §2. *Use of possible balance of actuarial gains*

**46.** For the purposes of a complete actuarial valuation undertaken after 30 December 2008 but prior to 31 December 2011, the second paragraph of section 15 is replaced by the following:

“If there is a balance of actuarial gains after the transfer provided for in the first paragraph and the balance exceeds the value of the amortization payments that would remain to be paid in relation to the technical actuarial deficiency determined during a complete actuarial valuation of the plan undertaken after 30 December 2008, the surplus may be used to reduce, in the following order, the amortization payments remaining to be paid in relation to:

(1) any technical actuarial deficiency determined prior to 31 December 2008 other than a technical actuarial deficiency referred to in subparagraph 2;

(2) concurrently, any technical actuarial deficiency referred to in subparagraph 1 or 2 of the second paragraph of section 44;

(3) any improvement unfunded actuarial deficiency.”.

**47.** For the purposes of the first complete actuarial valuation of a pension plan undertaken after 30 December 2011, the second paragraph of section 15 is replaced by the following:

“If there is a balance of actuarial gains after the transfer provided for in the first paragraph and the balance exceeds the total of the value of the amortization payments that would remain to be paid in relation to the technical actuarial deficiency determined during a complete actuarial valuation undertaken after 30 December 2008 and of the value of the amortization payments that would remain to be paid in relation to a technical actuarial deficiency for which the monthly payments are eliminated pursuant to section 44, that surplus may be used to reduce, in the following order and after the said elimination, the amortization payments remaining to be paid in relation to

- (1) any technical actuarial deficiency determined prior to 31 December 2008;
- (2) any improvement unfunded actuarial deficiency.”.

**48.** For the purposes of a complete actuarial valuation undertaken after the date of the actuarial valuation referred to in section 47, in the case of a pension plan for which the employer is a municipality, a body referred to in section 18 of the Act respecting the Pension Plan of Elected Municipal Officers, or a municipal housing bureau within the meaning of the Act respecting the Société d’habitation du Québec and if monthly payments remain to be paid in relation to a technical actuarial deficiency determined before 31 December 2008, the second paragraph of section 15 is replaced by the following:

“If a balance of actuarial gains remains after the transfer provided for in the first paragraph and the balance exceeds the total of the value of the amortization payments that would remain to be paid relating to the technical actuarial deficiency determined during the last complete actuarial valuation of the plan and of the value of the amortization payments that would remain to be paid relating to the technical actuarial deficiencies whose monthly payments are eliminated pursuant to the third paragraph of section 44, the surplus may be used to reduce, in the following order and after the elimination, the amortization payments remaining to be paid relating to

- (1) any technical actuarial deficiency determined prior to 31 December 2008;
- (2) any improvement unfunded actuarial deficiency.”.

**§3. Other transitional and final provisions**

**49.** The provision for adverse deviation referred to in the second paragraph of section 13 is established at zero for the period preceding 31 December 2012.

**50.** If the effective date of an amendment or the date on which it is made is after 30 December 2008, the date of an actuarial valuation referred to in the first and second paragraphs of section 121 of the Act as replaced by section 9 must also be after 30 December 2008.

**51.** An actuarial valuation considering for the first time an amendment having an impact on the funding of a pension plan may be a partial actuarial valuation whose date differs from the date of the end of a fiscal year of the plan if the following conditions are met:

- (1) the date of the valuation corresponds to the date of coming into effect of the amendment and occurs after 30 December 2008 and prior to 23 December 2009;
- (2) the date on which the amendment occurred is prior to 1 January 2010;
- (3) no complete actuarial valuation has been made at the date of the end of the fiscal year of the plan preceding the date of the partial valuation;
- (4) the report on that partial actuarial valuation is sent to the Régie before 30 April 2010.

The partial actuarial valuation determines according to the rules applicable before 31 December 2008 the value of the additional obligations arising from the amendment or the variation of the current service contribution resulting therefrom.

**52.** Despite section 50, an amendment to a pension plan that has an impact on its funding may be considered for the first time at the date of a complete actuarial valuation determining surplus assets for the pension plan if the following conditions are met:

- (1) provisions in the plan in force at the date of the actuarial valuation provide that any surplus assets must, in whole or in part, be appropriated to the payment of the value of additional obligations resulting from an amendment to the plan;
- (2) the date of the actuarial valuation that determines the surplus assets is prior to 31 December 2008;
- (3) the amendment occurs not later than 31 December 2011.

**53.** A bond remitted before 31 December 2009 to a pension fund of a pension plan pursuant to section 255 of the Act to amend various legislative provisions concerning municipal affairs (2004, c. 20) may, at its term, be replaced by a new bond that meets the conditions set forth in the second and third paragraphs of that section.

**54.** The provisions of section 49 of the Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans (2006, c. 42) do not apply to a pension plan to which this Regulation applies.

**55.** Despite section 119 of the Act as amended by section 8, a pension committee has until 31 August 2010 to send to the Régie des rentes du Québec the actuarial valuation report of a pension plan whose date is after 30 December 2008 and prior to 30 November 2009.

**56.** The fourth paragraph of section 14 of the Regulation respecting Supplemental Pension Plans, as made by Order in Council 1073-2009 dated 7 October 2009, does not apply to an actuarial valuation report whose date is prior to 15 December 2009.

**57.** Division IX of the Regulation respecting the exemption of certain categories of pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 1160-90 dated 8 August 1990, is revoked.

**58.** Section 1, made by Order in Council 1098-2006 dated 6 December 2006, of the Regulation respecting the exemption of certain pension plans from the application of provisions of the Supplemental Pension Plans Act, made by Order in Council 415-2004 dated 28 April 2004, is amended

(1) by replacing paragraphs 1.1 and 2 by the following:

“(1.1) the provisions mentioned in the Regulation respecting the funding of the pension plans of the municipal and university sectors, made by Order in Council 541-2010 dated 23 June 2010, in accordance with the terms and conditions provided for in that Regulation and by considering that pension plan as a multi-employer pension plan for which the employer employing the greatest number of active members is a university;

(2) sections 142 to 146 of the Act, in their version prior to 1 January 2010, and sections 143 to 146 of the Act, as enacted by chapter 42 of the Statutes of 2006.”;

(2) by adding the following at the end:

“However, the instructions in section 39 of the Regulation respecting the funding of pension plans of the municipal and university sectors may only be given by the Minister responsible for the administration of the Act to facilitate the establishment of a pension plan for employees working in childcare services (R.S.Q., c. E-12.011).”.

**59.** This Regulation comes into force on the fifteenth day following the date of its publication in the *Gazette officielle du Québec* and has effect since 31 December 2008.

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Gouvernement du Québec

### O.C. 544-2010, 23 June 2010

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

#### Immigration consultants

Regulation respecting immigration consultants

WHEREAS, under subparagraphs *k*, *l*, *m*, *n* and *p* of the first paragraph of section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations governing the matters set forth therein concerning immigration consultants;

WHEREAS, under subparagraph *q* of that section, the Government may make regulations determining the provisions of a regulation whose violation constitutes an offence;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting immigration consultants was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

THAT the Regulation respecting immigration consultants, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation respecting immigration consultants

An Act respecting immigration to Québec (R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *k* to *n*, *p* and *q*)

### DIVISION I GENERAL

**1.** In this Regulation, “immigration consultant” means a natural person who, for remuneration, advises, assists or represents a person who files an application with the Minister under the Act respecting immigration to Québec (R.S.Q., c. I-0.2) and the Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4).

**2.** Every immigration consultant must be recognized in accordance with this Regulation.

**3.** This Regulation does not apply to a member in good standing of the Chambre des notaires du Québec, the Barreau du Québec or to a person holding a special authorization issued under section 42.4 of the Professional Code (R.S.Q., c. C-26) by one of those orders and allowing the person to engage in the activities governed by this Regulation.

### DIVISION II RECOGNITION OF IMMIGRATION CONSULTANTS

#### §1. Recognition

**4.** The Minister recognizes as an immigration consultant a person who

(1) is registered in the register of sole proprietorships, partnerships and legal persons under the Act respecting the legal publicity of sole proprietorships, partnerships and legal persons (R.S.Q., c. P-45) or carries on activities for an enterprise registered under that Act or having an establishment in Québec;

(2) is a member in good standing of a body, other than the bar of a province or the Chambre des notaires du Québec, designated as an authorized representative under the Immigration and Refugee Protection Regulations (SOR-02-227);

(3) has neither communicated or contributed to the communication of information the person knew or should have known to be false or misleading to the Minister, an investigator or an inspector, nor committed an offence against the Act respecting immigration to Québec or its regulations in the 3 years preceding the application for recognition;

(4) has passed the Minister’s examination on Québec immigration rules; and

(5) shows a knowledge of French appropriate to the carrying on of his or her activities.

A person is deemed to have an appropriate knowledge of French if the person has

(1) passed an examination recognized by the Minister;

(2) received, on a full-time basis, no less than 3 years of secondary or post-secondary instruction provided in French;

(3) passed the fourth or fifth year secondary level examinations in French as the first language; or

(4) obtained a secondary school certificate in Québec from and after the school year 1985-1986.

**5.** To be recognized as an immigration consultant, a person must file an application on the form provided by the Minister and pay fees of \$1,000.

The person must demonstrate that he or she meets the conditions required.

An application is to contain the following documents:

(1) a document proving that the person or the enterprise for which the person carries on activities is registered in the register of sole proprietorships, partnerships and legal persons, or that the enterprise has an establishment in Québec;

(2) a document proving that the person is a member in good standing of a body referred to in subparagraph 2 of the first paragraph of section 4; and

(3) a document proving that the person meets the condition regarding French knowledge in subparagraph 5 of the first paragraph of section 4.

An immigration consultant’s recognition is valid for 2 years.

## §2. *Renewal, suspension and revocation*

### 6. A consultant who wishes to renew recognition must

(1) file a renewal application on the form provided by the Minister not later than the 60th day preceding the recognition's date of expiry and pay fees of \$1,000; and

(2) demonstrate that he or she still meets the conditions provided for in subparagraphs 1 and 2 of the first paragraph of section 4.

The Minister may deny the application of a consultant whose recognition is suspended pursuant to section 7. In such a case, a new application for renewal may be filed only after demonstration is made that the reason for suspension no longer exists.

A recognition renewal is valid for 2 years.

### 7. The Minister may suspend an immigration consultant's recognition if the consultant

(1) no longer meets the condition in subparagraph 1 of the first paragraph of section 4;

(2) is suspended from a body referred to in subparagraph 2 of the first paragraph of section 4; or

(3) has defaulted on an obligation provided for in this Regulation.

The Minister may lift the recognition suspension if the consultant demonstrates that the reason for suspension no longer exists.

### 8. The Minister may revoke an immigration consultant's recognition if the consultant

(1) ceases to be a member of a body referred to in subparagraph 2 of the first paragraph of section 4;

(2) has committed an offence against the Act respecting immigration to Québec or its regulations;

(3) has defaulted on an obligation provided for in this Regulation; or

(4) was granted recognition by error.

In the cases provided for in subparagraphs 2 and 3 of the first paragraph, the consultant may not file a new application for recognition before the expiry of a 5-year period following the date of revocation.

## §3. *Register*

9. The Minister keeps an up-to-date register of recognized immigration consultants and consultants whose recognition is suspended or revoked.

The register is public.

## DIVISION III OBLIGATIONS OF IMMIGRATION CONSULTANTS

10. Immigration consultants must obtain a mandate in writing from the person who resorts to their services and give that person a copy of the mandate at the time of signing.

The mandate must clearly indicate the object and scope of the services to be provided, the remuneration paid by that person to the consultant, the terms and conditions of payment and the costs or other expenses required for the mandate to be carried out.

11. Immigration consultants must certify in writing that they took the measures necessary to ensure the authenticity of the documents and the truthfulness of the information communicated to the Minister in support of an application made by a person who resorts to their services.

12. Immigration consultants must inform the Minister of any change in the address of their establishment in Québec or of the end of consulting activities within 30 days of the change or end of activities.

13. Immigration consultants may not, by any means whatsoever, make false or misleading representations to a person who resorts to their services, in particular as regards their level of competence or the extent or effectiveness of their services and those generally provided by immigration consultants.

14. Immigration consultants may not communicate or contribute to the communication of information they know or should have known to be false or misleading to the Minister, an investigator or an inspector.

## DIVISION IV OFFENCE AND MISCELLANEOUS

15. Any violation of section 10, 11, 12, 13 or 14 of this Regulation constitutes an offence.

**16.** The fees payable under sections 5 and 6 are adjusted on 1 January of each year based on the percentage change in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the period ending on 30 September of the preceding year.

The amounts are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Minister informs the public of the adjustment by such means as the Minister considers appropriate.

**17.** Persons who, on 4 November 2010, act as immigration consultants within the meaning of section 1 of this Regulation may continue to do so until 2 February 2011.

At the expiry of that period, those persons must be recognized to act as immigration consultants.

However, those persons have a 12-month period following the date of their recognition to demonstrate that they meet the condition in subparagraph 4 of the first paragraph of section 4, and a 24-month period following the same date to demonstrate that they meet the condition in subparagraph 5 of the first paragraph of section 4.

**18.** This Regulation comes into force on 4 November 2010.

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Gouvernement du Québec

## O.C. 545-2010, 23 June 2010

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2)

### Selection of foreign nationals — Amendment

Regulation to amend the Regulation respecting the selection of foreign nationals

WHEREAS, under section 3.3 of the Act respecting immigration to Québec (R.S.Q., c. I-0.2), the Government may make regulations governing the matters set forth therein;

WHEREAS the Government made the Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4);

WHEREAS it is expedient to amend the Regulation;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Regulation respecting the selection of foreign nationals was published in Part 2 of the *Gazette officielle du Québec* of 3 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS the 45-day period has expired;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Immigration and Cultural Communities:

THAT the Regulation to amend the Regulation respecting the selection of foreign nationals, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Regulation respecting the selection of foreign nationals

An Act respecting immigration to Québec  
(R.S.Q., c. I-0.2, s. 3.3, 1st par., subpars. *f* and *m*)

**1.** The Regulation respecting the selection of foreign nationals (c. I-0.2, r. 4) is amended by adding the following paragraph at the end of section 11:

“The foreign national or the sponsor must also indicate to the Minister whether the services of an immigration consultant have been used to counsel, assist or represent him in connection with his application and, if such is the case, the consultant’s identity.”.

**2.** This Regulation comes into force on 2 February 2011.

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Gouvernement du Québec

**O.C. 547-2010, 23 June 2010**

Professional Code  
(R.S.Q., c. C-26)

Correction to the English text of the Regulation respecting the public accountancy permit of the Ordre des comptables généraux accrédités du Québec

WHEREAS, by Order in Council 1199-2009 dated 18 November 2009, the Government approved the Regulation respecting the public accountancy permit of the Ordre des comptables généraux accrédités du Québec;

WHEREAS the English text of the first paragraph of section 4 and the first and second paragraphs of sections 9 and 15 of the Regulation is not consistent with the French text;

WHEREAS it is expedient to correct the English text of the Regulation to make it consistent with the French text;

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

THAT the English text of the Regulation respecting the public accountancy permit of the Ordre des comptables généraux accrédités du Québec be amended

— by replacing “Order” wherever it appears in the first paragraph of section 4 by “Board of Directors”;

— by replacing “Board of Directors” in the first paragraph of section 9 after “to the attention of the” and in the second paragraph of that section by “committee”;

— by replacing “Board of Directors” in the first paragraph of section 15 after “to the attention of the” and in the second paragraph of that section by “committee”.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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Gouvernement du Québec

**O.C. 548-2010, 23 June 2010**

Professional Code  
(R.S.Q., c. C 26)

**Hearing-aid acousticians  
— Practice of the profession of hearing-aid  
acoustician within a partnership or  
a joint-stock company**

Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company

WHEREAS, under paragraph *p* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation respecting the practice of a profession within a partnership or a joint-stock company;

WHEREAS, under paragraphs *g* and *h* of section 93 of the Code, the board of directors must, by regulation, impose on its members who carry on their professional activities within a partnership or a joint-stock company the obligation to furnish and maintain coverage, on behalf of the partnership or company, against liabilities of the partnership or company arising from fault in the practice of their profession, and fix the conditions and procedure applicable to the declaration made to the Order;

WHEREAS the board of directors of the Ordre professionnel des audioprothésistes du Québec made the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before it was made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, pursuant to the first paragraph of section 95.2 of the Professional Code, a regulation made by the board of directors under section 65, 88, 89, 90 or 91,

paragraph *a, b, d, e, f, g* or *h* of section 93, or paragraph *a, j, n* or *o* of section 94 of the Code must be transmitted for examination to the Office, which may approve it with or without amendment, and the same applies to any regulation under paragraph *p* of section 94 of the Code if it is not the first regulation made by the board of directors under that paragraph;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS the Office approved section 5, which pertains to the declaration, and Division III of the Regulation, which pertains to the guarantee of the partnership or company;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company**

Professional Code  
(R.S.Q., c. C-26, s. 93, pars. *g* and *h* and s. 94, par. *p*)

### **DIVISION I GENERAL**

**1.** Hearing-aid acousticians may, subject to the terms, conditions and restrictions established in this Regulation, carry on their professional activities within a limited

liability partnership or a joint-stock company within the meaning of Chapter VI.3 of the Professional Code (R.S.Q., c. C-26).

Hearing-aid acousticians must at all times ensure that the partnership or joint-stock company allows them to comply with the Professional Code, the Hearing-aid Acousticians Act (R.S.Q., c. A-33) and the regulations made under that Code or that Act.

**2.** If a hearing-aid acoustician is struck off the roll for a period in excess of 3 months or has had his or her permit revoked, the hearing-aid acoustician may not, during the period of the striking off or revocation, directly or indirectly hold any unit or share in the partnership or joint-stock company.

During that period, the hearing-aid acoustician may not hold the position of director, officer or representative of the partnership or joint-stock company.

### **DIVISION II CONDITIONS**

**3.** Hearing-aid acousticians may carry on their professional activities within a limited liability partnership or a joint-stock company if at all times,

(1) all of the voting rights attached to the partnership units or company shares are held

(a) by 1 or more hearing-aid acousticians;

(b) by a legal person, trust or any other enterprise whose voting rights attached to the units, shares, equity securities or other rights are held entirely by one or more hearing-aid acousticians; or

(c) in any combination by a person, a trust or another enterprise referred to in subparagraphs *a* and *b*;

(2) in the case of a joint-stock company, all of the non-voting shares are held

(a) by 1 or more hearing-aid acousticians;

(b) by a relative, either by direct or indirect line of descent, of a hearing-aid acoustician, who holds shares referred to in subparagraph 1;

(c) by the spouse of a hearing-aid acoustician who holds shares referred to in subparagraph 1;

(d) by a legal person, trust or another enterprise whose voting rights attached to the units, shares, equity securities or other rights are held entirely by a person referred to in subparagraphs *a, b* or *c*; or

(e) in any combination by a person, a trust or an enterprise referred to in subparagraphs *a, b, c* or *d*;

(3) the partners or, as the case may be, the directors are hearing-aid acousticians carrying on their professional activities within the partnership or joint-stock company; and

(4) no partner or shareholder has an interest in an undertaking for the manufacture or wholesale of hearing aids sold within the partnership or joint-stock company.

Hearing-aid acousticians must ensure that the conditions are listed, as the case may be, in the partnership contract, the joint-stock company articles, the shareholders' agreement or any other document relating to the constitution and operation of the partnership or joint-stock company.

**4.** A hearing-aid acoustician may carry on professional activities within a partnership or joint-stock company if, before starting to carry on the activities, the hearing-aid acoustician provides the Order with the following:

(1) the declaration required by section 5 accompanied by the fees fixed by the board of directors of the Order;

(2) a written document from a competent authority certifying that the partnership or joint-stock company is covered by security in compliance with Division III;

(3) if the hearing-aid acoustician practises within a joint-stock company, a written document from the competent authority certifying the existence of the joint-stock company;

(4) where applicable, a certified true copy of the declaration from the competent authority stating that the general partnership has been continued as a limited liability partnership;

(5) written confirmation from the competent authority certifying that the partnership or joint-stock company is duly registered in Québec;

(6) a written document certifying that the partnership or joint-stock company has an establishment in Québec; and

(7) an irrevocable written authorization from the partnership or joint-stock company within which the hearing-aid acoustician practises, allowing a person, committee, council or tribunal referred to in section 192 of the Professional Code to require disclosure of and obtain any document listed in section 11, or to obtain a copy of such a document.

A hearing-aid acoustician is however exempt from satisfying the conditions set out in the first paragraph if a representative of the partnership or joint-stock company with which the representative has become associated has already provided the Order with the documents concerned.

**5.** A hearing-aid acoustician must fill out a declaration under oath on the form provided by the Order that contains the following information:

(1) the partnership or joint-stock company name and any other names used in Québec by the partnership or joint-stock company within which the hearing-aid acoustician carries on professional activities and the business number assigned to them by the competent authority for every partnership or joint-stock company;

(2) the legal form of the partnership or joint-stock company;

(3) the list of all hearing-aid acousticians who carry on their professional activities within the partnership or joint-stock company;

(4) the hearing-aid acoustician's name and place of residence and the place where he or she principally carries on professional activities;

(5) where the hearing-aid acoustician carries on professional activities within a limited liability partnership, the addresses of the establishments of the partnership in Québec specifying the address of the principal establishment, the names and home addresses of all the partners, their percentage of units and an indication of their management functions, as the case may be;

(6) where the hearing-aid acoustician carries on professional activities within a joint-stock company, the name, the address of the head office of the joint-stock company and the addresses of its establishments in Québec, the names and home addresses of all the shareholders, their percentage of voting shares and non-voting shares and an indication of their functions of director and officer, as the case may be;

(7) a written document provided by the hearing-aid acoustician certifying that the units or shares held and the rules of administration of the partnership or joint-stock company comply with the conditions set out in this Regulation.

**6.** To retain the right to carry on professional activities within a partnership or joint-stock company, a hearing-aid acoustician must

(1) update and provide, before 31 March of each year, the declaration prescribed in section 5 and pay the fees fixed by the board of directors of the Order; and

(2) promptly notify the Order of any change in the security prescribed in Division III or in the information given in the declaration prescribed in section 5 that might violate the conditions set out in section 3.

**7.** If more than one hearing-aid acoustician carries on professional activities within a partnership or joint-stock company, a representative and a substitute must be designated to act on behalf of all the hearing-aid acousticians practising in the partnership or joint-stock company to satisfy the conditions set out in sections 4 and 6.

The representative and the substitute must be hearing-aid acousticians and carry on professional activities in Québec within the partnership or joint-stock company.

**8.** The name of the partnership or joint-stock company must not be a number name or include the name of a hearing aid manufacturer.

### DIVISION III

#### SECURITY AGAINST THE PROFESSIONAL FAULT OF PARTNERSHIP OR JOINT-STOCK COMPANY MEMBERS

**9.** To be authorized to carry on professional activities in accordance with this Regulation, a hearing-aid acoustician carrying on professional activities within a partnership or joint-stock company must furnish and maintain security, on behalf of the partnership or joint-stock company, by means of an insurance or suretyship contract, or by joining a group plan contract entered into by the Order, against the liability of the partnership or joint-stock company arising from fault on the part of a hearing-aid acoustician in carrying on professional activities within the partnership or joint-stock company.

**10.** The security must include

(1) an undertaking by the insurer to pay in lieu of the partnership or joint-stock company, over and above the amount of the security to be furnished by the hearing-aid acoustician pursuant to the Regulation respecting the professional liability insurance of hearing-aid acousticians, approved by Order in Council 1188-94 dated 3 August 1994, up to the amount of the security, any sum that the partnership or joint-stock company may be legally bound to pay to an injured third party on a claim arising from fault on the part of a hearing-aid acoustician in the carrying on of professional activities within the partnership or joint-stock company;

(2) an undertaking by the insurer to take up the cause of the partnership or joint-stock company and defend it in any action against it and to pay, in addition to the amounts covered by the security, all legal costs of actions against the partnership or joint-stock company, including the costs of the inquiry and defence and interest on the amount of the security;

(3) an undertaking that the security is not less than \$1,000,000 per claim and \$5,000,000 for all claims filed against the partnership or joint-stock company within a 12-month coverage period;

(4) an undertaking by the insurer or surety to give the secretary of the Order a 30-day prior notice before terminating or modifying the insurance or suretyship contract when the modification affects a condition set out in this section; and

(5) an undertaking by the insurer or surety to provide the secretary of the Order with a notice that the insurance or suretyship contract has not been renewed; the notice must be sent within 15 days following the expiry of the contract.

The suretyship contract referred to in section 9 must be with a bank, savings and credit union, trust or insurance company and provide that the surety will provide the coverage in accordance with the conditions set out in this Regulation and will pay, by waiving the benefit of division and discussion, in lieu of the partnership or joint-stock company up to the amount of the suretyship.

### DIVISION IV

#### DOCUMENT ACCESSIBILITY

**11.** The documents that may be required from the partnership or joint-stock company under subparagraph 7 of the first paragraph of section 4 are the following:

(1) if the hearing-aid acoustician practises within a limited liability partnership,

(a) the partnership agreement and amendments;

(b) the declaration of registration of the partnership and any update;

(c) an up-to-date register of the partners;

(d) an up-to-date register of the partners performing management functions within the partnership and their home addresses;

(2) if the hearing-aid acoustician practises within a joint-stock company,

(a) an up-to-date register of the articles and by-laws of the joint-stock company;

(b) the declaration of registration of the joint-stock company and any update;

(c) an up-to-date register of the securities of the joint-stock company;

(d) any shareholders' agreement and voting agreement and amendments;

(e) an up-to-date register of the directors of the joint-stock company; and

(f) the names of all the directors and officers and their home addresses.

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

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Gouvernement du Québec

## O.C. 549-2010, 23 June 2010

Professional Code  
(R.S.Q., c. C-26)

### Hearing-aid acousticians

— Code of ethics  
— Amendments

Regulation to amend the Code of ethics of hearing-aid acousticians

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity;

WHEREAS the board of directors of the Ordre professionnel des audioprothésistes du Québec made the Regulation to amend the Code of ethics of hearing-aid acousticians under that provision;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Order at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation to amend the Code of ethics of hearing-aid acousticians was published in Part 2 of the *Gazette officielle du Québec* of 15 July 2009 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation to amend the Code of ethics of hearing-aid acousticians, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## Regulation to amend the Code of ethics of hearing-aid acousticians\*

Professional Code  
(R.S.Q., c. C-26, s. 87)

**1.** The Code of ethics of hearing-aid acousticians is amended by inserting the following after section 1.02:

**1.03.** A hearing-aid acoustician must adequately supervise a student, trainee, employee or person for whom he is immediately responsible.

**1.04.** A hearing-aid acoustician must take reasonable measures to ensure that persons who collaborate with him in the carrying on of professional activities comply with the Hearing-aid Acousticians Act (R.S.Q., c. A-33), the Professional Code (R.S.Q., c. C-26) and their regulations.

\* The Code of ethics of hearing-aid acousticians (R.R.Q., 1981, c. A-33, r. 2) was amended once by the regulation approved by Order in Council 167-90 dated 14 February 1990 (1990, *G.O.* 2, 546).

**1.05.** A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or company complies with the Hearing-aid Acousticians Act, the Professional Code and their regulations.

The duties and obligations under the Hearing-aid Acousticians Act, the Professional Code and their regulations are not changed or reduced by the fact that a hearing-aid acoustician carries on professional activities within a partnership or joint-stock company.”.

**2.** Section 3.01.04 is amended by replacing “hearing-aid acoustics” by “audioprostology”.

**3.** Section 3.02.02 is amended by inserting the following after the first sentence:

“Similarly, a hearing-aid acoustician must avoid any misrepresentation with respect to the competency or efficiency of the services generally provided by the persons with whom he carries on professional activities within the same partnership or joint-stock company.”.

**4.** Section 3.02.06 is amended by adding the following paragraph at the end:

“A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that the partnership or company complies with the requirements of the first paragraph when a hearing aid is entrusted to the partnership or company in connection with the professional activities.”.

**5.** Section 3.04.01 is amended by adding the following sentence at the end:

“A hearing-aid acoustician may not invoke the liability of the partnership or joint-stock company within which he carries on professional activities or the liability of another person also carrying on activities within the same partnership or company as a ground for excluding or limiting his personal civil liability.”.

**6.** Section 3.05.01 is amended by adding the following paragraph at the end:

“Similarly, the interest of the partnership or joint-stock company in which the hearing-aid acoustician carries on professional activities or has an interest must be subordinated to that of his patient.”.

**7.** The following is inserted after section 3.05.01:

**“3.05.01.01.** A hearing-aid acoustician may not be party to an agreement in which the nature and extent of professional expenses may influence the quality of his practice.

Any agreement entered into by a hearing-aid acoustician or a partnership or joint-stock company of which he is a partner or shareholder regarding the enjoyment of a building or space to carry on his professional activities must be entirely recorded in writing and include a statement by the parties that the obligations arising from the agreement comply with the provisions of this Code and a clause authorizing release of the agreement to the Order on request.”.

**8.** Section 3.05.04 is amended by replacing “ask him for authorization to continue his professional services” by “cease to carry on his professional activities, unless the patient, after being informed of the nature of the conflict of interest and the facts relating thereto, authorizes the hearing-aid acoustician in writing to continue his professional activities.”.

**9.** The following is inserted after section 3.05.04:

**“3.05.04.01.** A hearing-aid acoustician must take the necessary measures to ensure that information and documents relevant to professional secrecy are not disclosed to a partner, shareholder, director, officer or employee of a partnership or joint-stock company within which the hearing-aid acoustician carries on professional activities or in which he has an interest, where he becomes aware that the partner, shareholder, director, officer or employee has a conflict of interest.

The following factors must be considered in assessing the effectiveness of such measures:

(1) size of the partnership or company;

(2) precautions taken to prevent access to the hearing-aid acoustician’s file by the person having a conflict of interest;

(3) instructions given to protect confidential information or documents related to the conflict of interest; and

(4) isolation, from the hearing-aid acoustician, of the person having a conflict of interest.”.

**10.** Section 3.05.05 is amended

(1) by inserting “or who is not a person, trust or enterprise referred to in the Regulation respecting the practice of the profession of hearing-aid acoustician

within a partnership or a joint-stock company approved by Order in Council 548-2010 dated 23 June 2010” after “Order”;

(2) by adding the following at the end:

“Where a hearing-aid acoustician carries on professional activities within a partnership or joint-stock company, the income resulting from the professional services rendered within and on behalf of the partnership or company belongs to the partnership or company, unless agreed otherwise.”.

**11.** Section 3.05.09 is amended by replacing “audioprothésiste” in the French text by “audioprothèse”.

**12.** The following is inserted after section 3.06.06:

“**3.06.07.** A hearing-aid acoustician must take reasonable measures to ensure that anyone with whom he carries on his professional activities does not communicate to a third party the confidential information of which he may have taken cognizance.

**§6.1. *Lifting of professional secrecy to protect individuals***

**3.06.07.01.** A hearing-aid acoustician may communicate information that is protected by professional secrecy to prevent an act of violence, including a suicide, where the hearing-aid acoustician has reasonable cause to believe that there is an imminent danger of death or serious bodily injury to a person or an identifiable group of persons.

However, the hearing-aid acoustician may only communicate the information to a person exposed to the danger, or that person’s representative, and to the persons who can come to that person’s aid. The hearing-aid acoustician may only communicate such information as is necessary to achieve the purposes for which the information is communicated.

If the hearing-aid acoustician is unsure about the nature or degree of imminence of the danger or about the appropriate course of action, the hearing-aid acoustician is to consult another member of the Order, a member of another professional order, or the syndic of the Order, provided the consultation will not prejudicially delay the communication of the information.

**3.06.07.02.** A hearing-aid acoustician who communicates information protected by professional secrecy pursuant to section 3.06.07.01 must, for each communication, enter in the patient’s record as soon as possible

(1) the name of the person or group of persons exposed to a danger;

(2) the reasons supporting the decision to communicate the information; and

(3) the subject of the communication, the mode of communication, the name of the person to whom the information was given and the date and time it was communicated.

The hearing-aid acoustician must send that information to the syndic as soon as possible.”.

**13.** The title of subdivision 7 of Division III is replaced by the following:

“Accessibility and correction of records”.

**14.** Section 3.07.01 is amended by replacing the second paragraph by the following:

“Hearing-aid acousticians must refuse to release to a patient personal information concerning the patient if its disclosure would likely reveal personal information concerning a third person or the existence of such information, and the disclosure could seriously harm that third person, unless the latter consents to the communication of the information or in the case of an emergency that threatens the life, health or safety of the person concerned.”.

**15.** The following is inserted after section 3.07.01:

“**3.07.02.** A hearing-aid acoustician must allow his patient to cause to be corrected the information concerning the patient that is inaccurate, incomplete or ambiguous with regard to the purpose for which it was collected. He must also allow his patient to cause to be deleted any information that is outdated, not justified by the object of the record or the collection of which is not authorized by law, or to prepare written comments and file them in the record.

**3.07.03.** A hearing-aid acoustician holding a record that is the subject of a request for access or correction by the patient concerned must respond to that request with diligence and not later than 20 days from the date on which the request is received.

**3.07.04.** A hearing-aid acoustician who charges fees for the reproduction, transcription or transmission of the documents requested must first inform the patient of the approximate amount to be paid.

**3.07.05.** A hearing-aid acoustician who grants a request for correction must issue free of charge to the person who made the request a copy of any information modified or added or, as the case may be, an attestation that information has been deleted.

The hearing-aid acoustician sends a copy of the information or the attestation, as the case may be, to the person from whom such information was obtained or to any person to whom such information was given.

**3.07.06.** A hearing-aid acoustician may refuse to grant a patient's request for access or correction only if, in the opinion of a health care professional, consultation of the record would result in serious harm to the patient's health. The hearing-aid acoustician must notify the patient in writing of the reason for the refusal, enter the reason in the patient's record and inform the patient of his or her recourses.

**3.07.07.** A hearing-aid acoustician holding information that is the subject of a request for access or correction must, if he does not grant the request, retain the information for such time as is necessary to allow the person concerned to exhaust the recourses provided by law.”.

**16.** Section 3.08.03 is amended by replacing “the numbers” in paragraph *b* by “the number” and by striking out “the electrical cord, the receiver and”.

**17.** Section 4.01.02 is amended by inserting “or who carries on professional activities with a person who has an interest in such a business” after “wholesale of hearing-aids”.

**18.** Section 4.02.01 is amended

(1) by replacing “and 58” in the part preceding paragraph *a* by “, 58, 59.1, 59.2 and those that may be determined pursuant to the second paragraph of section 152”;

(2) by replacing paragraph *e* by the following:

“(e) forming a partnership with or being employed by a person who is not a member of the Order for the purpose of practising audioprosthology, except with a person, trust or enterprise referred to in the Regulation respecting the practice of the profession of hearing-aid acoustician within a partnership or a joint-stock company with which the hearing-aid acoustician is authorized to carry on professional activities within a partnership or joint-stock company;”;

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

“(n) failing to promptly notify the secretary of the Order where, pursuant to the Bankruptcy and Insolvency Act (R.S.C. 1985, c. B-3), a hearing-aid acoustician or the partnership or company within which he carries on professional activities has made an assignment of property for the benefit of his creditors, is the subject of a receiving order, or has made a proposal that has been rejected by his creditors or dismissed or annulled by the court;

(o) carrying on professional activities within, or having an interest in, a partnership or company whose name compromises the dignity of the profession of hearing-aid acoustician or with a person who, to the hearing-aid acoustician's knowledge, acts in a manner that compromises the dignity of the profession of hearing-aid acoustician;

(p) carrying on professional activities within, or having an interest in, a partnership or company, where a partner, shareholder, director or officer of the partnership or company has been struck off the roll for more than 3 months or has had his professional permit revoked, unless the partner, shareholder, director or officer

i. ceases to hold a position of director or officer within the partnership or company within 15 days of the date on which the mandatory striking off or revocation of permit has become effective;

ii. ceases, if applicable, to attend any shareholder meetings and to exercise his right to vote within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; or

iii. disposes of his voting shares or turns them over to a trustee within 15 days of the date on which the mandatory striking off or revocation of permit has become effective; and

(q) intimidating a person or taking reprisals or threatening to take reprisals against any person who

i. has reported derogatory conduct or behaviour or intends to do so; or

ii. has taken part or cooperated in an inquiry into derogatory conduct or behaviour or intends to do so.”.

**19.** The following is added at the end:

**“DIVISION V**  
**RESTRICTIONS AND OBLIGATIONS RELATING**  
**TO ADVERTISING**

**5.01.** A hearing-aid acoustician may, in a statement or advertisement, inform the public of any aspect of the practice of his profession, subject to the conditions set out in this Code and to the laws and regulations governing the practice of his profession.

**5.02.** No hearing-aid acoustician may, by any means whatsoever, engage in or allow advertising that is false, deceitful, incomplete or likely to be misleading.

**5.03.** No hearing-aid acoustician may claim specific qualities or skills, in particular as to his level of competence or the scope or effectiveness of his professional services, unless they can be substantiated.

**5.04.** No hearing-aid acoustician may use or allow to be used in advertising any endorsement or statement of gratitude in the hearing-aid acoustician's regard.

**5.05.** No hearing-aid acoustician may use advertising practices likely to denigrate or discredit the competence, knowledge or services of a colleague or of another professional.

**5.06.** A hearing-aid acoustician must avoid, in advertising, all methods and attitudes likely to give a profit-seeking or commercialistic character to the profession;

**5.07.** A hearing-aid acoustician must keep an integral copy of every advertisement in its original form for a period of 12 months following the date on which it was last published or broadcast. On request, the copy must be given to the syndic.

**5.08.** A hearing-aid acoustician may use a picture of a hearing aid in his advertising.

He must then include in his advertising a precautionary mention that an assessment by a hearing-aid acoustician is required in order to determine if the hearing aid is suitable for the patient's needs.

However, no hearing-aid acoustician may, by any means whatsoever, engage in or allow advertising for a brand or model, or advertising that mentions a price, rebate, discount or free hearing aids.

**5.09.** In a statement or advertisement mentioning a price, rebate, discount or free products or services other than hearing aids, a hearing-aid acoustician must mention the period of validity of the price, rebate, discount or free products or services, if any.

**5.10.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, give more importance to a price, rebate, discount or free products or services than to the product or service offered.

**5.11.** In a statement or advertisement concerning fees or prices, a hearing-aid acoustician must specify the services covered by those fees or prices.

**5.12.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, indicate the price of any of the products or services forming part of a set without indicating the total price of that set of products or services.

**5.13.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, give less importance to the fees or prices of a set of products or services than to the fees or prices of any of the products or services forming part of that set.

**5.14.** No hearing-aid acoustician may, in a statement or advertisement, by any means whatsoever, disclose the amount of the instalments to be paid to acquire a product or receive a service without disclosing and also stressing in a more obvious manner the total price or fees for the product or service.

**5.15.** A hearing-aid acoustician must refrain from advertising trials or trial periods.

**5.16.** A hearing-aid acoustician must indicate on his business card, stationery and in a statement or advertisement, his name, title, the address and telephone number of his professional domicile and, if applicable, the name of the partnership or joint-stock company within which he carries on professional activities.

**5.17.** All hearing-aid acousticians who carry on professional activities within a partnership or joint-stock company are solidarily responsible for complying with the rules respecting advertising, unless the advertising clearly indicates the name of the hearing-aid acoustician who is responsible for it or unless the other hearing-aid acousticians establish that the advertising was done without their knowledge and consent and despite the measures taken to ensure compliance with those rules.

**5.18.** A hearing-aid acoustician who carries on professional activities within a partnership or joint-stock company must take reasonable measures to ensure that advertising by the partnership or company or by any other person carrying on activities within the partnership or company complies with the rules set out in this Division.

## DIVISION VI GRAPHIC SYMBOL OF THE ORDER

**6.01.** The Order is represented by a graphic symbol that conforms to the original held by the secretary of the Order.

**6.02.** The use of the graphic symbol of the Order must conform to the original held by the secretary of the Order.”.

**20.** Section 18 of this Regulation replaces the Regulation respecting advertising by hearing-aid acousticians (R.R.Q., 1981, c. A-33, r. 7) that, in accordance with section 10 of the Act to amend the Professional Code and various Acts constituting professional corporations with respect to professional advertising and certain registers (1990, c. 76), ceases to have effect on the date of coming into force of section 18 of this Regulation.

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

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Gouvernement du Québec

### O.C. 550-2010, 23 June 2010

Professional Code  
(R.S.Q., c. C-26)

#### Physicians — Code of ethics — Regulation

Regulation amending the Code of ethics of physicians

WHEREAS, under section 87 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order must make, by regulation, a code of ethics governing the general and special duties of the professional towards the public, clients and the profession, particularly the duty to discharge professional obligations with integrity, and the code must contain, *inter alia*, provisions setting out conditions, obligations and, where applicable, prohibitions in respect of advertising by the members of the order;

WHEREAS the board of directors of the Collège des médecins du Québec made the Regulation amending the Code of ethics of physicians;

WHEREAS, under section 95.3 of the Professional Code, a draft of the Regulation was sent to every member of the Collège at least 30 days before being made by the board of directors;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2 of the Code, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation amending the Code of ethics of physicians was published in Part 2 of the *Gazette officielle du Québec* of 6 January 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS comments were received by the Office des professions du Québec following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office des professions du Québec has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation, with amendments;

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

THAT the Regulation amending the Code of ethics of physicians, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### Regulation amending the Code of ethics of Physicians\*

Professional Code  
(L.R.Q., c. C-26, a. 87)

**1.** The Code of Ethics of Physicians is amended by the deletion of section 86.

**2.** Sections 88 and 89 of this Code are replaced by the following:

#### “DIVISION VII.I ADVERTISING AND PUBLIC STATEMENTS

**88.0.1.** A physician may not, by whatever means, advertise or make a representation to the public or to a person having recourse to his services or allow such to be made in his name, about him or for its benefit, that is false, misleading or incomplete, particularly as to his

level or competence or the scope of effectiveness of his services, or favouring a medication, products, or method of investigation or treatment.

**88.** A physician who addresses the public must communicate factual, exact and verifiable information. This information must not contain any comparative or superlative statement belittling or disparaging a service or product dispensed by another physician or other professionals.

**88.1.** A physician may not use or allow in an advertisement the expression in an unsuitable way of support or gratitude concerning him or his professional practice.

**89.** A physician, expressing medical opinions through any public information medium, must express opinions in keeping with current information in medical science on the subject and indicate the caution with respect to a new diagnostic, investigative or treatment procedure which has not been sufficiently tested.”.

**3.** Sections 90 and 91 of this Code are deleted.

**4.** Section 92 of this Code is replaced by the following:

“**92.** A physician must clearly indicate in his advertising and on all other items of identification used to offer his professional services, his name as well as his status as family physician or specialist corresponding to a speciality category. He may also mention the services he offers.”.

**5.** This Code is modified by the addition, after section 93, of by the following sections:

“**93.1.** Advertising about the prices of services provided by a physician must be of a nature to inform a person who does not have special knowledge of medicine.

**93.2.** A physician who includes a price in his advertising must also indicate the following information:

(1) the price of the treatment or service contemplated and, if any, the validity period;

(2) any restrictions that apply;

(3) any additional services or fees that might be charged and are not already included in the fee or price;

(4) additional fees associated with the terms of payment, if any.

A physician may agree with a patient to charge a price below that published or circulated.

“**93.3.** The physician may not in any way whatsoever make or allow advertising intended for vulnerable persons particularly due of their age, condition or the occurrence of a specific event.”.

**6.** Section 105 of this Code is modified:

(1) by the replacement of the word “fee asked” by the word “price”;

(2) by the replacement of the words “period for which the fee is in effect” by the words “validity period, where applicable”;

(3) by the addition, at the end of the section, of the following paragraph:

“He must display for public view in the waiting room of the place where he practices the price of any services, supplies and accessory charges and medical care that he charges for.”.

**7.** This regulation comes into force on the fifteenth day following its publication in the *Gazette officielle du Québec*.

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Gouvernement du Québec

**O.C. 551-2010, 23 June 2010**

Professional Code  
(R.S.Q., c. C-26)

### Nurses

#### — Professional activities which may be performed by persons other than nurses

Regulation respecting the professional activities which may be performed by persons other than nurses

WHEREAS, under paragraph *h* of section 94 of the Professional Code (R.S.Q., c. C-26), the board of directors of a professional order may make a regulation to determine, among the professional activities that may be engaged in by members of the order, those that may be engaged in by the persons or categories of persons indicated in the regulation, and the terms and conditions on which such persons may engage in such activities;

WHEREAS, in accordance with that paragraph, the board of directors of the Ordre des infirmières et infirmiers du Québec has consulted the Ordre professionnel des diététistes du Québec, the Ordre des ergothérapeutes du Québec, the Ordre des infirmières et infirmiers auxiliaires du Québec, the Ordre professionnel des inhalothérapeutes du Québec, the Collège des médecins du Québec, the Ordre des pharmaciens du Québec, the Ordre professionnel de la physiothérapie du Québec, the Ordre des podiatres du Québec, the Ordre des sages-femmes du Québec, the Ordre des technologues en imagerie médicale et en radio-oncologie du Québec and the Ordre professionnel des technologues médicaux du Québec before making the Regulation respecting the professional activities which may be performed by persons other than nurses;

WHEREAS, pursuant to section 95 of the Professional Code and subject to sections 95.0.1 and 95.2, every regulation made by the board of directors of a professional order under the Code or an Act constituting a professional order must be transmitted to the Office des professions du Québec for examination and be submitted, with the recommendation of the Office, to the Government which may approve it with or without amendment;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the professional activities which may be performed by persons other than nurses was published in Part 2 of the *Gazette officielle du Québec* of 31 March 2010 with a notice that it could be submitted to the Government for approval on the expiry of 45 days following that publication;

WHEREAS, in accordance with section 95 of the Professional Code, the Office has examined the Regulation and made its recommendation;

WHEREAS it is expedient to approve the Regulation with amendment;

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

THAT the Regulation respecting the professional activities which may be performed by persons other than nurses, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the professional activities which may be performed by persons other than nurses**

Professional Code  
(R.S.Q., c. C-26, s. 94, par. h)

### **DIVISION I GENERAL**

**1.** The purpose of this Regulation is to determine the professional activities that nurses may perform that may be carried out by the following persons:

(1) a nursing student, namely, a person registered in a program of studies leading to a diploma giving access to the permit of the Ordre des infirmières et infirmiers du Québec, determined by regulation of the Government made under the first paragraph of section 184 of the Professional Code (R.S.Q., c. C-26);

(2) a nursing extern, namely, a person who, up to 12 months ago, successfully completed the first two years of the college studies program, at least 34 credits of the university studies program of the Université de Montréal or at least 60 credits of another university studies program leading to a diploma giving access to the permit of the Ordre;

(3) a person eligible by equivalence, namely, a person registered in a program of studies or a period of additional training required for the purpose of obtaining equivalent training;

(4) a candidate to the profession of nursing, namely, a person who holds a diploma giving access to the permit of the Ordre or for whom the Ordre has recognized an equivalence of a diploma or training.

For the purposes of this Regulation, a care unit means a care unit that is not extended over several sites.

**2.** Any person performing professional activities under this Regulation must perform them in compliance with the ethical obligations applicable to members of the Ordre.

### **DIVISION II NURSING STUDENT**

**3.** A nursing student may carry out the professional activities that nurses may perform that are required to complete the program of study in which she is registered, with the exception of the adjustment of the therapeutic nursing plan, when the following conditions have been met:

(1) she performs them as part of the program of study;

(2) she performs them under the supervision of a nurse who supervises the training period and who is present in the care unit concerned in order to rapidly intervene.

**4.** The nursing student shall record her interventions in the patient's record with her signature, followed by "student n.". If her signature cannot be clearly identified, she shall write her name in block letters after it.

### **DIVISION III NURSING EXTERN**

**5.** A nursing extern may carry out the professional activities that nurses may perform that are listed in Schedule I in a general and specialized hospital centre, in a residential and long-term care centre and in a rehabilitation centre for persons with physical disabilities, operated by a public institution within the meaning of the Act respecting health services and social services (R.S.Q., c. S-4.2) or the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5), when the following conditions have been met:

(1) the director or the person in charge of nursing of the institution or a nurse designated by either one, is in charge of the nursing externship and identifies, for each nursing extern, a nurse to whom she may refer throughout her nursing externship so as to facilitate her integration into the clinical environment and the consolidation of her knowledge;

(2) the institution provides an integration program lasting at least three weeks; the program shall make it possible for the nursing extern to become familiar with the institution's policies and directives, to perfect the knowledge and skills necessary to perform the activities provided for in Schedule I, according to the care methods to be applied for that purpose, and, under the supervision of a nurse, to demonstrate her ability to perform them;

(3) the institution has rules of care that are issued by the director or the person in charge of nursing.

However, a nursing extern may not perform these activities in the following places and sectors of activity: intensive care, the coronary care unit, the operating suite, the recovery room, the intermediate care unit, the delivery room, neonatology and short-term psychiatric units and services.

For the purposes of this Division, a nursing externship corresponds to the period during which the nursing extern performs the activities provided for in the first paragraph.

**6.** To perform the activities provided for in section 5, a nursing extern must comply with the following conditions:

(1) she must provide the Ordre with an attestation, issued by an educational institution, that she is a nursing extern;

(2) she must provide the Ordre with an attestation, issued by an institution referred to in section 5, that it retained her services;

(3) she must successfully complete the integration program provided for in subparagraph 2 of the first paragraph of section 5;

(4) she performs these activities:

(a) under the conditions provided for in Schedule I;

(b) under the supervision of a nurse who is in charge of the patient and who is present in the care unit concerned in order to intervene immediately;

(c) with a patient whose state of health is not in a critical phase or does not require frequent adjustments;

(d) from May 15 to August 31 and from December 15 to January 20.

**7.** The nursing extern shall record her interventions in the patient's record with her signature, followed by "nurs. ext.". If her signature cannot be clearly identified, she shall write her name in block letters after it.

### **DIVISION IV PERSON ELIGIBLE BY EQUIVALENCE**

**8.** A person eligible by equivalence may carry out the professional activities that nurses may perform that are required to complete the program of studies or the additional training required for the purpose of obtaining equivalence training, with the exception of the adjustment of the therapeutic nursing plan, when the following conditions have been met:

(1) she performs them as part of the program of studies or additional training;

(2) she performs them under the supervision of a nurse who is present in the care unit concerned in order to rapidly intervene.

**9.** A person eligible by equivalence shall record her interventions in the patient's record with her signature, followed by "p.el.eq., nurs.". If her signature cannot be clearly identified, she shall write her name in block letters after it.

#### DIVISION V

##### CANDIDATE TO THE PROFESSION OF NURSING

**10.** A candidate to the profession of nursing may carry out all the professional activities that nurses may perform, with the exception of those provided for in Schedule II.

She may also take part in the vaccination procedure forming part of a vaccination operation under the Public Health Act (R.S.Q., c. S-2.2).

**11.** To perform the professional activities provided for in section 10, the candidate to the profession of nursing shall comply with the following conditions:

(1) she shall hold an attestation, issued by the Order, that:

(a) she has a diploma giving access to the permit of the Ordre or she has been granted diploma or training equivalence;

(b) she has informed the Ordre of the address of her main residence and the contact information for her employer;

(2) she shall perform these activities in a centre operated by a public institution within the meaning of the Act respecting health services and social services or the Act respecting health services and social services for Cree Native persons that provides an integration program making it possible for her to become familiar with the institution's policies and directives, to consolidate the knowledge and skills necessary to carry out these activities and to demonstrate her ability to perform them;

(3) she shall have successfully completed the integration program referred to in subparagraph 2;

(4) she shall perform these activities under the supervision of a nurse who is present in the care unit concerned in order to intervene immediately or to respond rapidly to the candidate's request; in the case of a care unit of a

residential and long-term care centre, she shall perform these activities under the supervision of a nurse who is present in the building so that she can respond rapidly to the candidate's request.

**12.** A candidate to the profession of nursing shall record her interventions in the patient's record with her signature, followed by "CPN". If her signature cannot be clearly identified, she shall write her name in block letters after it.

**13.** A candidate to the profession of nursing is authorized to perform the professional activities provided for in section 10 until the first of the following occurs:

(1) she does not pass the professional examination by the time limit provided for in the Regulation respecting the terms and conditions for the issue of permits by the Ordre des infirmières et infirmiers du Québec, enacted by Order-in-Council No. 553-2009 of May 12, 2009;

(2) she fails the professional examination three times;

(3) more than 30 days elapse after the date on which the permit of the Order is issued;

(4) more than four years elapse after the first professional examination session that follows the date on which she obtained her diploma giving access to the permit of the Ordre or the date of the decision of the Ordre to recognize her equivalent diploma or training for the purposes of issuing a permit.

#### DIVISION VI

##### TRANSITIONAL AND FINAL PROVISIONS

**14.** This Regulation replaces the Regulation respecting the professional activities which may be performed by persons other than nurses, enacted by Order-in-Council No. 849-97 of June 25, 1997 and the Regulation respecting the professional acts that may be performed by a nursing extern on certain terms and conditions, enacted by Order-in-Council No. 512-2000 of April 19, 2000.

**15.** A candidate for the profession of nursing who carried out the professional activities provided for in the Regulation respecting the professional activities which may be performed by persons other than nurses shall have eight weeks as of July 22<sup>nd</sup>, 2010 in which to obtain from the Order the attestation referred in subparagraph 1 of section 11 of this Regulation.

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

**SCHEDULE I**

(s. 5)

**PROFESSIONAL ACTIVITIES THAT MAY BE PERFORMED BY A NURSING EXTERN**

1. Apply the following invasive measures for the maintenance of therapeutic equipment:

- 1.1. irrigate a nasogastric tube;
- 1.2. irrigate a nasoduodenal tube;
- 1.3. irrigate a gastrostomy tube;
- 1.4. irrigate a jejunostomy tube;
- 1.5. maintain an indwelling urinary drainage system;
- 1.6. give tracheostomy care.

2. Take the following samples, according to a prescription:

- 2.1. blood;
- 2.2. urine;
- 2.3. stool;
- 2.4. wound exsudate;
- 2.5. tracheal secretions;
- 2.6. gastric secretions;
- 2.7. vaginal secretions.

3. Provide care and treatment related to the wounds and alterations of the skin and integuments, according to a prescription or according to the nursing treatment plan, in the following cases:

- 3.1. do an aseptic dressing, including a drain or packing;
- 3.2. apply a dressing to prevent and treat pressure lesions (stages 1 and 2);
- 3.3. remove staples and sutures;
- 3.4. provide intestinal stomy care (colostomy, ileostomy);
- 3.5. provide care around the periphery of a gastrostomy, jejunostomy, cystostomy and nephrostomy tube.

4. Check neurological, neurovascular and vital signs.

5. Mix substances to complete the preparation of a medication, according to a prescription.

6. Administer, according to the indicated route, the following medication or substances, when they are prescribed and, in the case of PRN medication, when the patient's state has been assessed by a nurse beforehand:

- 6.1. oxygen, via the respiratory tract;
- 6.2. a medication or substance other than a serum, a medication related to a research protocol, a substance related to allergy tests or a subcutaneous anesthetic substance:
  - 6.2.1. by oral and sublingual route;
  - 6.2.2. by nasogastric and gastrostomy tube if the tube is in place;
  - 6.2.3. by nasal, ophthalmic and optic route;
  - 6.2.4. by topical route;
  - 6.2.5. by vaginal and rectal route;
  - 6.2.6. by intradermal, subcutaneous and intramuscular route, after verification by a nurse;
  - 6.2.7. by respiratory tract;
- 6.3. a drug or other controlled substance, by oral, rectal, intradermal, transdermal, subcutaneous and intramuscular route, after verification by a nurse.

7. Take part in the vaccination procedure forming part of a vaccination operation under the Public Health Act.

8. Provide the following medical treatments, according to a prescription:

- 8.1. install a nasogastric tube;
- 8.2. perform a gastric residue;
- 8.3. administer enteric feeding;
- 8.4. perform aspiration of nasopharyngeal secretions;
- 8.5. install, change or remove a urinary catheter;
- 8.6. perform a bladder catheterization;

- 8.7. monitor an irrigation of the bladder;
- 8.8. give an enema;
- 8.9. give a colostomy enema;
- 8.10. install a butterfly needle for an intermittent subcutaneous injection or for a perfusion by subcutaneous route;
- 8.11. install a short peripheral intravenous catheter measuring less than 7.5 cm;
- 8.12. administer an intravenous solution without additives, using a short peripheral intravenous catheter measuring less than 7.5 cm, when the solution has been checked beforehand by a nurse;
- 8.13. install and irrigate with an isotonic solution a short, intermittent injection, peripheral intravenous catheter measuring less than 7.5 cm.

## SCHEDULE II

(s. 10)

### PROFESSIONAL ACTIVITIES WHICH CANNOT BE PERFORMED BY A CANDIDATE FOR THE PROFESSION OF NURSING (CPN)

- 1. Assess the physical and mental condition of a symptomatic person in a family medicine group (FMG), a family medicine unit, a private medical clinic, a triage situation, an ambulatory clinic or in providing common services.
- 2. Provide clinical monitoring of the condition of the following persons, including the following:
  - 2.1. a person about to give birth who is undergoing monitoring in the case of a high-risk pregnancy;
  - 2.2. a person who is in shock, a person with multitrauma or a person who needs to be resuscitated in an emergency service or department;
  - 2.3. a person undergoing hemodynamic monitoring through the insertion of catheters in the vascular system for the purpose of checking cardiac function, blood volume and blood circulation.
- 3. Initiate diagnostic and therapeutic measures, according to a prescription.
- 4. Initiate diagnostic measures for the purpose of a screening operation under the Public Health Act.

- 5. Determine the treatment plan for wounds and alterations of the skin and integuments.
- 6. Perform vaccinations as part of a vaccination operation under the Public Health Act.
- 7. Make decisions as to the use of restraint measures.
- 8. Adjust the therapeutic nursing plan for all the above activities.

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Gouvernement du Québec

### **O.C. 560-2010, 23 June 2010**

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

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2)

### **Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval and Regulation respecting the implementation of that Agreement**

Approval of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, signed in Québec on 7 December 2004, and Regulation respecting the implementation of that Agreement

WHEREAS Order in Council 978-2003 dated 17 September 2003 authorized the Minister of International Relations and the Minister responsible for La Francophonie to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic;

WHEREAS that Agreement was entered into on 7 December 2004 in Québec;

WHEREAS that Agreement on Social Security covers, in particular, pension plans, health, industrial accidents and occupational diseases;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001) the Minister may, in particular, in the exercise of his or her functions, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international agreements of a fiscal nature entered into under section 9 of that Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which that Act is to apply to any case affected by an agreement entered into with another country;

WHEREAS, under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS the Agreement is an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Agreement is also an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the National Assembly approved the Agreement on 22 March 2005;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations, the Minister of Health and Social Services, the Minister of Employment and Social Solidarity and the Minister of Revenue:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, signed in Québec on 7 December 2004, approved by the National Assembly on 22 March 2005 and attached to the implementation regulation mentioned below, be approved;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2, s. 10)

**1.** The following Acts and the regulations thereunder apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed in Québec on 7 December 2004 and attached as Schedule 1:

- (1) the Hospital Insurance Act (R.S.Q., c. A-28);
- (2) the Health Insurance Act (R.S.Q., c. A-29);
- (3) the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., c. R-5);
- (4) the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);
- (5) the Act respecting health services and social services (R.S.Q., c. S-4.2);
- (6) the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

**2.** Those Acts and the regulations apply in the manner stipulated in that Agreement and in the Administrative Arrangement for the application of the Agreement, attached as Schedule 2.

**3.** This Regulation replaces the Regulation respecting the entente en matière de sécurité sociale entre les Gouvernements du Québec et de la République hellénique, made by Order in Council 2094-83 dated 12 October 1983 and the Regulation respecting the implementation of the Supplementary Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, made by Order in Council 1740-87 dated 18 November 1987.

**4.** This Regulation comes into force on 1 November 2010.

### SCHEDULE 1

(s. 1)

AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND GREECE

THE GOUVERNEMENT DU QUÉBEC

AND

THE GOVERNMENT OF THE HELLENIC REPUBLIC

Taking note of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 23 June 1981;

Taking also note of the Supplementary Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Athens on 17 September 1984;

Resolved to guarantee to their respective nationals the advantages of the coordination of their social security statutes; and

Resolved to take into consideration the changes made to their respective statutes;

HAVE AGREED AS FOLLOWS:

### TITLE I GENERAL

#### ARTICLE 1 DEFINITIONS

In this Agreement, unless the context otherwise requires,

(a) "Greece" means the Hellenic Republic;

(b) "competent authority" means the Minister of Québec or the Minister of Greece responsible for the social security plans under the statutes referred to in Article 2;

(c) "competent institution" means the department or body of Québec or the body of Greece responsible for the administration of the statutes referred to in Article 2;

(d) "statutes" means existing or future statutes, regulations, statutory provisions and any other application measures relating to the social security branches and plans referred to in Article 2;

(e) “period of insurance” means 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; and, as regards Greece, a period during which contributions have been paid under the statutes of Greece referred to in Article 2 and any other period considered as equivalent to a period of contribution or recognized as such under the statutes;

(f) “dependent” means as regards Québec, the spouse and dependents according to Québec statutes; and as regards Greece, the family members designated under the statutes of Greece;

(g) “benefit” means a pension, an annuity, an allowance, a lump-sum grant or any other benefit in cash or in kind provided under the statutes of each Party, including any extension, supplement or increase;

(h) “national” means a person of Canadian citizenship who is or who has been subject to the statutes referred to in subparagraph *a* of paragraph 1 of Article 2 and who has acquired rights under those statutes or a person of Greek nationality who is subject to the statutes referred to in subparagraph *b* of paragraph 1 of Article 2;

(i) “reside” means for the purposes of Title III, to ordinarily live in the territory of a Party with the intent to establish or maintain therein a domicile and to have been legally authorized to do so;

(j) “stay” means to be temporarily in the territory of a Party without intending to live therein permanently.

Any term not defined in the Agreement has the meaning given to it under the applicable statutes.

## **ARTICLE 2** MATERIAL SCOPE

### 1. The Agreement shall apply

(a) as regards Québec, to the statutes respecting the Québec Pension Plan, industrial accidents, occupational diseases, health insurance, hospital insurance and other health services;

(b) as regards Greece,

i. to the general social security statutes applicable to salaried and assimilated workers;

ii. to the statutes on the special schemes concerning the social security of all categories of salaried workers as well as of self-employed workers and professionals,

other than the special statutes concerning the pensions of public servants and the statutes concerning seamen; and

iii. to the statutes concerning persons insured under the OGA system (Agricultural Insurance Organization);

for the purposes of Article 5 only:

iv. to the statutes providing for cash maternity and death benefits;

v. to the special statutes concerning the pensions of public servants and the statutes concerning seamen; and

vi. to Law 435/76, Article 5, providing for a lump-sum payment which is granted on retirement.

2. The Agreement shall also apply to any Act or regulation which amends, adds to or replaces the statutes referred to in paragraph 1.

3. The Agreement shall also apply to any Act or regulation of one Party which extends the existing plans to new classes of beneficiaries or to new benefits; notwithstanding the preceding, that Party may, within three months of the date of publication of the Act or regulation, notify the other Party that the Agreement shall not apply.

4. The Agreement shall not apply to an Act or regulation covering a new branch of social security, unless the Agreement is amended to that effect.

## **ARTICLE 3** PERSONAL SCOPE

Unless otherwise provided, the Agreement shall apply to every person who is subject to the statutes of one Party or who has derived rights under those statutes.

## **ARTICLE 4** EQUALITY OF TREATMENT

Unless otherwise provided in the Agreement, the persons referred to in Article 3 shall, in the application of the statutes of one Party, receive the same treatment as the nationals of that Party.

## **ARTICLE 5** EXPORT OF BENEFITS

1. Unless otherwise provided in the Agreement, any benefit acquired under the statutes of one Party, with or without the application of the Agreement, shall not be subject to any reduction, modification, suspension, sup-

pression or forfeiture by reason only of the fact that the beneficiary resides or stays in the territory of the other Party; the benefit shall be payable in the territory of the other Party.

2. Any benefit 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 statutes.

## **TITLE II** **APPLICABLE STATUTES**

### **ARTICLE 6** **GENERAL RULE**

Unless otherwise provided in the Agreement and subject to Articles 7, 8, 9, 10, 11, 12 and 13, persons working in the territory of one Party shall be subject to the statutes of that Party.

### **ARTICLE 7** **SELF-EMPLOYED PERSONS**

Persons residing in the territory of one Party and working as self-employed persons in the territory of the other Party or in the territory of both Parties shall, with respect to such work, be subject only to the statutes of the Party in the territory of their place of residence.

### **ARTICLE 8** **DETACHED PERSONS**

1. A person subject to the statutes of one Party and performing work for his or her employer in the territory of the other Party, for a period not exceeding 60 months, shall, with respect to such work, remain subject to the statutes of the first Party for the duration of the detachment.

2. Notwithstanding the preceding paragraph, if the period of work extends beyond the proposed initial period and exceeds 60 months, the statutes of the first Party shall remain applicable provided that the competent institutions of Québec and the competent authorities of Greece concur.

### **ARTICLE 9** **DUAL STATUS**

A person simultaneously subject to the statutes of Greece by reason of the person's professional affiliation or self-employed activity and to the statutes of Québec by reason of a salaried activity shall be subject only to the statutes of Québec for the duration of the salaried activity.

### **ARTICLE 10** **TRAVELLING PERSONNEL EMPLOYED IN INTERNATIONAL TRANSPORT**

1. Persons working in the territory of both Parties as travelling personnel for an international carrier which, on behalf of others or on its own account, 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 statutes of the Party in whose territory the head office is located.

2. Notwithstanding the preceding paragraph, if those persons are employed by a branch or permanent agency which the undertaking has in the territory of a Party other than the Party in whose territory it has its head office, they shall, with respect to such work, be subject only to the statutes of the Party in whose territory the branch or permanent agency is located.

3. Notwithstanding paragraphs 1 and 2, if employees 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 statutes of that Party even if the carrier employing them has no head office, branch or permanent agency in that territory.

### **ARTICLE 11** **PERSONS IN THE PUBLIC SERVICE**

1. Persons in the public service for one of the Parties and assigned to a post in the territory of the other Party shall be subject only to the statutes of the first Party for all matters relative to that post.

2. Persons residing in the territory of one Party and who are in the public service for the other Party in that territory shall, with respect to that service, be subject only to the statutes of the first Party. If those persons are nationals of the Party employing them, the persons may, within six months from the start of the service or the coming into force of the Agreement, elect to be subject only to the statutes of that Party.

### **ARTICLE 12** **ABSENCE OF ESTABLISHMENT IN THE TERRITORY OF WORK**

1. Persons recruited by an employer established in the territory of one Party to perform salaried work in the territory of the other Party in which they reside although the employer has no establishment in that territory shall be subject to the statutes of the Party in the territory of their place of residence.

2. For the purposes of the statutes of Québec respecting industrial accidents and occupational diseases, where the persons referred to in paragraph 1 reside and have an office in Québec where the persons perform most of the work, the office shall be considered, with respect to the contribution, as the establishment of their employer.

#### **ARTICLE 13** DEROGATION FROM THE PROVISIONS ON COVERAGE

The competent authorities of the Parties may, by mutual agreement, derogate from the provisions of Articles 6, 7, 8, 9, 10, 11 and 12 with respect to any persons or categories of persons.

#### **ARTICLE 14** VOLUNTARY INSURANCE UNDER THE STATUTES OF GREECE

To determine eligibility of a person for voluntary insurance with a competent institution of Greece, periods of insurance completed under Québec statutes shall be considered as periods of insurance under the statutes of Greece if the person fulfils the other requirements provided in the statutes of Greece.

#### **ARTICLE 15** MILITARY SERVICE UNDER THE STATUTES OF GREECE

To meet the conditions of the statutes of Greece respecting recognition of military service for entitlement to an old age, disability or survivors' pension, the periods of insurance completed under the statutes of Québec shall be totalized with the periods of insurance completed under the statutes of Greece.

### **TITLE III** BENEFITS

#### **CHAPTER 1** RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

#### **ARTICLE 16** BENEFITS

1. This Chapter shall apply to all benefits provided for in the statutes respecting the Québec Pension Plan.

2. This Chapter shall also apply to all benefits provided for in the statutes of Greece respecting old age, disability and survivors.

#### **ARTICLE 17** PRINCIPLE OF TOTALIZATION

When persons have completed periods of insurance under the statutes of both Parties and are not eligible for benefits by virtue of the periods of insurance completed solely under the statutes of one Party, the competent institution of that Party shall totalize, to the extent necessary for the entitlement to benefits under the statutes it applies, the periods of insurance completed under the statutes of each Party, provided that the overlapping periods are counted only once. As regards Greece, the periods of residence within the meaning of the Old Age Security Act shall also be totalized for entitlement to a benefit under the statutes of Greece.

#### **ARTICLE 18** MINIMUM PERIOD TO BE TOTALIZED

Notwithstanding any other provision of the Agreement, if the total duration of the periods of insurance completed by a person under the statutes of a Party is less than one year and if, taking into account only those periods, a person is not entitled to a benefit under the statutes of that Party, the competent institution of that Party shall not be required to pay a benefit to that person.

#### **ARTICLE 19** BENEFITS UNDER QUÉBEC STATUTES

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for dependents, survivors or successors, under Québec statutes, without having recourse to the totalization referred to in Article 17, the competent institution of Québec shall determine the amount of benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without totalization, the competent institution of Québec shall

(a) recognize one year of contribution when the competent institution of Greece certifies that a period of insurance of one year or at least 75 days or 3 months has been credited in a calendar year under the statutes of Greece, provided that the year is included in the contributory period as defined in Québec statutes; and

(b) totalize years recognized under subparagraph *a* with periods of insurance completed under Québec statutes, in accordance with Article 17.

3. If the totalization provided for in paragraph 2 entitles persons to benefits, the competent institution 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 benefit which is related to earnings is calculated according to the provisions of the statutes of Québec;

(*b*) the amount of the flat-rate portion of the benefit payable under the provisions of this Agreement is determined by multiplying

the amount of the flat-rate benefit 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 statutes relating to that Plan.

#### **ARTICLE 20** BENEFITS UNDER THE STATUTES OF GREECE

1. If persons who have been subject to the statutes of both Parties meet the requirements for entitlement to benefits, for themselves or for dependents, survivors or successors, under the statutes of Greece without having recourse to the totalization referred to in Article 17, the competent institution of Greece shall determine the amount of the benefits in accordance with the provisions of the statutes it applies.

2. If the persons referred to in paragraph 1 do not meet the requirements for entitlement to benefits without having recourse to the totalization, the competent institution of Greece shall

(*a*) recognize 300 days, 12 months or one year of insurance in accordance with the statutes of Greece for each year of insurance certified by the competent institution in Québec; and

(*b*) totalize periods of insurance in Québec recognized under subparagraph *a* with periods of insurance completed under the statutes of Greece, in accordance with Article 17.

3. If entitlement to a benefit is not acquired despite the application of paragraph 2, the competent institution of Greece shall

(*a*) recognize 25 days of insurance in accordance with the statutes of Greece for each month of residence within the meaning of the Old Age Security Act which applies in the territory of Québec, provided that the month does not overlap a period of insurance within the meaning of the statutes of Québec; and

(*b*) totalize the periods recognized under subparagraph *a* of paragraphs 2 and 3 with the periods of insurance completed under the statutes of Greece, in accordance with Article 17.

4. To determine the amount of a benefit acquired under totalization, the competent institution of Greece shall

(*a*) calculate the theoretical amount of the benefit that would be payable as if all the periods of insurance totalized under paragraph 2 and, where necessary, paragraph 3, had been completed under the statutes it applies;

(*b*) take into account the salaries (earnings), income, contributions or the average of the contributions paid during the periods of insurance completed under the statutes of Greece for the calculation of the theoretical amount;

(*c*) use the minimum benefit as theoretical amount if the theoretical amount determined is less than the minimum benefit;

(*d*) take the benefit amount as theoretical amount if the amount is not dependent on the period of insurance; and

(*e*) calculate the partial benefit payable by multiplying the theoretical amount of the benefit by the fraction representing the ratio between the periods of insurance completed under the statutes of Greece and the periods of insurance of both Parties totalized under Article 17.

5. Only the periods of insurance completed under the statutes of Greece shall be taken into account to determine the type of benefit and the competent institution.

6. If the granting of a benefit under a special plan requires the completion of periods of insurance in a specific profession or employment, the periods of insurance completed under the statutes of Québec in the same profession or employment shall be taken into account to determine eligibility to the benefit. If the total of the periods completed is not sufficient for entitlement to a benefit of the special plan, the periods shall be taken into account for the granting of a benefit under the general plan.

**ARTICLE 21**  
PERIODS COMPLETED UNDER THE STATUTES  
OF A THIRD PARTY

If a person is not entitled to a benefit after the totalization under Article 19 or Article 20, the periods of insurance completed under the statutes of a third Party bound to each Party by a bilateral or multilateral agreement on social security containing provisions related to the totalization of periods of insurance are taken into account to establish entitlement to benefits, in accordance with the terms and conditions set out in this Title.

**CHAPTER 2**  
BENEFITS IN CASE OF AN INDUSTRIAL  
ACCIDENT OR OCCUPATIONAL DISEASE

**ARTICLE 22**  
BENEFITS

This Chapter shall apply to all benefits related to industrial accidents and occupational diseases provided for in the statutes of Québec and the statutes of Greece.

**ARTICLE 23**  
RESIDENCE OR STAY IN THE TERRITORY  
OF THE OTHER PARTY

A person who receives or commences to receive a benefit under the statutes of one Party following an industrial accident or an occupational disease and who resides or stays in the territory of the other Party is entitled to

(a) the cash benefits paid by the competent institution under the statutes it applies; and

(b) the benefits in kind provided, on behalf of the competent institution, by the institution in the place of stay or residence designated in the Administrative Arrangement, under the statutes it applies.

**ARTICLE 24**  
AGGRAVATION FOLLOWING AN INDUSTRIAL  
ACCIDENT

A person who receives or has received benefits following an industrial accident and is the victim of an aggravation while residing or staying in the territory of the other Party is entitled to benefits in accordance with paragraphs *a* and *b* of Article 23.

**ARTICLE 25**  
OCCUPATIONAL DISEASE CONTRACTED  
AFTER EXPOSURE UNDER THE STATUTES  
OF BOTH PARTIES

1. Where the victim of a disease recognized as an occupational disease under the statutes of both Parties has performed under the statutes of each Party work likely to have caused the disease, the person, the person's dependents or successors must file a claim with the competent institution of the Party under whose statutes the person performed for the longest period work likely to have caused the occupational disease. Before calculating the benefit under its own statutes, the institution shall process the claim taking into account the following provisions:

(a) if the granting of occupational disease benefits is subject to the condition that the disease be first diagnosed in the territory of the Party to which the institution is subject, the condition shall be considered met when the disease is first diagnosed in the territory of the other Party;

(b) if the granting of the benefits is subject to the condition that the disease be diagnosed within a fixed period after the cessation of the work likely to have caused the disease, the institution, in determining when the work was last performed, shall take into account, if necessary, similar work performed under the statutes of the other Party, as if it had been performed under the statutes it applies;

(c) if the granting of the benefits is subject to the condition that work likely to have caused the disease be performed for a certain period of time, the institution shall take into account, if necessary, periods during which such work was performed under the statutes of the other Party, as if it had been performed under the statutes it applies.

2. If the duration of the periods of work likely to have caused the occupational disease completed under the statutes of each Party is identical, the person, the person's dependents or successors must file a claim with the competent institution of the Party under whose statutes the person has performed the last period of work likely to have caused the occupational disease. The institution shall process the claim taking into account subparagraphs *a* to *c* of paragraph 1 before calculating the amount of the benefits according to its own statutes.

3. If the claim is accepted, cash benefits shall be provided directly and covered by the competent institution that processed the claim in accordance with paragraph 1 or 2 and benefits in kind shall be provided by that

institution, or if the beneficiary stays or resides in the territory of the other Party, by the institution in the territory designated in the Administrative Arrangement on behalf of the competent institution.

4. If the claim is denied, the person, the person's dependents or the person's successors may file a claim with the competent institution of the other Party that processes the claim according to the Party's statutes, without applying subparagraphs *a* to *c* of paragraph 1.

#### **ARTICLE 26** AGGRAVATION OF AN OCCUPATIONAL DISEASE

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

(*a*) if the person did not perform under the statutes of the other Party work likely to have caused an aggravation of the occupational disease, the competent institution of the first Party must pay the benefits related to the aggravation according to the provisions of the statutes it applies;

(*b*) if the person performed work likely to have caused an aggravation of the occupational disease only under the statutes of the other Party, the competent institution of that Party must pay the benefits related to the aggravation according to the statutes it applies;

(*c*) if the person performed, under the statutes of both Parties, work likely to have caused an aggravation of the occupational disease, the competent institution of the Party under the statutes of which the person performed the longest period of work likely to have caused the aggravation must pay the benefits related to the aggravation according to the statutes it applies.

#### **ARTICLE 27** CALCULATION OF CASH BENEFITS

1. Where the statutes of one Party provide that the amount of cash benefits varies according to the size of a family, the competent institution of that Party shall take into account the family members of the person concerned who reside in the territory of the other Party as if they were residing in the territory of the first Party.

2. Where the statutes of one Party provide that cash benefits are calculated on the basis of the average remuneration, the competent institution of that Party shall determine the remuneration taking into account only the remuneration related to the periods of work completed under those statutes.

3. Where the statutes of one Party provide that cash benefits are calculated on the basis of remuneration from contract work, the competent institution of that Party shall take into account only that remuneration or, if applicable, the average of the remunerations from contract work related to periods of work completed under those statutes.

### **CHAPTER 3** HEALTH AND HOSPITAL BENEFITS

#### **ARTICLE 28** ENTITLEMENT TO BENEFITS

1. For entitlement to, maintenance or recovery of health and hospital benefits covered by the statutes of one Party, the periods of insurance completed under the statutes of the other Party shall be totalized to the extent necessary with the periods of insurance completed under the statutes of the first Party, provided that they do not overlap.

2. For the purposes of this Chapter, "periods of insurance" means,

(*a*) in Québec, any period of eligibility for health insurance;

(*b*) in Greece, any period of insurance entitling to a benefit of the health-maternity insurance.

3. The benefits under the requirements provided for in this Chapter are granted only on presentation of the required documents, specified in the Administrative Arrangement.

#### **ARTICLE 29** PERSONS COVERED

1. This Chapter shall apply to persons insured under the statutes of Québec or Greece.

2. For the purposes of this Chapter, "insured person" means

(*a*) as regards Québec, a person who, immediately before the person's arrival in Greece, was a person residing in Québec within the meaning of the Health Insurance Act;

(*b*) as regards Greece, a person entitled to health insurance benefits according to the statutes of Greece referred to in subparagraph *b* of paragraph 1 of Article 2 and, for the purposes of Article 32, a person who has an acquired right as family member.

**ARTICLE 30**  
TRANSFER OF THE PLACE OF STAY  
OR RESIDENCE

1. An insured person other than the person referred to in Article 7, Article 8, paragraphs 1 and 2 of Article 10, Article 11 and Article 13 who leaves Greece to reside or stay in Québec to work and dependents accompanying or joining the person shall be entitled to benefits under the conditions set out in the Québec statutes. The protection shall apply as of the day of arrival in Québec, considering the totalization referred to in paragraph 1 of Article 28, regardless of the duration of the work, if applicable.

2. An insured person who leaves Québec to work in Greece and the person's dependents shall receive benefits under the Greek statutes, considering the totalization referred to in paragraph 1 of Article 28.

**ARTICLE 31**  
INSURED PERSONS REFERRED TO  
IN ARTICLES 7, 8 AND 13

Insured persons referred to in Article 7, Article 8 or Article 13 who stay in the territory of the other Party to work and their dependents accompanying or joining them shall be entitled to

(a) benefits in kind provided by the institution of the place of stay on behalf of the competent institution according to the statutes that institution applies, for the duration of the stay in the territory of the Party where they are working;

(b) cash benefits provided by the competent institution, according to the statutes it applies.

**ARTICLE 32**  
STAY FOR STUDIES

1. To the extent that an insured person is not entitled to health care in the territory of stay, the insured person staying in the territory of one Party to study shall be entitled to benefits in kind provided on behalf of the competent institution by the institution of the place of stay, according to the provisions of the statutes that institution applies.

2. For the purposes of paragraph 1, the word "study" means

(a) in Québec, being enrolled full-time for at least three months in a college-level or university-level educational institution recognized by the Minister responsible for higher education of Québec in a program leading to a diploma;

(b) in Greece, studying or being enrolled, where applicable, in a third-level educational institution or in a corresponding institution recognized as such by the department responsible in Greece.

**ARTICLE 33**  
BENEFITS

1. Benefits provided by the institution of one Party to the persons referred to in Articles 31 and 32 shall be paid by the competent institution of the other Party.

2. The institution that pays benefits shall determine the status of dependent according to the provisions of the statutes it applies.

**TITLE IV**  
MISCELLANEOUS

**ARTICLE 34**  
ADMINISTRATIVE ARRANGEMENT

1. The terms and conditions for the application of the Agreement shall be set out in an Administrative Arrangement to be agreed to by the Parties.

2. The liaison agencies shall be designated in the Administrative Arrangement.

**ARTICLE 35**  
CLAIM FOR BENEFITS

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

2. For the purposes of Title III, a claim for a benefit filed under the statutes of one Party after the date of coming into force of the Agreement shall be deemed to be a claim for a corresponding benefit under the statutes of the other Party

(a) where a person asks that the claim be considered as a claim under the statutes 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 statutes of the other Party.

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

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

**ARTICLE 36**  
PAYMENT OF BENEFITS

Cash benefits under the Agreement shall be paid directly to the beneficiary in the currency of the Party making the payment, without any deduction for administrative charges, for transfer costs or for any other costs incurred for the payment of the benefits.

**ARTICLE 37**  
FILING PERIOD

1. A request or a remedy which, under the statutes of one Party, must be filed within a prescribed time with the authority or institution of that Party shall be accepted if it is filed within the same time period to the corresponding authority or institution of the other Party. In such a case, the authority or institution of the latter Party shall immediately forward the request or remedy to the authority or institution of the first Party.

2. The date on which the request or remedy is filed with the authority or institution of one Party shall be considered as the date of filing with the authority or institution of the other Party.

**ARTICLE 38**  
EXPERT APPRAISALS

1. At the request of the competent institution of one Party, the competent institution of the other Party shall make the necessary arrangements to provide the expert appraisals required for persons residing or staying in the territory of the latter Party.

2. The expert appraisals referred to in paragraph 1 shall not be considered invalid solely because they have been made in the territory of the other Party.

**ARTICLE 39**  
EXEMPTION FROM FEES AND AUTHENTICATION

1. Any reduction of or exemption from fees provided for in the statutes of one Party with respect to the issuing of a certificate or document required in accordance with those statutes shall be extended to the certificates and documents required in accordance with the statutes of the other Party.

2. Any document required for the application of the Agreement shall be exempt from authentication or from any other similar formality.

**ARTICLE 40**  
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 statutes of one Party, any information communicated by an institution of one Party to the institution of the other Party shall be confidential and shall be used exclusively for the application of the Agreement.

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

**ARTICLE 41**  
ADMINISTRATIVE ASSISTANCE

The competent authorities and institutions shall

(a) communicate to each other any information required in the application of the Agreement;

(b) assist each other free of charge in any matter concerning the application of the Agreement;

(c) forward to each other any information on measures adopted for the application of the Agreement or on amendments to their statutes to the extent that such amendments affect the application of the Agreement; and

(d) inform each other of the difficulties encountered in the interpretation or in the application of the Agreement.

**ARTICLE 42**  
REIMBURSEMENT BETWEEN INSTITUTIONS

1. The competent institution of one Party must reimburse the cost of the benefits provided on its behalf in accordance with the provisions of Chapters 2 and 3 of Title III.

2. The competent institution of one Party must reimburse to the competent institution of the other Party fees pertaining to each expert appraisal produced pursuant to Article 38. The forwarding of medical information or other information already in the possession of the competent institutions shall be an integral part of the administrative assistance and shall be free of charge.

3. The Administrative Arrangement shall determine the terms and conditions respecting the reimbursement of the costs and fees referred to in paragraphs 1 and 2.

4. The competent authorities of the Parties may, by mutual agreement, derogate from the provisions in the preceding paragraphs of this Article.

#### **ARTICLE 43** COMMUNICATION

1. The competent authorities and institutions, and liaison agencies of the Parties may communicate with one another in French or in Greek.

2. A decision of a tribunal or an institution may be communicated directly to a person residing in the territory of the other Party.

#### **ARTICLE 44** SETTLEMENT OF DISPUTES

Any dispute between the Parties concerning the interpretation or the application of the Agreement not settled by negotiation or other means agreed to by the Parties shall be referred to an arbitration tribunal composed of three arbitrators; the tribunal is authorized to render a final decision. Each Party shall appoint an arbitrator and those two arbitrators shall appoint a third arbitrator.

#### **TITLE V** TRANSITIONAL AND FINAL

##### **ARTICLE 45** TRANSITIONAL PROVISIONS

1. The Agreement shall not confer any right to the payment of benefits before the date of its coming into force.

2. For the purposes of Title III and subject to the provisions of paragraph 1,

(a) a period of insurance completed prior to the date of coming into force of the Agreement shall be taken into consideration for the purpose of determining entitlement to benefits under the Agreement;

(b) a benefit, other than a death benefit, is due under the Agreement even if it is related to an event prior to the date of coming into force of the Agreement;

(c) benefits granted before the date of coming into force of the Agreement shall be revised at the request of the person concerned. They may also be revised by the competent institution. If the revision leads to benefits that are lower than the benefits paid before the coming into force of the Agreement, the amount of benefits previously paid shall be maintained;

(d) if the request referred to in subparagraph *c* is filed within two years of the date of coming into force of the Agreement, rights arising from the Agreement shall be acquired as of that date, notwithstanding the provisions of the statutes of either Party relative to the forfeiture of rights; and

(e) if the request referred to in subparagraph *c* is filed after the limit of two years following the coming into force of the Agreement, rights which are not forfeited shall be acquired as of the date of the request, unless there are more favourable provisions in the applicable statutes.

3. Requests for benefits being examined on the date of coming into force of the Agreement and requests for benefits received after that date in the case of a right that existed before that date following the application of the Agreement on social security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 23 June 1981 shall be determined based on that Agreement as regards rights established up to the date of coming into force of this Agreement and in accordance with this Agreement as regards rights arising from this Agreement.

##### **ARTICLE 46** COMING INTO FORCE AND TERM OF THE AGREEMENT

1. The Contracting Parties shall notify one another when their respective internal procedures required for the coming into force of the Agreement have been completed.

2. The Agreement comes into force on the first day of the month following the month in which the last notification referred to in paragraph 1 was sent.

3. The Agreement is entered into for an indefinite term. It may be denounced by either Party by notification to the other Party. The Agreement expires on the 31st day of December which follows the date of notification by at least 12 months.

4. If the Agreement is terminated, all rights acquired under the provisions of the Agreement and the rights in the process of being acquired shall be maintained.

##### **ARTICLE 47** TERMINATION OF THE AGREEMENTS OF 23 JUNE 1981 AND 17 SEPTEMBER 1984

On the date of the coming into force of the Agreement, agreements on social security between the Government of the Hellenic Republic and the Gouvernement du Québec

signed at Québec on 23 June 1981 and at Athens on 17 September 1984 cease to be in force. The Agreement on social security between the Government of the Hellenic Republic and the Gouvernement du Québec signed at Québec on 23 June 1981 remains in force for the application of paragraph 3 of Article 45 of this Agreement.

In witness whereof the undersigned, duly authorized to that effect by their respective governments, have signed the Agreement.

Done at Québec on 7 December 2004, in two copies, in French and in Greek, both texts being equally authentic.

For the Gouvernement  
du Québec

For the Government of  
the Hellenic Republic

MONIQUE GAGNON-TREMBLAY,  
*Minister of International  
Relations*

YANNIS MOURIKIS,  
*Ambassador of the  
Hellenic Republic*

## SCHEDULE 2

(s. 2)

### ADMINISTRATIVE ARRANGEMENT FOR THE IMPLEMENTATION OF THE AGREEMENT ON SOCIAL SECURITY BETWEEN QUÉBEC AND GREECE

#### THE COMPETENT AUTHORITY OF QUÉBEC

AND

#### THE COMPETENT AUTHORITY OF GREECE

CONSIDERING Article 34 of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 7 December 2004;

HAVE AGREED AS FOLLOWS:

## TITLE I GENERAL

### ARTICLE 1 DEFINITIONS

In this Administrative Arrangement,

(a) the term “Agreement” shall mean the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic signed at Québec on 7 December 2004; and

(b) all other terms shall have the meaning given to them in Article 1 of the Agreement.

## ARTICLE 2 LIAISON AGENCIES

In accordance with the provisions of paragraph 2 of Article 34 of the Agreement, the liaison agencies designated by each Party shall be,

as regards Québec,

the Bureau des ententes de sécurité sociale of the Régie des rentes du Québec or any other body that the competent authority of Québec may subsequently designate;

as regards Greece,

(a) the Agricultural Insurance Organization (OGA) for social security benefits under that system; and

(b) the General Social Security Scheme (IKA) for social security benefits under other systems referred to in subparagraph *b* of paragraph 1 of Article 2 of the Agreement.

## ARTICLE 3 INSTITUTIONS OF THE PLACE OF STAY OR RESIDENCE

For the purposes of Chapters 2 and 3 of Title III of the Agreement and the corresponding Chapters of the Arrangement, institutions of the place of stay or residence shall be the institutions authorized to provide benefits in kind, namely

(a) for Greece: the General Social Security Scheme (IKA);

(b) for Québec:

i. the Commission de la santé et de la sécurité du travail for the benefits referred to in Chapter 2; and

ii. the Régie de l'assurance maladie du Québec for the benefits referred to in Chapter 3.

## TITLE II APPLICABLE STATUTES

### ARTICLE 4 CERTIFICATE OF COVERAGE

1. For the purposes of Article 7, Article 8 and paragraphs 1 and 13 of Article 11 of the Agreement, where a person remains subject to the statutes of one Party while

working in the territory of the other Party, a certificate of coverage is issued, at the request of the employer or the self-employed person,

(a) by the Québec liaison agency, where the person remains subject to the statutes of Québec; and

(b) by the General Social Security Scheme (IKA), where the person remains subject to the statutes of Greece.

2. For the purposes of paragraph 2 of Article 8 or Article 13 of the Agreement, the request referred to in paragraph 1 shall be made to the competent institution or authority of the Party whose statutes remain applicable. The request for approval and the reply shall be made by letter, through the liaison agency in the case of Québec.

#### **ARTICLE 5** DUAL STATUS

1. For the purposes of Article 9 of the Agreement, the Québec liaison agency, at the request of the person concerned, shall verify coverage of the person under the statutes of Québec and shall inform the Greek liaison agency by means of a form provided for that purpose, indicating the nature and duration of employment under the statutes of Québec.

2. The Greek liaison agency shall forward the form to the competent institution.

#### **ARTICLE 6** ABSENCE OF ESTABLISHMENT IN THE TERRITORY OF WORK

For the purposes of Article 12 of the Agreement, the person concerned shall submit to each competent institution of the place where the person resides proof of professional activity and income to determine the amount of applicable contributions. Where the person resides in Greece, the person shall pay the contributions required of the employee and the employer.

#### **ARTICLE 7** VOLUNTARY INSURANCE UNDER GREEK STATUTES

For the purposes of Article 14 of the Agreement, the Québec liaison agency, at the request of the Greek liaison agency, shall certify the period of insurance completed under the statutes of Québec using the liaison form.

### **TITLE III** BENEFITS

#### **CHAPTER 1** RETIREMENT, DISABILITY AND SURVIVORS' BENEFITS

#### **ARTICLE 8** CLAIM FOR BENEFITS

1. A claim for a benefit in accordance with Chapter 1 of Title III of the Agreement must be filed with the competent institution or the liaison agency of the place of the person's residence.

2. In the case of a person residing in the territory of a third State, the claim for a benefit under the Agreement may be filed with a liaison agency of either Party or with the competent institution.

3. Where the claim for a benefit is received by the liaison agency or the competent institution, that agency or institution shall forward the claim to the liaison agency or the competent institution of the other Party using the form provided for that purpose.

4. Any information on civil status appearing on a claim form shall be certified by the liaison agency forwarding the claim, which shall exempt the agency from having to forward the supporting documents.

5. Any original document or its copy shall be kept by the liaison agency with which it was originally filed and a copy shall be made available to the competent institution of the other Party, on request.

6. A liaison form shall accompany the claim and the supporting documents referred to in this Article.

7. If so requested by the competent institution or by the liaison agency of one Party, the liaison agency or the competent institution of the other Party shall indicate, on the liaison form, the periods of insurance recognized under the statutes it applies.

8. As soon as a decision regarding a claim has been made pursuant to the statutes it administers, the competent institution shall notify the claimant and inform the claimant about recourses and time limits for such recourse prescribed by such statutes; the competent institution shall also inform the liaison agency of the other Party of the decision using the liaison form.

**CHAPTER 2**  
**BENEFITS FOLLOWING AN INDUSTRIAL**  
**ACCIDENT OR AN OCCUPATIONAL DISEASE**

**ARTICLE 9**  
**STAY OR RESIDENCE IN THE TERRITORY**  
**OF THE OTHER PARTY**

For the purposes of Articles 23 and 24 of the Agreement,

(a) a person qualified for a benefit under the statutes of one Party must submit an attestation certifying that the person is authorized to receive benefits to be entitled to benefits in kind provided by the institution of the place of stay or residence of the other Party;

(b) the attestation referred to in paragraph *a* shall be issued by the competent institution and shall indicate, if applicable, the maximum duration for which benefits in kind may be provided. The attestation may be issued after the person concerned has left, at the person's request or at the request of the institution of the place of stay or of the new residence;

(c) where a person referred to in Article 8 of the Agreement files a claim under the statutes of one Party while staying in the territory of the other Party, the person may submit a disability certificate issued by a physician to the institution of the place of stay. The certificate shall immediately be sent to the competent institution. That institution may ask the institution of the place of stay to proceed as soon as possible with the administrative review on the circumstances of the accident and, if necessary, to the medical assessment as if the person was insured by that institution. The administrative review report and, if applicable, the medical assessment indicating the probable duration of the disability shall be immediately sent by the institution of the place of stay to the competent institution for a decision. The cost of the medical assessment shall be borne by the competent institution;

(d) the institution of the place of stay or residence may provide, in an emergency, benefits in kind required by the condition of the person without prior authorization and at the expense of the competent institution;

(e) orthoses, prostheses and large devices shall be subject to a specific authorization from the competent institution. The authorization is not required in an emergency;

(f) the competent institution and the person concerned must inform the institution of the place of stay or residence of any change likely to affect entitlement to benefits in

kind, in particular any change of residence or place of stay, and the termination of entitlement to benefits. The institution of the place of stay or residence may request at any time that the competent institution provide the information on a person's entitlement to benefits in kind.

**ARTICLE 10**  
**AGGRAVATION**

For the purposes of Chapter 2 of the Agreement and the Arrangement, the word "aggravation" includes a relapse or a recurrence.

**ARTICLE 11**  
**OCCUPATIONAL DISEASE CONTRACTED**  
**AFTER EXPOSURE UNDER THE STATUTES**  
**OF EACH PARTY**

1. For the purposes of paragraphs 1 and 2 of Article 25 of the Agreement, the institution receiving the claim shall establish the period of exposure completed under the statutes of each Party and shall determine which institution is competent to process the claim after verifying with the institution of the other Party, if necessary.

2. If the institution that received the claim referred to in paragraph 1 is the institution competent to process the claim, the institution shall establish entitlement to the benefit in accordance with paragraph 1 of Article 25 of the Agreement. Otherwise, the institution that received the claim shall send the claim to the competent institution of the other Party along with supporting documents and shall inform the claimant.

3. For the purposes of paragraph 3 of Article 25 of the Agreement, a beneficiary entitled to benefits in kind payable by the institution located in a territory other than the territory in which the beneficiary stays or resides shall submit the certificate referred to in paragraph *a* of Article 9 of the Arrangement to the institution of the place of stay or residence.

**CHAPTER 3**  
**HEALTH AND HOSPITAL BENEFITS**

**ARTICLE 12**  
**STAY OR RESIDENCE IN QUÉBEC**

To be entitled to benefits in kind in the territory of Québec,

(a) an insured person referred to in Articles 30 to 32 of the Agreement must register with the Régie de l'assurance maladie du Québec using the form provided for that purpose and filing immigration documents corresponding to the person's status in Québec and,

if applicable, proof of domicile. The same applies to dependents accompanying or joining an insured person referred to in Article 30 or 31;

(b) at the time of registration, the following certificates must also be filed:

i. a certificate of eligibility issued by the competent Greek institution indicating entitlement to benefits of the insured person or the person's dependents immediately before their departure for Québec, in the cases referred to in Article 30 of the Agreement;

ii. a certificate of eligibility issued by the competent Greek institution certifying entitlement to benefits of the insured person and the person's dependents as well as the maximum duration, in the cases referred to in Article 31 of the Agreement;

iii. a certificate of eligibility issued by the competent Greek institution certifying entitlement to benefits and an attestation of enrolment as full-time student, in the cases referred to in Article 32 of the Agreement.

#### **ARTICLE 13** STAY OR RESIDENCE IN GREECE

To benefit from the provisions of Articles 30 to 32 of the Agreement, an insured person must file,

(a) in the cases referred to in Article 30 of the Agreement, a form issued by the competent institution of Québec indicating the periods of health insurance completed under the statutes of Québec;

(b) in the cases referred to in Article 31 of the Agreement, a form certifying entitlement to benefits for the insured person and the person's dependents, and the maximum duration of entitlement; and

(c) in the cases referred to in Article 32 of the Agreement, a form issued by the competent institution of Québec indicating entitlement to benefits and maximum duration of the entitlement as well as an attestation of the person's enrolment as student.

#### **ARTICLE 14** TERM OF VALIDITY OF ATTESTATIONS AND CERTIFICATES

1. Persons referred to in Article 32 must renew every year entitlement to benefits in the territory of stay by filing a new certificate of eligibility.

2. The institution or agency issuing an attestation or certificate must inform the institution in the place of stay of any change likely to affect entitlement to benefits, including the addition or deletion of a dependent or the expected expiry of the document issued.

#### **TITLE IV** MISCELLANEOUS

#### **ARTICLE 15** REIMBURSEMENT BETWEEN INSTITUTIONS

1. Benefits in kind provided pursuant to Articles 31 and 32 of the Agreement shall be reimbursed on the basis of the expenses incurred by the institution of the place of stay as described in the individual statements of expenses that it submits.

2. The statements of expenses established by the Greek institutions shall be consolidated by the Greek liaison agency. That agency and the Régie de l'assurance maladie du Québec send each other every year current statements along with a summary report, including a copy that is sent to the Québec liaison agency.

3. For the purposes of paragraph *b* of Article 23 and Article 38 of the Agreement and paragraph *c* of Article 9 of the Arrangement, at the end of each calendar year, where the institution of the place of stay or residence has paid benefits in kind or has had medical assessments or examinations made on behalf or at the expense of the competent institution of the other Party, the institution of the first Party shall send to the institution of the other Party, through liaison agencies, a statement of benefits paid or of the fees pertaining to the assessments and examinations made during the year under consideration, indicating the amount owed. That statement shall be accompanied by all supporting documents.

4. Each debtor institution shall pay the amounts owed to the other institution within six months following the date of receipt of the reimbursement claims sent in accordance with the provisions of paragraphs 2 and 3.

#### **ARTICLE 16** FORMS

Any form or document necessary to implement the procedures provided in the Administrative Arrangement shall be determined by mutual agreement by the competent institutions and bodies responsible for the implementation of the Agreement for each of the Parties.

#### **ARTICLE 17** STATISTICS

The liaison agencies of both Parties shall exchange, in the form agreed upon, statistical data concerning the payments made to the beneficiaries during each calendar year under the Agreement. Such data may include the number of beneficiaries and the total amount of benefits, by benefit category.

**TITLE V**  
**FINAL**

**ARTICLE 18**  
**COMING INTO FORCE AND TERM**

This Administrative Arrangement shall come into force on the same date as the Agreement and its term is the same as the term of the Agreement.

Done at Québec on 7 December 2004, in two copies, in French and in Greek, both texts being equally authentic.

For the competent authority of Québec	For the competent authority of the Hellenic Republic
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MONIQUE GAGNON-TREMBLAY, <i>Minister of International Relations</i>	YANNIS MOURIKIS, <i>Ambassador of the Hellenic Republic</i>
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9932

Gouvernement du Québec

**O.C. 561-2010, 23 June 2010**

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

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2)

**Agreement on Social Security between the  
Gouvernement du Québec and the Government  
of the Kingdom of Belgium**  
**— Approval and Regulation respecting  
the implementation of that Agreement**

Approval of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, signed in Québec on 28 March 2006, and Regulation respecting the implementation of that Agreement

WHEREAS Order in Council 463-2005 dated 18 May 2005 authorized the Minister of International Relations and the Minister responsible for La Francophonie to sign alone the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium;

WHEREAS that Agreement was entered into on 28 March 2006 in Québec;

WHEREAS that Agreement on Social Security covers, in particular, pension plans, health, industrial accidents and occupational diseases;

WHEREAS, under paragraph 3 of section 5 of the Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001), the Minister may, in particular, in the exercise of his or her functions, enter into agreements in accordance with the law, with a government other than the Gouvernement du Québec, a department of such a government, an international organization, or a body under the authority of such a government or organization;

WHEREAS, under section 10 of that Act, notwithstanding any other legislative or regulatory provision, where an agreement in the area of income security and social benefits under paragraph 3 of section 5 of that Act extends the coverage of an Act or a regulation to a person defined in the agreement, the Government may, by regulation, enact the measures required to implement the agreement in order to give effect to the agreement;

WHEREAS the Government may, by regulation made under section 96 of the Act respecting the Ministère du Revenu (R.S.Q., c. M-31), give effect to international agreements of a fiscal nature entered into under section 9 of that Act;

WHEREAS, under section 215 of the Act respecting the Québec Pension Plan (R.S.Q., c. R-9), the Government may make regulations respecting the manner in which that Act is to apply to any case affected by an agreement entered into with another country;

WHEREAS, under section 10 of the Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2), the Minister may, according to law, enter into agreements with any government, one of its departments, with an international organization or with an agency of that government or organization for the purposes of enabling, on a basis of reciprocity, a person to benefit, from the time specified in those agreements and on the conditions determined therein, from all or part of

the health services and social services provided for in the Acts administered by the Minister or in the laws of a foreign State to which the agreements apply;

WHEREAS, under the third paragraph of that section, to give effect to such agreements, the Government may, by regulation, determine the manner in which an Act administered by the Minister is to apply in any case covered by the agreements, and adapt the provisions of such an Act;

WHEREAS the Agreement is an international agreement within the meaning of section 19 of the Act respecting the Ministère des Relations internationales (R.S.Q., c. M-25.1.1);

WHEREAS the Agreement is also an important international commitment within the meaning of subparagraph 1 of the second paragraph of section 22.2 of that Act;

WHEREAS, under the third paragraph of section 20 of that Act, international agreements referred to in section 22.2 of that Act must, to be valid, be signed by the Minister of International Relations, approved by the National Assembly and ratified by the Government;

WHEREAS, under section 22.4 of that Act, the ratification of an international agreement or the making of an order referred to in the third paragraph of section 22.1 of that Act may not take place, where it concerns an important international commitment, until the commitment is approved by the National Assembly;

WHEREAS the Agreement is deemed to have been approved by the National Assembly on 27 May 2009 under a motion of the National Assembly on 17 June 2009;

WHEREAS, under Order in Council 1118-93 dated 11 August 1993, proposed regulations and regulations concerning the implementation of reciprocal agreements in matters of social security entered into by the Gouvernement du Québec are excluded from the application of the Regulations Act (R.S.Q., c. R-18.1);

IT IS ORDERED, therefore, on the recommendation of the Minister of International Relations, the Minister of Health and Social Services, the Minister of Employment and Social Solidarity and the Minister of Revenue:

THAT the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, signed in Québec on 28 March 2006, approved by the National Assembly on 27 May 2009 and attached to the implementation regulation mentioned below, be approved;

THAT the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

### **Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium**

An Act respecting the Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail (R.S.Q., c. M-15.001, s. 10)

An Act respecting the Ministère du Revenu (R.S.Q., c. M-31, s. 96)

An Act respecting the Québec Pension Plan (R.S.Q., c. R-9, s. 215)

An Act respecting the Ministère de la Santé et des Services sociaux (R.S.Q., c. M-19.2, s. 10)

1. The following Acts and the regulations thereunder apply to every person referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium signed in Québec on 28 March 2006 and attached as Schedule 1:

- (1) the Hospital Insurance Act (R.S.Q., c. A-28);
- (2) the Health Insurance Act (R.S.Q., c. A-29);
- (3) the Act respecting prescription drug insurance (R.S.Q., c. A-29.01);
- (4) the Act respecting the Régie de l'assurance maladie du Québec (R.S.Q., c. R-5);
- (5) the Act respecting the Québec Pension Plan (R.S.Q., c. R-9);
- (6) the Act respecting health services and social services (R.S.Q., c. S-4.2);
- (7) the Act respecting health services and social services for Cree Native persons (R.S.Q., c. S-5).

**2.** Those Acts and the regulations apply in the manner stipulated in that Agreement, in the Administrative Arrangement for the application of the Agreement, signed in Québec on 18 September 2008 and attached as Schedule 2, and the Supplemental Administrative Arrangement concerning mutual renunciation, signed in Québec on 18 September 2008 and attached as Schedule 3.

**3.** This Regulation comes into force on 1 November 2010.

## SCHEDULE 1

(s. 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;

(c) “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 post.

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

ALAIN CLOUTIER

GODELIEVE VAN DEN BERGH

#### SCHEDULE 2 (s. 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

**SCHEDULE 3**

(s. 2)

**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

Gouvernement du Québec

**O.C. 569-2010, 23 June 2010**

An Act respecting health services and social services  
(R.S.Q., c. S-4.2)

**Certification of drug addiction or pathological gambling resources**

WHEREAS, under section 346.0.6 of the Act respecting health services and social services (R.S.Q., c. S-4.2), the Government may determine, by regulation, the health and social criteria with which the operator of a residence for the elderly must comply to receive a certificate of compliance, which may vary according to category of residence for the elderly, as well as the conditions that must be satisfied by the staff members and volunteers of a residence for the elderly and by the persons working on behalf of such a residence, in accordance with the responsibilities they assume, particularly with regard to the required training and to safety;

WHEREAS, under section 346.0.21 of the Act, the provisions of subdivision 2.1 of Division II of Chapter I of Title 1 of Part III apply, with the necessary modifications, to all resources and categories of resource offering lodging determined by government regulation except intermediary resources, family-type resources and specialized medical centres within the meaning of the Act;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the certification of drug addiction or pathological gambling resources was published in Part 2 of the *Gazette officielle du Québec* of 21 April 2010 with a notice that it could be submitted to the Government to be made on the expiry of 45 days following that publication;

WHEREAS, under section 17 of that Act, a regulation comes into force 15 days after the date of its publication in the *Gazette officielle du Québec* or on any later date indicated in the regulation or in the Act under which it is made or approved;

WHEREAS, under section 18 of that Act, a regulation may come into force on the date of its publication in the *Gazette officielle du Québec* where the authority that has made it is of the opinion that the urgency of the situation requires it;

WHEREAS, under the second paragraph of section 18 of that Act, the reason justifying such coming into force must be published with the regulation;

WHEREAS, in the opinion of the Government, the urgency due to the following circumstances justifies such coming into force:

— the Individual and Family Assistance Regulation, made by Order in Council 1073-2006 dated 22 November 2006, provides for the payment to last resort assistance recipients, on certain conditions, of a special benefit to cover the lodging expenses of an adult or dependent child in a centre offering drug addiction services with lodging, operated by a community or private body holding certification from the Minister of Health and Social Services for that purpose or that has submitted an eligible application with the Minister with all the documents required for its processing;

— presently, the Ministère de l'Emploi et de la Solidarité sociale pays the special benefit to residents of resources certified under a voluntary program for the certification of private or community bodies involved in drug rehabilitation and offering lodging set up by the Ministère de la Santé et des Services sociaux, or to residents of resources having filed an application for certification under that program. The Ministère de la Santé et des Services sociaux stopped accepting such applications under the program on 15 January 2010;

— the Act to amend the Act respecting health services and social services with regard to the certification of certain resources offering lodging to vulnerable clientele (2009, c. 46) provides that the date on which the deadlines begin for filing an application for certification under the new Act for drug addiction resources that were not already certified under the voluntary certification program is 30 June 2010 and the Ministère de l'Emploi et de la Solidarité sociale pays the benefit until that date for residents of those resources, provided that they are still in the process of being certified on that date;

— the Ministère de l'Emploi et de la Solidarité sociale will be able to pay benefits from July 2010 to residents of all resources that were not already certified under the voluntary certification program that will have filed their application for certification under the new Act before 31 July 2010. In such context, the Regulation must come into force as soon as possible before 31 July 2010 so that resources may file applications for certification before 31 July 2010, which will prevent a financial loss to last resort assistance recipients and the drug addiction resources that receive them;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Health and Social Services and the Minister for Social Services:

THAT the Regulation respecting the certification of drug addiction or pathological gambling resources, attached to this Order in Council, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the certification of drug addiction or pathological gambling resources**

An Act respecting health services and social services (R.S.Q., c. S-4.2, ss. 346.0.6 and 346.0.21)

### **DIVISION 1 RESOURCES CONCERNED**

**1.** Subdivision 2.1 of Division II of Chapter I of Title 1 of Part III of the Act respecting health services and social services (R.S.Q., c. S-4.2) applies to any resource in drug addiction or pathological gambling that offers lodging.

Such a resource is a place that offers residential services and support services of various kinds, including therapy, social reintegration, assistance and support in recovering from an intoxication, and assistance and support in disintoxication, through individual or group interventions in the field of drug addiction or pathological gambling.

**2.** Only a legal person may operate a drug addiction or pathological gambling resource.

**3.** The services in the field of drug addiction or pathological gambling must be offered by the operator as part of a program mainly designed to serve clients with a dominant drug addiction or pathological gambling problem.

If an operator offers services to more than one type of client, the operator must group the services offered under that program in a separate unit and may hold the certificate of compliance referred to in section 346.0.3 of the Act only in respect of that program.

**4.** For the purposes of this Regulation, persons working as volunteers within a resource are considered staff members of that resource.

### 1. General

**5.** The operator of a drug addiction or pathological gambling resource must treat residents with courtesy, fairness and understanding, and with respect for their dignity, autonomy and needs.

**6.** Drug addiction or pathological gambling activities must be part of an intervention program that relies on an intervention approach or model recognized in the field.

**7.** The physical layout of the resource must facilitate activities and make the environment welcoming and functional.

Mixed occupation by men and women, persons of full age and minors is prohibited in the resource's bedrooms, dormitories or sanitary facilities, and any close contact that may hinder the assistance and support objectives must be avoided.

**8.** The bedrooms and dormitories used by residents must be a comfortable place to rest and recover.

**9.** The operator must establish and enforce cohabitation rules.

**10.** The operator must adopt a residents' charter of rights and responsibilities and ensure that every resident knows of its existence and has access to it.

**11.** The operator must adopt a code of ethics for the resource's directors and staff members that sets out the practices and behaviours expected in their dealings with residents.

The operator must ensure that every director and staff member has read and understood the code of ethics and has undertaken, in writing, to comply with it.

**12.** The operator must make available to residents, on the premises, a document setting out the resource's aims and including the following elements:

- (1) the resource's mission statement and intervention philosophy; and
- (2) the admission criteria for clients.

These elements must be included in all information documents describing the services offered by the resource.

**13.** An operator must ensure that the advertising for the services offered reflects reality.

### 2. Operation of the resource

**14.** The operator's board of directors must have at least 5 members and meet at least 4 times a year.

**15.** The operator must hold an annual meeting.

The operator must produce an annual activity report containing at least the following elements:

- (1) the profile of the clients served;
- (2) the number of residents having received services from the resource;
- (3) the type of services provided;
- (4) the number of dissatisfactions expressed by residents of the resource and a report on the follow-up to each complaint; and
- (5) the measures planned to improve the quality of the services provided to clients.

**16.** The operator must adopt general by-laws respecting its operation and the operation of the board of directors including

- (1) the criteria for becoming a member of the legal person;
- (2) the number of seats on the board of directors;
- (3) the procedure for appointing and dismissing directors, and the term of appointments;
- (4) the procedures for convening and organizing the annual meeting;
- (5) the number of meetings of the board of directors each year;
- (6) the procedure for convening meetings, the decision-making process and the quorum necessary at meetings; and
- (7) the content of the minutes of the meetings of the board of directors, which must describe the decisions made, and proof that the minutes have been approved by the board of directors.

**17.** The operator must inform all residents of their right provided for in the Act to directly file a complaint with the territory's agency and must post in a conspicuous and accessible place the information related to the exercise of that right.

The operator must also establish and apply a procedure to assess its services, as well as a procedure for processing dissatisfactions including

(1) the possibility for any resident of expressing dissatisfactions verbally or in writing;

(2) the designation of a person responsible for examining the dissatisfactions expressed by residents; and

(3) a requirement for that person to give reasons for all decisions made following the examination of dissatisfactions;

**18.** The operator must, before providing services, have a consent form signed by the person who intends to use the services or the person's legal representative.

The form must indicate that the person or the person's legal representative has, before receiving services, received information on

(1) the residents' rights and responsibilities;

(2) the approach used by the operator;

(3) the type and duration of the services proposed;

(4) the conditions for a residential stay;

(5) the cost of all the services and the method of payment;

(6) the rules governing a residential stay; and

(7) the procedure for the management, archiving and destruction of files.

**19.** The operator must draw up an organizational chart.

**20.** The operator must designate the person responsible for coordinating and assessing the intervention team.

The person must meet one of the following conditions:

(1) have, as provided for in the Schedule, eligible university training in intervention or human resources management and have a minimum of 3 years relevant experience in the field of drug addiction or pathological gambling;

(2) have, as provided for in the Schedule, eligible collegial training in intervention or human resources management, as well as a university certificate in addiction counselling and have a minimum of 5 years relevant experience in the field of drug addiction and pathological gambling; or

(3) hold an addiction counselling certificate awarded by a recognized university and have a minimum of 7 years relevant experience in the field of drug addiction or pathological gambling.

**21.** The operator must keep and update a file on each staff member, including a description of the tasks and qualifications, and the professional supervision required.

The file must also include a description of the training and upgrading activities required from staff members and of the activities actually completed.

**22.** The operator must ensure the supervision of case workers by a person meets one of the following conditions:

(1) have, as provided for in the Schedule, eligible university training in intervention and have a minimum of 3 years relevant experience in the field of drug addiction or pathological gambling; or

(2) hold a master's university degree in drug addiction and have a minimum of 3 years relevant experience in the field of drug addiction or pathological gambling.

**23.** The operator must ensure that at least 75% of all full-time case workers have

(1) eligible university training in intervention, as provided for in the Schedule;

(2) a university addiction counselling certificate; or

(3) eligible collegial training in intervention as provided for in the Schedule.

**24.** The operator must ensure that each case worker has received training on the intervention program offered by the operator.

The operator must also encourage case workers to participate in professional development or skills upgrading activities related to the intervention program offered by the operator.

**25.** The operator must establish and apply a written reception and integration procedure for new residents and a reception and integration procedure for new staff members.

### 3. Requirements

**26.** The services offered for remuneration by the operator must be offered in accordance with the Consumer Protection Act (R.S.Q., c. P-40.1).

**27.** The operator must ensure

(1) that the operator's retail or restaurant activities, or supply of services for remuneration, do not jeopardize the residents' health or safety because of a failure to comply with the Food Products Act (R.S.Q., c. P-29) or a regulation thereunder;

(2) that the residents' health or safety is not jeopardized by being housed by the operator in a building that does not meet the standards contained in a by-laws on hygiene, sanitation, security or construction of the municipality where the operator's residence is located; and

(3) that the residents' health and safety is not jeopardized by being housed by the operator in a building that does not meet the standards of the Public Buildings Safety Act (R.S.Q., c. S-3) or the Building Act (R.S.Q., c. B-1.1), or of a regulation thereunder.

**28.** The operator must ensure that the place where the operator conducts activities is in a state that ensures the physical safety of residents.

The operator must, in addition, establish and apply a maintenance plan for the operator's buildings and facilities.

**29.** The operator must establish and keep updated an evacuation plan for emergencies.

### 4. Insurance

**30.** The operator must have and maintain liability insurance in a sufficient amount to cover the operator against any claim resulting from the operator's civil or professional liability.

The operator must also have and maintain separate insurance covering the liability of the operator's directors and officers.

**31.** The building in which the operator conducts activities must be insured.

### 5. Resident files

**32.** The operator must keep up to date, for each resident, a complete file containing, in particular,

(1) information on the resident's identity;

(2) the contact information of a relative or friend that may be contacted in an emergency, if the resident is a minor, of a parent or tutor;

(3) a personalized assessment of the resident's condition and situation;

(4) the service contract and the resident's written consent to the services;

(5) written authorization from the resident to the operator for each communication of information concerning the resident;

(6) any information on the resident received from other persons or organizations authorized by the resident to forward information;

(7) the intervention plan prepared for the resident;

(8) notes concerning the resident's progress during the stay;

(9) a summary of the resident's stay, including recommendations on follow-up;

(10) a suicide risk assessment conducted at the resident's arrival and departure; and

(11) the resident's written consent to nursing and medical care.

**33.** The operator must appoint a person responsible for the custody, consultation, conservation and management of files.

**34.** Case workers must sign and date any note added to a resident's file.

**35.** The operator must protect the confidentiality of the personal information held and provide access in accordance with the Act respecting the protection of personal information in the private sector (R.S.Q., c. P-39.1).

**36.** The operator must establish a file management procedure that includes measures to ensure confidentiality and to permit access by residents.

The operator must, in addition, establish a procedure for the archiving and destruction of files that provides in particular for their conservation for a minimum of 5 years.

#### *6. Health and safety of residents*

**37.** The operator must complete, in accordance with recognized practices, a personalized assessment of each new resident.

**38.** The operator must draw up an individualized intervention plan for each resident, including, in particular,

(1) the target objectives, the methods to be used in meeting the objectives, and a timeframe for meeting the objectives;

(2) details on participation by the resident and, if applicable, by the resident's immediate circle, in the drafting and revision of the intervention plan;

(3) the revision of the intervention plan for a stay that extends beyond 3 months; and

(4) the name of the case worker responsible for the intervention plan and, if applicable, the follow-up plan established with community organizations.

**39.** The operator must, in accordance with recognized practices, assess the suicide risk of each resident when admitted and prior to departure.

**40.** The operator must ensure that appropriate follow-up measures are recommended for each resident prior to departure.

**41.** The operator must maintain a ratio of one case worker for every fifteen residents or less per work shift during which program activities are conducted.

**42.** The operator must establish and apply safety measures that take into account the type of clients and the environment in which the operator provides services.

**43.** Outside the hours of program activities, staff members must actively monitor residents in a way adapted to the type of clients and the environment surrounding the residents.

**44.** The operator must ensure that every new resident has been the subject of a medical assessment in the 7 days prior to admission, or will be so assessed in the 7 days following admission.

**45.** The operator must have a protocol for intervention in crisis and emergency situations and ensure that every staff member know the protocol and has the skills to apply it.

**46.** The operator must define a procedure for medical emergencies and inform staff members of the procedure.

The operator must provide a complete, easily accessible and properly stored first-aid kit.

**47.** The operator must ensure that a staff member with training in first aid and resuscitation is present on the premises at all times.

**48.** The operator must draw up and apply a procedure for the management of infectious biomedical waste, with assistance from a pharmacist, and make it known to staff members.

**49.** The operator must establish and apply hygiene and sanitation measures to prevent contagion, infection and contamination.

#### *7. Food and medication*

**50.** An operator who provides meals to residents must offer varied menus in keeping with Canada's Food Guide to Healthy Eating.

A staff member is responsible for meal preparation.

**51.** The operator must draw up and apply a protocol for medication management, with assistance from a pharmacist under a written agreement, and establish control mechanisms.

The protocol defines measures to be taken upon a resident's admission and departure, and specifies procedures for the storage, conservation, preparation and distribution of medication, as well as management measures for outdated medication.

**52.** The operator must designate a person responsible for applying the protocol for medication management and draw up a list of persons authorized to distribute medication.

The person must ensure that a medication distribution log is kept up to date.

**53.** The operator must establish and apply an admission protocol specific to a person on replacement therapy.

The protocol provides in particular that the resource must, before admitting such a person and after obtaining the person's consent, establish written agreements with

the person's prescribing physician and dispensing pharmacist and, if applicable, with the psychosocial worker monitoring the person, setting out the terms and conditions on which the person may continue that treatment during the rehabilitation stay.

**54.** The operator must draw up and apply a procedure for the management of replacement medication that defines measures for the control, reception and return of the product, safe storage and distribution conditions, and the measures to be taken if a resident on replacement therapy leaves precipitately.

The procedure must be validated by a health professional.

**55.** The staff members responsible for applying the protocol provided for in section 53 must have received specific training from the Institut national de santé publique du Québec on the management and monitoring of clients on replacement therapy that is suited to their profile.

#### 8. Particularities and exemptions

**56.** Provided that services are not interrupted, section 44 does not apply to the operator of a resource where only reintegration support services are offered when admitting a person who has just completed a stay in another resource in the field of drug addiction or pathological gambling.

**57.** The operator of a resource referred to in section 56 must maintain a ratio of one case worker for every twenty residents or less per work shift during which program activities are conducted.

**58.** The operator of a resource offering a disintoxication support program must ensure that the severity of a new resident's withdrawal is assessed by qualified personnel, in accordance with recognized practices, in the 24 hours prior to or following admission.

**59.** The operator of a resource that specifically caters to clients with concurrent drug addiction and mental health disorders must ensure that at least one staff member trained to intervene adequately with residents under a training program recognized in the field is present at all times on the premises.

The operator must also ensure that at least one staff member having the qualifications required to provide support to the intervention team with clients having mental health disorders is available at all times to provide support to the intervention team.

In addition, the operator must, for prevention purposes, draw up a crisis intervention plan for every resident that is suited to the resident's state of mental health.

**60.** An operator referred to in section 15 or 16 of the Act to amend the Act respecting health services and social services with regard to the certification of certain resources offering lodging to vulnerable clientele (S.Q., 2009, c. 46) must comply with section 23 of this Regulation within 6 years after first obtaining a certificate pursuant to the Act.

Despite the foregoing, the operator must be able to demonstrate, when the application for a certificate is evaluated, that at least 50% of the operator's staff is enrolled in training provided for in section 23 and will graduate within 3 years.

**61.** This Regulation comes into force on the date of its publication in the *Gazette officielle du Québec*.

## SCHEDULE

### LIST OF ADMISSIBLE TRAINING PROGRAMS

#### 1. Intervention

(a) college level

Diploma of college studies in

- Nursing
- Special care counselling
- Social service
- Youth and adult correctional intervention

(b) university level

Bachelor's degree, master's degree or doctorate in

- Special education
- Criminology
- Psycho-education
- Psychology
- Counselling
- Social service or social work
- Sexology
- Sociology
- Nursing
- Drug addiction

#### 2. Human resources management

(a) college level

Diploma of college studies in

— Administrative techniques

(b) university level

Bachelor's degree, master's degree or doctorate in

— Administration

— Health administration

— Public administration

— Human resources management in the workplace

— Human resources management

— Management

— MBA

— Industrial or labour relations

— Commerce

— Administration

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Gouvernement du Québec

### **O.C. 572-2010, 23 June 2010**

Private Security Act  
(R.S.Q., c. S-3.5)

#### **Training required to obtain an agent licence to carry on private security activities**

Regulation respecting the training required to obtain an agent licence to carry on private security activities

WHEREAS, under section 112 of the Private Security Act (R.S.Q., c. S-3.5), the Government may make a regulation determining the training required to obtain an agent licence, which may include exemptions or provisional conditions for existing personnel, and defining the Bureau de la sécurité privée's role as regards training;

WHEREAS, under section 113 of the Act, regulatory provisions made in particular under section 112 may vary according to the class of licence to which they apply;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of the Regulation respecting the training required to obtain an agent licence to carry on private security activities was published in Part 2 of the *Gazette officielle du Québec* of 24 March 2010 with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS it is expedient to make the Regulation with amendments;

IT IS ORDERED, therefore, on the recommendation of the Minister of Public Security:

THAT the Regulation respecting the training required to obtain an agent licence to carry on private security activities, attached to this Order in Council, be made.

GÉRARD BIBEAU,

*Clerk of the Conseil exécutif*

### **Regulation respecting the training required to obtain an agent licence to carry on private security activities**

Private Security Act  
(R.S.Q., c. S-3.5, s. 112)

**1.** The training required to obtain an agent licence to carry on private security activities is as follows:

(1) for security guarding, to have successfully completed, in a private security guarding program, at least 70 hours of course for which a transcript of marks is issued by a school board;

(2) for investigation, to have successfully completed the 135-hour course "Initiation aux techniques d'enquête et d'investigation" offered in a college-level educational institution, or to hold a Diploma in College Studies in police technology or a bachelor's degree in security and police studies obtained in the 5 years preceding the licence application, or their equivalent recognized by the Minister of Education, Recreation and Sports;

(3) for locksmith work, to hold a diploma of vocational studies in locksmithing or its equivalent recognized by the Minister of Education, Recreation and Sports;

(4) for the transport of valuables, to have successfully completed training on the handling of firearms and the use of force provided by the École nationale de police du Québec or an instructor qualified by that school.

**2.** An agent licence may be issued to a person who does not meet the training requirements provided for in section 1 where the person's level of knowledge and skills is equivalent to the training required.

In assessing the training equivalence, the Bureau de la sécurité privée takes the following factors into account, among other things:

- (1) diplomas obtained in relevant or related fields;
- (2) the type of courses taken, course content and marks obtained;
- (3) training periods and other learning activities completed; and
- (4) the type and length of relevant experience.

**3.** No training is required from the immediate superior of a natural person who carries on a private security activity if the immediate superior does not carry on such an activity.

**4.** A person who, on the date of coming into force of this Regulation, carries on a private security activity for which an agent licence is required under the Act is not subject to the training requirements in section 1 to obtain a licence of the appropriate class as long as the licence is regularly renewed.

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

9934

Gouvernement du Québec

### **O.C. 589-2010, 23 June 2010**

An 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 Hellenic Republic**

##### **— Approval the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases**

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 Hellenic Republic

WHEREAS the Gouvernement du Québec and the Government of the Hellenic Republic signed an Agreement on Social Security on 7 December 2004;

WHEREAS the National Assembly approved the agreement on 22 March 2005;

WHEREAS the Commission de la santé et de la sécurité du travail must, by regulation, to make the provisions of the Agreement respecting industrial accidents and occupational diseases effective, take the measures necessary for their application, in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), a draft of 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 Hellenic Republic was published in Part 2 of the *Gazette officielle du Québec* of 9 May 2007, with a notice that it could be made by the Commission de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS no comments were received by the Commission de la santé et de la sécurité du travail concerning the draft Regulation;

WHEREAS, at its sitting of 20 May 2010, the Commission de la santé et de la sécurité du travail adopted the draft Regulation, with amendments;

WHEREAS the Regulation must receive the approval of the Government under section 224 of the Act respecting occupational health and safety;

WHEREAS it is expedient to approve the Regulation;

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

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 Hellenic Republic, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **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 Hellenic Republic**

An Act respecting occupational health and safety (R.S.Q., c. S-2.1, ss. 170 and 223, 1st 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 are extended to all persons referred to in the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, signed on 7 December 2004, and appearing as Schedule 1 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic, made by Order in Council 560-2010 dated 23 June 2010.

**2.** The benefits apply in the manner prescribed in the Agreement and in the Administrative Arrangement appearing as Schedule 2 to that Regulation.

**3.** This Regulation replaces the Regulation respecting the implementation of the provisions on industrial accidents and occupational diseases in the Supplementary Agreement on Social Security between the Gouvernement du Québec and the Government of the Hellenic Republic approved by Order in Council 2019-87 dated 22 December 1987.

**4.** This Regulation comes into force on 1 November 2010.

9948

### **Notice**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Comité paritaire de camionnage du district de Québec — Attendance allowance and travelling expenses of the members**

The Minister of Labour, Sam Hamad, hereby gives notice, in accordance with section 19 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), that the Regulation respecting the attendance allowance and

travelling expenses of the members of the Comité paritaire de camionnage du district de Québec, adopted by the Comité paritaire de camionnage du district de Québec at its meeting of 17 November 2009, has been approved with amendments by the Government Order in Council 590-2010 dated 23 June 2010 and comes into force on 23 June 2010.

JOCELIN DUMAS,  
*Deputy Minister of Labour*

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Gouvernement du Québec

### **O.C. 590-2010, 23 June 2010**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Comité paritaire de camionnage du district de Québec — Attendance allowance and travelling expenses of the members**

Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire de camionnage du district de Québec

WHEREAS, in accordance with subparagraph *l* of the second paragraph of section 22 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), a parity committee may, by regulation approved with or without amendment by the Government, determine the amount of the attendance allowance to which its members are entitled in addition to their actual travelling expenses;

WHEREAS the Comité paritaire de camionnage du district de Québec adopted the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire de camionnage du district de Québec at its meeting of 17 November 2009;

WHEREAS it is expedient to approve the Regulation with amendments;

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

THAT the Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire de camionnage du district de Québec, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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## **Regulation respecting the attendance allowance and travelling expenses of the members of the Comité paritaire du camionnage du district de Québec**

An Act respecting collective agreement decrees (R.S.Q., c. D-2, s. 22, 2nd par., subpar. 1)

**1.** The Comité paritaire du camionnage du district de Québec pays to its members an attendance allowance of \$150 per day to attend meetings of the committee or of one of its subcommittees.

No member may receive more than 4 attendance allowances per month.

The total amount of the allowances paid to a member may not exceed \$5,000 per year.

**2.** The parity committee reimburses its members, on presentation of vouchers, for their actual travelling expenses to attend meetings of the committee or of one of its subcommittees.

**3.** This Regulation comes into force on the date of its approval by the Government.

9936

Gouvernement du Québec

### **O.C. 591-2010, 23 June 2010**

An Act respecting collective agreement decrees (R.S.Q., c. D-2)

#### **Agreement on Internal Trade respecting labour mobility**

##### **— Various collective agreement decrees concerning the implementation of the Ninth Protocol of Amendment — Amendments**

Decree to amend various collective agreement decrees concerning the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade respecting labour mobility

WHEREAS, under section 2 of the Act respecting collective agreement decrees (R.S.Q., c. D-2), the Government made various collective agreement decrees which determine, in particular, the professional skills required to practise certain trades in the automotive services industry;

WHEREAS, the Agreement on Internal Trade (AIT) was approved by Order in Council 1102-94 dated 15 July 1994 and it came into force on 1 July 1995;

WHEREAS the Government approved the Ninth Protocol of Amendment to the AIT by Décret 1168-2008 dated 18 December 2008;

WHEREAS the Ninth Protocol of Amendment makes amendments to chapter seven of the AIT pertaining to labour mobility, with a view to eliminating or reducing the measures adopted or maintained by the parties to the AIT that restrict or impede labour mobility in Canada;

WHEREAS it is expedient, to give effect to the Ninth Protocol of Amendment to the AIT, to amend various collective agreement decrees so that they provide for the recognition of qualification certificates issued elsewhere in Canada;

WHEREAS sections 6 and 8 of the Act respecting collective agreement decrees (R.S.Q., c. D-2) authorize the Government to amend a collective agreement decree;

WHEREAS, under section 7 of the Act, notwithstanding section 17 of the Regulations Act (R.S.Q., c. R-18.1), a decree comes into force on the day of its publication in the *Gazette officielle du Québec* or on any later date fixed therein;

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act and sections 5 and 6.1 of the Act respecting collective agreement decrees, the draft Decree to amend various collective agreement decrees concerning the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade respecting labour mobility was published in Part 2 of the *Gazette officielle du Québec* of 17 March 2010 and, on the same date, in a French language newspaper and in an English language newspaper with a notice that it could be made by the Government on the expiry of 45 days following that publication;

WHEREAS no comments were made in respect of the draft Decree;

WHEREAS it is expedient to make the draft Decree without amendment;

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

THAT the Decree to amend various collective agreement decrees concerning the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade respecting labour mobility, attached hereto, be made.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

## **Decree to amend various collective agreement decrees concerning the implementation of the Ninth Protocol of Amendment to the Agreement on Internal Trade respecting labour mobility**

An Act respecting collective agreement decrees (R.S.Q., c. D-2, ss. 6 and 8)

**1.** The Decree respecting the automotive services industry in the Arthabaska, Granby, Sherbrooke and Thetford Mines regions (c. D-2, r. 6) is amended by replacing the title of DIVISION 11.00 by the following: “APPRENTICESHIP AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**2.** Section 11.08 is amended by inserting “, except in the cases provided for in section 11.12,” after “may” in the second paragraph.

**3.** The following is inserted after section 11.11:

“**11.12.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraphs 3 and 5 of section 1.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required by this Decree or by a regulation made by the parity committee.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding Class C certificate to the holder referred to in the first paragraph.”.

**4.** The Decree respecting the automotive services industry in Chapais, Chibougamau, Lac Saint-Jean and Saguenay (c. D-2, r. 7) is amended by replacing the title of DIVISION 9.00 by the following: “APPRENTICESHIP AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**5.** The following is inserted after section 9.09:

“**9.10.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraph 4 of section 1.01 and paragraph 2 of section 10.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required by this Decree or by a regulation made by the parity committee.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding Class C certificate to the holder referred to in the first paragraph.”.

**6.** The Decree respecting the automotive services industry in the Drummond and the Mauricie regions (c. D-2, r. 8) is amended by replacing the title of DIVISION 11.00 by the following: “MISCELLANEOUS PROVISIONS AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**7.** The following is inserted after section 11.02:

“**11.03.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade referred to in paragraph 6 of section 1.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required under a regulation made by the parity committee.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding Class C certificate to the holder referred to in the first paragraph.”.

**8.** The Decree respecting the automotive services industry in the Lanaudière-Laurentides regions (c. D-2, r. 9) is amended by replacing the title of DIVISION 11.00 by the following: “APPRENTICESHIP AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**9.** The following is inserted after section 11.02:

“**11.03.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraphs 3 and 5 of section 1.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required by the parity committee.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue to the holder referred to in the first paragraph a corresponding Class C certificate or, as the case may be, a parts clerk 3<sup>rd</sup> class certificate.”

**10.** The Decree respecting the automotive services industry in the Montréal region (c. D-2, r. 10) is amended by replacing the title of DIVISION 10.00 by the following: “CONDITIONS OF ADMISSION AND QUALIFICATION, PRORATA OF APPRENTICES AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**11.** The following is inserted after section 10.06:

“**10.07.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraph 5 of section 1.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required by this Decree or by a regulation made by the parity committee.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding third class certificate to the holder referred to in the first paragraph.”

**12.** The Decree respecting the automotive services industry in the Québec region (c. D-2, r. 11) is amended by replacing the title of DIVISION 12.00 by the following: “APPRENTICESHIP REGULATION AND RECOGNITION OF QUALIFICATION CERTIFICATES”.

**13.** The following is inserted after section 12.06:

“**12.07.** The holder of a qualification certificate or of another form of vocational certification issued in Canada for a trade mentioned in paragraph 5 of section 1.01 and paragraph 2 of section 9.01, including the holder of a “Red Seal” issued in accordance with the Interprovincial Standards Red Seal Program, is exempted from any qualification examination required by the parity committee or one of its regulations.

On payment of the fees required for the issue of a qualification certificate, the parity committee shall issue a corresponding Class C certificate to the holder referred to in the first paragraph.”

**14.** This Decree comes into force on the date of its publication in the *Gazette officielle du Québec*.

Gouvernement du Québec

## O.C. 592-2010, 23 June 2010

An 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

#### — Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases

Approval of 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

WHEREAS the Gouvernement du Québec and the Government of the Kingdom of Belgium signed an Agreement on Social Security on 28 March 2006;

WHEREAS the Agreement is deemed to have been approved by the National Assembly on 27 May 2009 pursuant to a motion of the National Assembly dated 17 June 2009;

WHEREAS the Commission de la santé et de la sécurité du travail must, by regulation, to give effect to the provisions of that Agreement that concern industrial accidents and occupational diseases, take the measures necessary for their application, in accordance with section 170 and subparagraph 39 of the first paragraph of section 223 of the Act respecting occupational health and safety (R.S.Q., c. S-2.1);

WHEREAS, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), the draft of 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 was published in Part 2 of the *Gazette officielle du Québec* of 28 October 2009 with a notice that it could be made by the Commission de la santé et de la sécurité du travail, with or without amendment, on the expiry of 45 days following that publication;

WHEREAS the Commission de la santé et de la sécurité du travail has received no comments on the draft Regulation;

WHEREAS the Commission de la santé et de la sécurité du travail adopted the draft Regulation, with amendments, at its meeting of 20 May 2010;

WHEREAS, under section 224 of the Act respecting occupational health and safety, the draft Regulation must be submitted to the Government for approval;

WHEREAS it is expedient to approve the Regulation;

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

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, attached to this Order in Council, be approved.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

**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, 1st 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 are 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 to the Regulation respecting the implementation of the Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium, made by Order in Council 561-2010 dated 23 June 2010.

**2.** The benefits apply in the manner prescribed in the Agreement and in the Administrative Arrangement and the Supplemental Administrative Arrangement appearing respectively as Schedules 2 and 3 to that Regulation.

**3.** This Regulation comes into force on 1 November 2010.

**M.O., 2010**

**Order of the Minister of Public Security concerning the Regulation under the Private Security Act**

Private Security Act  
(R.S.Q., c. S-3.5)

THE MINISTER OF PUBLIC SECURITY,

CONSIDERING paragraphs 1 to 5 of section 107 of the Private Security Act (R.S.Q., c. S-3.5), which provide that the Bureau de la sécurité privée must make regulations determining the matters set forth therein;

CONSIDERING section 108 of the Act, which provides that the Bureau de la sécurité privée may make regulations on the matters set forth therein;

CONSIDERING the first paragraph of section 109 of the Act, which provides that regulations made by the Bureau under those paragraphs and that section must be submitted to the Minister of Public Security, who may approve them with or without amendments;

CONSIDERING that a draft of the Regulation under the Private Security Act was published in Part 2 of the *Gazette officielle du Québec* of 10 February 2010, in accordance with sections 10 and 11 of the Regulations Act (R.S.Q., c. R-18.1), with a notice that it could be approved by the Minister on the expiry of 45 days following that publication;

CONSIDERING that the 45-day period has expired;

CONSIDERING the making of the proposed Regulation under the Private Security Act by the Bureau de la sécurité privée on 13 May 2010;

CONSIDERING that it is expedient to approve the said proposed Regulation with amendments;

ORDERS AS FOLLOWS:

The Regulation under the Private Security Act, attached to this Order in Council, is hereby approved.

Québec, 28 May 2010

JACQUES P. DUPUIS,  
*Minister of Public Security*

## Regulation under the Private Security Act

Private Security Act  
(R.S.Q., c. S-3.5, ss. 107 and 108)

### DIVISION I AGENCY LICENCE

**1.** An agency licence application is filed by the enterprise's representative on the form provided by the Bureau de la sécurité privée.

The application contains

- (1) the name, date of birth and residence and work addresses of the enterprise's representative;
- (2) the name under which the enterprise carries on activities;
- (3) the addresses of the enterprise's head office and of each of its establishments;
- (4) the name, date of birth and residence address of the enterprise's owner, any partner or shareholder having a major interest in the enterprise, within the meaning of section 8 of the Private Security Act (R.S.Q., c. S-3.5), and any director, as well as their status and interest in the enterprise; and
- (5) the class of licence applied for.

**2.** An agency licence application is accompanied by

- (1) a copy of the constituting act, contract of partnership or declaration of registration made to the enterprise registrar, as the case may be;
- (2) proof that the enterprise and its representative are solvent;
- (3) a document certifying that the enterprise holds a liability insurance policy in accordance with section 5;
- (4) proof of the security required in section 6; and
- (5) a declaration from the representative that he or she is engaged full-time in the enterprise's activities.

**3.** An agency licence application is also accompanied by the following fees, depending on the class of licence, which are reimbursed to the applicant if the licence is not issued or renewed:

- (1) security guard agency: \$2,400;
- (2) investigation agency: \$1,700;
- (3) locksmith and electronic security systems agency: \$1,100 for each of those activities;
- (4) valuables transport agency: \$1,100;
- (5) security consulting agency: \$1,700.

A non-reimbursable fee of \$102 is also included in the application for each person referred to in sections 7 and 8 of the Act who must undergo verification under section 27 of the Act.

**4.** The representative of the enterprise applying for an agency licence must be solvent, in addition to meeting the conditions of section 7 of the Act.

**5.** The holder of an agency licence must hold a civil liability insurance policy providing the licence holder with at least \$1,000,000 coverage per incident throughout the term of the licence against the financial liability arising from an incident occurring in the course of its activities, for bodily injury, moral damage or material damage.

**6.** An agency licence holder must furnish security to the Bureau in the form of a pledge of money or bonds or an insurance policy in the amount of \$10,000.

**7.** An application to renew an agency licence must be filed at least 60 days before the date of expiry of the licence.

It is filed on the form provided by the Bureau, which contains the information determined in section 1 and is accompanied by the documents and fees determined in sections 2 and 3.

**8.** An agency licence holder must pay the fees provided for in section 3 on the anniversary dates of the licence's issue or renewal. The fee in the first paragraph of that section is reimbursed to the licence holder should the licence be cancelled consequently to the verification under section 27 of the Act.

**9.** The fee for a copy or the replacement of an agency licence is \$25.

### DIVISION II AGENT LICENCE

**10.** An agent licence application is filed on the form provided by the Bureau.

The application contains

- (1) the name, date of birth and residence address of the applicant;
- (2) the name of the applicant's employer or of the person having recourse to his or her services;
- (3) any other employment held by the applicant; and
- (4) the class of licence applied for.

**11.** An agent licence application is accompanied by

- (1) a copy of the document certifying that the applicant meets the conditions of training required under paragraph 1 of section 19 of the Act;
- (2) a certificate of birth;
- (3) a declaration from the applicant that he or she is aware of the responsibilities and obligations incumbent upon him or her under the Act and its regulations; and
- (4) 2 identical colour photographs measuring 50 by 70 millimetres, taken during the 6 months preceding the application, on a white background, showing the person facing front, from the shoulders up and bare headed, dated on the back with a date stamp, one of which is authenticated by a respondent able to confirm the applicant's identity.

**12.** An agent licence application is also accompanied by the following fees:

- (1) a fee of \$38, reimbursed to the applicant if the licence is not issued or renewed; and
- (2) a non-reimbursable fee of \$102 to cover the expenses required to do the verification referred to in section 27 of the Act.

**13.** A person who applies for a security consulting agent licence must, in addition to meeting the conditions provided for in section 19 of the Act, demonstrate to the satisfaction of the Bureau that he or she has the practical knowledge and professional skills necessary for that activity. For that purpose, the Bureau may require the person to come to an interview, to pass an examination, or both.

**14.** An application to renew an agent licence must be filed at least 45 days before the date of expiry of the licence.

It is filed on the form provided by the Bureau, which contains the information determined in section 10 and is accompanied by 2 photographs complying with the requirements of paragraph 4 of section 11 and by the fees determined in section 12.

**15.** An agent licence holder must pay an annual fee of \$80, on the anniversary dates of the licence's issue or renewal.

**16.** The fee for the replacement of an agent licence is \$25.

### DIVISION III TEMPORARY AGENT LICENCE

**17.** The Bureau may issue a temporary agent licence to a person, for the purposes of carrying on a private security activity, in the following cases:

- (1) while the person is receiving training that may qualify the person for the issue of an agent licence under section 21 of the Act, in particular during a training period;
- (2) where the special needs of an investigation justify retaining that person's services, in particular to act as an undercover or double agent; or
- (3) where an enterprise needs to hire temporary labour on the occasion of special events, such as sports or cultural activities, a labour dispute, a disaster or a pandemic.

Sections 10 to 12 apply to an application for a temporary agent licence. Such an application must be supported by a declaration from the person on whose behalf the holder of a temporary licence will carry on the private security activity, attesting to the purpose for which that person needs to retain the services of the temporary licence holder.

**18.** Paragraph 1 of section 19 of the Act does not apply to a person who applies for a temporary agent licence. Paragraph 4 of that section does not apply to a person who applies for a temporary licence for the purposes set out in subparagraph 1 of the first paragraph of section 17.

**19.** The holder of a temporary agent licence must remain at all times under the responsibility of the person on whose behalf the private security activity is carried on. The temporary licence holder must also remain under the supervision of an agent licence holder, issued in accordance with section 21 of the Act, when carrying on that activity.

**20.** The holder of a temporary agent licence may not carry on a private security activity for a purpose other than that for which the licence was issued.

**21.** The person on whose behalf the holder of a temporary agent licence carries on a private security activity must inform the Bureau where the person no longer uses the licence holder's services.

**22.** A temporary agent licence may be renewed as long as the holder needs it for the purpose for which the licence was issued. In case of renewal, the fees prescribed in section 12 are paid once a year.

#### **DIVISION IV** PAYMENT AND ANNUAL ADJUSTMENT OF FEES

**23.** The fees required under this Regulation are paid by certified cheque or postal money order made out to the Bureau de la sécurité privée, by credit card or in cash at the Bureau's head office.

**24.** The fees provided for in sections 3, 12 and 15 are adjusted on 1 January of each year based on the rate of increase in the general Consumer Price Index for Canada, as determined by Statistics Canada, for the 12-month period ending on 30 September of the preceding year.

The adjusted fees are reduced to the nearest dollar if they contain a fraction of a dollar less than \$0.50; they are increased to the nearest dollar if they contain a fraction of a dollar equal to or greater than \$0.50.

The Bureau is to publish the results of the adjustment by means of a notice in the *Gazette officielle du Québec* or by any other appropriate means.

#### **DIVISION V** REGISTER

**25.** An agency licence holder must set up and maintain, at its principal establishment in Québec, a register of the persons in its employ who carry on a private security activity.

The names of those persons, the activities they carry on as well as the dates on which they are hired and on which their employment is terminated are entered in that register.

#### **DIVISION VI** FINAL

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

## Draft Regulations

### Draft Regulation

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1)

#### Hunting activities — 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 hunting activities, appearing below, may be made by the Government on the expiry of 45 days following this publication.

Among other things, the draft Regulation prohibits shooting from a public road in the portion of Area 1 situated within the municipalities of the regional county municipalities of Avignon and Bonaventure. It also specifies that the family measure applies to the initiation licence and to hunting licences for antlerless white-tailed deer and female moose.

The draft Regulation revokes sections that will be reintroduced in the Regulation respecting hunting (R.R.Q., c. C-61.1, r. 12) and provides, by concordance, references to provisions of that Regulation which will replace certain revoked provisions, in particular sections 7.1 to 7.3 that will substantially take up sections 4 to 4.1 of the Regulation respecting hunting activities. The amendments are necessary given the amendments made to the Act respecting the conservation and development of wildlife (R.S.Q., c. C-61.1) by chapter 49 of the Statutes of 2009 that transferred to the Minister a number of regulatory powers previously exercised by the Government.

Study of the matter reveals no negative impact on enterprises, including small and medium-sized businesses. The proposed amendments will be favourable for new hunters and the youth. However, hunters will have to get used to the prohibition from shooting from a public road while hunting big game.

Further information on the draft Regulation may be obtained by contacting Serge Bergeron, Service de la réglementation, de la tarification et des permis, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 2<sup>e</sup> étage, Québec (Québec) G1S 4X4; telephone: 418 521-3888, extension 7394; fax: 418 646-5179; e-mail: gaetan.roy@mrf.gouv.qc.ca

Any person wishing to comment on the draft Regulation is requested to submit written comments within the 45-day period to Nathalie Camden, Associate Deputy Minister for Faune Québec, Ministère des Ressources naturelles et de la Faune, 880, chemin Sainte-Foy, 10<sup>e</sup> étage, Québec (Québec) G1S 4X4.

SERGE SIMARD, <i>Minister for Natural Resources and Wildlife</i>	NATHALIE NORMANDEAU, <i>Minister of Natural Resources and Wildlife</i>
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### Regulation to amend the Regulation respecting hunting activities

An Act respecting the conservation and development of wildlife  
(R.S.Q., c. C-61.1, ss. 55 and 162, pars. 14 and 16)

**1.** The Regulation respecting hunting activities (R.R.Q., c. C-61.1, r. 1) is amended in section 2 by striking out paragraphs 2 and 3.

**2.** The heading of DIVISION II is amended by striking out “CERTIFICATE AND”.

**3.** Sections 3 to 5.1 and 6.1 are revoked.

**4.** Section 7 is amended

(1) by inserting “, including a resident’s hunting licence of one of the classes referred to in section 7.3 of the Regulation respecting hunting (c. C-61.1, r. 12),” after ““Northern leopard frog, Green frog, Bull frog” hunting licence” in the first paragraph;

(2) by adding “provided for in the Regulation respecting hunting” after “trapper’s certificate” in the second paragraph.

**5.** Section 7.1 is amended

(1) by replacing “listed in Column I of Schedule I to the Regulation respecting hunting (c. C-61.1, r. 12) hunting licence” in the first paragraph by “hunting licence listed in Column I of Schedule I to the Regulation respecting hunting (c. C-61.1, r. 12), including a resident’s hunting licence of one of the classes referred to in section 7.3 of that Regulation,”;

(2) by replacing “4.1” in the third paragraph by “7.3 of the Regulation respecting hunting” and “4.0.1” by “7.2 of that Regulation”.

**6.** Section 7.2.0.1 is amended by adding the following paragraph:

“A person between 12 and 24 years of age referred to in the first paragraph who holds a licence issued by a draw of lots mentioned therein may also use a valid regular hunting licence for white-tailed deer or moose issued to a holder referred to in that paragraph, on the conditions set out therein.”.

**7.** The heading of Subdivision 4 “Conditions for holding a hunting licence” is replaced by “Shooting near roads”.

**8.** Sections 9 to 13.1 are revoked.

**9.** Section 15 is amended by adding the following at the end of the fourth paragraph:

“They also apply to hunters hunting in the municipalities of the regional county municipalities of Avignon and Bonaventure.”.

**10.** Sections 16 and 17 are revoked.

**11.** Section 21 is amended by replacing “the Regulation respecting the scale of fees and duties related to the development of wildlife (c. C-61.1, r. 32)” in the first paragraph by “section 21.1”.

**12.** The following is added after section 21:

“**21.1.** The registration fees for caribou, white-tailed deer, moose, black bear and wild turkey are \$6.11.

The fees are indexed annually as of 1 April 2011 by applying to their value for the preceding year the annual percentage change in the general Consumer Price Index (CPI), as published by Statistics Canada, calculated for the month of June of the preceding year.

The Minister is to publish the result of the indexing in Part 1 of the *Gazette officielle du Québec* or make it known by any other appropriate means.”.

**13.** Section 29 is amended by replacing “4” by “7”.

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

## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices — Withdrawal of psychoeducators

The Minister of Justice hereby gives notice, in accordance with the third paragraph of section 27.2 of the Professional Code (R.S.Q., c. C-26), that the proposed withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, appearing below, will be considered by the Government on the expiry of 60 days following this publication.

At the request of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, the proposed withdrawal provides for the measures necessary to withdraw psychoeducators from that Order, so that guidance counsellors resume the method for working they had prior to their integration on 29 September 2000.

The proposed withdrawal will be submitted to the Office des professions, to the Interprofessional Council and to the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for their comments. For that purpose, the Office will seek the comments of the Council and the Order and forward them with its own comments to the Minister of Justice.

Further information may be obtained by contacting Lise Lafrance, research officer, or France Lesage, advocate, Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800 643-6912; fax: 418 643-0973.

Any person wishing to comment on the proposed withdrawal is requested to submit written comments within the 60-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D'Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments may be forwarded by the Office to the order concerned as well as to interested persons, departments or bodies.

KATHLEEN WEIL,  
*Minister of Justice*

## Withdrawal of psychoeducators from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec

Professional Code  
(R.S.Q., c. C-26, ss. 27.2 and 27.3)

### DIVISION I GENERAL

**1.** Holders of a psychoeducator's permit are withdrawn from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, now under the name of "Ordre professionnel des conseillers et conseillères d'orientation du Québec" or "Ordre des conseillers et conseillères d'orientation du Québec".

**2.** Guidance counsellors may engage in the following professional activities, in addition to those otherwise permitted by law: providing vocational and professional development counselling, in particular by evaluating a person's psychological functioning and personal resources, using psychometric testing when required, to assess interests, skills, personality and intellectual, cognitive and affective functions, intervening for the purpose of clarifying the person's identity in order to develop the person's ability to make career choices and meet career objectives.

**3.** The following titles are reserved for holders of a guidance counsellor's permit: "guidance counsellor" and "vocational guidance counsellor".

The following initials are reserved for guidance counsellors: "C.O.", "C.O.P.", "O.P.", "G.C." and "V.G.C."

**4.** The permit that may be issued by the Ordre professionnel des conseillers et conseillères d'orientation du Québec is the guidance counsellor's permit.

### DIVISION II TRANSITIONAL

**5.** On the date on which the withdrawal order comes into force, the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation du Québec is composed of the president and the following 14 directors, for the following terms:

— the vice-president of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a

guidance counsellor's permit, in office at the time of the withdrawal, who becomes the president of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, for a term ending in 2013, on the date the president elected in 2013 takes office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code (R.S.Q., c. C-26);

— 10 directors of the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a guidance counsellor's permit, in office at the time of the withdrawal, namely:

— 1 director representing the regions of Bas-Saint-Laurent, Gaspésie-Îles-de-la-Madeleine, Saguenay-Lac-Saint-Jean and Côte-Nord;

— 2 directors representing the regions of La Capitale-Nationale and Chaudière-Appalaches;

— 1 director representing the regions of Mauricie and Centre-du-Québec;

— 2 directors representing the regions of Estrie and Montérégie;

— 2 directors representing the region of Montréal;

— 1 director representing the regions of Laval, Lanaudière and Laurentides;

— 1 director representing the regions of Outaouais, Abitibi-Témiscamingue and Nord-du-Québec;

The directors whose term with the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec ends first are appointed to the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation du Québec for a term ending in 2012 and the other directors are appointed for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by a regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director chosen by an election by secret ballot of the members of the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation du Québec, who is not appointed by the Office des professions du Québec, from among the holders of guidance counsellor's permits of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec who has, at the time of the withdrawal, their professional domicile in the regions of Saguenay-Lac-Saint-Jean and Côte-Nord;

— 2 of the 4 directors appointed by the Office des professions du Québec under section 78 of the Professional Code to the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, in office at the time of the withdrawal and designated by the Office, including one for a term ending in 2012 and the other for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 1 new director appointed by the Office des professions du Québec under section 78 of the Professional Code, for a term ending in 2012, on the date the directors elected in 2012 take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code.

**6.** On the date the withdrawal order comes into force, the assistant secretary of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the secretary of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, until re-appointment or replacement by the board of directors of that Order.

**7.** On the date the withdrawal order comes into force, one of the assistant syndics of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding the guidance counsellor's permit designated by the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, becomes the syndic of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for the remaining part of the syndic's term, until re-appointment or replacement by the board of directors of that Order.

**8.** On the date the withdrawal order comes into force, the annual contribution fixed by the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for the fiscal year from 1 April 2011 to 31 March 2012 constitutes, until the end of that fiscal year, the annual contribution payable by members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec.

**9.** On the date the withdrawal order comes into force, the following regulations apply to members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, with the necessary modifications:

(1) by replacing “Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” and the words “Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec” by “Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec”, wherever they appear in the following regulations:

(a) Code of ethics of the members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006;

(b) Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 752-2005 dated 17 August 2005;

(c) *Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 6 February 2002;

(d) *Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 21 April 2004;

(e) *Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, filed with the Office des professions du Québec on 23 January 2003;

(f) Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 540-2005 dated 8 June 2005;

(g) *Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 19 December 2001;

(h) *Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 24 August 2006;

(i) Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company, approved by Order in Council 400-2008 dated 23 April 2008;

(j) Regulation respecting the committee on training of guidance counsellors and psychoeducators, made by Order in Council 128-2004 dated 18 February 2004;

(k) Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983;

(l) the Regulation respecting family mediation, made by Order in Council 1686-93 dated 1 December 1993;

(2) in the *Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*,

(a) by striking out “, soit celle du titulaire du permis de conseiller d'orientation et celle du titulaire du permis de psychoéducateur” in the first paragraph of section 1;

(b) by replacing “, pour le titulaire d'un permis de conseiller d'orientation, le matériel psychométrique et, pour le titulaire d'un permis de psychoéducateur, le matériel d'évaluation” in the second paragraph of section 1 by “le matériel psychométrique”;

(c) by replacing “dix” by “cinq” in section 2;

(3) in the *Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, by striking out “titulaire d'un permis de la même catégorie que le sien” in sections 16 and 22 and in the first paragraphs of sections 27 and 34;

(4) in the *Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*,

(a) by replacing “25” by “15” and “24” by “14” in section 1;

(b) by replacing “des deux professions” par “de la profession” in the first paragraph of section 15;

(c) by striking out “représentant le secteur d'activité professionnelle autre que celui du président et de deux conseillers représentant chacune des catégories de permis” in the first paragraph of section 18;

(d) by replacing “50” by “30” in section 28;

(5) in the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “or a psychoeducator's permit” in the first paragraph of section 1 and the words “or psychoeducator's permit” wherever they appear in the second paragraph;

(b) by striking out the heading of subdivisions 1 and 2 of Division II and section 3;

(c) by replacing “sections 2 and 3” in section 4 by “section 2”;

(d) by striking out “or in the profession of psychoeducator” in section 4;

(e) by striking out the heading of subdivision 1 of Division III;

(f) by striking out “or a psychoeducator's permit”, “or psychoeducator”, “or the profession of psychoeducator” and “or a psychoeducator's permit, as the case may be” in section 5;

(g) by striking out the heading of subdivision 2 of Division III and section 6;

(6) in the *Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, by striking out “ou de psychoéducateur” in paragraph 3 of section 1 and paragraph 1 of section 4;

(7) in the Regulation respecting the committee on training of guidance counsellors and psychoeducators,

(a) by striking out “and psychoeducators” in the title;

(b) by striking out the second and third paragraphs of section 1;

(c) by striking out “and psychoeducators” in the first paragraph of section 2 and by replacing “professions of guidance counsellor and psychoeducator” in the second paragraph by “profession of guidance counsellor”;

(d) by replacing “10” in the first paragraph of section 3 by “5”;

(e) by striking out “for each division” in the second, third and fourth paragraphs of section 3;

(f) by striking out “by division” in section 9;

(g) by striking out section 13;

(8) in the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist’s certificates of professional orders, by striking out “(1) a guidance counsellor’s permit:” in paragraph 1 of section 1.23, and paragraph 2 of that section.

Those regulations, with the above-mentioned modifications, cease to apply to members of the Ordre professionnel des conseillers et conseillères d’orientation du Québec on the date of coming into force of a regulation made by the board of directors of the Ordre professionnel des conseillers et conseillères d’orientation du Québec or by the Government, pursuant to the corresponding provisions of the Professional Code.

**10.** A person who, at the time the withdrawal order comes into force, holds a guidance counsellor’s permit of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the holder of the permit of the Ordre professionnel des conseillers et conseillères d’orientation du Québec.

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## Draft Regulation

Professional Code  
(R.S.Q., c. C-26)

### Psychoéducateurs et psychoéducatrices — Constitution

The Minister of Justice hereby gives notice, in accordance with the second paragraph of section 27 of the Professional Code (R.S.Q., c. C-26), that the draft letters patent constituting the Ordre professionnel des

psychoéducateurs et psychoéducatrices du Québec, appearing below, will be considered by the Government on the expiry of 60 days following this publication.

At the request of the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec, the draft letters patent provide for the measures necessary to constitute the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, so that psychoeducators, integrated into the Ordre professionnel des conseillers et conseillères d’orientation du Québec, on 29 September 2000, develop an autonomous method for working.

The draft letters patent will be submitted to the Office des professions, to the Interprofessional Council and to the Ordre professionnel des conseillers et conseillères d’orientation et des psychoéducateurs et psychoéducatrices du Québec for their comments. For that purpose, the Office will seek the comments of the Council and the Order and forward them with its own comments to the Minister of Justice.

Further information may be obtained by contacting Lise Lafrance, research officer, or France Lesage, advocate, Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3; telephone: 418 643-6912 or 1 800-643-6912; fax: 418 643-0973.

Any person wishing to comment on the draft letters patent is requested to submit written comments within the 60-day period to Jean Paul Dutrisac, Chair of the Office des professions du Québec, 800, place D’Youville, 10<sup>e</sup> étage, Québec (Québec) G1R 5Z3. Comments may be forwarded by the Office to the order concerned as well as to interested persons, departments or bodies.

KATHLEEN WEIL,  
*Minister of Justice*

## Letters patent of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec

Professional Code  
(R.S.Q., c. C-26, s. 27)

### DIVISION I GENERAL

**1.** A professional order is constituted by these letters patent, under the name “Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec” or “Ordre des psychoéducateurs et psychoéducatrices du Québec”, composed of psychoeducators holding a psychoeducator’s permit at the time of their withdrawal

from the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec.

**2.** Psychoeducators may engage in the following professional activities, in addition to those otherwise permitted by law: providing psychoeducation services to groups and individuals experiencing or likely to experience adjustment difficulties, in particular by evaluating psychosocial adjustment and adjustment skills, intervening for the purpose of helping persons restore equilibrium in their environment by means of an approach focusing on prevention or reeducation.

**3.** The following title is reserved for psychoeducators: “psychoeducator”.

The following abbreviations are reserved for psychoeducators: “ps. éd.” and “Ps.Ed.”.

**4.** The permit that may be issued by the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec is the psychoeducator’s permit.

## DIVISION II TRANSITIONAL

**5.** On the date on which the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec is constituted, the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec is composed of the president and the following 15 directors, for the following terms:

— the president of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a psychoeducator’s permit, in office at the time of the withdrawal, who becomes the president of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, for a term ending in 2013, on the date the president elected in 2013 takes office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code (R.S.Q., c. C-26);

— 10 directors of the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding a psychoeducator’s permit, in office at the time of the withdrawal, namely:

– 1 director representing the regions of Bas-Saint-Laurent, Gaspésie Îles-de-la-Madeleine, Saguenay–Lac-Saint-Jean and Côte-Nord;

– 1 director representing the regions of La Capitale-Nationale and Chaudière-Appalaches;

– 1 director representing the regions of Mauricie and Centre-du-Québec;

– 2 directors representing the regions of Estrie and Montérégie;

– 2 directors representing the region of Montréal;

– 2 directors representing the regions of Laval, Lanaudière and Laurentides;

— 1 director representing the regions of Outaouais, Abitibi-Témiscamingue and Nord-du-Québec;

The directors whose term with the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec ends first are appointed to the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec for a term ending in 2012 and the other directors are appointed for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by a regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— 2 new directors chosen by an election by secret ballot of the members of the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, who are not appointed by the Office des professions du Québec, from among the holders of a psychoeducator’s permit of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec including one who has, at the time of the withdrawal, his or her professional domicile in the region of Montérégie and the other in the region of Montréal;

— 2 of the 4 directors appointed by the Office des professions du Québec under section 78 of the Professional Code to the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, in office at the time of the withdrawal and designated by the Office, including one for a term ending in 2012 and the other for a term ending in 2013, on the date the directors elected in 2012 and 2013 respectively take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code;

— a new director appointed by the Office des professions du Québec under section 78 of the Professional Code, for a term ending in 2012, on the date the directors

elected in 2012 take office, as set by the regulation made pursuant to paragraph *b* of section 93 of the Professional Code.

**6.** On the date of constitution of the Order, the secretary of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec in office at the time of the withdrawal becomes the secretary of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, until re-appointment or replacement by the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec.

**7.** On the date of constitution of the Order, the syndic of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, holding the psychoeducator's permit designated by the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, becomes the syndic of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec for the remaining part of the syndic's term, until re-appointment or replacement by the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec.

**8.** On the date of constitution of the Order, the annual contribution fixed by the board of directors of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec for the fiscal year from 1 April 2011 to 31 March 2012 constitutes, until the end of that fiscal year, the annual contribution payable by members of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec.

**9.** On the date of constitution of the Order, the following regulations apply to members of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec, with the necessary modifications:

(1) by replacing "Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec" by "Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec" and the words "Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec" by "Ordre des psychoéducateurs et psychoéducatrices du Québec", wherever they appear in the following regulations:

(a) Code of ethics of the members of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 384-2006 dated 10 May 2006;

(b) Regulation respecting the conciliation and arbitration procedure for the accounts of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 752-2005 dated 17 August 2005;

(c) *Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 6 February 2002;

(d) *Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 21 April 2004;

(e) *Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 23 January 2003;

(f) Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec, approved by Order in Council 540-2005 dated 8 June 2005;

(g) *Règlement sur l'assurance de la responsabilité professionnelle des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 19 December 2001;

(h) *Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, approved by the Office des professions du Québec on 24 August 2006;

(i) Regulation respecting the practice of members of the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec within a partnership or a joint-stock company, approved by Order in Council 400-2008 dated 23 April 2008;

(j) Regulation respecting the committee on training of guidance counsellors and psychoeducators, made by Order in Council 128-2004 dated 18 February 2004;

(k) Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, made by Order in Council 1139-83 dated 1 June 1983;

(2) in the *Règlement sur le comité d'inspection professionnelle de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*,

(a) by striking out “, soit celle du titulaire du permis de conseiller d'orientation et celle du titulaire du permis de psychoéducateur” in the first paragraph of section 1;

(b) by striking out “, pour le titulaire d'un permis de conseiller d'orientation, le matériel psychométrique et, pour le titulaire d'un permis de psychoéducateur,” in the second paragraph of section 1;

(c) by replacing “dix” by “cinq” in section 2;

(3) in the *Règlement sur les dossiers, les cabinets de consultation et autres bureaux et la cessation d'exercice des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, by striking out “titulaire d'un permis de la même catégorie que le sien” in sections 16 and 22 and in the first paragraphs of sections 27 and 34;

(4) in the *Règlement sur les affaires du Conseil d'administration, le comité exécutif et les assemblées générales de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*,

(a) by replacing “25” by “16” and “24” by “15” in section 1;

(b) by replacing “des deux professions” par “de la profession” in the first paragraph of section 15;

(c) by striking out “représentant le secteur d'activité professionnelle autre que celui du président et de deux conseillers représentant chacune des catégories de permis” in the first paragraph of section 18;

(d) by replacing “50” by “30” in section 28;

(5) in the Regulation respecting equivalence standards for the issue of permits by the Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec,

(a) by striking out “a guidance counsellor's permit or” in the first paragraph of section 1 and the words “guidance counsellor's permit or” wherever they appear in the second paragraph;

(b) by striking out the heading of subdivision 1 of Division II, section 2 and the heading of subdivision 2 of Division II;

(c) by replacing “sections 2 and 3” in section 4 by “section 3”;

(d) by striking out “in the profession of guidance counsellor or” in section 4;

(e) by striking out the heading of subdivision 1 of Division III;

(f) by striking out “a guidance counsellor's permit or”, “guidance counsellor or”, “the profession of guidance counsellor or” and “, as the case may be” in section 5;

(g) by striking out the heading of subdivision 2 of Division III;

(6) in the *Règlement sur les stages et les cours de perfectionnement des membres de l'Ordre des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec*, by striking out “de conseiller d'orientation ou” in paragraph 3 of section 1 and paragraph 1 of section 4;

(7) in the Regulation respecting the committee on training of guidance counsellors and psychoeducators,

(a) by striking out “guidance counsellors and” in the title;

(b) by striking out the second and third paragraphs of section 1;

(c) by striking out “guidance counsellors and” in the first paragraph of section 2 and by replacing “professions of guidance counsellor and psychoeducator” in the second paragraph by “profession of psychoeducator”;

(d) by replacing “10” in the first paragraph of section 3 by “5”;

(e) by striking out “for each division” in the second, third and fourth paragraphs of section 3;

(f) by striking out “by division” in section 9;

(g) by striking out section 13;

(8) in the Regulation respecting the diplomas issued by designated educational institutions which give access to permits or specialist's certificates of professional orders, by replacing “1.23” by “1.23.1” and by striking out paragraph 1 and “(2) a psychoeducator's permit:”.

Those regulations, with the above-mentioned modifications, cease to apply to members of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec on the date of coming into force of a regulation made by the board of directors of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec or by the Government, pursuant to the corresponding provisions of the Professional Code.

**10.** A person who, at the time of the constitution of the Order, holds a psychoeducator's permit of the Ordre professionnel des conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices du Québec becomes the holder of the permit of the Ordre professionnel des psychoéducateurs et psychoéducatrices du Québec.

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## Draft Regulation

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1)

### Supply, service and construction contracts of public bodies — 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 supply contracts of public bodies, the Regulation to amend the Regulation respecting service contracts of public bodies and the Regulation to amend the Regulation respecting construction contracts of public bodies, appearing below, may be made by the Government on the expiry of 45 days following this publication.

The draft Regulations extend to 31 March 2012 the period granted to public bodies to state, in their tender documents, all the public bodies and legal persons established in the public interest that are parties to a joint call for tenders within the meaning of section 15 of the Act respecting contracting by public bodies (R.S.Q., c. C-65.1) that initially was to end on 30 September 2010.

The Regulation to amend the Regulation respecting construction contracts of public bodies also extends by three years the period during which the chief executive officer of a public body must give an account of the application of the procedure for settling disputes provided for construction work related to work relating to a building.

The draft Regulations have no impact on the public. They should have no negative consequences for enterprises, including small and medium-sized businesses.

Further information on the draft Regulations may be obtained by contacting Lucien Turcotte, Director, Réglementation et politiques de gestion contractuelle, Secrétariat du Conseil du trésor, 875, Grande Allée Est, bureau 2.339, Québec (Québec) G1R 5R8; telephone: 418 644-3421; fax: 418 528-6877; e-mail: lucien.turcotte@sct.gouv.qc.ca

Any person wishing to comment on the draft Regulations is requested to submit written comments within the 45-day period to the Minister responsible for Government Administration and Chair of the Conseil du trésor, 875, Grande Allée Est, Québec (Québec) G1R 5R8.

MONIQUE GAGNON-TREMBLAY,  
*Minister responsible for Government Administration  
and Chair of the Conseil du trésor*

## Regulation to amend the Regulation respecting supply contracts of public bodies\*

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 3)

**1.** The Regulation respecting supply contracts of public bodies is amended in section 46 by replacing “must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after 1 October 2008. Within that period” in the first paragraph by “has until 31 March 2012 to implement the provisions of subparagraph 2 of the first paragraph of section 5. Until that date”.

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

\* The Regulation respecting supply contracts of public bodies, made by Order in Council 531-2008 dated 28 May 2008 (2008, *G.O.* 2, 2079), was last amended by the regulation made by Order in Council 353-2010 dated 21 April 2010 (2010, *G.O.* 2, 1107). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

### **Regulation to amend the Regulation respecting service contracts of public bodies\***

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpar. 3)

**1.** The Regulation respecting service contracts of public bodies is amended in section 59 by replacing “must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after 1 October 2008. Within that period” in the first paragraph by “has until 31 March 2012 to implement the provisions of subparagraph 2 of the first paragraph of section 5. Until that date”.

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

### **Regulation to amend the Regulation respecting construction contracts of public bodies\***

An Act respecting contracting by public bodies (R.S.Q., c. C-65.1, s. 23, 1st par., subpars. 1 and 3)

**1.** The Regulation respecting construction contracts of public bodies is amended in section 59 by replacing “must implement the provisions of subparagraph 2 of the first paragraph of section 5 within 2 years after 1 October 2008. Within that period” in the first paragraph by “has until 31 March 2012 to implement the provisions of subparagraph 2 of the first paragraph of section 5. Until that date”.

**2.** Section 60 is amended by replacing “2” in the fifth line by “5”.

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

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\* The Regulation respecting service contracts of public bodies, made by Order in Council 533-2008 dated 28 May 2008 (2008, *G.O.* 2, 2099), was last amended by the regulation made by Order in Council 355-2010 dated 21 April 2010 (2010, *G.O.* 2, 1109). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.

\* The Regulation respecting construction contracts of public bodies, made by Order in Council 532-2008 dated 28 May 2008 (2008, *G.O.* 2, 2086), was last amended by the regulation made by Order in Council 354-2010 dated 21 April 2010 (2010, *G.O.* 2, 1108). For previous amendments, refer to the *Tableau des modifications et Index sommaire*, Québec Official Publisher, 2010, updated to 1 April 2010.



## Municipal Affairs

Gouvernement du Québec

### **O.C. 516-2010, 23 June 2010**

An Act respecting municipal territorial organization  
(R.S.Q., c. O-9)

Constitution of the Municipalité régionale de comté  
du Golfe-du-Saint-Laurent

WHEREAS the council of mayors of Basse-Côte-Nord requested the Government to order the constitution of a regional county municipality in the territory of Basse-Côte-Nord;

WHEREAS, under section 210.30 of the Act respecting municipal territorial organization (R.S.Q., c. O-9), the Government may, by order, constitute a regional county municipality;

WHEREAS, under section 210.31 of the Act, the Minister of Municipal Affairs, Regions and Land Occupancy transmitted, before recommending to the Government the constitution of a regional county municipality, to each local municipality whose territory is comprised in that of the proposed regional county municipality a document setting out the elements which the Minister proposed to include in the order and indicating the right of those municipalities to submit their opinion on the proposal to the Minister;

WHEREAS, during those consultations, local municipalities and the Municipalité régionale de comté de Minganie have expressed their consent to the constitution of the proposed regional county municipality;

WHEREAS, in accordance with section 210.33 of the Act, a notice was published in a newspaper distributed in the territory of the proposed regional county municipality, containing a statement to the effect that any person could submit objections to the proposal in writing to the Minister of Municipal Affairs, Regions and Land Occupancy, within 30 days of publication of the notice;

WHEREAS no objections to the proposal were sent to the Minister within the 30-day period;

WHEREAS the Innu communities of Natashquan, La Romaine and Pakuashipi have also been invited to give their opinion about the proposed constitution of a new regional county municipality and have not objected to the project;

WHEREAS, in accordance with section 210.32 of the Act, the Commission de toponymie formulated a favourable opinion on the proposed name of the new regional county municipality;

WHEREAS it is expedient, under sections 210.30 and 210.38 of the Act, to order the constitution of a regional county municipality in the territory of Basse-Côte-Nord;

IT IS ORDERED, therefore, on the recommendation of the Minister of Municipal Affairs, Regions and Land Occupancy:

THAT a regional county municipality be constituted, on the following terms and conditions:

1. The name of the regional county municipality is “Municipalité régionale de comté du Golfe-du-Saint-Laurent”.

2. The boundaries of the territory of the regional county municipality are those described by the Minister of Natural Resources and Wildlife in the official description of that territory dated 13 April 2010 and appearing as a schedule to this Order in Council.

3. The first sitting of the council will take place at the council hall of Municipalité de Saint-Augustin, at the date and time fixed by the secretary-treasurer in accordance with section 210.42 of the Act respecting municipal territorial organization (R.S.Q., c. O-9).

4. The person who will act as the first secretary-treasurer of the regional county municipality until the end of the first sitting of the council will be Richmond Monger.

5. Each local municipality has a representative on the council of the regional county municipality.

6. The number of votes per representative is established as follows:

— from 0 to 2,000 inhabitants: 1 vote;

— from 2,001 to 4,000 inhabitants: 2 votes.

If the population of a municipality is greater than 4,000 inhabitants, one additional vote is given to the representative for each group of 2,000 inhabitants. Those rules also apply to the person designated in accordance

with section 210.27 of the Act respecting municipal territorial organization to replace the mayor who is elected warden.

7. The Municipalité régionale de comté du Golfe-du-Saint-Laurent may submit an application to the Office québécois de la langue française to be recognized under section 29.1 of the Charter of the French language (R.S.Q., c. C-11).

8. To the extent that all the members consent hereto, any member of the Municipalité régionale de comté du Golfe-du-Saint-Laurent may participate, deliberate and vote at a sitting of the council by telephone or any other means of communication that enables all persons participating or present at the sitting to hear one another.

Council members may avail themselves of that right only if the municipality's secretary-treasurer and the person presiding over the sitting are present at the place where the council is sitting.

The minutes of the sitting must indicate the name of every council member who took part in the sitting by telephone or another means of communication. The minutes must be ratified by the council at the following regular sitting.

Council members who avail themselves of the right provided for in this section are deemed to be present at the sitting.

This section has effect for 5 years as of the year of coming into force of this Order in Council.

9. All by-laws, resolutions or other acts adopted by the Municipalité régionale de comté de Minganie in respect of the Petit-Mécatina unorganized territory in the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent remain in force until the date they cease to have effect as provided, until their objects are attained or until they are replaced or repealed. They are deemed to be by-laws, resolutions or acts of Municipalité régionale de comté du Golfe-du-Saint-Laurent.

Every act performed by the Municipalité régionale de comté de Minganie in respect of the Petit-Mécatina unorganized territory in the territory of the Municipalité régionale de comté de Minganie retains its effects to the extent that it remains expedient. Every such act is deemed to be an act of the the Municipalité régionale de comté du Golfe-du-Saint-Laurent.

10. Within 30 days of the date of coming into force of this Order in Council, the Municipalité régionale de comté du Golfe-du-Saint-Laurent must, for its first fiscal year, adopt a budget. Within 30 days of the expiry of the 30-day period, it must establish the share of its expenditures payable by each local municipality whose territory is comprised within its territory.

11. The jurisdiction in matters of assessment currently entrusted to each of the local municipalities in the territory of the Municipalité régionale de comté du Golfe-du-Saint-Laurent is exercised by that municipality in accordance with section 5 of the Act respecting municipal taxation (R.S.Q., c. F-2.1).

Section 7 of that Act applies, with the necessary modifications, for the purposes of ensuring the transition.

12. The 2011 fiscal year of the property assessment roll of the Municipalité de Bonne-Espérance, in force on 1 January 2010, is deemed to be the third fiscal year of that roll.

13. The first land use planning and development plan, referred to in section 3 of the Act respecting land use planning and development (R.S.Q., c. A-19.1) is adopted in accordance with the process below.

The provisions of that Act pertaining to the amendment of a development plan, provided for in sections 48 to 53.9 and section 53.11 of that Act, apply to the preparation of the first plan, with the necessary modifications. For the purposes of the provisions pertaining to interim control, provided for in sections 61 to 72 of that Act, the period to prepare the first plan is deemed to be a period of revision. The council of the regional county municipality is to adopt the draft by-law referred to in section 48 of that Act not later than the day occurring 6 months after the coming into force of this Order in Council; it is to adopt the plan not later than the day occurring 2 years after that coming into force. Section 239 of the Act respecting land use planning and development applies to those periods as if they were periods provided for by that Act.

The provisions of that Act pertaining to the effects of the coming into force of a by-law revising a development plan, provided for in sections 59 to 60 of that Act, apply following the coming into force of the first development plan of the regional county municipality.

The first development plan of the regional county municipality covers all its territory; with respect to any part of its territory already covered by such a plan, the new plan replaces the previous plan.

14. This Order in Council comes into force on the date of its publication in the *Gazette officielle du Québec*.

GÉRARD BIBEAU,  
*Clerk of the Conseil exécutif*

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OFFICIAL DESCRIPTION OF THE TERRITORY  
OF MUNICIPALITÉ RÉGIONALE DE COMTÉ  
LE GOLFE-DU-SAINT-LAURENT

The municipalité régionale de comté Le Golfe-du-Saint-Laurent begins at the apex of the most northeasterly apex of the province's boundary and follows the following lines and demarcations: southerly, the eastern boundary of the province extending into the Gulf of St. Lawrence, then southwesterly and southerly, the broken line in the Gulf of St. Lawrence constituting the southeastern then eastern boundaries of the province to parallel 48° 40' North latitude; westerly, parallel 48° 40' North latitude to its intersection with meridian 61° 00' West longitude; northwesterly, a straight line to a point located in the Gulf of St. Lawrence opposite the mouth of Rivière Natashquan and whose coordinates are 50° 07' North latitude and 61° 50' West longitude; easterly, an irregular line skirting by the west and south Île Sainte-Hélène to the centre line of rivière Natashquan; successively, easterly and in a general northerly direction the said centre line to its intersection with meridian 62° West longitude, then northerly, the said meridian to the province's boundary; lastly, easterly, the province's boundary to the commencing point.

That regional county municipality comprises the municipalities of Côte-Nord-du-Golfe-du-Saint-Laurent, Gros-Mécatina, Saint-Augustin, Bonne-Espérance and Blanc-Sablon. It also comprises the part of the Gulf of St. Lawrence and unorganized territories situated within the above-described perimeter.

Ministère des Ressources naturelles et de la Faune  
Office of the Surveyor-General of Québec  
Service des levés officiels et des limites administratives

Québec, 1 March 2010

Prepared by : \_\_\_\_\_  
GENEVIÈVE TÉTREAULT,  
*Land surveyor*



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## Notices

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### Notice

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

#### **Îles-de-la-Dartmouth Nature Reserve — Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Gaspé, known and designated as lots numbers 3 145 965, 3 408 997, 3 408 998 et 3 409 000 of the Québec cadastre, Gaspé registry division. This property extends over 24 hectares.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,  
*Director of Ecological  
Heritage and Parks*

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### Notice

Natural Heritage Conservation Act  
(R.S.Q., c. C-61.01)

#### **Plaine-Checkley Nature Reserve — Recognition**

Notice is hereby given, in keeping with article 58 of the Natural Heritage Conservation Act (R.S.Q., c. C-61.01), that the Minister of Sustainable Development, Environment and Parks has recognized as a nature reserve a private property, situated on the territory of the Municipality of Sept-Îles, known and designated as lot Bloc number 29 of the Township of Arnaud land register, Sept-Îles registry division. This property extends over 50,91 hectares.

This recognition takes effect on the date of the publication of this notice in the *Gazette officielle du Québec*.

PATRICK BEAUCHESNE,  
*Director of Ecological  
Heritage and Parks*

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## Erratum

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### Draft Regulation

Environment Quality Act  
(R.S.Q., c. Q-2)

#### Mandatory reporting of certain emissions of contaminants into the atmosphere — Amendments

*Gazette officielle du Québec*, Part 2, 9 June 2010,  
Vol. 142, No. 23, page 1397.

On page 1403, right column, **QC.1.3.1** should read:

**“QC.1.3.1. Calculation method using the  
fuel-specific default CO<sub>2</sub> emission factor,  
the default high heat value and the annual  
fuel consumption**

The annual CO<sub>2</sub> emissions attributable to the combustion of fuels in stationary units may be calculated using equation 1-1 for any type of fuel for which an emission factor is indicated in Table 1-2, 1-3, 1-4 or 1-5 specified in QC.1.6 and a high heat value is indicated in Table 1-1. However, in the case of an emitter referred to in section 6.6 of this Regulation and an emitter using stationary combustion units combusting natural gas with a high heat value that is less than 36.3 MJ/m<sup>3</sup> or greater than 40.98 MJ/m<sup>3</sup>, their CO<sub>2</sub> emissions must be calculated using one of the methods provided for in QC.1.3.3 and QC.1.3.4.”;

On page 1404, Equation 1-1, **QC.1.3.2** should read:

**“QC.1.3.2. Calculation method using the  
fuel-specific default CO<sub>2</sub> emission factor and the  
high heat value indicated by the fuel supplier  
or determined by the emitter**

With the exception of an emitter referred to in section 6.6 of this Regulation and an emitter using stationary combustion units combusting natural gas with a high heat value that is less than 36.3 MJ/m<sup>3</sup> or greater than 40.98 MJ/m<sup>3</sup> who must calculate their CO<sub>2</sub> emissions using one of the methods provided for in QC.1.3.3 and QC.1.3.4, the annual CO<sub>2</sub> emissions may be calculated using equations 1-2 and 1-3.”.



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

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Environment Quality Act — Charges payable for the disposal of residual materials . . . . .	1879	M
(R.S.Q., c. Q-2)		
Environment Quality Act — Éco Entreprises Québec's — Approval of schedule of contributions for the "Containers and Packaging" and "Printed Matter" Classes . . . . .	1855	N
(R.S.Q., c. Q-2)		

Environment Quality Act — Mandatory reporting of certain emissions of contaminants into the atmosphere . . . . . (R.S.Q., c. Q-2)	1979	Erratum
Funding of pension plans of the municipal and university sectors . . . . . (An Act to amend the Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans, 2006, c. 42)	1880	N
Funding of pension plans of the municipal and university sectors . . . . . (Supplemental Pension Plans Act, R.S.Q., c. R-15.1)	1880	N
Health services and social services, An Act respecting... — Certification of drug addiction or pathological gambling resources . . . . . (R.S.Q., c. S-4.2)	1944	N
Hearing-aid acousticians — Practice of the profession within a partnership or a joint-stock company . . . . . (Professional Code, R.S.Q., c. C-26)	1896	N
Hearing-aid acousticians — Code of ethics . . . . . (Professional Code, R.S.Q., c. C-26)	1900	M
Hunting activities . . . . . (An Act respecting the conservation and development of wildlife, R.S.Q., c. C-61.1)	1961	Draft
Îles-de-la-Dartmouth Nature Reserve — Recognition . . . . . (Natural Heritage Conservation Act, R.S.Q., c. C-61.01)	1977	Notice
Immigration consultants . . . . . (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	1892	N
Immigration to Québec, An Act respecting... — Immigration consultants . . . . . (R.S.Q., c. I-0.2)	1892	N
Immigration to Québec, An Act respecting... — Selection of foreign nationals . . . . . (R.S.Q., c. I-0.2)	1895	M
Mandatory reporting of certain emissions of contaminants into the atmosphere . . . . . (Environment Quality Act, R.S.Q., c. Q-2)	1979	Erratum
Ministère de la Santé et des Services sociaux, An Act respecting the... — Agreement on social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval and Regulation respecting the implementation of that Agreement . . . . . (R.S.Q., c. M-19.2)	1911	N
Ministère de la Santé et des Services sociaux, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Approval and Regulation respecting the implementation of that Agreement . . . . . (R.S.Q., c. M-19.2)	1927	N
Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail, An Act respecting the... — Agreement on social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval and Regulation respecting the implementation of that Agreement . . . . . (R.S.Q., c. M-15.001)	1911	N

Ministère de l'Emploi et de la Solidarité sociale and the Commission des partenaires du marché du travail, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Approval and Regulation respecting the implementation of that Agreement . . . . .	1927	N
(R.S.Q., c. M-15.001)		
Ministère du Revenu, An Act respecting the... — Agreement on social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval and Regulation respecting the implementation of that Agreement . . . . .	1911	N
(R.S.Q., c. M-31)		
Ministère du Revenu, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Approval and Regulation respecting the implementation of that Agreement . . . . .	1927	N
(R.S.Q., c. M-31)		
Municipal territorial organization, An Act respecting... — Municipalité régionale de comté du Golfe-du-Saint-Laurent — Constitution . . . . .	1973	
(R.S.Q., c. O-9)		
Municipalité régionale de comté du Golfe-du-Saint-Laurent — Constitution . . . . .	1973	
(An Act respecting municipal territorial organization, R.S.Q., c. O-9)		
Natural Heritage Conservation Act — Îles-de-la-Dartmouth Nature Reserve — Recognition . . . . .	1977	Notice
(R.S.Q., c. C-61.01)		
Natural Heritage Conservation Act — Plaine-Checkley Nature Reserve — Recognition . . . . .	1977	Notice
(R.S.Q., c. C-61.01)		
Nurses — Professional activities which may be performed by persons other than nurses . . . . .	1906	N
(Professional Code, R.S.Q., c. C-26)		
Occupational health and safety, An Act respecting... — Agreement on social security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases . . . . .	1952	N
(R.S.Q., c. S-2.1)		
Occupational health and safety, An Act respecting... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Approval of the Regulation respecting the implementation of the provisions relating to industrial accidents and occupational diseases . . . . .	1956	N
(R.S.Q., c. S-2.1)		
Physicians — Code of ethics . . . . .	1905	M
(Professional Code, R.S.Q., c. C-26)		
Plaine-Checkley Nature Reserve — Recognition . . . . .	1977	Notice
(Natural Heritage Conservation Act, R.S.Q., c. C-61.01)		
Private Security Act — Coming into force of certain provisions of the Act . . . . .	1851	
(2006, c. 23)		

Private Security Act — Regulation . . . . . (R.S.Q., c. S-3.5)	1957	N
Private Security Act — Training required to obtain an agent licence to carry on private security activities . . . . . (R.S.Q., c. S-3.5)	1951	N
Professional Code — Comptables généraux accrédités — Public accountancy permit of the Ordre — Correction to the English text of the Regulation . . . . . (R.S.Q., c. C-26)	1896	N
Professional Code — Conseillers et conseillères d'orientation et des psychoéducateurs et psychoéducatrices — Withdrawal of psychoeducators . . . . . (R.S.Q., c. C-26)	1962	Draft
Professional Code — Hearing-aid acousticians — Practice of the profession within a partnership or a joint-stock companys . . . . . (R.S.Q., c. C-26)	1896	N
Professional Code — Hearing-aid acousticians — Code of ethics . . . . . (R.S.Q., c. C-26)	1900	M
Professional Code — Nurses — Professional activities which may be performed by persons other than nurses . . . . . (R.S.Q., c. C-26)	1906	N
Professional Code — Physicians — Code of ethics . . . . . (R.S.Q., c. C-26)	1905	M
Professional Code — Psychoéducateurs et psychoéducatrices — Constitution . . . . . (R.S.Q., c. C-26)	1966	Draft
Professional Code and other legislative provisions in the field of mental health and human relations, An Act to amend the... — Coming into force of certain provisions of the Act . . . . . (2009, c. 28)	1851	
Psychoéducateurs et psychoéducatrices — Constitution . . . . . (Professional Code, R.S.Q., c. C-26)	1966	Draft
Québec Pension Plan, An Act respecting the... — Agreement on social Security between the Gouvernement du Québec and the Government of the Hellenic Republic — Approval and Regulation respecting the implementation of that Agreement . . . . . (R.S.Q., c. R-9)	1911	N
Québec Pension Plan, An Act respecting the... — Agreement on Social Security between the Gouvernement du Québec and the Government of the Kingdom of Belgium — Approval and Regulation respecting the implementation of that Agreement . . . . . (R.S.Q., c. R-9)	1927	N
Residential Swimming Pool Safety Act — Residential Swimming Pool Safety . . . . . (R.S.Q., c. S-3.1.02)	1853	N
Residential Swimming Pool Safety . . . . . (Residential Swimming Pool Safety Act, R.S.Q., c. S-3.1.02)	1853	N

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Selection of foreign nationals . . . . . (An Act respecting immigration to Québec, R.S.Q., c. I-0.2)	1895	M
Supplemental Pension Plans Act — Funding of pension plans of the municipal and university sectors . . . . . (R.S.Q., c. R-15.1)	1880	N
Supplemental Pension Plans Act, particularly with respect to the funding and administration of pension plans, An Act to amend the... — Funding of pension plans of the municipal and university sectors . . . . . (2006, c. 42)	1880	N
Supply, service and construction contracts of public bodies . . . . . (An Act respecting contracting by public bodies, R.S.Q., c. C-65.1)	1970	Draft
Training required to obtain an agent licence to carry on private security activities . . . . . (Private Security Act, R.S.Q., c. S-3.5)	1951	N